244

1189

F. U.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge.

Monday 2nd July 1838.— Thomas Alexr Oakes Esqre — 2nd Puisne Judge.

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

No returns having been received from the 2nd Judge of the Provincial Court of Circuit in the Western Division to the precepts of this Court of the 15th March and 2nd September 1837, transmitting copy of a letter from the Magistrate of Canara dated the 24th February last with Case No. 1 on the Honore Criminal Report for January 1837, and directing him to call for the proceedings and pass upon the case such order as to him may appear proper, with reference to the provisions of Section XXIII Regulation X of 1816.—

Ordered, that the 2nd Judge of the Provincial Court of Circuit in the Western Division be required by precept returnable in 5. days from and after its receipt to shew what may have been done in pursuance of the instructions issued to him under dates the 15th March and 2nd September 1837, and that he be requ

to

2nd July 1838.

to make return to the precepts aforesaid without further delay.—

(Sent following precept No. 1031)

A return having been received from the Criminal Judge of Combaconum to the precept of this Court of the 13th June 1838, conveying their observations and orders on the Criminal Reports for the month of April 1838.—

Ordered, that the Criminal Judge of Combaconum be required by Precept returnable in 2 days from and after its receipt to shew what may have been done in pursuance of the instructions issued to him under date the 13th June 1838, and that he be required to make return to the Precept aforesaid without any further delay.

(Sent following precept No. 1032)

Read return, dated the 23rd Ultimo, from the 1st Judge on Circuit in the Western Division, to the precept of the Foujdaree Udalut dated the 16th June 1838, conveying their remarks and orders on the Sirsee Calendar 1st Sessions of 1838.—

(Here enter No. 1360.)

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre 1st Puisne Judge.

Wednesday 4th July 1838. Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge.

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read letter dated 4th June 1838, from the Magistrate of Nellore, submitting copy of a further communication from the Acting Joint Magistrate of Nellore, stating the result of his inquiry into the conduct of the Head of Police and Cutwal of Ongole.—

(Here enter No. 1198.)

Read letter dated 23rd June 1838, from the Acting Magistrate of Nellore, submitting a copy of a correspondence with the Acting Joint Magistrate of Nellore, relative to the suspension of the Head of Police and Cutwal of Ongole from their situations, also a copy of the depositions taken before the Acting Joint Magistrate in the enquiry held by him into the conduct of those two officers, and reporting his having instructed the Acting Joint Magistrate to restore the Head Police and Cutwal to their respective situations as he considered the punishment awarded unproportionably severe.—

(Here enter No. 1338.)

111

On consideration of the circumstances set forth in the Acting Magistrate's letter, and the papers that accompanied it the Court of Foujdaree Udalut are of opinion that the evidence recorded in the Proceedings of the enquiry held before the Acting Joint Magistrate in regard to the Head of Police and Cutwal of Angole involve charges of injustice and cruelty demanding the fullest investigation, and under the circumstances of the case therefore the Court of Foujdaree Udalut deem it proper to direct that the Acting Magistrate's letter, together with the papers that accompanied it, be sent from their Register's Office to the Judge proceeding on Circuit, who will be pleased to look into the proceedings and pass such orders as he may consider proper, forwarding copy thereof to this Court, to whom he will return the original documents sent hence.—

Ordered, that an Extract from these proceedings be forwarded to the Provincial Court in the Northern Division for the information and guidance of the Judge next on Circuit.—

(Sent in No. 1039)

Read return dated 25th June from the Officiating Joint Criminal Judge at Tinnevelly, to the precept of the Foujdaree Udalut dated 19th

19th June, containing their orders and observations on the Tinnevelly Criminal Calendar for the month of May last.—

(Here enter No. 1367)

Case No. 36.

Under the explanation submitted by the Acting Joint Criminal Judge, the Court of Foujdaree Udalut will not disturb the sentence passed by the Officiating Joint Criminal Judge in Case No. 36.—

Ordered, that an Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information and guidance.—

(Sent in No. 1040)

Read letter dated the 25th Ultimo from the 3rd Judge on Circuit in the Northern Division, forwarding the original Death Warrant in Case No. 4. of the Primary Calendar for the Special Sessions of 1838. duly executed.—

(Here enter No. 1364)

Read letter dated the 27th Ultimo from the 3rd Judge on Circuit in the Western Division, reporting his intention of opening the 2nd Sessions of 1838 at Calicut on the 24th July 1838.—

(Here Enter No. 1378.)

Read

111.

On consideration of the circumstances set forth in the Acting Magistrate's letter, and the papers that accompanied it the Court of Foujdaree Udalut are of opinion that the evidence recorded in the Proceedings of the enquiry held before the Acting Joint Magistrate in regard to the Head of Police and Cutwal of Ongole involve charges of injustice and cruelty demanding the fullest investigation, and under the circumstances of the case therefore, the Court of Foujdaree Udalut deem it proper to direct that the Acting Magistrate's letter, together with the papers that accompanied it, be sent from their Register's Office to the Judge proceeding on Circuit, who will be pleased to look into the proceedings and pass such orders as he may consider proper, forwarding copy thereof to this Court, to whom he will return the original documents sent hence.—

Ordered, that an Extract from these proceedings be forwarded to the Provincial Court in the Northern Division for the information and guidance of the Judge next on Circuit.—

(Sent in N°. 1039)

Read return dated 25th June from the Officiating Joint Criminal Judge at Tinnevelly, to the precept of the Foujdaree Udalut dated 19th

19th June, containing their orders and observations on the Tinnevelly Criminal Calendar for the month of May last.—

(Here enter N°. 1367)

Case N°. 36. Under the explanation submitted by the Acting Joint Criminal Judge, the Court of Foujdaree Udalut will not disturb the sentence passed by the Officiating Joint Criminal Judge in Case N°. 36.—

Ordered, that an Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information and guidance.—

(Sent in N°. 1040)

Read letter dated the 25th Ultimo from the 3d Judge on Circuit in the Northern Division, forwarding the original Death Warrant in Case N°. 4. of the Primary Calendar for the Special Sessions of 1838. duly executed.—

(Here enter N°. 1364)

Read letter dated the 27th Ultimo from the 3d Judge on Circuit in the Western Division, reporting his intention of opening the 2d Sessions of 1838 at Calicut on the 24th July 1838.—

(Here enter N°. 1378.)

Read

4th July 1838.

Read Statement dated the 26th Ultimo 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 Court of Circuit at the 1st Sessions of 1838 at Cuddalore.—

(Here enter No. 1387)

Read return, dated the 27th Ultimo from the Criminal Judge of Bellary to the precept of the Foujdaree Udalut dated the 22nd June, conveying their remarks and orders on the Bellary Criminal reports for the month of May last.—

WS

L.A.O.

(Here enter No. 1389)

WS

4/7/38

Monday 9th July 1838.

WS

L.A.O.

WS

Fol. 46

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge

Thomas Alexr. Oakes Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read petition presented on the 25th June by Kistnyen of Erode in the Zillah of Salem.—

(Here enter M.P. No. 65 of 1838.)

The petitioner representing himself to be the Gomastah of Mr. George Fischer of Salem complains of the refusal of the Criminal Judge of Salem to entertain a complaint preferred by him against the Principal Collector of Coimbatore, for unroofing and prazing to the ground several godowns belonging to, and long occupied by, his master, and as he apprehends the departure of Mr. Drury to sea will deprive him of the means of redress, he prays the Court of Foujdaree Udalut will issue instructions for an immediate enquiry to be held into his case.—

2. The Court of Foujdaree Udalut see no necessity for their interference.— If any loss has been sustained, as alleged by the petitioner,

proceed

redress should be sought by an action for damages in a Civil Court and not by a Criminal prosecution. the Court also desire it to be notified that a complaint preferred by an unauthorized agent is irregular and inadmissible in any Court.—

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

Read Miscellaneous Petition presented on the 25th June 1838 by Uttamalay Ammal, Chinamma[illegible] Amma Motor Ammal of the Zillah of Combaconum.—

(Here enter M. P. No. 68.)

1. In this address the petitioners reiterate the prayer of petition No. 68 of 1837, presented on the 10th of July, that their relations, sentenced by the Court of Circuit in Case No. 11. of the Combaconum Calendar of 1837, may be released.—

2. The petitioners were informed on the 5th February last. that the Court had issued their final orders on their case, and that any further petition on the same subject would avail them nothing. So that and the order of the 7th August 1837. they are referred, and advised that no further petition on the subject will be received from them.—

Ordered

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

Read Miscellaneous Petition presented on the 25th June 1838 by Ponnayer Patta Monegar of Tachancurichi of Trichinopoly in the Zillah of Combaconum.—

(Here enter M. P. No. 70.)

1. The Petitioner in this address represents that certain documents having been stolen from him at Worriore, he complained to the Magistrate of Trichinopoly who, without any investigation into the truth of his charge, fined him 50 Rupees. and restored the documents to his opponent. He further states, that thro' the instrumentality and misrepresentation of the Serishtadar of the Collector, he has been three several times fined and also deprived of his office of Monegar, and that on his bringing the circumstances to the notice of the Court of Circuit, he met with no redress. He therefore prays, that the Court of Foujdaree Adalut will be pleased to call for the proceedings held before the Assistant Magistrate and issue orders to the Criminal Judge or Court of Circuit to pass judgment on his case.—

The

2. The Court of Foujdaree Udalut observe that no document had been produced by the Petitioner to shew that he had applied to the Judge of Circuit without effect. Under the circumstances of the case however, and in order to enable the Judges of the Foujdaree Udalut to pass a final order on this petition, they resolve to direct that a copy of this petition be furnished to the Magistrate of Trichinopoly, thro' the Provincial Court of Circuit in the Southern Division, who in submitting an explanation of the Magistrate of Trichinopoly, will be pleased to transmit copy of any proceedings which may have been held by them on the subject of this petition.

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

(Sent following precept No. 1052)

Read letter dated the 21st Ultimo from the 1st Judge on Circuit in the Western Division, transmitting the record in Case No. XIX on the Canara Calendar 1st Sessions of 1838.—

(Here Enter No. 1339)

The Court of Foujdaree Udalut having maturely

Mr. Bird.
and
Mr. Campbell.

F. C.
9th July 1838.—

maturely considered the proceedings held before the Judge in Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid. Convicting the prisoner

Vannien Rama

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. 1053.)

Read letter dated the 29th Ult. from the Acting Third Judge of the Provincial Court of Circuit in the Northern Division, forwarding copies of the Primary and Supplemental Calendars of the second Quarter Sessions of 1838 holden at Masulipatam.—

(Here Enter No. 1397 of 1838.)

Primary Calendar. Case No. 1.

1. In this case, the prisoner

Saffir Beg

was charged with having, in the afternoon of the 14th December 1837, removed the Tat from the door of the house of the Prosecutrix in the Lines of the 3rd Regiment N.I. at Ellore, and taken from the house a Box containing Cash. Jewels &c.

to

to the amount of Rupees 140-12.-

2. The prisoner is convicted: but the Presiding Judge recommends that the punishment to which he is liable under the provisions of Section XXI Regulation VII of 1802, may be reduced to three years' imprisonment with hard labour in irons on the ground of certain alleviating circumstances, the nature of which he details in his Remarks in the Calendar.—

3. The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve to accede to the recommendation of the Presiding Judge, and accordingly in exercise of the power vested in them by Clause third, Section III, Regulation I of 1825, authorize the Provincial Court of Circuit (Mr. Montgomerie having been relieved from his duty as a Judge of that Court) to pass the mitigated sentence above indicated.—

4. The Acting Second Judge erred in passing sentence on the prisoner. Under the Circular Order of the 30th March 1834 he should have "merely intimated to the prisoner the sentence to which by law he had rendered himself liable."—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in

in the Northern Division by Precept returnable within four days from and after its receipt.—

(Sent following precept No. 1054)

Ordered also, that a copy of the foregoing Extract be sent to Mr. H. Montgomerie for his information.—

(Sent in No. 1055)

Read return, dated the 28th Ultimo from the Joint Criminal Judge of Vizagapatam to the precept of the Foujdaree Udalut dated 5th June 1838, directing the committal of the prisoner in Case No. 59 of the Vizagapatam Criminal file under the provisions of Act No. XXX of 1836, and desiring to be informed why the Committal has not previously taken place.—

(Here enter No. 1399.)

Read return dated the 2d. Instant from the Acting Criminal Judge of Cuddapah to the precept of the Foujdaree Udalut dated 28th June 1838, conveying their remarks and orders on the Cuddapah Criminal Reports for the month of May.—

(Here enter No. 1402.)

Read return, dated the 3d. Instant from the Criminal Judge of Chittoor to the precept of the Foujdaree Udalut of the 28th June, Conveying

9th July 1838.

conveying their orders on the Chittoor Criminal Reports for the month of May.—

(Here enter No. 1403.)

Read return, dated the 2d Instant from the Assistant Criminal Judge in charge of Madura to the precept of the Foujdaree Udalut dated 25th June, conveying their remarks and orders on the Madura Criminal Reports for the month of May last.—

(Here enter No. 1411.)

Read return, dated the 3d Instant from the Acting Joint Criminal Judge of Coimbatore, to the precept of the Foujdaree Udalut dated 25th June, conveying their remarks and orders on the Coimbatore Criminal Reports for the month of May last.—

(Here enter No. 1412.)

Read return, dated the 29th Ultimo from the Principal Sudr Ameen at Honore, to the precept of the Foujdaree Udalut dated 23d June, conveying their remarks and orders on the Honore Criminal Reports for the month of May last.—

(Here enter No. 1416.)

F. C.

At a Court of the Foujdaree Udalut.

Present

Tuesday 10th July 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2d Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read Return dated the 6th Ultimo from the Assistant Criminal Judge of Bellaree to the Precept of the Court of Foujdaree Udalut under date the 21st May 1838 - directing him to call upon the Medical Officer in charge of the Jail at that Station to report whether Cholum may not be substituted for Rice as the ordinary food of the prisoners.—

(Here Enter F. C. No. 1236 of 1838.)

Read also Letter dated the 15th Ultimo from the Acting Criminal Judge of Cuddapah submitting a copy of a Communication from the Medical Officer in Charge of the Jail at that Station relative to the expediency of substituting Cholum for Rice as the Diet of the Prisoners.—

(Here enter F. C. No. 1287 of 1838.)

The Medical Officer at Cuddapah objects to the use of Cholum - as unwholesome - but observes that the use of Raghee might be introduced, as the Natives Consider that Grain to be "very wholesome" and suggests the "alternating its use with their present food - Rice and Cholum".—

2.

Mr. Smith in Medical charge of the Civil establishments at Bellary observes that "Cholum a much cheaper grain than rice and there can be no objection whatever to its being substituted for the latter as the ordinary food in this Jail" Bellary - "on the score "of its being an unwholesome or unsuitable article of diet for "Prisoners, for it is the grain the lower classes (in which the "Prisoners must be included) live upon almost entirely in "this part of the Country - In other parts as below the "Ghauts Ragee an equally cheap grain is the "Common food of the lower classes but in very few places "of the Madras Presidency is Rice the Common article "of Diet of the Poor."

3.

The Court of Fouzdaree Adalut concur in these observations, and observe that they are unable to discern the necessity of giving Rice at all to prisoners, who were not accustomed to that article of food previous to their becoming the inmates of a Jail. The Court accordingly direct that Ragee and Cholum be substituted for Rice in the Jail at Cuddapah, and Cholum be introduced in the Jail at Bellary. Of course in the latter Jail if there be any prisoners from Districts in which Ragee is the ordinary food of the people - that grain may be supplied to such prisoners: and the same remark applies - mutatis mutandis - to the Cuddapah Jail.

4.

The Court of Fouzdaree Adalut cannot

10th July 1838.

cannot sanction the arrangement suggested by Mr. Surgeon Smith that "on one day of the alternate week the prisoners be permitted to purchase mutton with their Batta". In the opinion of the Court the use of animal food should be limited to the sick - or be allowed only when necessary to check an obvious tendency to disease -

5.

The Court have no objection to permit the prisoners whether in the Jail of Cuddapah or that of Bellary - "at their individual option, to receive, on one day of each week, half of their daily allowance in Cumboo", or in any other Dry Grain which may be considered beneficial -

6.

Nothing in the foregoing remarks is to be construed into precluding the Medical Officers in charge of the Jails from suggesting changes in the Diet of the Prisoners whenever circumstances may appear to render such changes requisite, or the prevalence of unusual sickness may be considered to make the temporary substitution of a more generous Diet desirable -

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Cuddapah and Criminal Judge of Bellary for their information and future guidance respectively -

Sent in Sr. 1060/1061

nearly six months, is sufficient punishment for the offence." Nevertheless on a consideration of his confession before the Head of Police, the Presiding Judge deemed it expedient to require this prisoner to furnish security for his good behaviour for six months.

3. The Court of Foujdaree Udalut observe that this proceeding was irregular. The Presiding Judge considering the prisoner convicted, should have intimated to him the punishment to which he had rendered himself liable, and submitted to this Court a recommendation in regard to the remission of such punishment. Under the circumstances the Court of Foujdaree Udalut authorize the release of the said prisoner; but deem it necessary to direct that the requisition of security be annulled as illegal.—

Case No. 10. 4. The third and fourth prisoners in this case were convicted of appropriating to their own use, property, which they knew did not belong to them, and declared liable to Corroborative.—

5. The presiding Judge suggests that "the four months' imprisonment" they have already undergone may be considered sufficient punishment." but at the same time on the ground that "it is extremely difficult to bring the mind to believe that they could be ignorant of the condition of this property, the Acting First Judge deemed it proper to order them to give security for good conduct."

Fire

6. Here again it is to be observed that the Acting First Judge was not competent thus to dispose of the case. Moreover in the present instances, the Court of Foujdaree Udalut are of opinion that the prisoners in question deserved punishment. The Court will not however now disturb the sentence of the Presiding Judge further than by annulling the requisition of security which, as in Case No. 1. already noticed, could not legally be demanded.—

Case No. 14. 7. The Court of Foujdaree Udalut see much reason to doubt the propriety of the acquittal of the accused in this case. The evidence for the prosecution appears to be very strong against the prisoner.—

Case No. 15. 8. With reference to the remark of the Presiding Judge, in his Summary of the evidence for the Prosecution, that the value of the article of property claimed by the Prosecutor and his third witness, "is very small," the Court of Foujdaree Udalut deem it proper to observe that the value of the property could in no way affect the estimate of the credibility of the evidence in this case.

Case No. 18. 9. The prisoner in this case was charged with having caused the death of her female infant by throwing herself into a well with the said child, which was drowned.—

The

10. The Presiding Judge observing in the Extract from his Proceedings under date the 23rd Ultimo that "it clearly appears" that "the prisoner was in a distracted state of mind, and bereft of reason at the time of leaping into the well with her child," ordered the Joint Criminal Judge to "deliver her to the custody of her husband"; "she being still disordered in her intellects."—

11. The presiding Judge on referring to the concluding paragraph of the Circular Order of the 1st June 1829 - will find that he has erred greatly in ordering the release of the accused, and not less so when it is remembered that the prisoner was committed for Trial pursuant to a Special Order of the Foujdaree Udalut - The Court however will not now disturb the order passed by the late Acting First Judge.—

12. The Provincial Court of Circuit will be pleased to expedite the preparation of the Record of the Referred Trial No. 5 of the Cuddapah Calendar, alluded to in para 1. of Mr. Waters's letter forwarding his Calendar and submit it to the Court of Foujdaree Udalut at the earliest possible period - The Provincial Court will likewise be pleased to review the proceedings

proceedings in Cases Nos. 184 and 197 of the Bellaree Supplemental Report for December last, referred to in the order of the Foujdaree Udalut of the 27th January last - and report the result for the information of this Court.

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. 1063)

Ordered also, that Extract from these proceedings be sent to Mr. G. J. Waters for his information.—

(Sent in No. 1064)

Read return, dated the 5th Instant from the Criminal Judge of Combaconum, to the precept of the Foujdaree Udalut dated 2nd July, conveying their observations and orders on the Combaconum Criminal Reports for the month of April last.—

(Here enter No. 1419)

At a Court of the Foujdaree Udalut

Present:

John Bird Esqre _____ 1st Puisne Judge.

Thursday 12th July 1838. Thomas Alexr Oakes Esqre 2d Puisne Judge.

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read letter dated 18th June 1838

L.H.Q. from the Third Judge on Circuit in the Northern Division, forwarding for the final sentence of the Court of Foujdaree Udalut, the record of Case No. 1. of the Rajahmundry Primary Calendar for the 1st Sessions of 1838.—

(Here enter No. 1337)

Mr. Bird and Mr. Oakes. The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid acquitting the prisoners

2nd Prutteparuky Doruppah

and

3d Haizeeboo Dutchanamoorty

and direct that they be set at liberty.—

1. The Court of Foujdaree Udalut observe that the 3rd prisoner in this case has by his evidence satisfactorily established an alibi

which

which alone is sufficient to invalidate the evidence of the witnesses for the Prosecution, but moreover their evidence is full of contradictions and is not in the opinion of the Court entitled to the least credit.—

2. Under this view the Court of Foujdaree Udalut acquit the Prisoners and direct that they be unconditionally released.—

3. With reference to the remarks appended by the 3rd Judge in transmitting the record of this case, the Court of Foujdaree Udalut desire it to be observed, that although it is strictly provided that the Judge presiding at the trial should, with the records, submit his opinion on the merits of the case referred, yet that it was never contemplated to impose this duty on the Judge forwarding the proceedings, and who is confined to a mere transmittal of the case.—

Ordered, that Extract from these Proceedings be forwarded to the 3rd Judge on Circuit in the Northern Division for his information.

(Sent following letter No. 1069

Read letter dated the 23rd Ultimo from the Acting 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 13. Combaconum Calendar for the 1st Sessions of 1838.—

(Here Enter No. 1370.)

The

Question. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Shaikh Ryder

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 second of the latter Section and Regulation direct their Law Officers to declare by a Second Futwa, to what sentence the Prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer. In the event of the Prisoner being convicted on full legal evidence of the crime charged he would be liable to Tazeer & Hudeed.

Mr. Campbell. The Court of Foujdaree Udalut, under the Finding of Tazeer declared in the foregoing Futwa. and in conformity with the provisions of Clause first, Section V, Regulation VIII of 1831. and Clause third, Section VII. of Regulation XV of 1803, sentence the Prisoner

Shaikh Ryder

to be publicly exposed in the mode commonly denominated

denominated Sasheer, to receive One hundred and 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 Seven Years.—

(Sent following letter No. 1070)

Read the Report of Mr. Waters late Acting First Judge of Circuit in the Centre Division, dated the 29th Ultimo for the 1st Sessions of 1838. as prescribed by Section XXXVII Regulation VII of 1802.—

(Here enter F.C. No. 1385 of 1838.)

parah: 9. 1. The Court of Foujdaree Udalut are of opinion that no fresh instructions on the points indicated in parah: 9. of Mr. Waters' Circuit Report are wanting; the orders already existing, which are enumerated by that Gentleman, appearing to be sufficiently clear and comprehensive: whenever the subordinate Officers fail to act up to those orders, it becomes the duty of the Circuit Judge to call their attention to the subject, and in cases of extraordinary neglect to bring the matter to the especial notice of the Court of Foujdaree Udalut.—

parahs: 10 & 11. 2. With reference also to the remarks of Mr. Waters in parah: 10. of his Report, the Court of Foujdaree Udalut observe that in their opinion

opinion the existing orders on the subject of Perjury are amply sufficient for the guidance of all Officers within whose cognizance cases of Perjury may fall: and with regard to the suggestion in parah: 11. the Court remark that one of the first duties of a Judge of Circuit on commencing the investigation of any committed case, is to satisfy himself by a previous consideration of the proceedings held before the lower Tribunals, that the charge against the accused is complete and accurate, and in the event of his finding it to be in any respect erroneous to cause it to be amended before proceeding with the Trial:— and to the general observance of this Rule by the Judges of Circuit under this Presidency the Court of Foujdaree Udalut are happy on the present occasion to be able to bear testimony.—

parah: 12. 3. In regard to Mr. Waters's suggestion in parah: 12. that the Heads of Police be instructed in forwarding cases to the criminal Court to certify the dates of the first and last occasions on which subsistence money or Grain was given to the Prisoner the Court of Foujdaree Udalut observe that information on this point is not required by the Criminal Court but is intended for the exclusive guidance of the Magistrate

Magistrate: and in regard to the latter Officer the Court are of opinion that the orders already in existence are sufficient.

Parah: 13. 4. Adverting to the remark that "some instances have occurred during the Sessions of Heads of Police causing confessions to be attested by witnesses not really present" the Court of Foujdaree Udalut require to be informed of the names of such Heads of Police and of the Talooks in which they exercise jurisdiction. The late Acting First Judge will be pleased to communicate on this subject with the Provincial Court of Circuit (to whom a copy of this parah: will be furnished from the Office of the Foujdaree Udalut) to enable that Court to supply the requisite information. The Provincial Court will be pleased to furnish the information direct to the Foujdaree Udalut.—

Parah: 18. 5. The Court of Foujdaree Udalut have pleasure in soliciting the attention of Government to the favorable notice in this parah: of the results of the introduction of weaving ~~Vide~~ II in the Jail at Cuddalore: which in the opinion of the Court reflect much credit upon Mr Baynes the Joint Criminal Judge, and upon the European Sailor superintending the Manufactures.—

6. The observations in parah: 24.

From

seem more properly to belong to the General Half Yearly Report of the administration of Criminal Justice: and any discussion on the points therein indicated would be out of place on the present occasion.—

7. It affords the Court of Foujdaree Udalut satisfaction to observe that Mr. Waters has fulfilled the duties of the Circuit under Review with a degree of dispatch creditable to his diligence and industry.—

Ordered, that Extract from these proceedings be sent to Mr. G. J. Waters late Acting First Judge late on Circuit in the Centre Division by Precept returnable within seven days from and after its receipt.—

(Sent following precept No. 1071)

Ordered also, that Extract (para 4) from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.—

(Sent following precept No. 1072)

Read return dated the 29th June 1838 to the precept of the Foujdaree Udalut under date the 8th June. covering their remarks and orders on the Rajahmundry Criminal Reports for the month of April last.—

(Here enter No. 1400.)

From

From the letter submitted by the Assistant Magistrate explanatory of the grounds on which it was thought necessary to forward Case No. 29. to the Criminal Court it would appear that the evidence of the witnesses before the Criminal Court differed materially from that given before the Head of Police. This circumstance should have been explained in the monthly Report submitted by the Criminal Judge.—

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

(Sent in No. 1073)

Read return dated the 27th June 1838 to the precept of the Foujdaree Udalut under date the 23rd June requiring an explanation regarding the extra number of Peons employed during the month of May last.—

(Here enter No. 1401)

1. In this return the Acting Joint Criminal Judge certifies "that the number he found employed in joining the Court he did not, with reference to the Court's proceedings of the 22nd April, consider it advisable to reduce."—

2. The Acting Joint Criminal Judge is directed to make an immediate reduction

of the unauthorized number of Peons, and is enjoined for the future to adhere closely to the standing orders of the Foujdaree Udalut under date the 22nd April 1837. by allowing no more than 1. Peon to 4. Convicts and the authorized per centage in excess.—

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

(Sent in No. 1074)

Read return dated the 3rd July 1838. to the precept of the Foujdaree Udalut under date the 13th June, conveying their remarks and orders on the Combaconum Criminal Reports for the month of May last.—

(Here enter No. 1409)

1. The Judges of the Foujdaree Udalut will not disturb the order for requisition of security from the prisoner in Case No. 104, but they deem it proper to record their opinion for the information and future guidance of the Criminal Judge, and of the Mooftee Sudr Ameen, that the evidence adduced was insufficient for the conviction of the prisoner.—

2. The explanation afforded by the Criminal Judge in the above return regarding the Cases noted in the Margin appears to the Court

Nos. 31. 47 and 83.

Court of Foujdaree Udalut satisfactory.—

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

(Sent in No. 1075)

Read return dated the 3d Instant from the Joint Criminal Judge of Chingleput to the Precept of the Court of Foujdaree Udalut under date the 29th Ultimo, requiring that Officer to afford an explanation in regard to the remarks of the Acting Third Judge on Circuit in the Southern Division on Case No. 1 of the Combaconum Supplemental Calendar of the First Sessions of 1838, reflecting upon the conduct of the Nazir of the Auxiliary Court at Cuddalore in regard to the charges against one Tumboo Naik, alias Kistnapa Naick, the twelfth Prisoner in the aforesaid Case, who was convicted by the Court of Circuit of Gang Robbery and sentenced to fourteen years' imprisonment.—

(Here enter F. C. No. 1413 of 1838.)

The Court of Foujdaree Udalut consider the explanation afforded by the Joint Criminal Judge in the Return above Perused to be satisfactory: and are of opinion that there is not sufficient ground to impute to the Nazir of the Auxiliary Court any design to favour, or screen

screen from punishment, the Prisoner abovenamed: and that further notice of the matter is not necessary.—

Ordered, that Extract from these proceedings be sent to the Acting Third Judge on Circuit in the Southern Division and to the Joint Criminal Judge of Chingleput for their information respectively, with reference to Parah. 5. of the Extract of Proceedings of the Foujdaree Udalut under date the 29th June 1838.—

(Sent in Nos. 1076 & 1077.)

Read letter dated the 29th Ultimo from the Third Judge on Circuit in the Northern Division, forwarding a copy of the Rajahmundry Calendar of the First Sessions of 1838.—

(Here enter F. C. No. 1421 of 1838.)

Primary Calendar. Case No. 10.

1. In this case, the Prisoner Peneesetty Veeramah was charged before the Court of Circuit with wilful and Corrupt Perjury, in having, when examined as a Witness touching the charge against Bhiry Mulloo of having murdered two persons named Chalah Veeraiah and Peenesetty Veeraiah, given two contradictory depositions upon Oath the one before the Criminal Court the other before the Court of Circuit.—

2. The Prisoner is convicted: but

Mr. Hall

"Sentencing" the aforesaid prisoners.- The Circular Order of the 20th March 1834 declared it to be the duty of the Judge of Circuit "when passing to recommend a mitigation of Punishment" to "merely intimate to the prisoner the penalty to which by law he had rendered himself liable, instructing the Criminal Judge at the same time to detain the prisoner in Gaol with hard labour in irons until the final orders of the Foujdaree Udalut shall be made known to him."

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

(Sent following Precept No. 1078)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Joint Criminal Judge of Tellicherry for the month of June 1838.-

(Here enter No. 1439.)

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 Joint Criminal Judge of Tellicherry for his information.-

(Sent in No. 1079.)

Read

Read return dated the 2nd Instant from the Joint Criminal Judge of Vizagapatam to the precept of the Foujdaree Udalut dated the 20th June 1838, containing the observations of the Court of Foujdaree Udalut on the punishment of the Prisoner in Case No. 34 of the Vizagapatam Criminal Report for the month of May last.-

(Here enter No. 1433.)

Read letter dated the 30th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Western Division, submitting copies of 4 Calendars received from the Joint Criminal Judge of Malabar for the Second Quarterly Sessions of 1838, and copies of the original Futwahs, with the remarks thereon.-

(Here enter No. 1425.)

Read return, dated the 3d Instant from the Criminal Judge of Chicacole, to the precept of the Foujdaree Udalut dated the 23d June, conveying their remarks and orders on the Chicacole Criminal Reports for the month of May last.-

(Here enter No. 1428.)

F. U.

At a Court of the Fouzdaree Udalut.

Present,

Monday 16th July 1838.

John Bird Esqre. ——— 1st Puisne Judge
Tho.s Alexander Oakes Esqre. 2nd Puisne Judge
Alex.r Duncan Campbell Esqre. 3rd Puisne Judge

W.S.

Read petition presented on the 2nd July 1838 by Timmakka of the Tillak of Cuddapah.

L.A.C.

/Here enter M. P. No. 72 of 1838./

1. The petitioner expresses her surprize at the continued confinement of her son Timmadoo, prisoner in Cell No. 19 of the Calendar of the Tillak Court of Cuddapah for 1st Sessions of 1837, in Jail. after the order of the Fouzdaree Udalut of 12th May 1837 directing that he should be released, and prays the the Judges will issue directions to carry into effect their former order.

2. The petitioner is mistaken in supposing that any orders have been issued for the release of her son; the Judges of the Fouzdaree Udalut never entertained the slightest doubt of the propriety of the sentence passed upon the prisoner Timmadoo, and which therefore will not be disturbed.

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

Read petition presented on the 2nd July 1838 by Rama Krishna Moodelly of Chingleput.

/Here enter M. P. No. 73 of 1838./

The

The Petitioner represents that in 1816 he was appointed Monsiff of the Village of Sroovanjeyoor by Mr. Cooke, and that in 1834 having preferred before the Head of Police a complaint of robbery against certain individuals, that Officer reported to Mr. Maclean, at that time the Magistrate, that the charge was false: whereupon he was deprived of his Office of Monsiff and fined 50 Rupees, and that having declined at first to pay the fine he was for 15 days confined in Jail. He further states that having brought these circumstances to the notice of the Government he was referred by indorsement to the Board of Revenue, who he alleges have returned him his petition through the Magistrate without affording him the redress sought for. He therefore prays the Court of Foujdaree Adalut will call for the proceedings held in this case before the Magistrate, restore him to his situation, and direct that the fine of 50 Rupees, levied from him, be returned.

2. The Court of Foujdaree Adalut observe that the petitioner has brought no documents in support of the assertions made by him in this address, and further that, at this late period, they see no necessity for interfering in his behalf. The petition is accordingly rejected.

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

Read petition presented on the 2nd July

16th July 1838.

July 1838 by Kalady Rama Menon of the Tillah of Malabar.

/ Acre Enter No. P. No. 78 of 1838 /

The Petitioner in this address merely reiterates the prayer of his former petitions Nos. 5. and 29. of 1838, that the Court of Foujdaree Adalut will interfere in his behalf and issue orders to the Magistrate or to the Judge of the Civil Court, instructing them to examine his case in forma pauperis.

The Court of Foujdaree Adalut observe that nothing that the Petitioner has urged in this address has at all tended to alter their opinion conveyed in their orders of the 12th March, to which orders he is referred. And the Court further desire it to be notified to the Petitioner that any further communications from him on this subject will avail him nothing.

Ordered, that a copy of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 2nd July 1838 by Goovinda of the Tillah of Chittoor.

/ Acre enter No. P. No. 80 of 1838. /

The Petitioner repeats the prayer of her former petition of the 30th April for the release of her husband sentenced in Case No. 1. of 5th Supplemental Calendar of Chittoor Tillah for 1st Quarterly Sessions of 1838.

The

16th July 1838.-

The Court of Fouzdaree Udalut the
nothing in the present petition to induce them to modify
their order of the 25th June last, to which they direct
petitioner be referred.-

Ordered, that a copy of these proceed-
-ings be furnished to petitioner on her application.-

Annaviengar of the Tillish of Chitto
moves the Court to return the melosine in his
Miscellaneous Petition No. 42 of 1838.-

Ordered accordingly.-

Read the following Order of Govern-
-ment dated the 9th instant No. 688.

/Here Enter F.H. No. 1437 of 1838./

1.

Under the authority and pursuant
to the instructions of Government communicated in the
Order of Government above recorded. the Court of Fouzdaree
Udalut resolve to direct the Provincial Court of Circuit
for the Northern Division to instruct the Magistrate
of Ganjam to take immediate steps towards bringing
to Trial, in conformity with the Provisions of the Ge-
-neral Regulations, the individual Zamindary Rize-
-mor of whom, in Parah 2. of his Return of the 15th Ultimo
forwarded with the Provincial Courts' letter of the 22d Ultimo,
that Officer observes that "there is reason to believe
that he is one of those miscreants who make a
traffic of providing Meriah victims to the Khonds"
and that he has already placed two of his own
daughters

F.H.
16th July 1838.-

daughters in the hands of the Hill people for the pur-
-pose of their being sacrificed.-

It is in support of this latter point
2.

especially that it will be the duty of the Magistrate
to use his best exertions to procure all available
Evidence.-

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
in the Northern Division by Precept returnable
within five days, from and after its receipt.-

/Sent following Precept No. 1088/-

93

F.P.C.

F. W.

At a Court of the Fonjdaree Udalut.

Present,

Tuesday 17th July 1838.

John Bird Esqre _____ 1st Puisne Judge

Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

JJS

L.A.C.

115

Read return dated 30th June 1838 from the Criminal Judge at Chittoor to the precept of the Fonjdaree Udalut under date 25th June, conveying their remarks on the delay in laying before the Judge on Circuit the Calendars of 4 Criminal Cases entered in the Criminal Report No 8.

/ Here enter No 1382. /

1. In this return the Criminal Judge certifies "that the Calendars in the Cases above alluded "to, were prepared immediately after their Committal, and "were on the 26th April the first day, the Court sat, "after the said Cases had been committed, laid before "the Judge on Circuit, so that not one day was lost "on the part of the Criminal Court in bringing the said "cases up for trial."

2. The Judges of the Fonjdaree Udalut are unable without further Explanation to reconcile the Statement contained in the Return of the Criminal Judge, with the conclusion they have arrived at after an Examination of the Calendars.

3. From the Statement of the Dates of the

the Committal of the Prisoners, of the Submission and receipt of the Calendars, as shown in the Margin, it would appear that with reference to the 1st and 2nd Supplemental Calendars 27 days and with reference to the 3d Supplemental Calendar 30 days had been allowed to Elapse between the Committal of the Prisoners, and the arrival of the Calendars before the Judge presiding at the Quarter Sessions - and that 24 days were occupied in preparing these Calendars -

No of the Calendars.	The date on which the Prisoners were committed.	The date on which the Calendars were submitted.	The date on which the Calendars were received by the Court.
Nos 1 & 2.	30th March	23d April	26th April
No 3.	31st March	24th April	30th April

It was to this delay that the Judges of the Sudr Udalut in their Proceedings of the 23d June admitted, and the existence of which, as above shown, appears to be at variance with the Statement of the Criminal Judge, "that not one day was lost on the part of the Criminal Court in bringing the said cases to trial." Desirous however to making any remarks on this apparent discrepancy the Judges of the Tonjdaree Udalut resolve to call on the Criminal Judge to Submit an Explanation on the Subject through the Provincial Court of Circuit, to whom a Copy of these proceedings is accordingly ordered to be furnished -

/ Sent in No 1093 & 1094

Read the Criminal Reports prescribed by Section XXXV. Regulation X. of 1816. Submitted

Submitted by the Acting Criminal Judge of Canara for the month of June last -

/ Here enter No 1149 /

The above Reports do not appear to call for any remark from the Court of Tonjdaree Udalut -

Ordered therefore, that Extract from these Proceedings be sent to the Acting Criminal Judge of Canara for his information -

/ Sent in No 1095 /

Read the Criminal Reports prescribed by Section XXXV. Regulation X. of 1816 Submitted by the Criminal Judge of Chingleput for the months of June 1838 -

/ Here enter No 1158 /

The above Reports do not appear to call for any remark from the Court of Tonjdaree Udalut -

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

/ Sent in No 1096 - /

Read the Reports for the months of June 1838 submitted by the Acting Joint Criminal Judge at Cochin -

/ Here Enter No 1139 - /

The number of Extra Jail Peons employed

employed during the month of June last being in excess of the number authorized for the safe custody of the 8. Convicts employed at labor outside the Gaol, the acting Joint Criminal Judge is required to submit an Explanation of the Employment of the 1. Peon in excess.

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

/ Sent following Precept No. 1097 /

Read letter dated the 7th Instant from the 1st Judge on Circuit in the Northern Division, reporting his having on the 7th July opened the Circuit at Tellore and the State of the Calendar.

/ Here enter No. 1445. /

Read return dated the 9th Instant from the Criminal Judge of Combaconum to the Precept of the Foujdaree Udalut dated 28th June, conveying their remarks and orders on the Combaconum Criminal Reports for the month of May last.

/ Here enter No. 1446. /

Read letter, dated the 6th Instant, from the 2d Judge of the Provincial Court of Circuit Western Division, submitting a Statement of the batta paid to Prosecutors and witnesses during the 2d Quarterly Sessions of 1838.

/ Here enter No. 1447. /

L.H.Q.

F. Uc.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 18th July 1838. John Bird Esqre _____ 1st Puisne Judge
Thos. Alexr. Oakes Esqre Actg. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 2nd Instant from the 1st Judge on Circuit in the Western Division, transmitting the Record in Case No. 15. Canara Calendar for the 1st Sessions of 1838.

/ Here enter No. 1445 /

Mr. Bird. and Mr. Campbell.

The Court of Foujdaree Udalut on a deliberate consideration of the Circumstances of the Case in evidence before them, concurring in opinion that the proof against the Prisoner

"Budwa"

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 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 labor in irons on the Public roads, or other Public works, for, and during the Period of his natural life.

/ Sent following letter No. 1098 /

Read letter dated the 9th instant from

18th July 1838.

from the Acting 2nd Judge on Circuit in the Centre Division, reporting his having on the 9th July opened the Sessions at Cuddapah and the State of the Calendar at that Stations and at Cumbum.

/Here enter No. 1451./

Read letter dated the 9th Instant, from the Officiating Joint Criminal Judge of Tinnevelly communicating the notice taken by the Magistrate of Tinnevelly of the conduct of the Tahsildar and Head Police Officer - with reference to the delay in transmitting the Prisoners in Cases No. 35 and 39 of Tinnevelly Calendar to the Criminal Court.

/Here enter No. 1462./

Read return, dated the 9th Instant, from the 2nd Judge of the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut, dated 2nd July 1838. calling on the 2nd Judge late on Circuit in the Western Division, to explain what he may have done in conformity with certain instructions contained in the precepts of the Foujdaree Udalut dated 2nd September and 15th March 1837, relative to the proceedings in Case No. 1. of Honorable Criminal reports for January 1837 and to the cause of his delay in replying thereto.

/Here enter No. 1466./

S.U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre _____ 1st Puisne Judge.

Thursday 19th July 1838. Thomas Alexr Oakes Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read the Criminal Reports for the month of June 1838, submitted by the Acting Joint Criminal Judge of Coimbatore.

/Here enter No. 1460./

The Court of Foujdaree Udalut observe that, with reference to the number of Extra Peons employed during the month of June last, only 1. Peon should have been retained in excess, under the per centage allowed for "absentees", and that there is no authority for the employment of 2. Duffadars and 2. Naiques - when the number of Peons employed do not exceed 33.

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. 1100)

Read return dated the 7th Instant from the 2nd Judge late on Circuit in the Western Division, to the precept of the Foujdaree

relieved his opponent and fined him 5 Rupees. the Magistrate was by precept called on for an explanation. and that the Court of Circuit being satisfied by the explanation of the Magistrate that the Statement made by the Petitioner was in every respect false. the petitioner was by the Presiding Judge fined 5 Rupees.

The Case of the petitioner having met with full and attentive consideration of the Provincial Court of Circuit, and the sentence of the Magistrate having been confirmed by them, the Court of Sudder Adawlut do not see that there exists any grounds for their interference in the manner prayed for by the Petitioner.—

Ordered accordingly, that the petition be rejected, and that an extract from these proceedings be furnished to the Petitioner on his application.—

Read two petitions presented on 20th July by Vegna Ammah ——— of the Zillah of Combaconum

(Here enter Re. P. No. 66 of 1838)

Read also petition presented on the 21st July by Vegna Ammah of the Zillah of Combaconum.—

(Here enter Re. P. No. 79 of 1838)

The petitioner represents herself to be the wife of Vegna Ram Seshaiah, the Petitioner in Cases Nos. 21 and 22 of the Combaconum Calendar for the Sessions of 1838, who was convicted by the Court of Circuit of forgery and subornation of perjury and sentenced to imprisonment with labor for 7 years.—

23d July 1838.

The Petitioner in her first petition No. 66 asserts the innocence of the accused and affirms that the prosecution was malicious and instituted to gratify the personal prejudice of one Vegapare Seshaiah and that it was further informal and prays the suspension of the sentence until the Judges of the Sudder Adawlut have considered the record of the case.—

In the other petition the petitioner repeats the prayer of the former appeal and adduces further facts to prove the falsity of the charge and the insufficiency of the evidence to support it.—

The Petitioner is informed that the Calendar in which the cases are entered has been under the attentive consideration of the Court of Sudder Adawlut, and they see no reason to doubt the correctness of the Judgement of the Court of Circuit, and no grounds for their interference.—

Ordered, that the petition be rejected and that extract from these proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented by Calatur Paparedy of the Zillah of Chittoor.—

(Here enter Re. P. No. 76 of 1838)

1. The Petitioner prays the Court of Sudder Adawlut will interfere on his behalf and issue orders to the Magistrate of Tooth Ateat to investigate a charge brought by him against Ramkistna Reddy and

and others whom he accuses of having robbed him of property to the amount of 1700 Rupees; and that the Police of Chittoor the petitioner not again to speak and will treat him

2.

The Petitioner states that seven years past his house was robbed by the evil counsel of Ramiah reddy and that while he was preparing his charge against him and several others concerned, he was apprehended on a false charge brought by three very people of robbery and forgery, convicted and sentenced to 7 years' imprisonment and alleges that while under confinement he brought the circumstances of his case to the notice of Mr. Oakes, the Judge on Circuit, who promised to consult that nothing should be done for him, and that on the expiration of his sentence he was duly released - when he preferred his complaint of robbery against Ramkistna reddy &c. but had obtained no redress, but had been placed under restraint and transported from place to place by the orders of the Head of Police of Chittoor. who had been, he asserts, gained over by the wealth of Ramkistnareddy -

3.

Under the circumstances set forth in this petition, the Court of Sunjarare Gudalut direct that a translation thereof be forwarded to the Provincial Court of Circuit in the Centre Division for

who

who will be pleased to ascertain and report for the information of the Judges of the Sunjarare Gudalut on the correctness of the allegations set forth in the petition and with their report will submit copies of any proceedings which may have been held by them on the subject of this petition -

Ordered, that an extract from these proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance by precept returnable in 15 days from and after its receipt, and that copy of these proceedings be furnished to the petitioner on his application -

Sent following Precept. No 1100 -

Read again petition presented by Nagaraja Aroone of the Zillah of Guntoor -

(Here enter Dt. of No 30 of 1838)

Read again return dated the 8th May last from the Acting 1st Judge of the Court of Circuit in the Southern Division, to the precept of the Sunjarare Gudalut dated the 19th March 1838, forwarding for his consideration and report a copy of a petition presented to the Sunjarare Gudalut by Nagamanie, complaining of the sentence passed by the Court of Circuit on Chinna Veeda in Case No 38 of the Condaconam Calendar for the 2d Session of 1837 -

(Here enter No 1177 of 1838)

Read

Read also return dated the 5th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Southern Division, to the precept of the Conjoint Edictal dated the 18th June 1838, directing the transmission of the English translation of the Record of the Trial in Case No. 28 of the Combinacorum Calendar for the 2d Sessions of 1837.

(Here enter No. 1426 of 1838)

1. The Acting 1st Judge in his return of the 30th May last submits that the letter addressed to him by the Magistrate of Trichinopoly (of which a copy accompanied his return) shews that the prosecutor in Case No. 28 of the Combinacorum Calendar 2d Sessions 1837 is a person of desperate habits altogether undeserving of credit and accordingly the Acting 1st Judge recommends that the prisoner Chamia Pervodoo may be unconditionally set at liberty.—

2. The Court of Conjeeveram Edictal having attentively considered the record of trial No. 28, and the proceedings held before the Judge on Circuit, concur with him in opinion that the testimony of the prosecutor and of the 1st Witness is unworthy of belief, and being also of opinion that very little weight can be attached to the evidence addduced to prove that the property discovered in the house of the 1st prisoner belonged to the prosecutor, they resolve to annul the sentence passed on

on the prisoner in Case No. 28; but as from the evidence addduced the said prisoner appears to be of a character so dangerous as to render his release, without substantial security, unsafe and improper, the Court of Conjeeveram Edictal, under the provisions of Clauses 2nd and 3d Section X Regulation VI of 1827, direct that the said prisoner be required to find two sureties in (200) Two Hundred Rupees each duly, 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 term 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 Conjeeveram Edictal.—

Ordered, that Extract from these proceedings

proceedings be forwarded to the Acting 1st Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by precept returnable in 10 days, from and after its receipt, and that a copy of the Proceedings be furnished to petitioner Magamaree on his application.—

(Vide following Precept No. 1111

Read Extract from the Minutes of Consultation under date the 22d Instt., submitting for the consideration and orders of the Court of Oyer & Terminer the proceedings connected with the investigation conducted by Mr. Dickinson at Cuddapah.—

(Here enter No. 1341)

The 3d Puisne Judge desires his minute of the case to be recorded on the proceedings of the Court.—

Opinion of the Third Puisne Judge—

1. The late Mr. Buckley, at first, decided that grounds did not exist for his proceeding to the trial of the Prisoners, in the two cases No. 24 and No. 25 in the Cuddapah Calendar for the 2d Sessions of 1837, and remanded them to the Criminal Court on a minor charge.— But he subsequently directed their entire release by the Criminal Court.— I have already stated the opinion, to which I now adhere, that this proceeding involved

involved not only error, and inconsistency, but also illegality. Mr. Buckley's jurisdiction over these Prisoners depended solely upon the major offences on which they were committed for trial before him;— and, learning, as to these major crimes, dismissed them from the bar, and remanded them for a minor offence, to the distinct and independent tribunal, which alone could exercise jurisdiction over that separate crime, all subsequent interference on his part respecting them was contrary to law, and in my opinion most objectionable.—

2. Whether such interference of his, in their favor, was actuated by corruption, constitutes the subject of the inquiry conducted by Mr. Dickinson, the Commissioner appointed by Government under Regulation VIII 1822, upon the 2d instance of the 8th charge preferred by Mr. Pringle— Viz.t "that Mr. Buckley under the corrupt influence of "a considerable sum of ready cash, to him in hand "secured, commanded the immediate release of Chintoo "Nannah Reddy and Pitchiah from the charge of "fraud to which they stood subjected under a distinct "jurisdiction."—

See my minute called for by Government.

3. The absence of all specification of time, place or amount rendered this charge so obviously defective

Vide my minute 13th May 1838.

defective and judicially objectionable, that I considered it my duty to endeavour to induce the amendment, previously to the opening of the Commission; and I still think it would be a very dangerous precedent, for the acts of one of the highest functionaries of the Government, to be subjected to legal inquiry, upon ill-defined charges preferred by individuals — when means exist to render them precise and legally correct. In justice to the accused, as well as for the guidance of the Commissioner who is to inquire, and the satisfaction of the Government who are to decide, it seems desirable, before judicial investigation begins, into grave inquiries, such as this is, that the utmost care should be taken to render the charge as specific as possible.

4. It also appears to me that Mr. Dickinson has, in some degree, mistaken the proper nature of the duty which devolves on a Commissioner appointed by Government under Regulation VIII 1822. It is not his province finally to try and decide upon the charge, for that is the province of the Government exclusively. It is the Commissioner's duty merely to "investigate it, in such way as the Government may in each case direct — and to report thereon. It is true that

that in the Minutes of Council under date the 7th April 1838, Mr. Dickinson was directed by Government to pass his Judgement or decision; but such opinion of his, as well as his report, was clearly reserved "for "the final consideration of the Right Honorable the "Governor in Council."

5. Under this view of the duty of a Commissioner appointed under Regulation VIII 1822, he ought not, (as seems inferred in para 48 of Mr. Dickinson's report,) to consider himself as a Judge, confined to the evidence produced by either of the two parties at issue on the charge before him — and altogether precluded from the examination of other forthcoming testimony not adduced by them. The Government, in such grave inquiries, are as deeply implicated in the conduct and character of their servants, as either the accuser or accused; and the Commissioner, in order to collect the fullest testimony for their final Judgement, ought to seek the truth, wherever it is to be found. In this inquiry as to the bribe charged, it is remarkable that there has been no examination of either the person on whose behalf the bribe is stated to have been given — the District Moonsiff who is said to have delivered it.

or

or the actual carrie of the money, Venceta Reddy, and though, now that Mr. Bushby is dead, the verdict respecting his guilt, or innocence, ought to be regulated by that evidence alone which was taken when he was alive, I feel very averse to hazard a conclusive opinion, as to the conspiracy, which the Commissioner believes to have given rise to such testimony, in the absence of the evidence of these persons, the last witnesses in the case, as well as of others, who he states can throw light not only upon the proceedings in question - but on the character of the witnesses already examined by him - yet all of whom he has omitted altogether to question. - With these preliminary remarks, as to the great defects in this investigation, I proceed to state the impression made upon my mind, by the evidence, as taken by the Commissioner. -

6. From Mr. Angelo's own admissions, as well as from the evidence of the 10th, 2d, and other witnesses, it is clear that when Mr. Angelo, on the 15th January 1838, first submitted the 2d. Instance of his 6th. Charge against Mr. Bushby, he was not in possession of any of the information respecting the Smile

Smile of 1000 Rupees, adduced by him in evidence before the Commissioner - Mr. Angelo, indeed, had, in his letter of the 25th July 1837, as stated in this Court's proceedings of the 31st of that Month, accused Mr. Bushby "of corruption, upon what would appear "to be mere inference" - or as he terms it "inferential "Argument," which he afterwards converts into "unanswerable inherent proof." But, amongst all these epithets, I can discover no substantial fact - From mere error, inconsistency, illegality, or unintelligible construction of law, or even from the vindication of these erroneous proceedings by an after thought, I can trace no "combination or "connexion of "circumstance" whence to infer the enormity of Judicial corruption. My mind is unable to draw such an inference from premises so very inconclusive and insufficient - Mr. Angelo indeed states that he has searched his own mind, in vain, for any other motive - But this merely exhibits his own bias. The true motive for Mr. Bushby's acts is to be sought for in Mr. Bushby's own mind, not in that of Mr. Angelo; and it appears

appears to me that there is nothing in all the Bushby's erroneous, inconsistent, illegal, and objectionable proceedings in the two cases in question, which may not have originated in mere weakness and vacillation of mind, obscured by confused and tortuous ideas of the law. When his last explanation of the 30th October 1837, reached this Court I gave my opinion, at the time, that the ultimate ground upon which he attempted to vindicate his conduct was "a more after thought." Also, on his return of the 10th November 1837, wrote "this man ought never to be a Judge of Circuit "again." I see no cause to recall these opinions. But I cannot discover a tittle of evidence, or any legal presumption, of the Bushby's corruption, previously to the Angelo's accusation on the 15th January 1838.

7. From the omission therein of all allusion to the bribe of 1500 Rupees, it is clear that the evidence adduced by the Angelo's before the Commissioner respecting it, had not then reached the Angelo himself. There is no combating this startling fact. At the very outset, it must be admitted that the Angelo's first charge of the 15th January 1838 was not the result of evidence, previously obtained by him, but the more inference of his own brain; which assuredly, however

gave

gave birth to that evidence, upon which, on the 16th March following, he founded the modified charge, which has been subjected by the Commissioner to Judicial investigation. So extraordinary a transposition of cause and effect; the production of the evidence from the charge itself which, according to all legitimate Judicial proceedings, ought invariably to be the offspring, instead of the parent, of the evidence, taints the latter, from its source, with illegitimacy and suspicion.

8. The evidence itself is also stamped with other very peculiar characteristics. The bribe, which, when given at all, is usually given with some secrecy, is here previously discussed, prepared, counted, and finally delivered, with a publicity quite incredible, as if display, rather than concealment, were the object in view. And, whether it is to the preliminary consultation of Chenteos vessy with Rajah Row as to the bribe, to which the 13th and 14th witnesses depose, the counting of the money, which the 2d witness says was done in the presence of himself and the 3d witness, the departure of the cash from Rajah Row's house, seen by the 2nd and 3d witnesses, the keeping of the 4th and 5th witnesses. The seeing these two keeping by the 1st and 12th witnesses. or the actual delivery of the cash into Mr. Bushby's hands by Rajah Row and Veneat Rayo

all

all the witnesses named to support each separate fact are constantly coupled in the dual number - the precise standard of 2 eye witnesses, which the natives, so popularly believe that Europeans seem indispensable to conviction. Besides, they become gradually more numerous as the denouement advances, and secrecy becomes the more natural. - Attr. Buckley, with a bag of money in each hand, bowing his thanks to Veerat Reay, for them, is exhibited, according to the 2d. witness, not only to Rajah Row - and Veircat Reay - but to the that witness himself - as well as to the 4th. and 5th. sleeping inside - whilst the 1st. and 2d. witnesses catch only a partial glimpse of this scene - which none but a native could have imagined. -

Q. The bribe is alleged to have been given on Sunday the 15th. day of July 1837 only a few days after Attr. Buckleys arrival, and though known to so many, it is admitted that the fact was concealed by each, for many months - This is quite unaccountable - If true, there was no motive whatever to conceal the knowledge as many had obtained it, had such concealment indeed been practicable; and it not a little adds to the suspicion such long concealment

creates,

Z.G.

23d July 1838.

creates, to find that the knowledge is long ago acquired, is not recovered, until the necessity arose of establishing, by some kind of evidence, a charge originating in mere inference alone. This renders such avowals open to the still stronger suspicion, of being influenced by a desire to aid Attr. Angelo at his need, and thereby to recover the situations which the 2d, 4th. and 5th. witnesses had previously lost. -

10. With regard to the 1st. Witness in particular, the 10th. witness deposes that he told him - "that if Attr. Angelo were in office he would give him "a situation." - The influence under which his testimony was given is therefore, obvious; says Attr. Angelo's own witnesses; and I confess my inability to credit the implicit confidence which a stranger merely begging presents from Chinteo Reay - is stated to have obtained from that person - the equal implicit confidence he received from another stranger Rajah Row - or indeed the fact that any one about to give a bribe to Attr. Buckley would have employed, on such a service, one of the Lait Dens under an officer so much at variance with him as Attr. Angelo - The 2d. and the 3d. witnesses are at variance not only as stated by the Commissioner, respecting the former's presence

when

when the money was counted out at Nurse Reddy's house-
Sent as to who produced that cash - The 2d. witness says
"The Comaty produced some Rupees and counted them and
"tied them up in 2 bags -" whereas the Comaty the 3d.
witness, says that he himself produced merely 10 Rupees -
which he gave to Narrain Reddy, and that it was Venkata
Reddy who brought the 2 bags, one of which contained 500,
and the other "10 Rupees less than 500," which was made
up to 500 by the addition of the 10 Rupees which the 3d.
witness had brought - Now if this were true, it evidently proves
that the rest of the money had all been previously counted, -
and that the parties were merely waiting for the ten Rupees
the 3d. witness had promised to bring, in order to complete
the 1000 - There could therefore have been no occasion for
recounting the whole over again - Besides, to make up 1000
Rupees, a man who professed 990, was not likely to wait
for merely 10 Rupees from a debtor with no other object than
to render him a confidant in such a secret, by so
employing him to account the whole -

11. Another point noticed by the 8th witness
is that he accompanied the money from Narrain Reddy's
house to Rajah Row's, But, as he entered it not - can
perceive no object for his being ever taken there -

12. The 4th witness, another discharged
servant, accounts thus for his presence at the Encampment
of

of the charge "A Mr. Sykes's gardener had transferred to
"me a debt of half a Rupee due to him by Verna Naidoo
"= gaudoo, & therefore went to the Bungalow to ask for it" -
If this were true, should have expected that the witness would
have demanded the money from the debtor in question -
But this man says that he went to the creation, the
Gardener Gurgadoo, instead of to the debtor Noorboogaudoo,
to ask for it, which to me is quite an unaccountable
proceeding - It is also very remarkable as noticed by
the Commissioner that the story as to the sweeping by
himself and the 5th witness, was told first to the 2d
witness by the 4th witness, before it reached Mr. Angelo -
and through the 11th witness distinctly swears that
Mr. Sykes was all the time that he was at Cuddapah,
used never to leave his house on a Sunday, the 5th
witness who accompanied the 4th in sweeping, asserts
that he went there to make a complaint, and with
reference to what is stated in para 50 of the
Commissioner's report, it would appear to have been
impossible for the 4th and 5th, where they stood, to have
seen what passed within -

13. Concurring as I do in para 17 to 28 -
and para 32 to para 38 inclusive, of the Commissioner's
report,

report, I abstain from further details as to the evidence.
Briefly stating that, upon the evidence on record, I
consider Mr. Bushby entitled to an honorable acquittal,
from the charge preferred by Mr. Angelo.— I am
decidedly of opinion that the fine of 200 Rupees, imposed
by the Commissioner upon Mr. Angelo, exceeded the authority
vested in him by Section 4 Regulation VIII 1822.—

14. I have already stated why I deem
further evidence requisite, before this Court can arrive
at the Government further as to other ulterior proceedings
and being of opinion that the fullest enquiry is
necessary, for this purpose, I refrain from any
further expression of my sentiments, than that
the papers written by Mr. Angelo, in my opinion,
reflects much more on their author, than on those
whom he has attacked.—

14th July 1838.

(Signed) H. D. Campbell
3d Puisne Judge

Read letter dated the 16th instant
from the Joint Criminal Judge at Cuttack, D
requesting that he may receive authority to offer a
conditional pardon to "Lamoondy" the 4th prisoner
implicated in the murder of one Chinna Swamy,
but

Z.Z.

23d July 1838.

but in the event of the evidence not being sufficient
to procure the conviction of the principals in the murder,
suggesting that he may be authorized at his discretion
to make a similar offer to either the second or third
prisoners, in doing which the Joint Criminal Judge
stated that he will "of course select the one who from
"the deposition of the woman, or from any other light"
he "may obtain on the matter, may appear to him
"to have been the least actively Criminal".—

(Here enter No. 1503)

Under the authority vested in me
by Section XII Regulation XIII of 1832 the Court of
Conjoint Edict contain the offer of a conditional
pardon to the prisoner named

"Lamoondy"

which must be made in the terms prescribed in
the Circular Order of the 3d of April 1828, and in the
event of it being found necessary for the conviction
of the principals in the murder, the Joint Criminal
Judge is authorized to make a similar offer to
either of the other accomplices to the Crime, Viz.

"Columcay" or "Sultan Mootoo".—

Ordered, that extract from these
proceedings

proceedings be forwarded to the Joint Criminal Judge at Quedalore for his information and guidance.—

(Sent in No. 1112

Read letter dated the 9th instant from the Principal Sudr Ameen at Kovoy, submitting the Criminal Reports for the Months of June 1838.—

(Here enter No. 1483)

Case No. 35.

1.

The Court of Sujdaree Adawlut direct that the Principal Sudr Ameen will amend the sentence passed upon the 7th Prisoner in Case No. 35 of the Report No. V, which directs that in default of paying the fine imposed he be "closely imprisoned for two years in one of the rooms attached "to the Jail" in conformity to Section IV Regulation V of 1831, which provides that if offenders of this description shall omit or refuse to pay the fine, the Criminal Court shall sentence them to imprisonment, "in the Jail for Debtors," or the place where debtors are kept, in the Criminal Jail according to the character and situation in life of the offender.—

2.

In future the Principal Sudr Ameen will be careful that the several Reports transmitted monthly to the Court of Sujdaree Adawlut are stitched together in the present instance the Report No. VII has been sent up separately.—

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

at Poona for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1113

Read letter from the Joint Criminal Judge at Quedalore dated the 12th instant submitting the Criminal Reports for the Month of June 1838.—

(Here enter No. 1469)

Case No. 82.

The Court of Sujdaree Adawlut having respectfully ruled that the authority given to the Criminal and Joint Criminal Judges by Section II Regulation III of 1833 to overrule a sentence passed by a Sudr Ameen, does not intend the alteration of a sentence not contrary to Regulation, as respects the extent of punishment except where it may be either excessive or totally or insufficient to satisfy justice, the Joint Criminal Judge was not competent to enhance the punishment awarded by the Sudr Ameen in Case No. 82 of the Report No. 5 and his order extending the punishment to 6. Months must accordingly be cancelled.—

Ordered, that extract from these proceedings be forwarded to the Joint Criminal Judge at Quedalore for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1114

Read the Criminal Reports for the

Months

month of June last, submitted by the Principal Sudr Ameen at Sirsie thro' the Provincial Court of Circuit in the Western Division.—

(Here enter No. 1482)

The Provincial Court of Circuit will intimate to the Principal Sudr Ameen that the witnesses forwarded to this Court by the Joint Magistrate with the proceedings in Case No. 15 ought to have been examined as soon as they arrived — and as the prisoner has now been in confinement upwards of 3 months, the Provincial Court of Circuit will direct his immediate release if the injury received by the prosecutor is slight.—

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

Cent in No. 1115

Annamiengar of the Zillah of Chittoor moves the Court to return the enclosures in his Miscellaneous Petition No. 53 of 1838.—

Ordered accordingly.—

Read letter dated 17th Instant from the Criminal Judge of Chittoor, with reference to the Circular Order of the Conjoint Board dated No. 88 of 9th June 1837 submitting

E. L.
23rd July 1838.

submitting a Statement showing the amount realized by the labor of convicts during 2d quarter of 1838.—

(Here enter No. 1488)

Read letter dated 17th Instant from the Criminal Judge of Combaconum, with reference to the Conjoint Board's Circular Order No. 88 submitting a Statement showing the produce of convict labor, and the application of the funds arising therefrom during the second quarter of 1838 in the Zillah of Combaconum.—

(Here enter No. 1506)

Read letter, dated 16th Instant from the Acting third Judge late on Circuit in the Southern Division, transmitting Statement of Batta paid to the Prosecutor and witnesses in attendance before the Court of Circuit in the Zillah of Salem Ter. Sessions of 1838.—

(Here enter No. 1518)

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 25th July 1838 — Thomas Alexr Oakes Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read letter dated the 5th June 1838 from the 3d Judge on Circuit in the Northern Division transmitting the Record of Case No 1. on the Primary Calendar of the Special Sessions of 1838 held at Vizagapatam for the final sentence of the Foujdaree Udalut—

(Here Enter No 1235.)

1. In the concluding parah: of the Circuit Judge's letter referring the trial, a Mr Boileau observes that the transmission of No 5. will be deferred until the decision of the Court in the present Case (No 1) is known—

2. The Judges of the Foujdaree Udalut having determined not to pass sentence on Sunday Seganaikloo the 8th prisoner in this Case, till the proceedings held in Case No 5. shall have been considered by them, direct that the record of that trial be immediately transmitted—

3. With reference to the rebel Soocaat Peeroodoo who appears to have taken a most active part in the late disturbances—The Court of

of Tonjdaree Udalut resolve to call on the 3rd Judge late presiding at the Special Sessions to ascertain and report if any and what measures have been adopted for his apprehension.—

Ordered, that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Northern Division by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1120)

Read letter dated the 18th Instant from the 1st Judge on Circuit in the Western Division returning the death warrant of Vanraim Ramas, Prisoner in Case No. 19. on the Mangalore Calendar for the first Sessions of 1838 and reporting its having been duly carried into execution.—

(Here enter No. 1525)

Read return dated the 18th Instant from the Provincial Court of Circuit in the Northern Division to the precept of the Tonjdaree Udalut under date the 9th July 1838 requiring them to pass the mitigated sentence on the Prisoner Jaffeer Beary in Case No. 1. on the Primary Calendar for the 2d Quarter Sessions of 1838 to the extent of 3. Years imprisonment with hard labour.—

(Here enter No. 1532)

F. W.

At a Court of the Tonjdaree Udalut.

Present,

Saturday 28th July 1838. John Bird Esqre _____ 1st Puisne Judge
Thos. Alexander Oakes Esqre Actg 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated 6th July 1838 from the Additional Joint Magistrate of Canara, submitting the Explanation called for in the Proceedings of the Tonjdaree Udalut under date the 23d June 1838, desiring him to report what notice may have been taken of the Conduct of the native Police of Honore who were represented to have maltreated the Prisoners in No. 30. on the Honore Criminal Calendar.

(Here Enter F. R. No. 1457.)

1. The Joint Magistrate in this Explanation Certifies that had the Evidence appeared to him legally to fix the Offence on the Parties accused, it would have been his duty to Commit them to the Criminal Court, but as it rested entirely on the Statement of the accusers he did not consider that there were sufficient grounds to render this Step advisable.—

2. The Judges of the Tonjdaree Udalut observe that the Explanation submitted by the additional Joint Magistrate does not satisfy them that the Evidence adduced in Support of the Charge was legally deficient. The appearance of the Prisoners established

established that torture had been resorted to in the way stated by them, while it would appear that there had been sufficient grounds to induce the Joint Magistrate to believe the Dessadar implicated in the offence. The Court of Fouzdaree Adalut will not however disturb the proceedings of the Additional Joint Magistrate, but they desire that that Officer be informed, that in their opinion there appears to have been sufficient evidence to have justified the transmission of the accused to the Criminal Court.

Ordered, that Extract from these Proceedings be forwarded to the additional Joint Magistrate in Canara for his information and future guidance.

/ Sent in Nº. 1123. /

Read the Criminal Reports submitted by the Officiating Joint Criminal Judge at Tinnevelly

/ Here enter Nº. 1870. /

The Officiating Joint Criminal Judge having omitted to record in the Report the grounds of the commitment of the 1st prisoner in Case Nº. 36 and the grounds of the Sentence passed upon the 2nd prisoner in the same Case and of the Sentence passed upon the prisoners concerned in Cases Nos. 38 and 39. that Officer is desired to submit an explanation of the grounds of his Sentences in those cases, and in future to be careful to specify the

the same concisely in the Report itself.

Ordered, that Extract from these proceedings be forwarded to the Officiating 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. 1124 /

Read return dated the 14th Instant made by the acting 3rd Judge late on Circuit in the Southern Division, to the Precept of the Fouzdaree Adalut of the 29th June 1838, communicating their observations and orders on the Cumbacanum Calendars for the 1st Sessions of 1838.

/ Here enter Nº. 1487. /

1. In reference to the observations recorded by the Court of Fouzdaree Adalut on Case Nº. 30. of the above Calendar the Acting 3rd Judge explains that there was "no direct proof that the 2nd "prisoner knew that the child which he purchased of "the 1st prisoner had been Kidnapped," but that "he" (the Acting 3d Judge) inferred "that he could not "have been ignorant of it, from his own Statements "of the transaction before the Subordinate authorities "not being very consistent, and it being impossible "but that the child itself (a boy of 7. years old) must "have contradicted the 1st prisoner's assertion that "he was its father."

The

2.

The Court of Tonjdaree Adalut having already expressed their doubts of the legality of the Conviction of the 2nd Prisoner in Proof that he Knew that the Child was Kidnapped was wanting - they resolve to direct that the Trial No. 30 of the Combaconum Calendar for the 1st Sessions of 1838 be referred for their consideration, and the Acting 3rd Judge will be requested 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 forwarded to the Acting 3rd Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by Dacpt returnable in 20 days from and after its receipt -

/ Sent following Precpt No. 1125 /

Read Letter from the Acting Magistrate of Chingleput dated the 12th Instant reporting the outbreak of a party of 43 Convicts detached from Cuddapah and working at Structermator on the Great Western Road - Stating that in the efforts made to Capture them 8 Convicts were killed and 16 wounded - that 2 others were re apprehended, but that 20 Convicts effected their escape - that due intimation of this occurrence has been made to the Magistrate of Cuddapah, as well as to the Magistrates of the adjoining Districts, with a request that measures may

may be adopted for their re-apprehension, and Reporting that Mr. Swinton, the Assistant Magistrate was immediately deputed to assist Lieutenant Worster and to superintend the proceedings of the Police, and promising to lay before the Court such further particulars on the Subject as may be necessary -

/ Here Enter No. 1155. /

Also read Extract from the Minutes of Consultation under date the 17th instant, intimating that the Conduct of the Duffadar on the occasion in question, as described in Lieutenant Worsters letter to the Board of Revenue, (a Copy of which is annexed to the Minutes of Consultation of the 17th instant) is culpable to strong suspicion, and accordingly desiring the Tonjdaree Adalut to issue the necessary instructions if there be sufficient grounds, and they see fit, for having that person brought to trial, - and requiring the Judges to State to Government their sentiments as to whether any and what rewards ought to be offered for the apprehension of the Convicts who have effected their escape -

/ Here Enter No. 1509 /

1.

To enable the Court of Tonjdaree Adalut to determine whether sufficient grounds exist for the Trial of the Duffadar referred to in Lieutenant Worsters letter to the Board of Revenue of the 8th instant, it is necessary that the Judges should

should have before them the Examinations connected
with this escape taken, the Court conclude, before Mr
Swinton, translations of which the Magistrate is
accordingly directed to transmit to the Foujdaree Ada
without delay.-

2. Under Section IX of the Rules for
the Management of Convicts employed in the Provinces
published at Page 448. of the Official Gazette of 183
the escape of a Convict is required to be "immediately
reported" by the Officer in charge, "to the Magistrate
"of the District and to those of the adjoining Dis
"tricts as well as to the Judge of the Court from whence
"he came", accompanied of course with a List co
shewing the name, Sentence &c. of the Convict as
Extracted from the detailed List furnished to the Officer
under Section II, on the transfer of the Convict to his
Charge.-

3. But it occurs to the Judges of the
Foujdaree Adalut that it would facilitate the re-
apprehension of fugitive Convicts, if, on receipt of the
report prescribed by Section IX, the Judges of the
Court from whence the Convict was transferred were
to communicate to the Magistrate of the District
the Taluk Police Officers by whom the prisoner was
forwarded to the Criminal Court in order that search
may be made in the Village in which the Convict
may have formerly resided, and accordingly the H.

Provincial

Provincial Courts of Circuit are hereby enjoined to
issue instructions to this effect to the Several Criminal
and Joint Criminal Judges and Principal Sudr
Ameens within their Division.-

4. With respect to whether any and what
rewards ought to be offered for the apprehension of
the Convicts who have effected their escape, the Court
of Foujdaree Adalut are of opinion that it should
be left to the respective Magistrates to whose
Districts the Convicts in question may belong to
determine the necessity or otherwise of the offer of
a reward for their re-apprehension and if in any
particular case in the present instance the Magistrate
of Cuddapah should deem it expedient that a co
reward should be offered for the re-apprehension of
a Convict, he is requested to observe the Circular order
of the Foujdaree Adalut of the 16th of May 1832.-

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. 1126.-/

Ordered also, that Paras 1 to 4.
of these proceedings be forwarded to the Magistrate
of Chingleput - Para: 4 to the Magistrate of Cud-
dapah and Paras 2 and 3. to the H. Provincial co
Courts of Circuit for their information and co

guidance

guidance respectively -

/ Sent in Nos. 1127, 1128 & 1129 -

Read letter dated the 14th Instant, from the Acting 2nd Judge on Circuit in the Southern Division, reporting his intention of opening the 2d Sessions of 1838 at Tinnevelly on the 7th Augt.

/ Here enter No. 1485. /

Read letter dated the 19th Instant from the 1st Judge on Circuit in the Northern Division, reporting his intention of opening the 2d Sessions of 1838 at Cuntoor on the 6th August next.

/ Here enter No. 1521. /

Read letter, dated the 16th Instant from the 2d Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the 3d Quarter Sessions of 1838.

/ Here enter No. 1528. /

Read letter dated the 21st Instant from the Acting 3rd Judge late on Circuit in the Southern Division, transmitting the Statement of Batta paid to the Prosecutors and witnesses in attendance before the Court of Circuit in the Auxiliary Court of Coimbatore 1st Sessions of 1838.

/ Here enter No. 1530. /

W.B.
D.P.C.
W.B.

4 W.J.

Fol. 6.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Monday 30th July 1838. Thomas Alexr. Oakes Esqre. Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Petition presented on the 2nd July 1838 by Ramasawmy Moodelly of Chingleput.

W.B.
D.P.C.
45

(Here enter No. P.C. No. 714 of 1838.)

1. The Petitioner representing himself to be the son and Vakeel of Kalateetah Moodelly complains of the extortion of his father's signature to several documents and the bodily maltreatment his father suffered from one Dr. Samy Naick.

2. The Petitioner states that in February last, he, as his father's Vakeel, brought a charge against Dr. Samy Naick before the Head of Police in the Peria Pollam Talook, who referred the depositions taken on the occasion, with a Mazzernamah and a Rubbegutnamah descriptive of his father's state, to the Magistrate. The Magistrate refused to listen to the charge unless made by Kalateetah Moodelly in person, with which order the petitioner asserts his father unable to comply, owing to his great bodily sufferings, arising from the cruel treatment experienced

experienced from Dr. Samy Naicker, and prays the
Court will send for the proceedings held before
the Head of Police and pass an order in his favor.

3.

The Petitioner is informed that
the Magistrate of Chingleput has reported
that it is the intention of the Assistant Magis=
trate to proceed to Peria Pollam in order to in=
vestigate on the spot these charges preferred
against Samy Naick, and the result of the in=
vestigation will be reported to the Court of Sou=
daree Udalut for their information and orders.—

Ordered, that the above be com=
municated to the Petitioner, and that Extract from
these proceedings be furnished to the Petitioner
on his application.—

Read Petition presented on the 9th
July 1838 by Rama Kistna Moodelly of the
Zillah of Chingleput.—

(Here enter M. P. No. 81 of 1838.)

1.

The prayer of this petition is to
obtain the confinement and punishment of one
Seru Rami Moodelly, who is represented to be a
cruel and daring robber.

2.

A petitions of the nature of that
presented by S. Rama Kistna Moodelly is altogether
inadmissible, and the Petitioner is informed that if
he has any Complaint to prefer against any of
the persons referred to in his petition he must address
himself

30th July 1838.

himself to the Magistrate of the District.—

The Petition is rejected, and an Ex=
tract from these proceedings is ordered to be fur=
=nished to the Petitioner on his applications.—

Read Miscellaneous Petition pre=
sented on the 9th July 1838 by Lutchmy and
Nagary Ammay of the Zillah of Chingleput.—

(Here enter M. P. No. 82 of 1838.)

1.

The Petitioners representing them=
=selves to be the relations of the 3rd and 4th Prisoners
in Case No. 9 of the Chingleput Calendar for the
2nd Sessions of 1838, who have been convicted and
sentenced by the Court of Circuit to imprisonment
Vide for fourteen Years, on what the Petitioners allege
was a false and malicious charge of gang robbery,
pray that orders may be issued for their release.—

2.

The Petitioners are informed that
there is no appeal authorized by the Regulations
from the sentence of a Court of Circuit, and that
the Court of Soudaree Udalut having referred to
the Calendar, see no room to question the correct=
=ness of the judgment of the Court of Circuit
in the case in question.—

Ordered, that this Petition be
rejected, and that Extract from these Proceedings
be furnished to the Petitioners on their application.—

Read petition presented on the 16th
July 1838 by Vencata Rama Iyer Vakeel of the
Valleyammay

30th July 1838.

Valleyammah of Sambaconum.—

(Here enter M. P. No. 83 of 1838.)

1.

The prayer of this petition is the same as that of Nos. 1. 8. 14 and 23. of 1838 preferred by Nanasseyapa Moodely namely that an order may be passed for the release of Subapathy Moodely prisoner in Case No. 43. of the Sambaconum Calendar for the second Sessions of 1837, convicted before the Court of Circuit of a gang robbery accompanied by wounding and plunder of property to a large amount and sentenced to imprisonment with labor in irons for fourteen years, and to receive 195 lashes of a cat of nine tails.—

2.

The petitioner represents herself to be the wife of the prisoner and alleges that there existed a private feud between the Prosecutor and the prisoner, which induced the former from motives of malice and revenge to trump up this charge and support it by false evidence.—

3.

The Court of Sungdaree Udalut direct that the petitioner be referred to the orders passed by the Sungdaree Udalut under dates the 29th January, 19th February and 5th of March last on the previous applications made to this Court for the release of the prisoner Subapathy Moodely and that it be intimated to this petitioner that any further application on the subject of this address will not be received.—

Ordered

Fo 16

30th July 1838.

Ordered accordingly, that this petition be rejected, and that Extract from these proceedings be furnished to the petitioner on her application.—

Read letter dated the 9th Instant from the Magistrate of Bellary, submitting with reference to this Court's letter of the 16th Ultimo, a further communication from the Acting Joint Magistrate on the subject of the admission of the prisoner "Ramjee" as an approver against the gang concerned in certain Robberies committed in the Bellary District.—

(Here enter No. 1489.)

1.

In the letter recorded above, the Acting Joint Magistrate explains that he is "too decidedly of the opinion that the evidence "produced against Ramjee prevents" his "releasing him," and that unless therefore the Judge "order otherwise," he must be "sent up for Trial;" but that before taking this step he considers it his duty to explain that the said Ramjee is capable of giving evidence of much importance, and he urges his being admitted as an approver, on the ground, that it was owing to the encouragement held out to this man of a pardon, or being made an informer, that he gave such effectual aid in apprehending the gang.—

2.

The Court of Sungdaree Udalut fully concur in opinion with Mr. Pelly that it would be

advisable

advisable to take advantage of the said Ramjee's evidence, but the question is whether it can be done legally.—

3. The Court of Foujdaree Udalut has not the power to grant a conditional pardon to an actual perpetrator of a murder or Robbery, as there appears reason to believe Ramjee was, but if the Acting Joint Magistrate can satisfy himself that this Prisoner must thereby as necessary, the Court of Foujdaree Udalut will authorize his being admitted to give evidence against his associates, and in this event the said Ramjee may be sent up as a Witness, care however being taken that he be put upon his Trial if he should not perform the conditions of the pardon which must be offered in the form prescribed in the Circular Order of the Foujdaree Udalut of the 5th April 1828.—

4. If the Joint Magistrate deems Ramjee one of the actual Perpetrators of the murder, and yet considers his evidence essential to the ends of justice, he may request the Magistrate to submit his sentiments to Government, whose power of pardon is not fettered, as that of the Foujdaree Udalut is, by the enactments in the Code.—

5. With respect to the Statement made by the Acting Joint Magistrate in the

concluding para: of his letter to the Magistrate of the 27th Ultimo. that in "the case of Lingadoo "whose admission as an approver was sanctioned "by the Court of Foujdaree Udalut in November "1836" he "understands his evidence was set aside "by the Criminal Court, and he was apprehended "by that Court as a prisoner in a separate case "in which he had not been sent up to the Court "by the Magistracy" the Court of Foujdaree Udalut resolve to call upon the Criminal Judge of Bellary to report, with reference to the remarks on Case No. 53. as entered in the Supplemental Criminal Report for July 1836, and to the proceedings of this Court of the 6th February 1837, whether the said Lingadoo was "sent back to the Magistrate," and by him again forwarded to the Criminal Court, and if not, upon what grounds he was brought before the Court of Circuit for trial.—

6. And adverting "to the State of the "Nurpunhully Talook," which "for the last two "years" is represented to have "been so disturbed "by the daring acts of Robbers," the Court of Foujdaree Udalut resolve to call upon the Magistrate to shew whether the state of the Nurpunhully Talook was brought to the notice of Government, and why it was left in the defenceless state it is shewn by Mr. Petty to have been.

The

30th July 1838.

7. The Magistrate will also report whether any, and if any, what measures were adopted by him on the receipt of the Joint Magistrate communications of the 28th January and 20th of April last, for the better protection of the Talook of [redacted] purpuntully - and what is the exact state of that Talook at the present period.—

Ordered, that Extract from these proceedings be forwarded to the Magistrates of Bellary for his information and guidance, by precept returnable in 10. days, from and after the receipt.—

(Sent following precept No. 1134)

Ordered also, that para: 5. of 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. 1135)

F. W.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 31st July, 1838.

John Bird Esqre ——— 1st Puisne Judge.
Tho.s Alexander Oakes Esqre 2nd Puisne Judge.
Alex.r Duncan Campbell Esqre 3rd Puisne Judge.

Read letter dated 30th June 1838 from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division transmitting for the final Sentence of the Foujdaree Udalut the record of Case No. 8 on the Masulipatam Calendar for the 2nd Quarter Sessions of 1838.

(Here enter F. R. No. 1422.)

1. The Prisoner in this Case Camoo-koloo Seetamah stood charged before the Court of Quarter Sessions with having at 9 o'clock A. M. on the 23d December 1837 killed the Prosecutor's Son Venkiah, of 10 years age, by breaking his head, apparently with a grinding Stone, and taken the golden Jewels on his person to the value of 98 Rupees and 4 Annas.—

2. The Court of Foujdaree Udalut observe that it is difficult to believe that the Prisoner Camoo-koloo Seetamah, in all the transactions connected with this murder, acted alone; and they are of opinion that the Record of this Case contains matter to infer that the Brother was concerned as an accessory after the fact

fast if not more actively employed in this cruel murder.

3. The discovery of the corpse of the murdered child with Jewels still in its ears, the hole in the house sufficiently large to contain the corpse, and the great delay experienced by the relations on the Evening of the day on which the Murder was committed in gaining admittance into Seetamah's house, the door of which was eventually opened by the brother in an angry and domineering manner, can hardly be reconciled with total ignorance on his part of the circumstances of the murder, while it might support the conclusion that Seetamah and Boddaparty Suggiah, having been disturbed in pitching the body of the murdered child over the grave which they had dug for it, threw it into the well of the neighbouring house, as the first fit place for concealment which presented itself to them; and this supposition is strongly borne out by the evidence of the Prosecutor before the Court of Circuit, in Page 9th on the Record of the trial, where it is stated, that a Brahmin Pasoomurty Ramoodoo, mentioned to him, that Suggiah had declared that his sister Seetamah was the party who killed the child, and that when the parties in search of the boy arrived at her, Seetamah's house on the Evening of the murder, she, before opening the door, had desired him, Suggiah, to carry the corpse

and

and throw it in a well, saying they would surround the house and no danger would occur to him, and that he accordingly took it out from the house and threw it in the well. The truth of this assertion does not appear to have been any where supported. The Court of Tonjadaree Adalut before coming to any final decision in this case resolve to direct that the above mentioned person, Pasoomurty Ramoodoo, be sent for and examined, as to whether the alleged conversation really took place, and as to his knowledge of any matters in any way connected with the murder, and that the Assistant Judge be desired to ascertain, and to procure if possible, any evidence that may be forthcoming to establish the existence of an accomplice in this case.

4. The Assistant Judge will also submit an Explanation of the grounds on which Boddaparty Suggiah was released when the Evidence appeared so strongly to establish the fact of his being an accessory after the fact, so far at least as concerned his knowledge of the murder, which in the opinion of the Court of Tonjadaree Adalut is almost inseparable from his presence in the house of his sister.

5. The Court of Tonjadaree Adalut observe that altho' there are strong grounds for discrediting the confession of Seetamah before the Head of Police, so far as it imputes the commission of the murder

murder to Tommalapillay Lutchmiah- Yet they are of opinion that it would be advisable under the circumstances of the case that he should be Examined and required to shew where he was and how he was Employed on the 23rd of December 1837-

6. The Court of Foujdaree Udalut accordingly direct that the record, English and Persian, of this case be sent to the Judge presiding at the Presidency quarter Sessions, with instructions to issue a Precept to the Assistant Judge at Masulipatam, requiring him to cause the attendance of the parties above referred to in order to obtain all further forthcoming Evidence in the case, to be taken in the presence of the Prisoner, who will be allowed to cross examine the new witnesses and to urge any thing further in her defence- He will also submit the Explanation called for in Parah 4-

7. The Judge presiding at the Quarter Sessions will annex an English and Persian translation of the additional Evidence so taken to the Record, and will retransmit the same for the consideration and final Judgment of the Court of Foujdaree Udalut-

Ordered, that Extract from these proceedings with the whole record of the Case be sent to the Judge Presiding at the Quarter Sessions by Precept, returnable within One Month from and after its receipt-

Sent following Precept No 1137/-

U.U.

At a Court of the Foujdaree Udalut

Present

Thursday 2d August 1838- John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Oakes Esqre —— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

Read letter dated the 21st Ultimo from the Acting 2d Judge on Circuit in the Centre Division reporting with reference to the proceedings of the Foujdaree Udalut of the 18th June 1838 that he has carefully looked into Case No 187 of the Calendar Criminal &c, and that he is of opinion that the Case ought to have been committed- that the minute statements of the witnesses were in favor of the conviction of the prisoner of the murder, but that their contrary statements before the Criminal Judge gave rise to 7 Cases of perjury which are included in the Calendar now before the Acting 2d Judge- that it is desirable therefore that the entire case should come before one person-

1. The Acting 2d Judge proceeds to observe that he is aware that a Criminal Judge can take security in any case which comes before him, but that under the circumstances of the present case, if security were necessary, the Circuit Court was in his opinion the authority to demand it;- and the Acting 2d Judge concludes

concludes therefore by submitting that, as a reference of all the proceedings in the Case will occasion a very unprofitable delay, and will also oblige him to postpone the Cases of Perjury, the Case No. 187 be at once committed to the Circuit Court.—

(Here enter No. 1523)

2. The Acting 2d Judge having in compliance with the orders of the Conjeeveram Cutcherry of the 8th of June 1838 directed such further enquiry to be made by the Criminal Judge into the charge of Murder, as appeared to him to be requisite for the ends of justice, the record must in conformity to the provisions of Section XXIII Regulation X of 1816 be communicated to the Judges of the Court of Circuit collectively for their orders on the Case; and in the meantime the trials for Perjury arising out of the charge for Murder should be postponed, and the Prisoners concerned therein released on security.—

3. But with reference to para.s 3 and 5 of the letter referred to above, the Court of Conjeeveram Cutcherry would record their opinion, for the information of the Acting 2d Judge, that if there were reasonable ground to believe that the evidence for the prosecution would not be found sufficient for the conviction of the Prisoners, on the charge of Murder, the Criminal Judge adopted the proper course by holding them to security under para 3. of the Circular Order of the Conjeeveram Cutcherry of the 28th July 1829. page 174 of the printed Book.—

Ordered, that extract from these proceedings be forwarded to the Acting 2d Judge on Circuit in the Centre Division for his information and guidance.—

(Sent in No. 1140

Read letter dated 6th Instant from the Acting 2d Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit Southern Division at Madura, the state of the Calendar, and the Cause of the delay.—

(Here enter No. 1577 of 1838)

Read statement dated 1st Instant from the Assistant Criminal Judge in charge of the Zillah Court of Salem, of the amount realized by the labor of the Prisoners in the 2d Quarter of 1838.—

(Here enter No. 1544 of 1838)

Read letter dated 23d Instant from the Acting 2d Judge on Circuit in the Southern Division, reporting his intention of opening the 2d Session of 1838 at Combaconum on the 1st September next.—

(Here enter No. 1548 of 1838)

Read

2d August 1838.

30th

Read letter dated 28th Ultimo from the Acting Magistrate of Trichinopoly, submitting the explanation called for in Conjeveram Circuit Proceedings of the 3d Ultimo relative to the delay on the part of the Police Officers of the Goondoor Taluk of Trichinopoly in transmitting Cases Nos. 148-159-168 on the Conjeveram Calendar to the Criminal Court

(Here enter No. 1557 of 1838)

Read letter dated 24th Ultimo from the Judge on Circuit in the Western Division, reporting his having opened on the 2d July the Sessions at Calicut and the state of the Calendar.-

(Here enter No. 1559 of 1838)

Read return dated 28th Ultimo from the Acting Joint Criminal Judge of Salem, to the Proceedings of the Conjeveram Circuit under date 17th July 1838, conveying the remarks and orders of the Criminal Court for the Month of June last.-

(Here enter No. 1565 of 1838)

Read return dated 27th Ultimo from the Acting 1st Judge Sitting on Circuit in the Southern Division, to the Precept of the Conjeveram Circuit under date 23d July last, directing the annulment of the sentence of 14 years' imprisonment passed on Chinnadoray Varadoo, prisoner in Case No. 28 of the Conjeveram Calendar for 2d Sessions

J.L.

2d August 1838.

Sessions of 1837, and the demand of security from him for his future good behaviour and appearance.-

(Here enter No. 1566 of 1838)

Read letter dated 27th Ultimo from the 3d Judge Sitting on Circuit in the Northern Division, forwarding the Statement required by Circular Order No. 4.-

(Here enter No. 1573 of 1838)

Read statement dated 23d Ultimo from the Acting Joint Criminal Judge at Masulipatam of the amount realized by the labor of the Prisoners in the Masulipatam Jail, during the 2d Quarter

L.A.Q.

[redacted] of 1838.-

(Here enter No. 1574 of 1838.)

Read letter dated the 20th ultimo from the 3d Judge of the Provincial Court of Circuit in the Eastern Division, submitting his Report on the 1st and 2d Quarterly Sessions of 1838 held at Ellichpoor.-

(Here enter No. 1538)

The above Report not requiring any remark from the Court of Conjeveram Taluk.-

Ordered, that a Copy thereof, together with

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 Ao 1141

3d U.

At a Court of the Foujdaree Udalut
Present,

John Bird Esqre _____ 1st Puisne Judge

Saturday 4th August 1838 — Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

JB — Alexr Duncan Campbell Esqre 3d Puisne Judge

L.A.C.

45

Read again letter dated the 5th June 1838 from the 3d Judge on Circuit in the Northern Division, transmitting the Record of Case No 1 on the Primary Calendar of the Special Sessions of 1838 held at Vizagapatam for the final sentence of the Foujdaree Udalut—

(Here enter No 1335.)

Read also letter dated the 7th June 1838 from the 3rd Judge on Circuit in the Northern Division, reporting the death of the 2nd prisoner Cungalah Medatanah in Case No 1. on the Primary Calendar for the Special Sessions of 1838—

(Here enter No 1226)

Mr Oakes and Mr Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the 1st

Cazee-

Cazee-ool-Coozat and Mooftees aforesaid, so far as it convicts the prisoners

3rd Coonchungee Boodeegaudoo
1st Conagherry Atchiah
and
8th Pundah Joganaikloo

of murder and awarding Corroboration and under the provisions of Section X. Regulation VIII. of 1802 sentence the prisoner

3rd Coonchungee Boodee[redacted]

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 Joint Criminal Judge in a public route, near to the place where the murder was committed; his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot: the prisoner

4th Conagherry Atchiah

to be transported to such place 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 the Court being of opinion that the proof against the prisoner

1st Puppalah Mullah

is sufficient to convict him of (assisting) in the murder, do under the authority with which they are vested by Clause first Section II. Regulation I.

of 1818 convict him thereof and under the provisions of Section X. Regulation VIII. of 1802 sentence the said prisoner to be hanged so soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Joint Criminal Judge in a public route, near to the place where the murder was committed, his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot.

The Court defer passing sentence on the prisoner

8th Pundah Joganaikloo

till the proceedings held in Case No. 5. shall have been received and considered by them.

(Sent following letter No. 1145)

Read letter dated the 17th Ultimo from the Acting 3rd Judge late on Circuit in the Southern Division, transmitting the record in Case No. 14 on the Salem Calendar for the 1st Sessions of 1838.

(Vide Enter No. 1519)

Mr. Bird
and
Mr. Oakes

The Court of Sudder Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the

the prisoner

Iroomalay

of murder, and do accordingly commit him thereof,
but being of opinion that there are alleviating circumstances in the case which would render the
punishment to which, under the finding of Assessors
declared in that Sentence, the prisoner would be
liable under the provisions of Section X. Regula-
tion VIII of 1802, too severe, the Court sentence
him to be transported to such place beyond Seas,
as the Governor in Council shall appoint, there
to be imprisoned and kept to hard labor in irons
on the public roads, or other public works, for
and during the period of his natural life.—

(Sent following letter No 1145.)

WB

L.P.O.

(Read letter, dated the 20th Ultimo,
from the 1st Judge on Circuit in the Western Di-
vision, reporting the closing of the 1st Session
of 1838 on the 20th Ultimo, and his intention
to return to the Sudr Station as soon as possible

(Here Enter No 1536.)

1st August 1838.

F.C.

Monday
6th August, 1838.

WB

L.P.O.

WB

Case No III.

F.C.

At a Court of the Conjeeveram Zillah.

Present,

John Bird Esqr. ——— 1st Puisne Judge,

Thomas Rose Parker Esqr. ——— Acting 2d Puisne Judge

Alexr. Duncan Campbell Esqr. — 3d Puisne Judge,

Read the Criminal Reports for the
month of June 1838 submitted by the Criminal Judge
of Chittoor.—

(Here enter No 1471.)

1. The prisoner concerned in Case No III of the above Report not having been charged with "breaking into the House of the prosecutor, the Court of Conjeeveram & doubt exist to be informed how Clause 6th Section II Regulation VII of 1822 was considered applicable to the case of the 10th prisoner.—

2. The Criminal Judge is also required to explain upon what authority the prisoner "Comaroo," included in the Report No 6, was "removed to the Camp Cooly on the 16th of June 1838."—

3. And referring to the abstract in the Report No 8 the Criminal Judge will explain why the 7 Cases, containing 16 prisoners, "committed in previous months," were not laid before the Court of Quarter Sessions in all June.—

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Chittoor

Chittoor for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 1147

Read the Criminal Reports for the month of June 1838 submitted by the Criminal Judge of Madalaur.—

(Here enter No 1496)

Case No 106. 1. It appears from the remarks recorded on Case No 106 that the prisoner was committed and furnished under Section III Regulation IX of 1832 as having preferred a false Complaint on the ground that it did not appear from the "Calook proceedings that the Prosecutor had "a pauttah the Prisoner" neither was there "any evidence on "behalf of the Prisoner to prove that he had not preferred "a false Complaint"—

2. Proof of the affirmative, not of the negative, is of course requisite in such Cases, and the Court of Sunjaore Udalut having no evidence to justify the commitment of the prisoner, they desire that he be forthwith released from confinement.—

3. If the Criminal Judge has not already communicated the remarks recorded on Case No 129 to the Magistrate of the District, he will proceed to communicate them with a copy without delay.—

Ordered

6th August 1838

Ordered that extract from these proceedings be furnished to the Criminal Judge of Madalaur for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 1148

Read letter from the Criminal Judge of Bellary submitting the Criminal Reports for the month of June 1838.—

(Here enter No 1622)

1. From the remarks recorded by the Assistant Criminal Judge in Case No 62 the Court of Sunjaore Udalut gather that that officer entertained no "doubt of the fact" of the two prisoners having been put into "Prosecutor House" accordingly the Court of Sunjaore Udalut are of opinion that the sentence passed by the Assistant Criminal Judge was a punishment altogether inadequate to the offence, while the Regulation granted under which the punishment was awarded is not in any way applicable.—

2. The sentence in this respect must be amended; but the Court of Sunjaore Udalut will give the prisoners the benefit of the lenient sentence passed upon them by the Assistant Criminal Judge.—

Case No 89. 3. And with reference to the sentence passed by the Assistant Criminal Judge in Case No 89 the Criminal Judge will point out to Mr Hawkins that

on examining the Calendars laid before him under Section XXIII Regulation X of 1816 look particularly into the proceedings held in this case, and should it appear to him that a further enquiry is practicable and requisite for the ends of Justice, he will direct such additional enquiry to be made by the Acting Joint Criminal Judge, and the result to be communicated to the Judges of the Court of Circuit, requesting for their orders.—

Case No 35. 3. The Acting Joint Criminal Judge will request the Magistrate to cause the Head of Police of Ellore to furnish information in respect to the period when the prisoner in No 35 was apprehended, and the date on which he left the Cabook for the Station of the Cumlum Court: the date of the prisoner's arrival must of course be known to the Acting Joint Criminal Judge and it should have accordingly been entered in the Criminal Report.—

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 5 days from and after its receipt.—

(Sent following Precept No 1151

Ordered also that Paras. of these proceedings be forwarded to the Provincial Court of Circuit

Circuit in the Northern Division and of Paras 2. to the Judge presiding at the 3d Quarterly Sessions of the present year for their information and guidance respectively by precept returnable in 15 days from and after its receipt.—

(Sent following Precepts No 1152 & 1153.

Read the Cuddapah and Cumlum Criminal Reports for the Months of June 1838 submitted by the Criminal Judge of Cuddapah.—

(Here enter No 1512.)

Cumlum Case No 23. 1. In Case No 23 of the Supplemental Report the Principal Sudr Ameen of Cumlum has sentenced the prisoner, a female, to 7 Months imprisonment with hard labor in irons under Clause 4th Section VII Regulation VII of 1822.—

2. The prisoner does not appear to have been even charged with house breaking, nor does the theft appear to have been attended with any circumstances of aggravation: the prisoner therefore would appear to have rendered herself liable only to the punishment prescribed by Section VII Regulation X of 1816, but before returning the sentence as far as respects the period of imprisonment, the Court of Foujdaree Adawlut deem that the Principal Sudr Ameen be called upon for an explanation of his sentence.—

In

6th August 1838.

3. In the meantime however the Court of Conjeeveram Vedantist desire that the female Convict be put to labor suitable to her sex, and without irons.—

Cuddapah Case No. 38. 4. The Court of Conjeeveram Vedantist being of opinion that no sufficient grounds have been shewn for the demand of security in Case No. 38, they desire that the prisoners may be unconditionally set at liberty.—

Case No. 84. 5. The sentence passed by the Pundit Chor Ameen upon the prisoners in Case No. 84 being illegal the Court of Conjeeveram Vedantist desire that the sentence be immediately set aside.— This is a judgment which should have been at once over ruled by the Criminal Judge himself, under Clause 1st Section II. Regulation III of 1833, as illegal and "contrary to the Regulations".—

Cases Nos. 66 and 92. 6. In Cases Nos. 66 and 92 the prisoners have been held to security because two witnesses had sworn that they confessed the Crime, charged against them before the Police;— such confession having been declared in the Circular Order No. 30 insufficient to warrant an order for the requisition of security, the Court of Conjeeveram Vedantist desire that the prisoners in those Cases be released unconditionally.—

Case No. 107. 7. The Court of Conjeeveram Vedantist are also of opinion that sufficient grounds do not have been shewn for the

Ed.

6th August 1838. the requisition of security from the Prisoner concerned in Case No. 107, and they direct therefore his unconditional release from confinement.—

8. With reference to the Statement of extra Peons employed in the Jail at Cuddapah during the month of June 1838, the Court of Conjeeveram Vedantist desire that the Criminal Judge be informed that the employment of 2 Cuffoodars and 2 Naiques are not authorized when the number of Peons amount to only 25.—

Ordered, that extracts from these Proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and guidance by Precept returnable in 7 days from and after its receipt.—

Sent following Precept No. 1154.

Ex. W.B.

F. 46.

At a Court of the Tonjdaree Adalut

Present

Tuesday
7th August 1838

John Bird Esqre _____ 1st Puisne Judge
Thomas Alexr Oakes Esqre Officg 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

L.A.O.
45

Read letter dated the 11th June 1838 from the 3rd Judge on Circuit in the Northern Division referring for the final sentence of the Court of Tonjdaree Adalut the record of Case No. 1. on the Supplemental Calendar for the Special Sessions of 1838 held at Vizagapatam.

Mr Oakes
and
Mr Campbell

/ Here Enter No. 1275 /

The Court of Tonjdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftee of the Tonjdaree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, convicting the prisoners

4th Conagharry Atchiah
11th Payala Mulladen
and
13th Pindah Jaggainaikloo

of gang robbery and awarding Dohoobut and acquitting the prisoners.-

1st Puppala Mulliah
3rd Conchumgee Boddegandoo
5th Yapandy

5th Yapanty Norkalo
6th Sarrikay Gungalo
7th Sanbah Gungalo
8th Gullalah Gungalo
9th Mantah Boddiah or Chittiah
10th Tarravah Gungalo
12th Bondah Nolliah or Bentah Jyapah Syrmah

and under the provisions of Clause third Section IV Regulation XV of 1803 do Sentence the Prisoner

11th Dayala Malladoo

(the 4th Prisoner having in Case No. 1. of this Calendar been Sentenced to transportation and the Sentence on the Prisoners being deferred till the proceedings in Case No. 5 shall have been considered) to be imprisoned and kept to labor in irons on the public roads or other public works for and during the period of fourteen years and direct that the Prisoners

5th Yapanty Norkalo
6th Sarrikay Gungalo
7th Sanbah Gungalo
8th Gullalah Gungalo
9th Mantah Boddiah or Chittiah
10th Tarravah Gungalo
12th Bondah Nolliah or Bentah Jyapah or Syrmah

be released -

The first and third Prisoners in this Case have in Case

No. 1. of the same Calendar been Sentenced to be hanged -

1. The Court of Foujdaree Adalut observe that they are unable to place any reliance on the Evidence of the 3 first witnesses for the Prosecution who in the opinion of the Court differ so materially in their testimony before the Magistracy and the Court of Circuit and Criminal Court as to render their Evidence unworthy of all Credit -

2. Under this view the Court of Foujdaree Adalut have acquitted all the Prisoners in this Case, with the Exception of the 4th 11th and 13th who have been convicted on their own confessions, and it is accordingly directed that the 5th 6th 7th 8th 9th 10th & 12th Prisoners be unconditionally set at liberty - The first and third have been Sentenced in Case No. 1. of the Primary Calendar -

3. The Court of Foujdaree Adalut do further direct that the Magistrate of Vizagapatam be informed that the want of all Exertion on the part of the Magistracy, in procuring the attendance of the injured party, and their lukewarmness in collecting and producing all the Evidence forthcoming on this occasion, has not passed unnoticed by them -

Ordered that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Northern Division who will be pleased to communicate Copy of the 3rd Parah to the Magistrate at

Vizagapatam

7th August 1838.

Vizagapatam for his information.

/ Sent following Letter No. 1156 /

Read Letter dated the 21st Ultimo from Mr. Lewin Esqr. acting 2d Judge on Circuit in the Centre Division, transmitting the record in Case No. 18 on the Cuddapah Calendar for the 2d Sessions of 1838.

/ Here enter No. 1542. /

Mr. Bird and Mr. Campbell 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-Cozzat and Mooftees of the Fouzdaree Udalut, confirm the said Fetwa of the Cazee-ool-Cozzat and Mooftees aforesaid, convicting the Prisoner

"Chakala Condadoo"

of 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. 1157 /

Read Letter dated the 4th Ultimo from the 3d Judge on Circuit in the Northern Division forwarding for the final Sentence of the Court of Fouzdaree Udalut the Supplemental Record of Case No. 2 on the Rajahmundry Calendar for the 1st Sessions of 1838.

/ Here Enter F. H. No. 1430 /

Before

F. H.

10th [illegible]

F. H.

7th August 1838.

Before proceeding to judgment in this case the Court of Fouzdaree Udalut deem it necessary that the confession of the 1st Prisoner before the Head Police of Amalapoor, of the part he took in concealing the death of Conala Ramadoo should be established by the Evidence of the attesting witnesses.

The Court of Fouzdaree Udalut accordingly direct that the English and Persian Record of this Case be returned to the 3rd Judge late on Circuit in the Northern Division with instructions to issue a Precept to the Criminal Judge at Rajahmundry, requiring him to procure the attendance of the witnesses who may have attested the Confession of Nandala Mootialu, and in their absence of the Writer who may have recorded it, as well as of any of those persons who may have been present at the time it was made, and to take their Examination on oath, on the point noticed above, in the presence of the 1st Prisoner, who will be permitted to cross Examine the witnesses, and to offer any thing further in his defence should he wish it at the close of his Examination.

Ordered that Extract from these Proceedings be forwarded to the 3rd Judge late on Circuit in the Northern Division by Precept returnable within 30. days from and after its receipt.

/ Sent following Precept No. 1158 /

Read

7th August 1838.

Read the Criminal Reports for the month of June 1838 Submitted by the Assistant Criminal Judge in charge of the Criminal Court at Salem.

/Here enter No. 1194./

Case No. 117

1.

From the remarks recorded in Case No. 117 it would appear that the Shadr Ameen has proceeded to pass Sentence on the Prisoner without examining the Witnesses cited on the defence, on the ground that the Prisoner was "an old Offender"

2.

If such be really the fact the Assistant Criminal Judge will immediately set aside the Sentence and direct the Pundit Shadr Ameen to pass judgment de novo after an Examination of the witnesses named on the defence.

3.

The Shadr Ameen must also be directed to submit an explanation of the grounds of his having proceeded to judgment in the Case in question without a previous Examination of the Prisoner's witnesses.

Ordered, that Extract from these proceedings be forwarded to the Officer in charge of the Criminal Court at Salem for his information and guidance by Precept returnable in 5. days from and after its receipt.

/Sent following Precept No. 1159/

Read the Criminal Reports for the month of June 1838 Submitted by the Assistant Criminal Judge in charge of the Criminal Court at Madura.

/Here enter No. 1197/

Cases Nos. 95. 115. & 119.

Inasmuch as the Law does not authorize the over-ruling of a Sentence passed by a Shadr Ameen which may not be contrary to Justice as respects the Conviction, and not contrary to Regulation as respects the extent of Punishment, except in cases where the Sentence may be Excessive or altogether inadequate to satisfy the ends of Justice - the Assistant Criminal Judge should Explain the grounds on which he "mitigates" the Sentence awarded against the 1st Prisoner in Cases Nos. 95. 115. and 119.

Ordered that Extract from these proceedings be forwarded to the Assistant Criminal Judge or Officer 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. 1160./

Read the Criminal Reports for the month of June 1838 Submitted by the Criminal Judge of Rajahmundry.

/Here enter No. 1199./

Case No. 37.

As the Prisoner concerned in Case No. 37. does not appear to have been previously convicted of a heinous offence, the Criminal Judge was for all that appears to the contrary on the record, competent to dispose of the charge of Housebreaking brought against the

the Prisoner in this Case, and the Criminal Judge will accordingly proceed to pass Sentence on the Prisoner; unless there are other grounds, not specified in the Report, which have induced the Criminal Judge to consider the Prisoner deserving of a severer punishment than the Criminal Court is authorized to inflict under the Regulations.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge at Rajahmundry for his information and guidance by Precept returnable in 5. days from and after its receipt

/ Sent following Precept No. 1161 /

Read the Criminal Reports for the months of June 1838 submitted by the Criminal Judge of Nellore -

/ Here enter No. 1500 /

Case No. 40. 1.

Clause 1st Section IV. Regulation II of 1822 authorizes a demand of Security in Cases where adequate proof for conviction of a specific Offence may not be adduced against a Prisoner, but he shall appear to be under strong suspicion of any act of criminality:- the Evidence adduced against the Prisoners concerned in Case No. 40 of the Supplemental Report does not appear to raise that "strong suspicion" against them which authorizes a requisition of Security and accordingly the Court of Foujdaree Udalut are of opinion that the Bail Bonds if entered into should be cancelled or the Prisoners released if detained in confinement.-

7th August 1838.

The Court of Foujdaree Udalut

Case No. 54. 2.

are also of opinion that No. 54, under the Circumstances detailed in the Report, was not a case in which Security should have been demanded from the Prisoners, and the Criminal Judge will accordingly admonish them and direct their release from Confinement.-

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.-

/ Sent following Precept No. 1162 /

Read letter dated the 18th Ultimo from the Acting 3rd Judge late on Circuit in the Southern Division submitting copies of the Salem Calendars for the 1st Session of 1838.-

/ Here Enter No. 1517.- /

Case No. 13. 1.

The Prisoner in Case No. 13 has been convicted of a Robbery of Property of little value unattended with Circumstances of much aggravation, and accordingly the Court of Foujdaree Udalut direct the Acting 3rd Judge to take into consideration whether the Punishment awarded against the Prisoner of 14. years imprisonment might not be mitigated

7th August 1838.

Read letter dated the 27th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Centre Division submitting copy of the Chittoor Primary Calendar for the 3rd Quarter Sessions of 1838.-

/Here enter No. 1557./

Case No. 1. 1. In Case No. 1. of this Calendar five prisoners were charged before the Court of Circuit with having in Company with other persons not apprehended attacked the Prosecutor and his wife in the Chelakabundah Ghaut, wounded the Prosecutor and his Wife and plundered from their persons Ornaments &c. of the value of 34. Rupees.-

2. The 3rd Judge states that no injury was proved, but that the Prisoners are convicted of the Robbery.-

3. The first, second, third, and fourth Prisoners have been sentenced to 14 Years imprisonment with hard labor in irons, but in favor of the 5th Prisoner the 3rd Judge recommends a mitigation of the prescribed penalty to seven years imprisonment with hard labor in irons; on the ground that he is a boy of only 16. years of age and "may have been concerned in this Case thro' the ill persuasion "of the other Prisoners who are his relations."

4. The Court of Foujdaree Udalut having duly considered the Circumstances of this Case are

7th August 1838.

Supplemental Calendar Case No. 1.

mitigated.-

2. In Case No. 1. of the Supplemental Calendar the Prisoner has been convicted of having attacked the Prosecutor on the highway and robbed her of Ornaments to the value of Rupees 17. 8. and has rendered himself liable to the penalty of 14 years imprisonment and hard labor on the roads.-

3. The Acting 3rd Judge recommends that the mitigated punishment of 7 years imprisonment with hard labor in irons, should be passed upon the Prisoner, in consideration of his having used no actual violence towards the Prosecutrix, and of his "being a very young man and not having been "punished before."-

4. The Court of Foujdaree Udalut having duly considered the Circumstances of this Case resolve under the authority vested in them by Bengal 3rd Section III. Regulation I of 1825 to accede to the recommendation of the presiding Judge and accordingly thus authorize that Option to pass the mitigated sentence above indicated upon the Prisoner

"Yennum."-

Ordered that Extract from these Proceedings be forwarded to the Acting 3rd Judge of the Circuit in the Southern Division for his information and guidance by Receipt returnable in 10. days from and after its receipt.-

/But following Receipt No. 1463/

7th August 1838.

are of opinion that the ends of Justice will be attained by a Sentence of 3. Years imprisonment with hard labor in irons, which Sentence the 3d Judge is accordingly authorized to pass on the Prisoner

Sootegaudoo.

The Prisoners Concerned in the two Cases included in this Calendar were committed it appears on the 3d of July, but the Calendar it is observed, was not received by the Court of Quarterly Sessions until the 22nd of the same Month. the 3d Judge will accordingly direct the Criminal Judge to Conform to the orders lately issued to him by the Court of Fouzdaree Udalut requiring him to furnish Calendars as soon as Cases are Committed; so that the Trials may follow the Committals as speedily as possible.—

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 by Precept returnable in 7. days from and after its receipt—

/ Sent following Precept No. 1164 /

H.S.

L.P.C.

End. 1 P.

H.S.

F.U.

1st Ent. 1 pro

F.U.

At a Court of the Fouzdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge.

Wednesday 8th August 1838.

Thomas Alexr Oakes Esqre — Actg 2d Puisne Judge.

Alexr Duncan Campbell Esqre — 3rd Puisne Judge.

H.S.

L.P.C.

Read petition presented on the 16th July 1838 by Annamalay Moodelly of Combaconum

/ Here enter M.P. No. 84 of 1838 /

1. The Petitioner states that himself and seven others of his caste people were fined severally 15. Rupees each, and that Aronachelam Moodelly their head man was fined 30. Rupees, and required to produce a Surety to keep the peace in the Sum of 100. Rupees.—

2. He prays the Court of Fouzdaree Udalut will direct that the fines be remitted, and that the order of the Magestrate requiring the production of the Security be annulled.—

3. The Petitioner is informed that he should make his complaint to the Judge on Circuit.—

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

Read petition presented on the 16th July 1838 by Paroondavee Ammal of Chingleput

(Here enter M.P. No. 85. of 1838.) Read

8th August 1838.

Read also petition presented on the 23rd July 1838 by Coopamal of Combaconum.—

(Here enter M. P. 87 of 1838.)

1. The Petitioner representing herself to be the Wife of Narrainaa Sastree, Prisoner in Cases Nos 21 and 23 of the Combaconum Calendar for the 1st Sessions of 1838, who was convicted by the Court of Circuit of forgery and perjury and sentenced to imprisonment with labor for 7 Years and to receive 150 lashes with the Cat of nine tacks and to be exposed in the manner usually denominated Tashear—

2. The Petitioner asserts the innocence of the accused, and affirms that the prosecution was malicious and unsupported by evidence and she prays the Court will issue orders suspending the infliction of the punishment, especially of that part of it which includes the stripes and exposure, until they shall have perused the record of the case.—

3. The Petitioner is informed that after an attentive consideration of the Calendar in which the case was entered, the Court of Foujdaree Udalut see no reason to doubt the justice of the sentence passed by the Court of Circuit, and they accordingly reject the prayer of her Petitions.—

Ordered accordingly that the Petitions be rejected, and that Extract from these proceedings

8th August 1838.

Read also petition presented on the 23rd July 1838 by Coopamal of Combaconum.—

(Here enter M. P. 87 of 1838.)

1. The Petitioner representing herself to be the Wife of Narrainaa Sastree, Prisoner in Cases Nos 21 and 23 of the Combaconum Calendar for the 1st Sessions of 1838, who was convicted by the Court of Circuit of forgery and perjury and sentenced to imprisonment with labor for 7 Years and to receive 150 lashes with the Cat of nine tacks and to be exposed in the manner usually denominated Tashear—

2. The Petitioner asserts the innocence of the accused, and affirms that the prosecution was malicious and unsupported by evidence and she prays the Court will issue orders suspending the infliction of the punishment, especially of that part of it which includes the stripes and exposure, until they shall have perused the record of the case.—

3. The Petitioner is informed that after an attentive consideration of the Calendar in which the case was entered, the Court of Foujdaree Udalut see no reason to doubt the justice of the sentence passed by the Court of Circuit, and they accordingly reject the prayer of her Petitions.—

Ordered accordingly that the Petitions be rejected, and that Extract from these proceedings

8th August 1838.

Read also petition presented on the 25th July 1838 by Mottanna of Chinglepet.—

(Here enter M. P. 86 of 1838.)

1. The former of these petitioners represents herself to be the mother, and the latter the wife of Poongavanum, Prisoner in Case No. 9 of the Chinglepet Calendar for the 1st Sessions of 1838, Convicted of forgery robbery and sentenced to 14 Years imprisonment; they state that the charge brought against Poongavanum was a false and malicious one and unsupported by any evidence, but notwithstanding the sentence has been passed upon him by the Judges of Circuit, who they allege would not allow the prisoner to cross examine the witnesses, or to produce any evidence in refutation of the charge brought against him.

2. The Court of Foujdaree Udalut direct that the Petitioners be informed that they see no reason to believe such assertions, or to doubt either the propriety of the conviction, or the justice of the sentence passed on the Prisoner, the Court of Foujdaree Udalut therefore reject the prayer of these Petitions.—

Ordered, that the Petitions be rejected and that Extract from these Proceedings be furnished to the Petitioners on their application.—

Read petition presented on the 25th June 1838 by Coopamal of Combaconum.—

(Here enter M. P. 67 of 1838.)

Read

proceedings be furnished to the Petitioner on his
requisition.—

Read the Criminal Reports for
the month of June 1838 submitted by the
Criminal Judge of Chicacole.—

(Here enter No. 1502)

Case No. 48. 1. The Criminal Judge will direct
the Acting Assistant Criminal Judge to com-
plete his sentence upon the 2nd Prisoner in
Case No. 48 by recording the period for which the
Sureties are to be held responsible for the pri-
soner's good behaviour and appearance.—

Case No. 49. 2. As authority for the sentence passed
upon the Prisoner in Case No. 49 the Criminal
Judge has quoted an Enactment applicable only
to the Magistrate:- the Criminal Judge is
accordingly directed to amend his sentence by
quoting Section VII. Regulation X. of 1816 as the
authority under which the punishment was
awarded:- and for the information and future guid-
ance of the Criminal Judge the Court of Fouj-
daree Udalut would record their opinion, that
considering the person whom the Prisoner "abused"
and "seized by his Cloth, drawing a Knife threat-
"ening to rip him up," the punishment awarded
was too lenient.—

3. In future the Criminal Judge will
submit the Report No. 2 notwithstanding there

were no commitments during the month under re-
view- the report in question being also designed to
shew the commitments made during previous
months.—

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

(Sent following precept No. 1169)

Read letter dated the 21st Ultimo
from the Acting 3rd Judge late on Circuit in
the Southern Division submitting a copy
of the Commitment Calendar for the 1st
Sessions of 1838.—

(Here enter No. 1529.)

The above Calendar not requiring
any remark from the Court of Foujdaree Udalut
Ordered that Extract from these proceedings
be forwarded for the information of the Acting
3rd Judge late on Circuit in the Southern
Division.—

(Sent in No. 1170)

Read letter dated the 19th July
1838 from the 1st Judge late on Circuit in the
Western Division submitting the translation of
a petition presented by Gellah Acharry a convict
in the Mangalore Jail; praying that the
additional

additional sentence of one year's imprisonment p
on him for the offence of disturbance during the tab
disturbances in Canara may be permitted and pro
=viding that the prayer of the petitions may be
complied with.—

(Here Enter No. 1531)

The Judges of the Sonjdaree Ud
having had under their consideration the Criminal
Report which contains the case of the Petitioner,
observe that it is recorded in the sentence pass
by the Criminal Judge "that the Prisoner, not
"content with escaping himself assisted in knocking
"off the irons of the others." Under these circum
the Court of Sonjdaree Udalut feel themselves
precluded from supporting the recommendation
contained in the letter above recorded.—

Ordered, that Extract from these
proceedings be forwarded to the 1st Judge of the
Provincial Court of Circuit in the Western Divi
for his information.—

(Sent in No. 1171)

Read return dated the 23d Ultimo
made by the 3d Judge late on Circuit in the Northern
Division to the receipt of the Sonjdaree Udalut
of the 12th July 1838 conveying the observations
and orders of the Court of Sonjdaree Udalut on
perusal of the Rajahmundry Calendar for the 1st
Session of 1838.— (Here Enter No. 1551)

With

With reference to para. 2. of the a
above return the Court of Sonjdaree Udalut proceed
again to point out to the 3d Judge Mr. Boileau
that the error committed by him in Case No. 11.
consisted in his "sentencing" the prisoners to the
Circular Order quoted in para. 9. of the proceed
=ings of the Sonjdaree Udalut of the 12th Ultimo
requires the Judge of Circuit "to intimate to the
"prisoner the penalty to which by Law he has
"rendered himself liable."—

Ordered, that Extract from these
proceedings be forwarded to the 3d Judge late on
Circuit in the Northern Division for his in
=formation and future guidance.—

(Sent in No. 1172)

Read Extract from the pro
=ceedings of the Provincial Court of Circuit in the
Centre Division communicating their opinion
with reference to the proceedings of the Sonjdaree
Udalut of the 12th April 1838, that the 2nd
prisoner, "Chennee," concerned in Case No. 4. of the
Cumbum Criminal Report for the month of
February last, should have been committed for
Trial before the Court of Circuit, but that
there do not appear grounds sufficient for the
Commitment of the 1st prisoner "Luchee."—

(Here Enter No. 1583.)

The Court of Sonjdaree Udalut
conclude

concludes that the Provincial Court of Circuit
accordingly directed the commitment of the
prisoner "Chenna" but if not there are instru
to issue instructions to that effect without d

Ordered, that the proceedings be forwarded to the Provincial C
of Circuit in the Centre Division for the
information and guidance.—

(Sent in Pc 1173.)

Read letter dated the 11th Ultimo
from the 3rd Judge of the Court of Circuit in the
Centre Division transmitting the extract of the
Chittoor 12th and 14th Supplement to Calendar
for the 2nd Quarterly Sessions of 1838.—

(Here Enter Pc 1165.)

Read returns dated the 20th Ultimo
from the Provincial Court of Circuit in the Northern
Division, to the precept of the Foujdaree Udalut
under date the 16th July 1838, directing them to
instruct the Magistrate of Ganjam to bring
Yanaty Bhemma the individual referred to in
his return of the 15th June to trial under
the provisions of the general Regulations.—

(Here Enter Pc 1539.)

F.U.

10th August 1838

F.U.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge.

Thursday, 9th August, 1838. Thomas Alexr Oakes Esqre Actg 2d Puisne Judge.

Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read the Criminal Reports for the months of June 1838, submitted by the Joint Criminal Judge of Vizagapatam.—

(Here Enter Pc 1195.)

Case Pc 30. 1. The prisoner in Case Pc 30. had been directed by the Sudr Ameen to find Security for 3 Months in 20 Rupees on the ground that the witnesses have shown that the prisoner had been in the habit of offering to purchase Regimental articles.—

2. This sentence it is observed has been confirmed by the Joint Criminal Judge, but the judgment being wholly illegal, and there being no grounds whatever for such requisition of Security, the Court of Foujdaree Udalut direct that the prisoner be unconditionally set at liberty.—

Case Pc 41. 3. With reference to Case Pc 41. the Court of Foujdaree Udalut desire that the Joint Criminal Judge of Vizagapatam be informed that unless

8th August 1838.

concludes that the Provincial Court of Circuit
accordingly directed the commitment of the
prisoner "Chenna" but if not there are proper
to issue instructions to that effect on the

Ordered, that a Extract from the
proceedings be forwarded to the Provincial
of Circuit in the Centre Division for the
information and guidance.—

(Sent in a/c 1173.)

Read letter dated the 11th Ultimo
from the 3rd Judge of the Court of Circuit in the
Centre Division transmitting the copies of the
Chittoor 12th and 14th Supplements to the Calendar
for the 2nd Quarterly Sessions of 1838.—

(Here Enter a/c 1465.)

Read returns dated the 20th Ultimo
from the Provincial Court of Circuit in the Northern
Division, to the precepts of the Fouzdaree Adalut
under date the 16th July 1838, directing them to
instruct the Magistrate of Ganjam to bring
Yanaty Bhemar the individual referred to in
his return of the 15th June to trial under
the provisions of the General Regulations.—

(Here Enter a/c 1539.)

F.A.

10th Aug. 1838

F.A.

At a Court of the Fouzdaree Adalut

Present,

John Bird Esqre ——— 1st Puisne Judge.

Thursday, Thomas Alexr Oakes Esqre 2d Puisne Judge.
9th August, 1838.

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read the Criminal Reports for
the months of June 1838, submitted by the Joint
Criminal Judge of Vizagapatam.—

(Here Enter a/c 1495.)

Case No. 30. The prisoner in Case No. 30. has
been directed by the Sudr Ameen to find Security
"for 3. Months in 20. Rupees" on the ground that
the "witnesses" have "shown" that the prisoner has
"been in the habit of offering to purchase
"Regimental articles."—

2. This sentence it is observed has
been "confirmed" by the Joint Criminal Judge,
but the judgment being wholly illegal, and there
being no grounds whatever for such requisition of
Security, the Court of Fouzdaree Adalut direct
that the prisoner be unconditionally set at
liberty.—

Case No. 41. 3. With reference to Case No. 41. the Court
of Fouzdaree Adalut desire that the Joint Cri-
minal Judge of Vizagapatam be informed that
unless

under Clause 1st Section II Regulation III of 1833 he has authority only to over-rule such judgments passed by the Sudr Ameen as may be contrary to justice as respects the conviction, or contrary to Regulation as respects the extent of punishment, except in Cases where the punishment is excessive or totally insufficient to satisfy the ends of justice.

4. The sentence passed by the Sudr Ameen in the Case now referred to was under the circumstances explained in the Report perhaps a lenient sentence, and the Sudr Ameen should have been advised of it accordingly, but the Regulation quoted above does not contemplate a judgment of this nature being over-ruled.—

5. The Joint Criminal Judge is directed to complete the sentence passed upon the prisoners in Case No. 43. by recording the period for which they are to be detained in confinement in default of finding the security required from them, the amount of which the Court of Fouzdaree Udalut are moreover disposed to consider insufficient for the purpose for which it was required.

6. And if it be true that no inquest was held on the body of the deceased "Hoojeem pully," the Joint Criminal Judge will request the Magistrate to report direct to the Court of Fouzdaree Udalut what notice he may have taken of this neglect of an important duty on the part of

of this Police Officer, and the Joint Criminal Judge will urge the Magistrate to procure further evidence against the prisoners.—

Case No. 52 of 1838. 7. In both the cases noted in the margin the charge against the prisoners had been most imperfectly drawn up, and it is obvious that in neither case can the Statement of the crime charged against the prisoner be adopted as the arraignment, when the prisoners shall be brought to the bar, the attention of the Joint Criminal Judge is accordingly called to the Circular Order of the Fouzdaree Udalut of the 31st January 1814. If the prisoner in No. 52. is to be tried for the offence described in Act XXX of 1836 the charge must be made specific under that enactment, and if the prisoners in No. 52 are to be tried for murder by Thuggee, the Circular Order of the 25th November 1837 No. 95, requires that there be a separate Count charging the prisoners with the distinct offence described in Act No. XXX of 1836.—

Case No. 50. 8. The prisoner in No. 50. having been already punished by the Police for the very crime of which he has been convicted by the Joint Criminal Judge, his further punishment for the offence was improper, and accordingly the Court of Fouzdaree Udalut desire that the prisoner be forthwith released on

from

from Confinement.—

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judge at Cuzagapatam for his information and guidance by precept returnable in 5 days from and after the receipt.—

(Sent following precept No. 1177)

Read letter dated the 20th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division submitting copy of the Canara Calendar for the 1st Sessions of 1838.

(Here Enter No. 1535.)

Also read letter dated the 31st Ultimo from the 1st Judge Do on Circuit in the Western Division reporting the death of Cauthan the prisoner in No. 7 on the Mangalore Calendar for the 1st Sessions of 1838 in whose behalf the 1st Judge proposed a mitigation of the punishment.—

(Here Enter No. 1602)

Case No. 1.

1.

The Court of Foujdaree Udalut approve of the 1st Judge's proceeding in discharging from the Bar without trial the prisoner concerned in Case No. 1. of this Calendar, and they desire that the Criminal Judge of Canara be informed that his order of the 13th of December 1837 contained no sufficient grounds for the Committment of the prisoner.—

In

Case No. 12.

2.

In Case No. 12. the prisoner was convicted of Homicide committed under circumstances which lead the Court of Foujdaree Udalut to consider that even a less punishment than imprisonment for one year with hard labor on the roads, might have been imposed. The Court of Foujdaree Udalut however will not now disturb the sentence that has been passed on the prisoner by the 1st Judge.—

Case No. 16.

3.

In the column of Remarks by the Court of Circuit it is stated that "the only "evidence against the 3d prisoner" in Case No. 16. "is the 3d witness who deposes to having recog"nized him on the night the Robbery was com"mitted, but whose testimony being replete with "prevarications and contradictions is rendered "worthless."—

4.

According to the abstract of the evidence before the Criminal Court the three prisoners concerned in Case No. 16. were recognized by the 1st and 2nd witnesses, and according to the 1st Judge is required to explain whether such testimony was retracted on the trial of the prisoners before the Court of Circuit.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge Do on Circuit in the Western Division for his information and guidance by precept returnable in

in 15. days from and after its receipt.—

(Sent following precept No 1178)

Read letter from the 1st Judge on Circuit in the Northern Division submitting copy of the Nellore Calendar for the 2d Sessions of 1838.—

/Here enter No 1543/

Case No 4. 1. The prisoner in Case No 4. stood charged with having attacked 4. persons in a field and with having robbed them of property amounting in all to Rupees 13. and Annas 2.—

2. The prisoner was convicted—but on the ground that the prisoner was not armed, and that "he did not offer any violence whatever "to the persons whom he robbed, not even use "bad language," the 1st Judge sentenced the prisoner to the mitigated punishment of 7. years imprisonment with hard labor in irons in the public roads, or other public works, subject to the confirmation of the Court of Foujdaree Udalut

3. Upon a due consideration of this case the Court of Foujdaree Udalut resolve to accede to the recommendation of the 1st Judge, and accordingly authorize him to pass upon the prisoner "Boada Kustnadoo" the mitigated sentence proposed above.—

4. The 1st Judge erred in sentencing the aforesaid prisoner—The Circular Order of the 20th

20th March 1834 declared it to be the duty of the Judge of Circuit "when purposing to recommend a mitigation of punishment" to "merely intimate to the prisoner the penalty to which "by Law he had rendered himself liable, instructing the Criminal Judge at the same time "to detain the prisoner in Gaol, with hard labor "in irons, until the final orders of the Foujdaree "Udalut shall be made known to him."—

5. In Case No 7. the prisoner had been convicted of Highway Robbery—the property taken by the prisoner from the person of the prosecutor being only 1. Rupee.—

6. On the grounds that the "prisoner "had not any weapons of violence in his hands "at the time of the Commission of the Robbery "and did not ill-treat the Prosecutor further "than tying his head and leg together which "he untied himself after the prisoner left him" that "the property stolen was very small, and that "so far as appears by the proceedings the "prisoner bore till this charge was brought "against him a fair character" the 1st Judge considers that the ends of justice will be satisfied by a sentence to 3. Years imprisonment with hard labor in Irons on the public roads or other public works, and the Court of Foujdaree Udalut also concurring in this opinion resolve

resolve to authorize the 1st Judge to pass this mitigated sentence upon the prisoner

"Camaul"

In this case also it is observed that the 1st Judge deviated from the rule prescribed in the Circular Order of the 20th of March 1834, and the remarks recorded upon Case No. 4. apply therefore equally to Case No. 7.—

Ordered, that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 10. days from and after its receipt.—

(Sent following precept No. 1179)

Read returns dated the 27th July last from the 3rd Judge of the Provincial Court in the Centre Division to the precept of the Fouzdaree Udalut bearing date the 25th June directing the transmission of the record in Case No. 1 of the 11th Supplemental Calendar of the Chittoor 2nd Quarter Sessions of 1838.—

(Here enter No. 1558)

The Court of Fouzdaree Udalut having maturely considered the record above referred to, concur in opinion with the Judge presiding at the Quarter Sessions, that the evidence adduced fully establishes the charge brought against the prisoner but the Court of Fouzdaree Udalut

observe that the act for which the prisoner was punished was more that of a half witted being than of an incendiary.- And under this view of the case the Court of Fouzdaree Udalut consider that the punishment of 6 months imprisonment will sufficiently answer the ends of justice and accordingly the 3rd Judge late Presiding at the Quarter Sessions will pass that mitigated sentence on the prisoner

Mootoopandaram

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 15. days from and after its receipt.—

(Sent following precept No. 1180)

Read return dated the 1st Instant from the Officiating Joint Criminal Judge at Tinnevelly to the precept of the Fouzdaree Udalut dated the 28th July 1838 conveying their remarks and orders on the Tinnevelly Criminal Reports for the month of June 1838.—

(Here enter No. 1600)

Read letter dated the 31st Ultimo from the 1st Judge late on Circuit in the Western Division returning the death Warrant of Peter the 1st Prisoner in Case No. 3. on the Calendar of

of the Principal Sudr Ameen of Sirsee for the 1st Sessions of 1838.—

(Here enter No. 1603.)

Read letter dated the 31st Ultimo from the 1st Judge late on circuit in the Western Division submitting a Statement of batta paid to the Prosecutor and Witnesses attendant on the Court of Circuit at Mangalore for the Jail delivery of the 1st Sessions of 1838.—

(Here enter No. 1604.)

Read letter dated the 2nd Instant from the Officiating Joint Criminal Judge at Tinnevelly submitting an explanation of an error made in his return of the 1st Instant to the precept of the Sanjdaree Adalut under date the 28th Ultimo calling for an explanation of the grounds on which Security had been demanded from the 2nd Prisoner in Criminal Case No. 36 of the Tinnevelly Criminal Report for the month of June last.—

(Here Enter No. 1605.)

Read return dated the 31st Ultimo from the Principal Sudr Ameen at Honore to the precept of the Sanjdaree Adalut under date the 23rd July last enveging their orders and remarks on the Honore Criminal Report for the month of June last.—

(Here enter No. 1606.)

L.46.

At a Court of the Sanjdaree Adalut.

Present,

Friday 10th August 1838. John Bird Esqr. 1st Puisne Judge,
Thomas Hodgson Parker Esqr. acting 2nd Puisne Judge,
Hon'ble James Campbell Esqr. 3rd Puisne Judge,

Read letter dated 16th July from the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the Criminal Judge at Chittoor, transmitting a further explanation of the delay which occurred in hearing certain Cases before the Judge Presiding at the Quarter Sessions.—

(Here enter Lib. No. 1558)

In this letter the Criminal Judge certifies

1.

"That the usual letter, notifying the intention of the Judge to hold the second Quarter Sessions of the present year, directing the customary proclamations to be issued, and requesting the Criminal Judge to forward for trial all cases committed, was received by him on the 21st April."

2. The Court of Sanjdaree Adalut observe that the Circular Order of the 22nd March 1838 requires that the Calendar should be laid before the Court of Quarter Sessions as cases are committed, and that the sittings of the Sessions should be permanent thro' the Quarter, commencing on the first day of each Quarter. The Judges

Judges are therefore at a loss to discern the reasons of the proclamation above alluded to, with the delay in issuing the proclamation for the 2d Quarter sessions of the present year, the cause whereof is explained by the Provincial Court, ought not to have prevented the Provincial Judges rendering up the Cases as they were committed, agreeably to the Circular Order of the 23d March 1838 - and the Court, that the fact of the prisoners not having entered into their recognizances, permitted to return to their village, is at variance with the intent of the Circular Order in question, which was expressly to prevent the unnecessary detention of the accused for the commitment, and again for the trial, and the Provincial Court of Criminal Jurisdiction, the communication of the Criminal Judge of Chittoor the opinion expressed in the concluding paragraph of their letter of the 25th ultimo, that if proper expedition is used "the interval between the two, need never exceed 2 or 3 days."—

Ordered, that Extracts from these Proceedings be forwarded to the Provincial Court of Circuit in the Carnatic Division, with instructions to forward a copy to the Criminal Judge at Chittoor for his information and future guidance.—

(Revenue Dept. No. 1185

Read returns and supplemental return dated

10th August 1838.

dated respectively 31st March and 2d August 1838, to precepts of Conjeveram Adawlut under date the 24th March last, directing that enquiry be made in regard to the manner in which the murder of Aman the wife person of the undermentioned was committed by persons subject of the charge in Case No. 8 of the Chingleput Calendar for the 2d Sessions of 1838.—

(Revenue Dept. Nos. 764 and 899)

The 3d Judge in this return certifies that it does not appear that any subsequent orders have been issued by the Magistrate to his Police for the discovery of the missing part of the ornaments worn by the deceased at the time of the Prosecutor ascertaining from his father whether their number and description were, notwithstanding a period of 3 months and 20 days have expired since he examined him.—

2. The Court of Conjeveram Adawlut observe that all Police appear to have assumed the fact that no orders had been issued subsequent to the examination of the Prosecutor and that the Proceedings of the 3d Judge would have been more regular and his return more satisfactory, had he previously to submitting it for the consideration of the Court, ascertained what steps might have been taken by the Magistrate for the discovery of the missing ornaments beyond the

10th August 1838.

the examination of the father of the deceased as to their number and description: and that the 3d Judge will accordingly ascertain and report whether any, and what measures may have been adopted for the recovery of the Jewels.—

WS

L.A.C.

Ordered, that Extract from these Proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information by Express returnable in 5 days—

WS

Extd

(Sent following Express No. 1186—

F. W.

At a Court of the Fonjdaree Udalut—

Present

Saturday 11th August 1838.

John Bird Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 28th Ultimo

WS

from the 1st Judge late on Circuit in the Western Di-

L.A.C.

vision, transmitting the Record in Case No. 20. on the Canara Calendar for the 1st Sessions of 1838—

WS

(Here enter No. 1585.)

The Court of Fonjdaree Udalut on 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 Fonjdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid acquitting the Prisoner "Narraina" of the charge of Treason and Rebellion, and they accordingly direct that he be set at liberty—

Mr. Bird and Mr. Oakes

The Court of Fonjdaree Udalut direct that their Sentence in the Trial No. 20 on the Canara Calendar for the 1st Sessions of 1838, 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

the intent that the Court may receive the Order of Gove
-rnment, before they direct their Sentence to be carried into
Execution.-

/ Sent in No. 1187 /

Read letter dated the 19th Ultimo,
from the 1st Judge on Circuit in the Western Division
Submitting for the Judgment of the Fouzdaree Udalut
the Record in Case No. XXII on the Canara
Calendar for the 1st Sessions of 1838.-

/ Here inter No. 1537. /

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 Cazee-ool-cozat and
Mooftees of the Fouzdaree Udalut, Confirm the said
Futwa of the Cazee-ool-cozat and Mooftees aforesaid
convicting the Prisoner

"Subbiah Shetty"

of Treason and Rebellion, and awarding Dokoobut, and
under the Provisions of Sections II and III. Regulation I.
of 1834, Sentence the said Prisoner to be imprisoned,
and kept to hard labor in irons, on the Public roads
or other Public works, for and during the Period of
Fourteen years.-

The Court of Fouzdaree Udalut direct
that their Sentence in the trial No. 22 from the Court of
Circuit in the Western Division, together with the
whole of the Proceedings held in the Case, be
transmitted

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 Regulation I. of 1834 and Section V. of
Regulation XX of 1802, receive the Orders of Govern
-ment before they direct their Sentence to be carried
into Effect.-

The Prisoner in this Case having
been clearly convicted of having been one of the Leaders
of the Rebels who attacked Mangalore, during the
late disturbances, and it having been shown by the
Evidence that he had strenuously Exerted himself
during the rebellion, and had been one of the most
forward among the traitors, engaging to bring the heads
of the European Gentlemen. The Court of Fouzdaree
Udalut have deemed it their duty to Sentence him to
14 years imprisonment, but with Reference to the Re
-commendation contained in the Concluding Parah of
the 1st Judge's letter, the Court beg to leave the Case
of the Prisoner to the Consideration of Government.-

/ Sent in No. 1188 /

B
L.H.C.
625
Ed. W.

At a Court of the Lord Lieutenant

Present,

Monday
13th August
1838.

John Bird Esqr. ——— The Senior Judge,
Thomas Reed Cates Esqr. ——— Acting 2nd Senior Judge,
Revd. Duncan Campbell Esqr. ——— 3rd Senior Judge,

WB

Read Miscellaneous petition presented

L.Y.Q.

on the 30th July 1838 by Donagh of Contaconnan

(Here enter No. of 88 of 1838)

The prayer of this Petition is to the effect of

that contained in Petitions Nos 69, 70 and 71 of 1838 as

presented by the Petitioner on the 25th June last.

In support of the present application

the petitioner advances no new facts but produces an

extract from the Proceedings of the Board of Convenn

may

calling on the Collector of Erichingrole to report what has

been done on the subject of the Petition presented to them.

The Court of Enquiry do not see no

reason to modify their order of the 23rd July last, to which

the petitioner is accordingly referred, and is informed that

the same is final.

The Petition is accordingly rejected, and

extract of these proceedings are ordered to be furnished

to the Petitioner on his application.

Read Miscellaneous Petition presented

on the 30th of July by Peggy Donagh of Contaconnan

(Here enter No. of 89 of 1838)

In Court of the Company Adalats

Present,

Monday 13th August 1838 — John Bird Esqr. ——— 1st Puisne Judge,
Thomas Hodgson Oakes Esqr. ——— Officg 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge,

WB — Read Miscellaneous petition presented

L.K.C. — on the 30th July 1838 by Ramnaga of Comlaconnum

(Here enter Dr. No. 88 of 1838)

The prayer of this Petition is to the effect of

that contained in Petitions Nos. 69, 70 and 71 of 1838 as

presented by the Petitioner on the 25th June last —

In support of the present application

the Petitioner advances no new facts but produces an

extract from the Proceedings of the Board of Revenue

may

calling on the Collector of Cuchimpole to report what has

been done on the subject of the Petition presented to them —

The Court of Enquiry therefore see no

reason to modify their order of the 23d July last, to which

the Petitioner is accordingly referred, and is informed that

the same is final —

The Petition is accordingly rejected, and

extract of these proceedings are ordered to be furnished

to the Petitioner on his application —

Read Miscellaneous Petition presented

on the 30th of July by Ramnaga Ramnaul of Comlaconnum —

(Here enter Dr. No. 89 of 1838)

The Petitioner prays that as the Court has rejected her former petitions Nos. 66 and 79 of 1838, they will be furnished her with attested copies of the English translations of the said two Tamil Arzies presented by her.

The Court of Requests directs that it be notified to the Petitioner, that she may have attested copies of the original Tamil Arzies, but that they see no reason for complying with her prayer to be supplied with a copy of the English translations of the same, which is accordingly rejected.

Ordered, that extract from these Proceedings, as well as copies of the original Petitions Nos. 66 and 79 be furnished to the Petitioner on her application.

Read Petition presented by Cowasjee Dinshaw Comayajalou of Tegaranagram.

(Here enter No. 89 of 1838.)

This is a mere repetition of the Petitions presented to this Court on the 15th of October 1837 and 6th March last, the prayers of which were finally rejected by the Court under date the 30th of October 1837 and 27th March last.

In the orders passed under the above dated the petition is referred, and informed that no further petition on the same subject will be received.

Ordered, that the petition be rejected, and that extract from these proceedings be furnished to

to the Petitioner on his application.

Read Petition presented on the 30th July 1838 by Nalla Lumbee Naicken and his wife Nallamanal of Coroorade in the Northern Division of Jaffna.

(Here enter No. 91 of 1838.)

The Petitioners who represent themselves to be the parents of one Ringamootoo, a convicted prisoner in the Jail at Caseadore, urge that their son has been unjustly sentenced to imprisonment, and they pray accordingly that an order may be issued for his release.

The Petitioners are informed that if they have any thing to urge against the sentence passed by the Auxiliary Court, their complaints should be preferred in the first instance to the Judge on Circuit in the Centre Division.

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

Read letter dated the 3d instant from the Acting Joint Criminal Judge of Jaffna submitting the Criminal Reports for the Months of July 1838.

(Here enter No. 1617.)

The

13th August 1838.

Case No 1.

1.

The Acting Joint Criminal Judge will in future be careful to specify in the Return before whom the Complaint, charged to be false and malicious, was preferred. False and malicious Complaints before the Police are alone punishable by the Criminal Court under Regulation IX of 1832.

Case No 4.

2.

It requires to be explained how the Case of the prisoner in No 4 fell within the provisions of Clause 6th Section II Regulation VI of 1822 "Breaking" was not charged in the Indictment, and it does not appear from the Abstract in this Return that such was established by the evidence of the witnesses.

3.

The Court of Enquiry are directed to take observed that the Acting Joint Criminal Judge had incorrectly numbered the Cases in this Report by entering the first Case received in the Month as No 1.

4.

Instead of observing this practice the numbering should be carried on from Month to Month until the end of the year.

5.

In each case also the Clerk from which the prisoner was received should be specified.

6.

The Court of Enquiry are directed to have

lately

E.K.

13th August 1838.

lately forwarded for the use of the Auxiliary Court at Cochin a printed form of Statement showing the total number of prisoners in confinement, and the manner in which they were employed during the month for which it is prepared, and in this Statement the Acting Joint Criminal Judge will in future exhibit the number of prisoners sick.

7.

And when any of the monthly forms of Statements are withheld, because they are blank, the Acting Joint Criminal Judge will state that fact in his letter submitting the remainder to the Court of Enquiry aforesaid.

Ordered, that extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Cochin for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following Precept No 1196.)

Z. 46.

At a Court of the Conjeeree Adalut.

Present,

Wednesday 15th August, 1838. John Bird Esqre ——— 1st Puisne Judge,

Thomas Alexr Oakes Esqre ——— Acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre ——— 3d Puisne Judge.

Read letter dated the 28th Ultimo

T.A.O.

from the Acting 2d Judge on Circuit in the Southern Division, transmitting the Trial in Case No 3 Guadura Principal Calendar for the 2d Sessions of 1838.—

(Here enter No 1574 of 1838)

Mr. Oakes, and Mr. Campbell,

The Court of Conjeeree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozat and Mooftee of the Conjeeree Adalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, so far as it convicts the prisoner

Mahomed Ebrahey

of wilful murder, and they do accordingly convict him thereof, 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 1199)

Read letter dated 6th instant from

the

the 1st Judge of the Provincial Court in the Eastern Division, submitting a Statement of Costs paid to Prosecutors and witnesses attended on the Court of Circuit at Kolone during the 2d Sessions of 1838.—

(Here enter No. 1624 of 1838)

Read Statement dated 8th instant from the 3d Judge of the Court of Circuit in the Centre Division, required by Circular Order No. 4.—

(Here enter No. 1626 of 1838)

Read return dated 9th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Oyez dated under date the 7th August 1838, conveying their remarks and orders on the Kolone Primary Calendar for the 3d Quarter Sessions of 1838.—

(Here enter No. 1627 of 1838)

Read return dated 9th instant from the Criminal Judge of Kolone to the precept of the Oyez dated under date the 7th August 1838, conveying their observations and orders on the Kolone Criminal Statement for the month of June last.—

(Here enter No. 1633 of 1838)

Read the Criminal Reports for the month of June 1838, received from the Criminal Judge of

of Combaconum on the 30th ultimo.—

(Here enter No. 1563)

Case No. 47.

1. In para 2. of the proceedings of the Oyez dated of the 13th of June last, the Court recorded their opinion that there had been already an objectionable delay in disposing of Case No. 47 of the Supplemental Report, and they ordered that if the witnesses for whose attendance applications had been addressed to the Magistrate of Tanjore, did not appear at an early date, the Case be heard and disposed of without further delay.—

2. The same Case however appears again on the Criminal File as "under examination," and the Criminal Judge is accordingly directed to dispose of that case, and of Case No. 48. in which the same prisoner is also concerned, after hearing such evidence as may have already been produced before the Criminal Court.—

Case No. 48.

Cases Nos. 168. 210 and 214. 3

The Court of Oyez dated do not consider that there were grounds sufficient to require security from any prisoner concerned in Case No. 168. besides the 3d prisoner, nor any sufficient grounds for requiring security from the 1st prisoner in No. 210 or the 2d prisoner in No. 214. and accordingly they direct the unconditional release of the 1st and 2d prisoners in No. 168, of the 1st prisoner in No. 210 and of the 2d prisoner in No. 214.—

And

15th August 1838.

4.

And adverting to the numerous instances in which security is demanded from persons produced as prisoners before the Criminal Court of Combaconum, the Judges desire that the attention of the Criminal Judge be called to the provisions of Clause 1st Section XV. Regulation II of 1822 which justifies a requisition of security only in Cases where the evidence is not sufficient for conviction, but enough to raise strong suspicion of the guilt of the accused.—

Cases Nos 179. 180. 181. and 182.

5.

Cases Nos 179. 180. 181 and 182. appear to have been petty cases of theft punishable by the Magistrate, or the Police under him, which should never have been sent up to the Criminal Court for adjudication: this opinion the Court of Sudr Adawlut desire may be communicated to the Magistrate, and that he be informed that the detention of the prisoner in Case No. 181. by the village authorities from the 15th to the 30th of May has been very unsatisfactorily accounted for.

6.

The punishment awarded by the Criminal Court in Nos 179. 180 and 181. would, under the circumstances, appear to be excessive.—

Case No. 198.

7.

The sentence passed by the Moonsiff

Cuddalore

10th [illegible] 1838.

L.L.

15th August 1838.

Lucr Ameen in Case No. 198 being illegal should have been overruled by the Criminal Judge under Clause 1st Section II Regulation III of 1838.—

8.

If the theft of the Jewels from the person of "Asparo" was attended with any violence, the prisoner must be committed to take his Trial before the Court of Circuit, but if no violence was proved the prisoner should be punished under Section VII Regulation X of 1816.—

Case No. 200.

9.

The Court of Sudr Adawlut desire that the Magistrate of Trichinopoly be informed that the Head of Police of Gromdoor Agy has urged a very unsatisfactory excuse for the detention of the prisoner in Case No. 200 in the Cutcherry from the 3d of May to the 18th of the following month.—

Case No. 203.

10.

In Case No. 203 the prisoner is charged with gross and culpable neglect in allowing certain prisoners to escape from custody, and the Proctor Lucr Ameen has arrived at the conclusion that "the prisoner is guilty of the crime" because "it appears from the "evidence of the witnesses that offenders ran away when "the prisoner was on Guard."—

11.

If this was really the only ground for the sentence, the judgment of the Lucr Ameen should

should have been overruled by the Criminal Judge as contrary to Justice as respects the conviction, but if other grounds exist for the sentence, the Criminal Judge should have revised the Abstract of the sentence entered in the Report.—

12. The Criminal Judge is now directed to submit an explanation on the subject to the Court of Enjdarre Edaatut.—

Case No. 219. 13. The Court of Enjdarre Edaatut desire that the Magistrate of Ferkinofsky be furnished with an extract from the Criminal Report showing the grounds of the release of the prisoner in Case No. 219, and that he be informed of the opinion of the Court of Enjdarre Edaatut that under such circumstances the prisoner should not have been remanded at all to the Criminal Court.—

14. The Police Officer has not been assigned sufficient reasons for the detention of the prisoner in the Calaboose from the 2d to the 20th of June.—

15. The Court of Enjdarre Edaatut cannot help noticing the very inaccurate manner in which the remarks by the Criminal Court have been transcribed in

the Report:— the Court allude particularly to Cases Nos. 183. 184. 188. 197. 210. 217. and 212. in certain of which Cases the remarks of the Court are scarcely intelligible but the orthography in other cases is inaccurate, and it appears that the Reports have been signed by the Criminal Judge without any previous examination.—

16. The Criminal Judge is directed in future to cause the copy of the Report submitted to the Court of Enjdarre Edaatut to be carefully collated with the original record.—

17. The Court of Enjdarre Edaatut have remarked that the Criminal Judge did not dispose of a single Criminal Case during the month of June last; the Court are of opinion that he should not leave the business in the Criminal Department to be performed by his Assistant and by the Sub Amens exclusively. these Officers equally with the Criminal Judge have to dispose of a prescribed number of Civil Suits, and it is not therefore right that these Officers should be required to dispose of a heavy Criminal File unassisted by the Criminal Judge, but independently of this consideration, the Court of Enjdarre Edaatut hold the opinion that the Judge is not authorized in thereby altogether divesting himself of the performance of any duty

duty in the Criminal Department of his Court.—

Ordered, that extracts from these proceedings be forwarded to the Criminal Judge at Combaconum for his information and guidance by precept returnable in 5 days, from and after its receipt.—

Sent following Precept No. 1200.

Read letter dated the 8th August 1838 from the 1st Judge on Circuit in the Northern Division, requesting to be informed with reference to the proceedings of the Conjeeram Idalut of the 27th July 1837, whether it is intended that an enquiry of the nature there ordered is to be made in every case in which a Prisoner may set up a defence of his confession having been extorted from him by violence.—

(Here enter No. 1643)

1.

A reference to the former proceedings of the Conjeeram Idalut, which gave rise to this communication, will at once satisfy the 1st Judge that it was not the intention of the Court that an enquiry of the nature ordered in the proceedings of the Conjeeram Idalut of the 27th July 1837 should be made "in every case" in which a prisoner may set up a defence of his confession having been extorted from him by violence.—

2.

The order in question requiring such investigation to be made was recorded with reference to a particular case, Viz: Case No. 12 of the Vizagapatam Calendar for the 1st Session of 1836, and was not intended to have general application.—In all cases that may arise in future the 1st Judge must exercise his own discretion under the Regulations, whereon he may see reason to think the complaint may be well founded.—

Ordered, that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1201

Read return, dated 27th Ultimo, from G. L. Waters Esqr. late Acting 1st Judge late on Circuit in the Centre Division, to the precept of the Conjeeram Idalut under date the 13th July, conveying their remarks and order on the Report of the Judge late on Circuit in the Centre Division for the 1st & 2d Sessions of 1838.—

(Here enter No. 1554)

Read return, dated 30th Ultimo from the Joint Criminal Judge at Cuddalore, to the precept of the Conjeeram Idalut under date 23d July conveying their remarks and order on the Cuddalore

Criminal

15th August 1838.

Criminal Reports for the month of June last.—

(Here enter No. 1577)

Read letter dated 1st instant from the Acting 3d Judge late on Circuit in the Southern Division, submitting the Statements required by the Circular Order Conjeeveram Adalut No. 14.—

(Here enter No. 1590)

Read letter dated 2d instant from the 3d Judge on Circuit in the Centre Division, transmitting a/c of the Shettoo first Supplemental Calendar for the 3d Quarter Sessions of 1838.—

(Here enter No. 1591)

Read returns dated 1st instant from the Provincial Court in the Centre Division, to the precepts of the Conjeeveram Adalut under date the 11th July 1838, conveying their remarks and orders on the Criminal Reports of the Centre Division for the 1st Sessions of 1838.—

(Here enter No. 1593).

At a Court of the Conjeeveram Adalut.

Present,

Thursday 16th August 1838.

John Bird Esqr. ——— 1st Puisne Judge,
Thomas Reid Oakes Esqr. ——— Acting 3d Puisne Judge,
Alexr. Duncan Campbell Esqr. — 3d Puisne Judge,

Read return dated 9th August 1838 from the Acting 3d Judge late on Circuit in the Southern Division, in precept of the Conjeeveram Adalut under date the 28th Ultimo, directing the transmission of the English Record No. 30 on the Cumbaconum Calendar 1st Sessions of 1838.—

(Here enter E. C. No. 1632)

The Court of Conjeeveram Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the crime of which the Prisoner Veerarajen stands convicted, has not been established by the evidence adduced in the trial against him, resolve to direct that the said Veerarajen be unconditionally set at Liberty.—

Ordered accordingly, that extract from these Proceedings be forwarded to the 3d Judge late on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 1204

Read letter, dated the 7th instant from the Joint Criminal Judge at Pondicherry, detailing the

the circumstances connected with a Case of gang Robbery by open violence committed above the Ghauts in Wynaad, and communicating his opinion, that, with a view to the conviction of the principal offenders, it is expedient that the two prisoners named Kunatally Poker and Komatoor Koyning, who do not appear to have been leaders in the Robbery, should be admitted as approver

(Here enter No. 1645)

Under the authority vested in them by Section XII Regulation XIII of 1832, the Court of Sunjarat Adalut sanction the offer of a conditional pardon to

"Kunatally Poker"

and

"Komatoor Koyning"

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 Joint Criminal Judge at Tellicherry for his information and guidance.

(Sent in No. 1205

Read return, dated 7th instant, from the Acting Joint Criminal Judge of Cuntoor the

precept dated the 6th of August 1838, communicating the observations and orders of the Court of Sunjarat Adalut on the Criminal Reports for the Month of June 1838.

(Here enter S. D. No. 1641 of 1838)

Read letter dated 6th instant from the First Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Cuntoor.

(Here enter No. 1646 of 1838)

Read letter, dated 9th instant, from the 1st Judge on Circuit in the Southern Division, stating that the 1st Sessions had been fixed for opening the 2d Sessions at Rajahmundry.

(Here enter No. 1649 of 1838)

Read letter, dated 9th instant from the Acting 2d Judge on Circuit in the Southern Division reporting the commencement of the Sessions at Ellamanchy and the state of the Calendar.

(Here enter No. 1654 of 1838)

At a Court of the Tanjore Adalut

Present,

Friday 17th August, 1838

John Bird Esqre. ——— 1st Puisne Judge,

Thomas Alexr. Baker Esqre. ——— Acting 2d Puisne Judge,

WB Alexr. Duncan Campbell Esqre. ——— 3d Puisne Judge,

T.A.D.

WB

Read again Extract from the Minutes of Consultation under date the 12th June 1838, No. 588, intimating that the Right Honorable the Governor in Council is not prepared, as at present informed, to sanction the employment of an additional Police force for the preservation of the peace of the Tolaveram Zemindary as recommended by the Board of Revenue in their letter of the 10th of May 1838, but requesting the Court of Tanjore Adalut to instruct the Magistrate to proceed immediately to the spot and to report from personal enquiry the causes which may have led to the disturbance in that part of the Country - that in the meantime His Lordship in Council deems it inexpedient to sanction the distribution of the reward of 500 Rupees proposed to be given to those persons, not in the pay of Government, who afforded their services on the occasion - and that with the slender information before him His Lordship in Council is not prepared to approve the proceedings of the Magistrate in sequestering the property of Soobien Reddy, - but desiring that when the detailed

report

report ordered to be called for, shall have been received, the Judge will review the entire subject and accompany his proceedings with such suggestions as a letter as circumstances with the actual circumstances of the case may enable him to offer.—

(Here enter No. 257)

Also read letter dated the 27th Ultimo from the Magistrate of Rajahmundry submitting the details Report on the subject of the late disturbances in the Polaveram Zemindary called for in the Minutes of Consultation of the 15th June 1838.—

(Here enter No. 1654)

In the 2d para of the letter from the Magistrate of Rajahmundry above mentioned, he states as justifies the encouragement of thirty extra Peons, and the sequestration of the estate of Gooba Reddy, the promoter of the disturbances in the Polaveram Zemindary, he stating that had he not acted decidedly at the moment "the consequences of a compleat body of ready armed Rajahs "had already shewn that they were prepared to commit "such murders and arson in their pursuit of plunder "obtaining a footing in the low Country would have "been dreadful, the more particularly as "he was aware "that the least success would have added to their numbers

the

"the large uncontrolled bands of the Rumpah, Pittapuliay "and Juggunndy Hill Zemindaries as likewise the disaffected "from Golcondah" and "in support of this assertion" Mr. Smith forwards "copy and translation of a letter addressed to him by the Hill Chief of Rampah".—

2. The quarrels between the Hill Raddis —"— —"— and the Polaveram Proprietor are stated to be of long standing, and they appear to have their origin in the oppressive and arbitrary exactions of Cocherlacota Juggiah, the adoptive father of the present Proprietor.—

3. This Cocherlacota Juggiah was formerly the Dewan of the late Zemindar, and in the course of his employment he is stated to have realized so considerable a sum of money as to have been able to become the purchaser of the Estate when the Zemindary was in 1829 sold by public auction on account of arrear of Revenue.—

4. Cocherlacota Juggiah is represented to have been a man "of very indifferent character", and that his intrigues the ruin of the late Zemindar is stated to be, partly, if not mainly, attributable. His adopted son, the present proprietor, Venkata Krishnarow, appears to have kept alive the ill-feelings which were engendered against his father, by continuing his most arbitrary assessments, and undue interfering with the established

rights

rights of the Kille Reddies; and so deep-rooted and virulent is the feeling of hostility entertained by the Kille Reddies against the present proprietor, that it would appear to be desirable that Government should endeavour to buy up his rights, and take the lands under their own management for the benefit of the people, in favor of the hereditary family, who have been deprived of their ancient inheritance by the intrigues of the adoptive father of the present proprietor will probably not subside, so long as he remains its owner.—

5. In the disturbance which gave rise to this correspondence, the Magistrate states "that the Proprietor was to blame in having interfered with Coobla Reddy's established rights." That "in consequence he" "immediately addressed an order "to him pointing out the impropriety of his conduct and desiring "him to abstain from such interference" that having "shewed an intention to support the Kille Reddies in their "rights," "Coobla Reddy ought to have remained quiet, but "instead of that his first act was to burn and plunder "several houses in the Village of Leetang among which were "that of the Tolumpane Gomicaray, "but it on the opposite side of the River, 10 Miles distant "from the Kills and only 2 from Rajahmundry and his "next to lay waste and plunder the Bhamole Estate, where "the proprietor

"proprietor never did him any harm". "Having" thus "rendered justice to Coobla Reddy" "where the Magistrate considered "him the injured party" Mr. Smith submits that it "was "equally" his "duty to protect the inhabitants of the Plains "and endeavour to bring him to punishment who he "was the unprovoked aggressor"— that "accordingly he took "the several steps pointed out by the Regulations of "Summons, warrants, and offers of the common reward authorized.—

6. From that period by concentrating" his "Police," Mr. Smith states that he "was enabled "to keep the District quiet for nearly a year," but that "all this time" he "saw that Coobla Reddy was determined "to provoke a Trial of strength and therefore when he "again commenced by murdering two of the proprietor's "servants, wounding two and carrying nine Prisoners into "the Hills, he immediately opposed such a strength "to him as was equal to protecting the inhabitants, "and securing their co-operation and putting an end "to the disturbances at once"—

7. Since however the receipt of the Minutes of Consultation under date the 7th June 1838, the Magistrate states that he has again visited the

Kills

"Hills, and that he "found every thing perfectly quiet". That he "could not however persuade Lorba Reddy to visit" him "as the "Head of Police" saw him, and he sent most positive assurances "that if "the Magistrate" would intercede with Government "for the restoration of his rights, he would enter into a Mochilka "not to disturb the peace of the District again". That as by the Magistrate, it "satisfied that Lorba Reddy has been "severely punished for his past acts," and that "no doubt but "that now he will be quiet," he thinks it "desirable that the "moderation of Government should be shown towards "him" and accordingly he recommends that he "may be "allowed to re-instate him in his estate and privileges on "his entering into a Mochilkah not to disturb the "tranquility of the District again".

8. It appears desirable that this suggestion of the Magistrate should be acceded to; and under the explanation now submitted perhaps the Right Honorable the Governor in Council will no longer withhold his consent to the distribution of the rewards referred to in Para: 3 of this Court's letter of the 2d June 1838, or to the employment of an additional Police Force for the presentation of the Pass of the Pulaveram Zemindary as recommended by the Board of Revenue in their letter

to

to Government of the 10th of May last.—

9. Should however it not be considered expedient to adopt the suggestion offered in our former part of these proceedings as to the purchase by Government of the rights of the present proprietor of Pulaveram, it would appear to the matter for the consideration of the Board of Revenue and of Government whether "the tribute or Bilmuetah rent" annually payable by the Pagavaram "Pile Chief to the proprietor of the Pulaveram estate should not be specifically determined, as from Mr. Lindesley's letter to the Board of Revenue of the 13th of May 1834 it appears to have been "settled at "a rate below what the Proprietor has a right to demand", and consequently the settlement of the Pagavaram Mootah may be one of the causes of the "oppressive exactions" of the present Zemindar.—

10. In conclusion the Judge begs to be favored with instructions as to the manner in which the prisoner "Malimed Cawn" should be disposed of. The Magistrate suggests that he be required to furnish security and under the circumstances stated in the concluding Para: of this Court's letter to Government of the 2d June 1838 the Court of Enquiry Adalut would recommend that the

this Magistrate's suggestion be acceded to.—

Ordered, that extract from these proceedings together with copy of the Magistrate's letter of the 2nd Instant and the original of its enclosures 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. 1208

Read the Criminal Report for the Months of July 1838, submitted by the Officiating Joint Criminal Judge at Cimanelly.—

(Here enter No. 1663)

The Court of Conjeeveram (Adawlut sitting) reserve to doubt whether Cases Nos. 48. 51. 52. and 53. have been properly disposed of by the Officiating Joint Criminal Judge, proceeds to direct the Judge on Circuit and now at Cimanelly to look into the proceedings held in those Cases, and intimate his opinion that a further enquiry is practicable and requisite for the ends of justice, he will direct such additional enquiry to be made, and the result to be communicated to the Court of Circuit & collectively for their orders.—

2.

The charge against the prisoner "Rayanah" having been finally disposed of in the Months of July, the case should have been entered in the Supplementary Report as well as in the Report No. 8.—

Ordered

E.E.

17th August 1838.

Ordered, that para. 1. of these proceedings be furnished to the Judge on Circuit in the Southern Division for his information and guidance by speedy Precept returnable in 15 days from and after its receipt.—

(Sent following Precept No. 1209

Ordered also, that extract from these proceedings be furnished for the information and guidance to the Officiating Joint Criminal Judge at Cimanelly.—

(Sent in No. 1210-

Read return, dated 6th instant from the Criminal Judge of Bellary to the Precept of the Conjeeveram Adawlut under date the 5th July 1838, conveying their remarks and orders on the Bellary Criminal Report for the Months of July last.—

(Here enter No. 1634 of 1838)

Read letter, dated 11th instant, from the Acting 2d Judge on Circuit in the Centre Division, submitting his opinion of the 4 Cases disposed of by the Principal Sudr Ameen of Cumbum as directed by the Proceedings of the Conjeeveram Adawlut under date 28th June last.—

(Here enter No. 1663 of 1838)

Read further return dated 11th instant from

17th August 1838.

from the 3d Judge Cutcherry on Circuit in the Southern Division to the precept of the Court of Oyer and Terminer under date the 27th March 1838, directing him to call on the Magistrate to certify himself in the discovery of that part of the jewels of the Prosecutor in Case No. 8 on the Chicacole Criminal Calendar for the 2d Sessions of 1837 which are missing.

(Here enter No. 1664 of 1838)

Read letter dated 11th instant from the Acting 2d Judge on Circuit in the Southern Division, submitting a statement of Batta paid to prosecutors and witnesses in attendance before the Court of Circuit of the 2d Sessions of 1838 at Ganjam

(Here enter No. 1666 of 1838)

T.P.C.

50 Rd

113

T.P.C.

115

At a Court of the Court of Oyer and Terminer Gaol Delivery

Present,

Saturday 18th August, 1838.

John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Oakes Esqre ——— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre ——— 3d Puisne Judge,

113

T.P.C.

115

Read the Criminal Reports presented by Section XXXV Regulation X of 1816 submitted by the Joint Criminal Judge of Malabar for the Month of July 1838.

(Here enter No. 1655)

The above Reports do not appear to call for any remarks from the Court of Oyer and Terminer Ordered therefore, that Extract from the Proceedings be sent to the Joint Criminal Judge of Malabar for his information.

(Sent in No. 1216.

Read the Criminal Reports presented by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Guntoor for the Month of July last.

(Here enter No. 1658.)

The above Reports do not appear to call for any remarks from the Court of Oyer and Terminer Ordered.

Ordered

18th August 1838.

WS

D.H.Q.

W.S.

Ordered therefore, that Extract from the proceedings be forwarded to the acting Joint Criminal Judge at Guntoor for his information.

(Sent in No. 1217.

W.S.

Fort St. George

At a Court of the Foujdaree

Present,

John Bird Esqre ____ 1st Puisne Judge

Monday 20th August 1838

Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Miscellaneous Petition

W.S.

D.H.Q.

presented on the 8th of August by Sonnayer of Trichi-
=nopoly in the Zillah of Combaconum.—

W.S.

(Here enter M.P. No. 92 of 1838)

1. The Petitioner prays for the interference
of the Court to obtain for him copies of certain docu-
=ments on the records of the Magistrate's Office at
Trichinopoly relative to a complaint preferred by
him in the year 1838 before that Officer, the en-
=Magistrate having refused to furnish Petitioner
with copies thereof as solicited.—

2. The Court of Foujdaree Adalut
direct the Petitioner be informed that if he has
any complaint to make against the act of the
Magistrate, he should submit it in the first
instance to the Judge on Circuit.—

Ordered, that the Petition be re-
=jected, and that copy be furnished to the Petitioner
on his application.—

Read the Criminal Reports
prescribed

prescribed by Section XXXI Regulation X of 1816
submitted by the Criminal Judge of Chicacole
for the month of July 1838.—

(Here inter. Fº 1675.)

The above Reports do not appear
to call for any remark from the Court of Fouj:
daree Adalut.—

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

Sent in Fº 1224

Read the Criminal Reports for
the month of July 1838 submitted by the a
Assistant Criminal Judge in charge of the Court
at Madura.—

(Here inter. Fº 1673.)

Cases Nos 143 and 155.

1.

Cases Nos 143. and 155 would appear
to have been improperly forwarded to the Criminal
Court, and the Assistant Criminal Judge in
charge is accordingly directed to furnish the
Magistrate with a copy of the cases as they
stand in the Report, in order that such notice
may be taken of the Conduct of the Police Offic:
by whom they were forwarded, as, to the Magis:
trate, may seem proper.—

2.

The Assistant Criminal Judge
will in future avoid forwarding blank State:
ments—it would have been sufficient if the a
Assistant

Assistant Criminal Judge had certified that
the powers of punishment created by Regula:
tion X of 1832 had not been exercised during
the month of July 1838.—

Ordered, that Extract from these
proceedings be forwarded to the Assistant
Criminal Judge in charge of the Court at
Madura for his information and guidance.—

Sent in Fº 1222

Supa Court of the Conjeeveram Adalut.

Present,

Tuesday
21st August, 1838. John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Oakes Esqre —— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

JBS

T.A.O.

Read again letters dated respectively the 28th and 19th Instant, from the 1st Judge on Circuit in the Western Division, transmitting the record in Cases Nos 20 and 22 on the Canara Calendar for the 1st Sessions of 1838.

(Here enter Nos 1585 and 1537)

Read also Extract from the Minutes of Consultation under date the 17th instant, communicating the approval of the Government in the Sentences passed in Cases Nos 20 and 22 in the Canara Calendar for the 1st Sessions of 1838, but directs that the term of imprisonment awarded in No 22 be reduced from fourteen to seven years.

(Here enter No 1684)

Case No 20.

Mr Bird,
and
Mr Oakes,

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

"Narrain"

be set at Liberty.

Case No 22.

Mr Bird,
Mr Oakes
and
Mr Campbell,

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

"Sintuppa Shetty"

be

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.—

The Court likewise direct that Extract from their proceedings under date the 11th August 1838 be sent for the information and guidance of the Provincial Court of Circuit in the Western Division.—

(Sent following letter No 1225 & 1226-

Read letter, dated 6th inst[illegible] the 3d Judge on Circuit in the Centre Division, with a copy of the Chitton 13th Supplemental Calendar for the 2d Quarter Sessions of 1838.—

(Here enter No 1607 of 1838)

Read return dated 7th instant from the Provincial Court of Circuit in the Centre Division to the precept of the Oyez &c dated under date 12th July 1838 directing the Court to forward the information required from the late Acting 1st Judge of the names of such Bearers of Colic and of the Talooks in which they exercise jurisdiction as have caused confessions to be attested by witnesses not really present.—

(Here enter No 1609 of 1838)

Read further return, dated 7th instant from the 3d Judge late in Circuit in the Northern Division to the precept of the Oyez &c dated under date 30th

Returns

returns, directing him to ascertain and report what measures may have been adopted for the apprehension of Coorah Cheemoodoo.—

(Here enter No 1623 of 1838)

Read return dated 13th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Oyez &c dated under date 9th August 1838, directing the Circuit Court in the Centre Division to mitigate the sentence of the Prisoner in Case No 1 of the Eleventh Supplemental Calendar of the Chitton 2d Quarter Sessions for the present year to six months imprisonment.—

(Here enter No 1677 of 1838)

Read return dated 18th instant from the 1st Judge on Circuit in the Northern Division to the precept of the Oyez &c dated under date the 9th August 1838, conveying their remarks and orders on the Rollow Calendar for the 2d Sessions of 1838.—

(Here enter No 1685 of 1838)

Read letter, dated 14th instant from the 3d Judge of the Provincial Court of Circuit in the Northern Division, forwarding the Statement required by Circular order No 4.—

(Here enter No 1688 of 1838)

Read return dated 15th instant from the Criminal Judge of Balasore to the precept of the Oyez &c

7th August 1838.

WS

Y.A.O.

4th Sd

Cuttack

Conjeeree Adalut under date 6th August 1838, conveying their remarks and orders on the Balasore Criminal Reports for the Month of June last.—

(Here enter No. 1695 of 1838)—

W.C.

No. 6.

In Court of the Conjeeree Adalut—

Present,

Wednesday, 22d August, 1838.

John Bird Esqre ——— 1st Puisne Judge,

Thomas Alexr Oakes Esqre ——— Acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre ——— 3d Puisne Judge,

WS

Y.A.O.

Cuttack

Read the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 submitted by the Criminal Judge of Chingleput for the Month of July last.—

(Here enter No. 1657.)

The above Reports do not appear to call for any remarks from the Court of Conjeeree Adalut.—

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

(Sent in No. 1228

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Principal Sudr Ameen at Hooghly for the month of July 1838.—

(Here enter No. 1697)

The above Reports do not appear to call for any remarks from the Court of Conjeeree Adalut.—

Ordered therefore, that Extract from these proceedings be forwarded to the Principal Sudr Ameen

22d. August 1838.

WS

L.D. Amount at Home for his information.

Ex. W.S.

(Sent in Ao 1229.

Mr.

At a Court of the Civil Court Gibraltar

Present,

Thursday 23d August 1838. John Bird Esqre ____ Ist Puisne Judge,

Thomas Alexr Baker Esqre ____ Acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre 3d Puisne Judge,

JB

Read the Criminal Reports prescribed

LDC

by Section XXXV Regulation X of 1816 submitted by the Acting

Criminal Judge of Canara for the months of July 1838.

(Here enter No. 1653)

No 77.

1. The opinion of the Assistant Surgeon

has not been subjoined as stated in this case.

No 80.

2. With reference to this communication,

the attention of the Court of Circuit should be drawn

by the Criminal Court to No 79 that they may call for

the evidence in that case if they should require it.

Ordered therefore, that Extract from

these Proceedings be sent to the Acting Criminal Judge

of Canara for his information.

(Sent in No. 1231.

Read the Civil Criminal Reports

prescribed by Section XXXV Regulation X of 1816 submitted

by the Provincial Court of Circuit in the Western Division

for the month of July 1838.

(Here enter No. 1678)

The above reports do not appear to

call

call for any remark from the Court of Conjidaree Ledatutee

Ordered therefore, that Extract from the proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated for the information of the Principal Chowdree at Cheria-

(Contra No. 1232.

Read return, dated 8 instant, from the Criminal Judge of Mahabar to the precept of the Conjidaree Ledatut dated 6th August 1838, conveying their observations and orders on the Criminal Reports for the months of June 1838-

(Here enter No. 1708)

Read return dated 6th instant, from the Acting Judge of the Provincial Court of Circuit in the Western Division for late Judge, to the precept of the Conjidaree Ledatut under date the 9th August 1838, requiring explanation in Case No. 16 on the Camara Calendar for the Sessions of 1838-

(Here enter No. 1709)-

23d August 1838-

Read return dated 18th Inst. from the Pro Court officiating in the Northern Division to the Precept of the S. A., under date the 6th August 1838 Requiring the Judge of the Northern Provincial Court of Circuit who may conduct the trial in Case No. 25 of the Classification Supplemental Criminal Report for the Month of June to Report to the Court of Foujdaree Adalut whether in his opinion there may be sufficient evidence to justify the Trial of the Zemindar and others implicated on the attack in the public Treasury-

(Here enter No. 1713-)

10th Ct. 1838

P. 16.

At a Court of the Conjidaree Adaulut.

Present,

Friday, 24th August, 1838.

John Bird Esqre. ——— 1st Puisne Judge,

Thomas Alexr. Oakes Esqre. ——— Acting 2d Puisne Judge,

J.B. Alexr. Duncan Campbell Esqre. 3d Puisne Judge,

Read letter dated 6th Instant from

L.A.C. W. B. Anderson Esqre. 3d Judge on Circuit in the Western Division transmitting the Record in Case No. 7 on the Malabar Calendar for the 2d Session of 1838.—

(Here enter No. 1608)

Mr. Oakes, and Mr. Campbell, The Court of Conjidaree Adaulut having maturely considered the proceedings held before the Judges on Circuit, the Nature of the Provincial Law officer, and the Nature of the Case of Cozzat and Inoopties of the Conjidaree Adaulut, confirm the said Sentence of the Case of Cozzat and Inoopties aforesaid convicting the prisoner

To Ellakaran Conjambo

of aiding in murder, and awarding to forfeiture and under the provisions of Clause third section VII, Regulation XII of 1803, sentence the said prisoner to the imprisonment and Keptee to hard labour in irons, on the public roads or other public works, for, and during the period of seven years.—

(Cont. following letter No. 1236

Read letter dated the 6th instant from

the

from the Acting 2d Judge on Circuit in the Centre Division of requesting the opinion of the Court of Enquiry whether with reference to the circumstances attending Case No. 26 of the Caracas Calendar (of which an extract is submitted) the prisoners are punishable by the Criminal Court or can only be disposed of by the Court of Circuit.—

(Vide entry No. 1619)

1.

The 2d and 3d prisoners in the Case in question were committed to take their trial on a charge of receiving stolen property — the property stolen or the receipt of the theft exceeding in value 80 Pesos, and the Criminal Judge of Caracas submits that the circumstance is insufficient to take the case out of his jurisdiction.—

2.

The Court of Enquiry are decidedly of opinion the Criminal Judge — Clause 2d Section IV. Regulation VI of 1822 declares that all purchasers or receivers of stolen property obtained under any of the aggravating circumstances described in Clause 2d Section II or Clause second Section III of that Regulation shall be committed by the Criminal Judge to take their trial before the Court of Circuit.—

3.

The fact of the value of the property stolen having exceeded 80 Pesos is not one of the circumstances of aggravation specified in Clause 2nd Section

Section III Regulation VI. 1822, but that provision has been amended by Section IX Regulation I of 1825, and such fact is therein declared to be a circumstance taking the case out of the jurisdiction of the Criminal Judge, and accordingly it appears to the Court of Enquiry desirable to fall within the scope of the specification of aggravating circumstances the existence of which renders necessary the commitment of the prisoners for trial before the Court of Circuit.—

Ordered, that extract from the proceedings be forwarded to the Acting 2d Judge on Circuit in the Centre Division for the information and guidance of himself and the Criminal Judge.—

(Cont in No. 1237.

Read letter dated the 13th instant from the Provincial Court of Circuit in the Western Division reporting that no sum has been realized from the labor of the convicts in the Irons during the 1st quarter of 1838.—

(Vide entry No. 1691)

Read letter dated the 15th instant from the

24th August 1858.

WS — Hon. Acting 2nd Judge on Circuit in the South Division
T.P.O. — respecting his having issued the usual Proclamation for
WS — opening the Circuit at Bellary on the 11th instant
Encl. 1 Ltr. — (Here enter No 1693 dy)

WS

No 56.

At a Court of the Zoujdaree Adalut.

Present,

Saturday
25th August, 1858. — John Bird Esqre — 1st Puisne Judge,
WB — Thomas Alexr Oakes Esqre — Acting 2nd Puisne Judge,
T.P.O. — Alexr Duncan Campbell Esqre — 3rd Puisne Judge,
WS

Read return dated the 20th instant from the 3rd Judge late on Circuit in the Northern Division to the Precepts of the Zoujdaree Adalut under date 26th July 1858 desiring him to transmit Case No 6 on the Primary Calendar of the Vizagapatam Special trials and to ascertain and report if any and what steps may have been taken for the apprehension of Lovah Bheemadoo.—

(Here enter No 1587 of 1858)

Mr. Bird,
Mr. Oakes,
and
Mr. Campbell

The Court of Zoujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letter of the Cazee ool Cozat and Mooftee of the Zoujdaree Adalut, confirm the said Letter of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoner

Dundala Jaganaickoo Co

of Treason and Rebellion, and awarding Sebastian, and under the provisions of Regulation I of 1834, sentence the said prisoner to be transported to such place or places, beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public

roads

roads or other public works for and during the period of his natural life.—

1.

The Court of Oyd are Pedatut direct that this sentence in the trial No 5 from the 3d Judge of Circuit in the Northern Division late presiding at the Vizagapatam Special Sessions 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 Hble the Governor in Council to the intent that the Court may in conformity with the Provisions of Regulation 1st 1834 and Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

2.

The Court of Oyd are Pedatut in submitting the sentence passed in Case No 5 on the Primary Calendar of the Vizagapatam Special Trials deem it proper, as connected therewith, to report for the information of the Government the manner in which the prisoners arraigned in the other Trials, conducted by the Court of Circuit, at their Special Sessions held in compliance with the orders of Government under date 19th September 1837 were disposed of; and the grounds on which it was considered necessary to submit the sentences passed in trials Nos 1 and 2 of the Primary Calendar, and No 1 of the Supplemental Calendar for

for the approval and sanction of Government previous to ordering them to be carried into execution.—

No 1 Primary Calendar 3.

In this trial 9 prisoners were arraigned two of whom (the 2d and 9th) died before sentence was passed in the case

1st Puspalah Mullah
dead 2d Kingala Medarlavah
3d Conchangy Boodagundoo
4th Conagy Chohiah
5th Coodooka Chella pooty alias Carranah
6th Nooty Veeraman
7th Ampaty Boocalo
8th Pundah Saggandie Cotto; and
dead 9th Boodoo Vencapah.

These prisoners were charged with Treason and Rebellion in having assembled with a body of armed men, and forcibly entered and plundered the house of Jemmah Doraman the Zemindar of Golconda, 2nd ult with murder in having removed her from her House to the river called Nemmacotta where she was killed under their cognizance the prisoners this Knowingly aiding and abetting in the murder.—

4. The Provincial Law Officer acquitted the 5th 6th and 7th Prisoners but convicted the 1st 3d 4th and 8th of the crime charged. In this favor the Judge presiding at the trials concurred and accordingly referred the trial for the sentence of the Oyd are Pedatut releasing on security the 5th 6th and 7th Prisoners.—

The

6.

The Cazee vel Cozat and Proctor of the Coojdaree Huddalut delivered in future convicting the 3d prisoner of murder and the 1st and 8th of aiding in the murder and the first of accompanying the murderers altho' none of their intentions. In this future the Judges of the Coojdaree Huddalut concurred so far as it convicted the 8th 1st and 8th prisoners of having aided in the murder. But, being of opinion that there was ample proof to show that the first prisoner had acted as the leader of the gang on the occasion of the murder, they convicted him also of murder, and sentenced the 1st and 3d prisoners to be hanged in chains, and the 8th to be transported.

6.

The Court of Coojdaree Huddalut considered the 8th Prisoner also deserving of a sentence of transportation in that case. But they however deferred passing sentence on him, until they should have received the record of the present trial in Case No 5, the sentence in which case is now submitted for the orders of Government.

Trial Case No 2. 7.

In this case 8 Prisoners

1st Dunlah Pumanick

2d Bottoolah Bhoomidoral

3d Colly Gungoolee

4th Colly Chitchmoodee

Cooja

25th August 1838.

5th Cooja Gungoolee,

6th Bottoolah Pumanick,

7th Cantum Setty Gullasah, and

8th Runia Seeranah,

were accused first of Treason and Rebellion, and secondly of Gang Robbery, in having in company with a body of armed men aided and abetted in plundering and burning the village of Saulancodon under the Ryaa management.

8. The Futwa of the Provincial Law Officers in No 2 declared all the prisoners convicted, and the Judge Presiding at the trial in transmitting the case observed that the first open revolt was not brought home to them, yet as robbery attended with arson was satisfactorily established, the prisoners in his opinion should each receive the full extent of corporal punishment and be transported for their natural lives.

9. The Law Officers of the Coojdaree Huddalut convicted the prisoners merely of being parties to and assisting in gang robbery, and declared them liable to Rokwullut.

10. The first Prisoner in this case No 2 was in the subsequent case No 4 sentenced to death. The Court of Coojdaree Huddalut therefore concurred in this Futwah so far as it convicted the 2d 3d 4th 5th 6th and 7th prisoners of being accessaries to the gang robbery, and accordingly sentenced those prisoners to 3 years imprisonment with

labor

6.

The Cazee and Cozats and Proctors of the Foujdaree Adaulut delivered in future convicting the 3d prisoner of murder and the 4th and 8th of aiding in the murder and the first of accompanying the murderers altho aware of their intentions. In this future the Judges of the Foujdaree Adaulut concurred so far as it convicted the 3d 4th and 8th prisoners of having aided in the murder. But, being of opinion that there was ample proof to show that the first prisoner had acted as the leader of the gang on the occasion of the murder, they convicted him also of murder, and sentenced the 4th and 8th Prisoners to be hanged in chains, and the 4th to be transported.

6.

The Court of Foujdaree Adaulut considered the 8th Prisoner also deserving of a sentence of transportation in that case. But they however deferred passing sentence on him, until they should have received the record of the present trial in Case No 5, the sentence in which case is now submitted for the orders of Govern=

=ment.

Trial Case No 2.

In this case 8 Prisoners

1st Bundah Bumaloo

2d Pottiah Bhogundaah

3d Dolly Gungoolee

4th Dolly Lutchmoodoo

Coorja

Foll.

25th August 1838.

5th Coorja Gungoolay,

6th Cotoolah Lemadoy,

7th Cautum Setty Kullasah, and

8th Pirtha Veeranah,

were accused first of Treason and Rebellion, and secondly of Gang Robbery, in having in company with a body of armed men aided and abetted in plundering and burning the village of Coulamcodoo under the Cazee management.

8. The Futwa of the Provincial Law Officer in No 2 declared all the prisoners convicted, and the Judge Presiding at the trial in transmitting the case observed that the the first revolt was not brought home to them, yet the robbery attended with arson was satisfactorily established, the prisoners in his opinion should each receive the full extent of corporal punishment and be transported for their natural lives.

9. The Law officers of the Foujdaree Adaulut convicted the prisoners merely of being parties to and assisting in Gang robbery, and declared them liable to Kokwolut.

10. The first Prisoner in this case No 2 was in the subsequent case No 4 sentenced to death. The Court of Foujdaree Adaulut therefore concurred in this Futwah so far as it convicted the 2d 3d 4th 5th 6th and 7th prisoners of being accessaries to the Gang robbery, and accordingly sentenced those prisoners to 3 years imprisonment with

Labor

Labor, that having of opinion that the evidence was not
sufficient to support the conviction of the 8th Prisoner, but
only to attach strong suspicion to him, they bound him
over in 2 recognizances of 100 Pagoda each himself for the term
of 3 years; directing he should be imprisoned for the
same period in default thereof.—

Trial Case No. 3. 11.

This case contained only one prisoner

Pundu Cunnadoo

who was sentenced to death in Case No. 4.

Trial Case No. 4. 12.

In this case the Prisoner

Pundu Cunnadoo

was by the Circuit of the Provincial Law officers convicted
of the crime of Murder, alone charged against him,
and in this future the Circuit Judge concurred.—

13.

The Law Officers of the Crown are
Of the 14 prisoners in this case
Of the Supplementary 14.
Calendar
Trial Case No. 1.

Pulliah Pullah

Thangan Muddatanah

Coonchungee Pooddeyanoo.

Connaghery Cuttaiah

Yapanty Pookoloo

Lareeay Gungoloo

Lubah

25th August 1838.

Lubah Gungoloo

Gullalah Gungoloo

Mantah Boottiah or Chittiah

Larevah Gungoloo

Layala Mullaiem

Pondah Achiah or Pontah Gyaspah Gounda

Pundah Sagopainaikloo

and

Boddoo Vensapah

The 2d and 14th were reported to have died in Cuddalore
Vizianagrattam, previous to sentence being passed upon
them, the 1st 3d and 4th had been sentenced in Case
No. 1 of the Primary Calendar, and the 13th prisoner
was concerned, and had been sentenced, in Case No. 5,
the record in which is now submitted for the orders
of the Right Honorable the Governor in Council.—

15. These 14 prisoners were charged with
Rebellion, in having, with three or four hundred
armed men, plundered the houses and property of
one Villaum Venoy alias Padre in Sholendah and
seized and carried him away.—

16. The Provincial Law Officer convicted
the Prisoners of the whole of the charge brought
against them, and in this conviction the Judge
on Circuit concurred.—

17. The Law Officers of the Crown are

Eedahut

25th August 1838.

Ordered Assessors were of opinion that the evidence warranted conviction - the 4th 11th and 13th Prisoners of the crime of Gang robbery and the others they acquitted. The Court of Conjudicature concurring in the view of the case taken by the Law officers, sentenced the 11th Prisoner to be imprisoned for 14 years, and the 6th 7th 8th 9th 10th and 12th to be released.

18.

The Court of Conjudicature Ordered observe in the trials of No. 1 and 2 of the Primary Calendar, and No. 1 of the Supplemental Calendar, that in addition to the Crime of Rebellion the accused were severally charged with offences cognizable by the ordinary Courts, namely in No. 1 for murder in No. 2 for aiding in robbery, and in No. 1 Supplemental Calendar for Gang robbery, and that in each case the conviction took by the Judges, and the Law officers of the Court of Conjudicature Ordered, was for these 3 distinct offences, and that in none of these instances was the charge of Rebellion proved. With reference to Section V Regulation XX of 1832 and Section III Regulation I of 1834, the Court were of opinion that it was clearly the intention of the Legislature that no sentence of conviction for Rebellion could be carried into effect without the previous sanction of Government, but this rule they did not consider to apply to trials in which, altho the Crime of Rebellion was charged, the conviction took place for crimes declared by the Regulations cognizable by the ordinary Courts of Criminal Judicature, and under this view the Court of Conjudicature Ordered did not consider it necessary to obtain the special sanction of Government previous to ordering these sentences to be carried into execution in any of the cases above referred to, with the exception of No. 6 now under

Sent in 12/41

Read

Ent. F.H.

25th August 1838.

Read return dated the 15th August 38 from the Acting 3d Judge late on Circuit in the Southern Division to the Presidt of the Conjudicature Ordered under date 7th August 1838 communicating their observations and orders on the Salem Calendars for the 7th Sessions of 1838.

(Here enter F.H. No. 1586)

1. The Prisoner in Case No. 13 has been convicted of a Robbery of property of little value, unattended by circumstances of much aggravation, and the 3d Judge states that he had previously some thought of recommending a mitigation of his punishment, but refrained from doing so on account of his having heard the Prosecutor and others rather severely. But however on further consideration of all the circumstances of the case he is of opinion that the prescribed punishment may be mitigated, and he accordingly recommends that a sentence of 7 years imprisonment be passed on the Prisoner.

2. The Court of Conjudicature Ordered having maturely considered 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 they authorize the Court of Circuit to pass the mitigated sentence above indicated on the Prisoner.

Exd Cameron

Ordered that extract from these Proceedings

Proceedings be forwarded to the Court of Circuit in the Southern Division by speedy return able in 10 days from and after its receipt.—

(Cont. following Precept No. 1242

Read return dated the 11th August 1838 made by the Criminal Judge of Chittoor to the precept of the Conjeeveram Sudder Adawlut communicating the orders and observations of the Court on the Chittoor Criminal Report for the month of June last.—

(Here enter S.R. No. 1642)

1. In this return the Criminal Judge reports that the Prisoner Comaden included in the Report No. 6. was removed to the Camp at the Ryaroo under the instructions of the Board of Revenue dated 24th May 1838.—

2. The Court of Conjeeveram Sudder Adawlut direct that the Criminal Judge of Chittoor be informed that it was not competent to him to effect the transfer ordered by the Board of Revenue without the previous sanction of the Court of Conjeeveram Sudder Adawlut.—

Ordered that extract from these Proceedings be forwarded to the Criminal Judge at Chittoor for his information and future guidance.—

(Cont. in No. 1243.

Read return made by the Assistant Criminal Judge in charge of the Criminal Court at Bangalore, under date the 15th instant to this Court's Precept of the 7th instant.—

(Here enter No. 1703)

Under

Under the explanation submitted in the foregoing return, the Court of Conjeeveram Sudder Adawlut are of opinion that the Assistant Criminal Judge was justified in modifying the sentences passed by the Sessions Courts in Cases Nos. 95, 115 and 169; and consider the grounds on which they are stated to have been mitigated to be satisfactory.—

Ordered that extract from these proceedings be transmitted to the Assistant Criminal Judge in charge of the Criminal Court at Bangalore for his information.—

(Cont. in No. 1244.

Read return dated the 14th August from the Criminal Judge of Rajahmundry to the precepts of the Conjeeveram Sudder Adawlut under date the 7th of August 1838 communicating the observations and orders on the Rajahmundry Criminal Report for the month of June last.—

(Here enter S.R. No. 1709)

1. In this return to the observations of the Conjeeveram Sudder Adawlut that the Prisoner concerned in Case No. 37 does not appear to have been previously convicted of a heinous offence, the Criminal Judge was, for all that appears to the contrary on the records competent to dispose of the charge of Receiving Stolen brought at

brought against the prisoner in this case. The Criminal Judge certifies that the prisoner referred to was formerly convicted of Burglary in Case No. 63 of 1821 on the Criminal file.—

2. Under this explanation the Court of Foujdaree Udalut will not disturb the sentence passed by the Criminal Judge, but they observe that the crime for which the prisoner stands now formally punishable should have been specified in the monthly report.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and future guidance.

Sent in No. 1745

Read letter dated the 10th instant from the 2d Judge on Circuit in the Southern Division transmitting the Trial in Case No. 1 of the Madura Supplemental Calendar 2d Sessions of 1838.—

(Here enter No. 1668)

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 "Nootoo-um"

is sufficient to convict him of the crime of Murder, do, under the authority with which they are vested, by Clause first, Section II, Regulation I of 1818, convict him thereof, 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. 1746—

Mr. Bird, and Mr. Campbell.

End. H.

End. H.

Monday, 27th August 1838.

Present,

John Bird Esqre ——— 1st Puisne Judge

Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read petition presented on the 8th August 1838 by Yegna Ammal of the Zillah of Combaconum.—

(Here Enter M. P. No. 94 of 1838)

1. This petition contains no petition of the prayer in petitions No. 66 and 79 of 1838 viz. that the Court of Foujdaree Udalut will call for the Proceedings held in the trial of Cases Nos. 21. 22. and 23. of the Combaconum Calendar for the 1st Sessions of 1838. and reverse the sentence passed by the Court of Circuit on Yegna Deetcha-=ler convicted of forgery and subornation of perjury and sentenced in Case No. 21 to seven years imp.=prisonment with labor.—

2. The Court of Foujdaree Udalut having had under consideration the circumstances of this case, resolve, previously to passing further orders on this petition, to call for the proceedings held in the trial above quoted, and they accordingly direct that an English translation of the record

f

of these trials be prepared and submitted by the Provincial Court of Circuit in the Southern Division without delay and in the meantime the Court of Tongalaree Uddalut resolve to suspend the further execution of the sentence passed in Case No. 21.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division by precept returnable within 20 days, from and after its receipt.—

(Sent following precept No. 1252)

Read return made by the Acting Criminal Judge of Cuddapa, under date the 17th, to this Court's precept of the 6th Instant, conveying their observations and orders on the Criminal reports for the month of June 1838.—

(Here enter No. 1704)

The circumstance of the Prisoner in Case No. 23. of the Cumbum Supplemental report, (adverted to in the foregoing return) having been "an inmate" of the Prosecutor's house, at the time the theft charged was committed, not being one of the circumstances of aggravation specified in Clause 4th Section 3. Regulation 6 of 1832, the Court of Tongalaree Uddalut direct that the sentence of imprisonment passed by the Principal Sudr Ameen be reduced from nine (9) to six (6) months.—

Ordered

Ordered, that Extract from these proceedings be transmitted to the Criminal Judge of Cuddapa for communication to the Principal Sudr Ameen at Cumbum for his information and guidance by precept returnable in 7 days from and after its receipt.—

(Sent following precept No. 1253)

Read return submitted by the 2nd Judge presiding at the present Quarterly Sessions for Masulipatam, under date the 17th Instant, to this Court's Precept of the 6th Instant, regarding the disposal by the Acting Joint Criminal Judge of Case No. 34. of the Criminal File of this Court.—

(Here enter No. 1714)

Under the circumstances represented in the Extract from the proceedings of the Court of Circuit for the 3rd Quarterly Sessions 1838 dated the 16th Instant which accompanied the foregoing return from the 2nd Judge presiding it appears highly desirable that the Court of Tongalaree Uddalut should be informed of the result of the further investigation which the Acting Joint Criminal Judge has been instructed to make in respect of the Case No. 34. of 1838 on the Criminal File of this Court. It is accordingly resolved to direct that Copies of all orders issued by the Collective Court of Circuit regarding

regarding the case under observation may be transmitted for the information of the Judges of this Court.—

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

/Sent following precept No 1254/

Read return dated the 14th Instant from the 3rd Judge late on Circuit in the Northern Division, to the precept of the Tonjdaree Udalut under date the 10th August 1838, conveying their remarks on the returns of the third Judge under date the 2nd Instant.—

/Here enter No 1689/

Read return, dated the 18th Instant from the Criminal Judge of Salem, to the precept of the Tonjdaree Udalut under date the 7th August 1838. Conveying their observations and orders of the Salem Criminal Reports for the Month of June 1838.—

/Here enter No 1726/

T. U.

At a Court of the Tonjdaree Udalut.

Present

Tuesday 28th August 1838. John Bird Esqre 1st Puisne Judge
Tho. Alexander 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 Rajahmundry for the month of July 1838.—

/Here enter No 1707/

The above reports do not appear to call for any remark from the Court of Tonjdaree Udalut.—

Ordered therefore, that Extract from these proceedings be forwarded to the Criminal Judge of Rajahmundry for his information.—

/Sent in No 1257/

Read letter dated 16th Instant from the Acting 2nd Judge on Circuit in the Centre Division, returning the death warrant in case No 18. on the Cuddapah Calendar for the 2nd Sessions of 1838.

/Here enter T. U. No 1694/

The Court of Tonjdaree Udalut remark that the accident recorded in the above letter is attributable chiefly to a want of due precaution on the part of the Judicial Officer in attendance at the

Execution

28th August 1838.

Execution in not having ascertained the State of the rope, previously to carrying the Sentence of the Law into Execution on the Prisoner "Chankala Condador, and the Court accordingly resolve to call on the Criminal Judge for an Explanation of this neglect on the part of the Assistant Criminal Judge.

2. The Judges of the Fouzdaree Udalut approve of the Suggestion contained in the latter part of the Assistant Criminal Judge's return, that in future a new rope be purchased for each Execution and they direct that rule be observed on all future occasions, and also that a Spare Rope be kept at hand in case of accident.

Ordered, that Extract from these Proceedings be forwarded to the Acting 2nd Judge on Circuit in the Cuttack Division, requiring him to communicate the above to the Criminal Judge of Cuddapah for his information and guidance by Precept returnable in 10. days from and after its receipt.

/ Sent following Precept No. 1258 /

Ordered also, that Extract from these Proceedings be forwarded to the N. Provincial Court of Circuit to be by them communicated for the information and future guidance of the Several Subordinate Judicial Authorities.

/ Sent in No. 1259 /

why is this note made a C.O.?

113
2 A.O.

113
2 A.O.

4 Ord.

10th Dec. 1838

F. 86.

At a Court of the Fouzdaree Udalut.

Present,

Wednesday 29th August 1838. John Bird Esqre. ——— 1st Puisne Judge
Thos. Alexander Oakes Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

113
2 A.O.

Read the Criminal Reports for the Month of July 1838 submitted by the Joint Criminal Judge at Vizagapatam.

/ Dept. Order No. 1672 /

Case No. 53.

1. In Case No. 53. the Prisoner has been Sentenced by the Judge Amen "to 5. Months imprisonment "with hard labor in Irons and 75. Lashes under Clause 6th "Section II. Regulation VI. of 1822."

2. It does not appear how the case of this Prisoner comes within the Scope of the Section cited, and accordingly the Joint Criminal Judge is directed to Submit an explanation on the Subject to the Court of Fouzdaree Udalut.

3. The Prisoner is charged "with "having bored a hole with a stick at the bottom of a "large Basket (Granary) containing Paddy which "the Prosecutor was guarding and Stolen therefrom "Paddy valued at 1/4 Anna".

4. If this charge is correctly worded, the Prisoner was punishable under Section VII Regulation X of 1816, but if "Prosecutor" has been incorrectly

incorrectly written for "Prisoner", the Case would ap-
=pear to come under Clause 4th Section III Regula-
=tion VI of 1822.

Case No. 54. 5. The Sentence passed by the Joint Criminal Judge in Case No. 54. would appear to be illegal - as Clause 4th Section IV. Regulation VI of 1822 - does not authorize the punishment of a person "for having Stolen property in his possession" - It is essential to a conviction under this Enactment that the person having in his possession property obtained by theft or Robbery; knew at a time Subsequently to its first coming into his possession that such property had been so obtained; notwithstanding which he may have kept the Stolen property in his possession without restoring it to its owner, or giving information to the local Police Officers:— and for a conviction under Section IX Regulation XII of 1832 it is necessary that it be proved that the person possessed the Stolen property offered under suspicious circumstances.

6. The Joint Criminal Judge will submit an explanation of his Sentence in this Case to the Court of Foujdaree Udalut, and in the meantime its further execution must be suspended.

Case No. 55. 7. Unless the witnesses formerly produced in Case No. 49 were re-examined by the Joint Criminal Judge and the prisoner in No. 55. allowed the opportunity of cross-examining them, the

Court of Foujdaree Udalut doubt the propriety of the conviction of the prisoner "Nasurhonud" - as the evidence given in No. 49 cannot be made to bear upon a prisoner, whose case was subsequently for-
=warded to the Joint Criminal Judge for investiga-
=tion -

8. The Joint Criminal Judge will also explain before what authority the prisoner confessed the Crime charged against him; and inasmuch as the prisoner is represented to be "blind," the Court of Foujdaree Udalut would have considered it diffi-
=cult to prove that the prisoner knew the Contents of the bundle containing the alleged Stolen Property.

Case No. 57. 9. The Court of Foujdaree Udalut considering the Sentence passed upon the prisoner in No. 57. unnecessarily severe, resolve to direct that the period of imprisonment be reduced to 6. Months -

Case No. 64. 10. Under the explanation offered by the Joint Criminal Judge in Case No. 64. the Court of Foujdaree Udalut resolve to direct the unconditional release of the prisoner "Chalapanty Venkanah", who does not appear to be under the suspicion of any Specific act of Criminality -

Case No. 65. 11. In conformity to the Circular Order of the Foujdaree Udalut of the 25th November 1837, No. 95, the Joint Criminal Judge will in this case of

Murder

29th August 1838.

murder by Thuggee Enter in the indictment a Separate Count charging the Prisoners with the distinct offence describes in Act No. XXX of 1836

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. 1263 /

Read letter dated 23d August 1838 from the Criminal Judge at Cuddapah forwarding Copy of a Warrant of the Court of Circuit for the banishment of the 1st Prisoner in Case No. 24 of the Cuddapah Primary Calendar for the 2d Session of 1838 to a Zillah to be Selected by the Tongdaree Udalut.—

/ Here enter F. M. No. 1743. /

The Court of Tongdaree Udalut direct that the Prisoner

1st Vencata reddy

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

Ordered, that Extract from these proceedings be sent to the Criminal Judges of Cuddapah and Chingleput for their information and guidance.—

/ Sent in Nos. 1264 & 1265 /

F. M.

In a Court of the Tongdaree Udalut.

Present

Thursday 30th August 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read letter dated the 17th Instant from the 3rd Judge on Circuit in the Centre Division, transmitting the Chittoor 10th and 18th Supplemental Calendars for the 2nd Quarter Sessions of 1838.

/ Here Enter No. 1702. /

The above Calendar not requiring any remark from the Court of Tongdaree Udalut—

Ordered, that Extract from these proceedings be forwarded for the information of the 3rd Judge on Circuit in the Centre Division.—

/ Sent in No. 1270 /

Read the Criminal Reports for the Month of July 1838 Submitted by the Criminal Judge of Malabar.—

/ Here Enter No. 1705. /

Case No. 135. 1. The Prisoner in Case No. 135. is charged "with having forged a false Rahdarry in "the name of Tallyporom Adigary to get a Bullock "pass free."—

2. The Court of Tongdaree Udalut

observe

observe that in fabricating a Rahdaree the Prisoner did not contemplate the injury or the defrauding of another, and consequently no offence has been committed by the Prisoner which would bring the case within the provisions of the Regulations affecting Forgery and they accordingly direct that the Prisoner be discharged with a Warning.-

Case No. 136. 3. The Criminal Judge will point out to the Assistant Criminal Judge that the Sentence awarded in Case No. 136 should have been passed under the provisions of Section VII. Regulation X of 1816. the Section and Regulation quoted in the Report is applicable only to the Magistrate.-

Case No. 153. 4. If the 2nd Prisoner in Case No. 153. ("a youth") has been sentenced to Solitary confinement, the Court of Fouzdaree Adalut disapprove of the infliction of the punishment in such an instance - but if it is intended that the boy is merely to be confined at night in one of the "Solitary Cells," to prevent his communicating with the other Convicts, the Court of Fouzdaree Adalut will not disturb the Sentence of the Judge.-

5. The Extra Peons employed in the Jail at Calicut during the Month under Review would appear to have been 4. in excess of the Prescribed number; and the Criminal Judge is accordingly desired

desired to Submit an Explanation on the Subject to the Court of Fouzdaree Adalut.-

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. 1271 /

Read return dated the 20th Instant, from the Acting Joint Criminal Judge at Masulipatam, to the Precept of the Fouzdaree Adalut under date 6th August 1838, conveying their orders and observations on the Masulipatam Criminal Reports for the month of July last.-

/ Here enter No. 1742 /

Read return, dated the 21st Instant from the Acting Joint Criminal Judge at Cochin, to the Precept of the Fouzdaree Adalut under date the 13th Instant, communicating their orders and observations on the Cochin Criminal Reports for the Month of July last.-

/ Here enter No. 1750 /

At a Court of the Foujdaree Udalut.

Present:

John Bird Esqr. ——— 1st Puisne Judge

Friday 31st August 1838. Thomas Alexr Oakes Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 11th August 1838 from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the record in Case No. 20 on the Calendar for the 2nd Sessions of 1838.—

/Here Enter No. 1682./

The Court of Foujdaree Udalut

Mr. Oakes. and Mr. Campbell— on a deliberate consideration of the circumstances of the case in Evidence before them, being of opinion that the proof against the prisoner

"Santany Vencatapaty"

is sufficient to convict him of the crime of murder, do, under the authority with which they are invested under the provisions of Clause first Section II. Regulation I of 1818, convict him thereof, 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.—

The Court of Foujdaree Udalut observe that from the circumstances of this case in Evidence before

31st August 1832.

grounds of the suspicion entertained against the pristoner.—

Case No. 122. 2. With reference to the sentence passed upon the pristoner "Caroopen," and to the nature of the evidence by which the charge brought against him was supported, the Court of Foujdaree Udalut resolve to request the Provincial Court of Circuit in the Southern Division to call for the record of the case and to pass such orders thereupon as may appear to them proper.—

Case No. 131. 3. The Acting Joint Criminal Judge is required to submit an explanation of the sentence in Case No. 131. it does not appear from the entry in the Report that the pristoner committed any offence punishable under Section V. Regulation X of 1832.—

Case No. 134. 4. The Acting Joint Criminal Judge is also required to submit an explanation of the sentence in Case No. 134. It does not appear clear from the entry in the Report of what particular offence the pristoner was convicted,— if of Robbery or attempt at Robbery with violence, the case was not punishable by the Joint Criminal Judge; and the Section and Regulation quoted by the Acting Joint Criminal Judge in justification of his sentence is not applicable, unless Housebreaking was proved against the Pristoner.

Pending

2. F. U.

31st August 1832.

5. Pending the receipt of the further orders of the Court of Foujdaree Udalut on this case, the Acting Joint Criminal Judge is directed to suspend the further execution of the sentence passed on the pristoner.—

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 No. 1278/

Ordered also, that para. 2. of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

/Sent in No. 1279/

Read the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Cuddalore for the month of July 1832.—

/Here enter No. 1670/

The above Reports do not appear to call for any remarks from the Court of Foujdaree Udalut.—

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

/Sent in No. 1280/ Read

31.

Read the Criminal Reports for the month of July 1838 submitted by the Criminal Judge of Salem.—

(Here enter No. 1706)

Cases Nos. 120. and 139. 1. The Criminal Judge is directed to request the Magistrates of Salem to submit direct to the Court of Sunderee Adalut an explanation of the delay in forwarding Cases Nos. 120. and 139. to the Criminal Court.—

Case No. 129. 2. And with reference to Case No. 129 the Criminal Judge is required to explain whether there was proof that the prisoner in No. 129 stole the Cloths valued at Rupees 3. And annexed.

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

(Sent following precept No. 1281)

Read Extract from the Minutes of Consultation under date the 17th August 1838 recorded on consideration of Mr. Dickenson's Report on the charge of corruption brought against the late Mr. Bushby by Mr. Angelo.—

(Here enter No. 1723)

Ordered, that para: 2. of the Extract from the Minutes of Consultation referred to above, together with Copy of para: 12. of this Court's letter to Government of the 23d Ultimo and of paras: 52. and 53. of Mr. Dickenson's Report be forwarded to Mr. Paternoster, the late Judge of Cuddalore and to Mr. Stromboom the present Judge at that Station, with instructions to Mr. Paternoster to state, with reference thereto, every thing that passed between himself and the Head Writer Parthasarady, and Mr. Stromboom, the Criminal Judge of Cuddalore, is directed to examine the said Parthasarady with reference to the original Papers herewith submitted, and to take the depositions of Rajah Row and Venkatareddy, and eventually, if there should be sufficient grounds, for considering that the charge preferred against the late Mr. Bushby was the result of a conspiracy to institute proceedings before the Magistrate of Cuddalore.—

With reference to para: 3. of the Minutes of Consultation of the 17th instant of which also a copy accompanies these proceedings, the Criminal Judge is directed to respond to Mr. Angelo the sum of Rupees two hundred being the amount of Fine which, under the circumstances of the case, was erroneously levied from him by the Commissioner.—

Ordered, that Extract from these proceedings, together with copies of the papers referred to above, be forwarded to Mr. Paternoster the

29

the late Judge of Cuddalapah and to Mr. Strombom the present Criminal Judge of Cuddalapah for their information and guidance by precept returnable in 25 days from and after its receipt.

Sent following precept to Rs. 1282 & 1283.

Read letter dated the 20th Instant from the 1st Judge on Circuit in the Northern Division, submitting a copy of the Cuntoor or Calendar for the 2nd Sessions of 1838.

Here enter No. 1735.

The above Calendar not requiring any remark from the Court of Sunjdaree Udalut.

Ordered, that Extract from these proceedings be forwarded for the information of the 1st Judge on Circuit in the Northern Division.

Sent in No. 1284.

Read return, dated the 16th Instant from the Criminal Judge of Chicacole to the precept of the Sunjdaree Udalut dated the 8th August 1838, conveying their observations and orders on the Chicacole Criminal Reports for the month of June 1838.

Here enter No. 1732.

F. No.

At a Court of the Sunjdaree Udalut

Present

Monday 3rd September 1838. John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. as 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read petition presented on the 2nd July 1838 by Goloorroo Siddareddy of the Zillah of Cuddapah.

Here enter M. P. No. 75 of 1838.

Read also petition presented on the 13th August 1838 by Goloorroo Siddareddy of the Zillah of Cuddapah.

Here enter M. P. No. 99 of 1838.

In the 1st of these addresses the Petitioner represents that his brother the 2nd Prisoner in Case No. 5 of the Cuddapah Calendar for 1st Sessions of 1838, has been unjustly accused of Robbery and his own Jewels produced against him, and prays that as the trial is now under reference to the Court of Sunjdaree Udalut, they will maturely consider all the Circumstances connected therewith, and order the release of his brother, and the restoration of the Jewels, and in the 2nd address he prays the Court to issue a speedy order in his case.

The Court of Sunjdaree Udalut direct that Petitioner be informed that the record of the

the trial referred to has not yet been submitted to the Court of Fouzdaree Udalut, but that the case of the person on whose behalf the Petition is presented will be disposed of in due course, and that the Petitioners further attendance in the Court is unnecessary.—

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

Read Petition presented on the 8th. August 1838 by Veroomal Setty Ranga Naick late Duffadar, and 44 others late Peons, on the Jail Establishment of the Joint Criminal Court at Vizagapatam.—

/Here enter M. P. No. 95 of 1838./

1. The Petitioners complain of the injustice of their dismissal from their Situations on what they allege was a false charge, brought against them by the Jailor, of gross neglect, and they represent that owing to the power of dismissing the Jail Peons being vested in the Jailor, much corruption and injustice exists in the Jail establishment at Vizagapatam, and they pray the Court of Fouzdaree Udalut will issue orders for their re-employment in the Service.—

2. The Court of Fouzdaree Udalut

previous

previous to passing any final orders on the prayer of the Petitioners are desirous of being informed whether any of the circumstances therein represented are correct.— They accordingly direct that a copy of the translation of the Petition be transmitted to the Judge on Circuit in the Northern Division, whose attention in reporting thereon, will be particularly drawn to the allegation contained in the latter part of the petition, with regard to the power delegated to the Jailor.

Ordered, that Extract from these Proceedings be forwarded to the Judge on Circuit in the Northern Division by Precept returnable in 20. days and that copy of these Proceedings be furnished to the Petitioners on their application.—

/Sent following Precept No. 1298/

Read Miscellaneous Petition presented on the 20th. Ultimo by Rama Sawmy Moodelly of Chingleput.—

/Here enter Mr. P. No. 101 of 1838./

This Petition recites the circumstances under which Petitioners father was ill-treated by Doctor Sawmy Naick as stated in his former address, Miscellaneous Petition No. 74 of 1838, disposed of in this Courts Proceeding dated the 30th. July last, in which Petitioner was informed that an enquiry would be made by the European

European Magistracy of the District, the result of which would be reported for this Courts information. The Petition further sets forth that the Enquiry held under the orders adverted to by the Court, has been partially conducted by Mr Swinton, the Assistant Magistrate, who has dismissed his complaint: It is therefore prayed that the Record of the Case, and of the Assistant Magistrates proceedings, may be called up, with a view to that Officers decision being reversed, and justice done to the Petitioners father.

2. Adverting to the information which is before the Court, the Judges of the Foujdaree Adalut see no reason to Comply with the prayer of the foregoing Petition; the complaint therein referred to, appearing to them to have been properly disposed of by the Assistant Magistrate; Should the Petitioner, however, be still of opinion that the decision passed by that Officer, is not warranted by the Circumstances of the Case and the Evidence adduced to support the charge, he should apply to the Judge presiding at the Existing Sessions at Chingleput, by whom such orders as may appear necessary will be issued.

Ordered, that the Petition be rejected, and that copy of these proceedings be furnished, on his application to the Petitioner.

Read

J. N.

3rd September 1838.

Read petition presented on the 20th August 1838 by Venkataramiah Vakeel of Valleryanmah of the Zillah of Combaconum.

(Here enter No. 2 & No. 103 of 1838.)

1. The Petitioner prays that as the Court of Foujdaree Adalut have declared their intention, by their former Orders, of not interfering with the Sentence passed by the Court of Circuit on her husband, the 6th Prisoner in Case No. 43. on the Combaconum Calendar for the 2nd Sessions of 1838, they will be pleased to direct that she may be furnished with Copies of all the Proceedings, in Tamil and English, held before the Criminal Judge and the Judge on Circuit.

2. The Court of Foujdaree Adalut direct that the petitioner be informed that she should apply to the Court of Circuit for Copies of any Proceedings of that Court she may require.

Ordered accordingly that the Petition be rejected, and that Copy of these Proceedings be furnished to the Petitioner on her application.

Read Petition presented on the 20th August 1838 by Dantala Bangariah of the Zillah of Rajahmundry.

(Here enter No. 2 & No. 104 of 1838.)

1. The object of this Petition is to obtain the release of Vatchavayee Soobba Rajoo, Prisoner in

cash

case No. 4 of the Rajahmundry Calendar for the 4th Sessions of 1838 who was convicted and sentenced to 14 years imprisonment with labor on a charge of gang robbery -

2. The Court of Foujdaree Udalut upon further consideration of the circumstances of the case as recorded in the Calendar, deem it proper, before passing a final order on this Petition, to have before them the Proceedings held before the Judge on Circuit in the case referred to, and they accordingly resolve to direct the Provincial Court of Circuit in the Northern Division to prepare, and to transmit to this Court without delay, an English Translation of the record of the Trial in Case No. 4 of the Rajahmundry Calendar for the 1st Sessions of 1838.

Ordered that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 15 days from and after its receipt, and that copy of these Proceedings be also furnished to the Petitioner on his application -

/ Sent following Precept No. 1299 /

Read Miscellaneous Petition presented to the 20th instant by Mahajanum Sommayyer inhabitant of the District of Ruchimpoly -

/ Vide entry No. 106 of 1838 /

The Petitioner refers to the circumstances stated in his former address, but further asserts that several false Statements have been made in the explanation submitted by the Court of Circuit in the Southern Division - He also remarks that although this Courts resolution, on a Petition presented by him on the 30th July, was confirmatory of their former order, yet, that it was not therein specified that he was liable to the fine imposed on him by the Magisterial authorities at Tuticorin poly and the Judge on Circuit - He prays therefore, that the record of his case may be called for and attentively perused, and if on further consideration the Judges resolve to direct the Enforcement of the Penalty in question, he expresses his willingness to pay it - If, however, they are disinclined to do this much, he requests orders may be issued to furnish him with the copies referred to in his Petition of the 8th instant -

2. The orders of this Court on the Subject of the Petitioners several applications were not passed without due consideration, and nothing has been stated in the foregoing address to induce a revision of them - The Judges consider it, however, incumbent on them to notice with their displeasure the disrespectful remarks which this Petitioner has allowed himself to make regarding the Court of Circuit in

in the Southern Division and the generally objectionable style of address which he has adopted in the Petition now under remark. They accordingly direct that the Petitioner be fined in a Sum of Rupees 3, for the Contempt of Court which he is considered to have shown; or, in default of payment, that he be imprisoned for a period of 10 days in the Tillai Jail at Chidambaram.

3. In respect of the copies of proceedings referred to by the Petitioner, it is observed that he has already been directed to submit any complaint he may wish to make against the Magistrate, to the Judge on Circuit; and this Officer will, the Court of Tondaree Udalut feel assured, if due the necessary orders on its being shown that the Petitioners' application to the Magistrate has been repeated without sufficient grounds being assigned for such a proceeding.

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

Read Petition presented on the 20th August 1838 by Nullatumby Naicken and Vallee Yamnay of Cuddalore.

/ Here enter M. P. No. 107 of 1838. /

With reference to the Court's order of 13th August 1838. The Petitioners pray that the Court of Tondaree Udalut will direct the Judge on Circuit in the Centre Division strictly and impartially to enquire into the Case of Angamoottoo the Convict in

in the Jail at Cuddalore.

The Court of Tondaree Udalut desire the Petitioners be informed that they see no necessity for interfering in the manner prayed for. Their petition is accordingly rejected.

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

Veneatapa Chetty of the Tillai of Chillom, moves the Court to return the Enclosures in his Miscellaneous Petition No. 10 of 1838.

Ordered accordingly.

Read letter from the Register to the Provincial Court of Circuit in the Northern Division under date the 8th Ultimo submitting copy of a Supplemental return from the Magistrate of Guntoor, in respect of the order of Government of the 8th June last, together with copy of a letter addressed by him to the latter authority.

/ Here enter F. H. No. 1680 of 1838. /

Read also Order of Government No. 757 of 1838 under date the 30th July last forwarding transcript of a letter from the Magistrate of Guntoor dated the 19th July, in justification of the order passed in the first instance on certain Servants of the Guntoor Magisterial Establishment, and urging upon Government the inexpediency of authorising the re-employment of Acharas

Vethyanund

3rd September 1838.

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

/ Sent in Nº 1300 /

Ordered also that Extract from these Proceedings be forwarded to the Judges of the Court of Circuit in the Northern Division for communication to the Magistrate of Jaffna.

/ Sent in Nº 1301 /

Read again letter dated the 6th June last from the Acting 1st Judge on Circuit in the Centre Division transmitting the Disapproved Calendar for the 1st Sessions 1838.

/ Vide entry Nº 1203 /

The Fatwa of the Mahomedan Law Officer referred to in Case Nº 9 of the above Calendar not having been received:- Ordered that the Court of Circuit in the Centre Division be called upon to submit a copy of the Fatwa in that Case without delay.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable in 3. days.

/ Sent following Precept Nº 1302 /

Read the Criminal Reports for the month of July 1838 submitted by the Criminal Judge of

F. U.

3rd September 1838.

of Chilaw.

/ Vide entry Nº 1069 /

Case Nº 179. The Court of Fiscal Udalut desire that it be pointed out to the Criminal Judge of Chilaw, with reference to the sentence on the 1st Prisoner in Case Nº 179, that unless the said "Para Veeran" has been before convicted of a heinous offence, he is not amenable to punishment under Clause 4th Section III Regulation VI of 1822.

Cases Nos 116. 117. 118. 119. and 120. 2. With reference to Cases Nos 116. 117. 118. 119. and 120. of the Supplemental Report it would have been satisfactory had the Criminal Judge explained the grounds of his opinion, that "no dependance" could "be placed on the Statements of the witnesses called by Lutchomanareddy

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Chilaw for his information and guidance by Precept returnable in 5. days from and after its receipt.

/ Sent following Precept Nº 1303 /

Read the Madura Primary and Supplemental Calendars for the 2nd Sessions of 1838 submitted by the 3rd Judge on Circuit in the Southern Division.

/ Vide entry Nº 1069 /

Case Nº 8. In the Column of Remarks on this case it is stated that the discrepancies in the Evidence in

3rd September 1838.

this Case, were too great and too many for it to be safe to
to convict on the Evidence with any safety. It would
have been Satisfactory to the Court of Tongdaree Adalut, if the
Contradictions in the Evidence had been specified by the 3rd
Judge in the Calendar.

Case No 9. 2. With reference to the nature of the
charge in this case, the Court of Tongdaree Adalut doubt
whether any conviction can be legally had thereon, and
accordingly they resolve to direct the 3rd Judge to prepare
and to Submit for the Consideration and final orders of
the Tongdaree Adalut an English Translation of the
Record of the Trial in No 9 and in the mean time the
further execution of the Sentence Passed on the Prisoner
Ramalinga Mordeley Must be ordered to be suspended.

3 With reference to Cases Nos 3. 4 and 5
of the Supplemental Calendar the Court of Tongdaree Adalut
would record their opinion that the Prisoners Convicted
therein were deserving of a heavier punishment than 5
years imprisonment.

Ordered that Extract from these Proceedings be forwarded to the 3rd Judge on Circuit in the Southern Division for his information and guidance by Parcel Post returnable in 15 days from and after date of Receipt.

(And following Receipt No 1304)

Read the Cuddapah and Chingleput Criminal Reports for the month of July 1838 Submitted by

3rd September 1838.

by the Criminal Judge of Cuddapah.

(Here enter No 1696.)

There appearing to the Court of Tongdaree
Adalut no sufficient grounds for the requisition of Security
from the Prisoner convicted in Case No 26. they direct that
he be unconditionally Set at liberty.

Cumbum
Case No 26.

In Case No 27. Security had been
demanded from the Prisoners by the Principal Sudr Ameen
on the ground that Some of the Witnesses deposed that the
Prisoners pointed out to the Place where the property
belonging to the Prosecutor was secured if this Evidence
was not supported by the consequent discovery of certain
of the Property said to have been Stolen. Sufficient
grounds did not exist to justify the demand of Security
and the Court of Tongdaree Adalut under these circum-
stances direct the unconditional release of the Prisoners.

Case No 27.

The Court of Tongdaree Adalut are of
opinion that the Evidence against the Prisoner Tungalapilly
is not sufficient to justify his punishment for the offence
charged against him in No 28 and accordingly they direct
that the period of his imprisonment be limited to Six
months, the Sentence to which the Prisoner has rendered
himself liable under Clause 3rd Section V. Regulation VII of
1832, for the escape charge against him in Case No 29.
The Corporal Punishment awarded will of course not be
inflicted.

Cases Nos 28. & 29.

Ordered

3rd Sept. to 1838

F.U

3rd September 1838.

Ordered that Extract from these Proceedings be forwarded to the Criminal Judge of Cuddapah with instructions to make the necessary Communications to the Principal Sudr Ameen at Cumbum for his information and guidance by Dawk to be returnable in 5 days from date of receipt.

W.S

L.D.Q

W.S

[Dawk following Receipt of 5th 1305/ as]

L.D.Q

F.U.

At a Court of the Tonjolaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday. Thomas Alexr Oakes Esqre — 1st & 2nd Puisne Judge

5th September 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge

WS

Read letter dated the 4th Ultimo

L.D.Q from the 3rd Judge on Circuit in the Western

WS Division, transmitting the record in Case No 2. on the Malabar Calendar for the 2nd Sessions of 1838.—

[Here enter 1st 1838]

The Court of Tonjolaree Udalut

Mr Oakes having maturely considered the proceedings held

and before the Judge on Circuit, the futwa of the

Mr Campbell Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Tonjolaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner

Paretty Cootoo Stoop

of the crime charged, and awarding a Deyut of 10,000 dirhems, and in commutation of the penalty of Deyut, declared in the foregoing futwa, & sentence, the said prisoner to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period

period of Seven years.—

/Sent following letter No 1310./

Read letter dated the 23rd July 1838 from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No 1. on the Nellore Calendar for the 2nd Sessions of 1838.—

/Here enter No 1729./

Mr Bird and Mr Campbell.

The Court of Sanjdarree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftee of the Sanjdarree Udalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, convicting the prisoner

Chandoo Vencatarramoodoo

of Cultpable Homicide, and awarding a Deyat of ten thousand Dirhums, and in commutation of the penalty of Deyat declared in the foregoing futwa, sentence the said prisoner to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of three Years.—

/Sent following letter No 1311./

Read letter dated the 30th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, transmitting copy of

of the Chittoor 4th Supplemental Calendar for the 3rd Quarterly Sessions of 1838.—

/Here enter No 1776./

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge.

Thursday 6th September 1838. Thomas Alexr Oakes Esqre A.d 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

175

Read the Criminal Reports for

2.10 the month of July 1838 submitted by the Crimi-

=nal Judge of Bellary.—

15 ——

/Here enter No. 1738/

Case No. 91. 1. According to the charge in Case No.

*Housebreaking the property stolen amounting to Rupees 161-3-0 91. the prisoner was accused of a crime punish-

=able only by the Court of Circuit and the Crimi-

=nal Judge is therefore required to explain the

circumstances under which the Assistant Crimi-

=nal Judge proceeded to pass sentence on

the prisoner.—

Case No. 111. 2. With reference to the remarks recorded on Case No. 111, the Court of Foujdaree Udalut desire that the attention of the Cri-

=minal Judge be called to the Circular Order of the 13th July 1829, in which it is explained that Clause 3d Section V. Regulation VI. of 1822 is applicable to accused persons under charge of the Police, who may escape from their Guards before they are delivered to the Criminal

Court,

Court or to the Magistracy.—

3. The Court of Foujdaree Udalut have observed that the Reports now submitted exhibit an arrear of 28 Cases containing 69 prisoners "under examination" for the Judges desire that the cause of this heavy arrear of business in the Criminal Department of the Court may be fully explained. The Court observe that the Prisoners who, in No. 181 of 1837, reached the Jail in November of that year remain still undisposed of and that in the Case No. 68 of 1838, which reached the Criminal Court in May last, the Prosecutor has not yet appeared.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Bellary for his information and guidance by precept returnable in 5. days, from and after its receipt.—

/Sent following precept No. 1314/

F. C.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre ——— 1st Puisne Judge

Friday 7th September 1838. Thomas Alexr Oakes Esqre Actg 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read again return dated the 30th July 1838 from the 3d Judge late on Circuit in the Northern Division to the precept of the Foujdaree Udalut under date the 25th July 1838, desiring him to transmit Case No. 5 on the Primary Calendar of the Vizagapatam Special trials and to ascertain and report if any and what steps may have been taken for the apprehension of Lowah Bemadoo.—

/Here enter No. 1587/

Read also Extract from the Minutes of Consultation dated the 31st Ultimo, communicating the orders of Government relative to the disposal of Case No. 5. on the Primary Calendar of the Vizagapatam Special trials, and their sentiments relative to the execution of the sentence passed in the other number without the previous sanction of Government having been obtained.—

/Here enter No. 1781/

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

do

Mr Bird.
Mr Oakes.
and Mr Campbell.

do accordingly direct that the Prisoner
Sundah Jaganaikooloo
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 iron
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 25th
Ultimo be sent for the information and guidance
of the Provincial Court of Circuit in the Nor-
thern Division—

/Sent following letter No 1325/

Read letter dated the 17th Ultimo
from the Acting 2nd Judge on Circuit in the
Centre Division, transmitting the record in Case
No 13. on the Cuddalore Calendar for the 2nd
Sessions of 1830—

/Here Enter No 1712/

Mr Bois
and
Mr A. Ross

The Court of Foujdaree Udalut having
maturely considered the proceedings held before the
Judge on Circuit, the futwa of the Provincial Law
Officer, and the futwa of the Cazee-ool-Cozzat and
Moofties of the Foujdaree Udalut, confirm the
said futwas of the Cazee-ool-Coozat and Moofties
aforesaid as far as respects the proof of the fact
that the Prisoner
Poreddy Podda Condareddy

killed the deceased "Boogadoo"— But considering
that the prisoner was in a state of insanity
at the time he committed the fatal act of
violence established by the evidence, the Court
of Foujdaree Udalut direct that he be placed
under charge of the Surgeon of the Zillah of
Cuddapah, in view to his eventual confinement
in the Lunatic Asylum at Madras, under the
rules prescribed by the Circular Order of the
1st June 1829, and that he be on no account
released without the orders of this Court—

/Sent following letter No 1326/

Read the Criminal Reports for
the month of July 1830 submitted by the
Criminal Judge of Combaconum—

/Here Enter No 1683/

Case No 216. 1. The sentence of the Pundit Sud-
dr Aumeen is in direct variance with the opinion
entertained by the Police Aumeen, by whom
the Prisoner was forwarded to the Criminal
Court, and if the grounds on which the Police
Officer was induced to adopt the latter course
of proceeding be correctly stated in the sentence
by the Sudr Aumeen Pundit, not only has the
Prisoner been improperly brought to trial, but
the charge, originally preferred by him before
the police authorities, should have been dis-
posed of by the Criminal Court to whom
it

it should have been forwarded.—

2. The Court of Tanjore Utd. but accordingly request the Criminal Judge will by reference to the record of the Cadey ascertain and report more fully the particular points which led to the dismissal of the Prisoner's complaint and subsequently, to his transmission to the Court of Combaconum on the charge of which he has been released by the Sudr Ameen or Pundit—

Case No. 230. 3. The practices assigned by the Madras Police Head of Police for the serious delay which has occurred in the transmission of the Prisoner to the Criminal Court, are, in the opinion of the Tanjore Court, unsatisfactory and insufficient—The Acting Magistrate of Trichinopoly will be requested to enforce a strict observance of the orders of this Court on the subject of such delay in the district of which he is in charge.—

Case No. 231. 4. It would have been more satisfactory had this Court been informed of the particular circumstances under which the Prosecutor and witnesses were presented accompanying the Prisoner, when he was originally forwarded to the Criminal Court, as no evidence appears to have been as yet adduced against him, although he has been in confinement since the 5th July, a period of 26 days.—

Case No. 245. 5. A succinct statement of the reasons which

2. Fd.
7th September 1838.

induced the Assistant Criminal Judge to believe that the evidence in this case was not "worthy of implicit credit," would have better enabled this Court to judge of the propriety of that Officer's disposal of it; inasmuch that the facts stated in the sentence afford rather strong evidence of the Prisoner's guilt to the full extent of the crime charged.—

Case No. 246. 6. The confiscation of the salt, for being in possession of which, the Prisoner was prosecuted, is considered to be sufficient punishment for his offence against the revenue laws; but it should be pointed out to the Mahomedan Sudr Ameen that under Section XVIII of Regulation I. of 1805 it was competent to him at his discretion to award punishment by fine.—

7. Adverting to the remarks contained in Paras. 15. and 16. of their proceedings on the Combaconum Criminal reports for the month of June last, under date the 15th Ultimo, the Judges of the Tanjore Udalut regret to find themselves under the necessity of again calling on Mr. F. M. Lewin's attention to the very inaccurate manner in which the reports received from his Court are generally prepared. They trust that a more careful perusal of the draft

copy

7th September 1838.

copy by one of the European Officers attached to the Zilla Court will be the means of effecting the desired improvement.—

8. The Court of Foujdaree Udalut desire the Acting Magistrate of Trichinopoly may be required to explain, under what arrangement the 39 Extra Peons have been employed, who are reported to be now entertained in the Jail at Trichinopoly as guard for 106 Convicts liable to be worked outside the Jail.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Combaconum for his information and guidance by precept returnable in 4 days, from and after its receipt, and with instructions to make the necessary communications to the Acting Magistrate of Trichinopoly.—

/Sent following precept No 1327/

Ex. J.

F. C.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Saturday 8th September 1838

Thomas Alexr Oakes Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read the Criminal Reports for the month of July 1838 submitted by the Criminal Judge of Nellore.—

/Here enter No 1674/

W

L.R.C.

Case No 59.

1. To enable the Court of Foujdaree Udalut to judge of the legality of the sentence in Case No 59. they desire the Criminal Judge will explain whether the 2nd prisoner affixed his mark to a petition containing merely "falsehoods," or whether he was convicted of having preferred a wilfully false and malicious complaint before the Head of Police.— and pending the final orders of the Court of Foujdaree Udalut on the case, the Criminal Judge will suspend the further execution of the sentence that has been passed by the Assistant Criminal Judge.—

2. The remarks recorded by the Assistant Criminal Judge on the conduct of the "Amean" who conducted the investigation into the case

case should be communicated to the Magistrate of Nellore for his information.—

3. The Court of Foujdaree Udalut have observed that the Criminal Judge of Nellore did not dispose of a single Criminal Case during the month of July last,— and he is accordingly informed that the entire business in the Criminal Department of this Court should not be left to be disposed of by the Assistant Criminal Judge and by the Sudr Ameens respectively.—

Ordered, that Extracts from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance by precept, returnable in 3. days from and after its receipt.—

/ Sent following precept No. 1329 /

Read return dated the 20th Ultimo made by the Joint Criminal Judge at Vizagapatam to the precept of the Foujdaree Udalut of the 9th August 1830 containing the observations and orders of the Court of Foujdaree Udalut on the Criminal Reports for the month of June 1830.—

/ Here Enter No. 1747 /

1. With reference to para: 3. of the above return the Court of Foujdaree Udalut desire that

that the Joint Criminal Judge be informed that it was not their intention to disturb the passed sentence that had been passed by the Joint Criminal Judge in Case No. 41. in the observations contained in the 3rd and 4th para.s of the proceedings of the Foujdaree Udalut of the 9th Ultimo were merely recorded for the information and future guidance of the Joint Criminal Judge.—

2. With reference to para: 5. of the above return the Court of Foujdaree Udalut desire that the Joint Criminal Judge be informed that a sentence "to find two Securities "at 10. Rupees each for the space of one year," is incomplete, so far that it omits to specify the period for which the prisoner is to be detained in confinement in default of finding the requisite security.—

3. The Circular Order of the 30th April 1829 points out that the term for which security is to be given, and the term for which a prisoner is to be detained in confinement in default, should be the same; and it is in order that the Court of Foujdaree Udalut may be satisfied that the provisions of the Regulations in this respect are correctly acted upon

upon, that they require every sentence of security to be fully reported.—

4. The terms in which the Joint Criminal Judge has permitted himself to reply to the recorded opinion of the Court of Foujdaree Udalut as to the insufficiency of the security required from the Prisoner in Case No. 43. are objectionable and unbecoming in a Subordinate Judicial Officer.—

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

W.S. L.H.Q. W.S.

Entd. W.

Sent following Precept No. 1330.

L.H.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. 1st Puisne Judge

Tuesday, 11th September 1838. Thomas Alexr. Oakes Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

115 Read Miscellaneous Petition preferred on the 27th Ultimo by Ramastawmy Modelly of Chungleput.—

L.H.Q. W.S. [Here enter M.P. No. 109 of 1838.]

1. The circumstances attending the alleged ill treatment of Petitioner's father by Doctor Sawmy Naik which were stated in several previous addresses are again set forth in the foregoing Petition, in which it is further asserted that the investigation held by Mr. Assistant Magistrate Swinton was partially conducted in consequence of Doctor Sawmy Naik's intimacy with the Gentleman, which also led to an undue share of respect being shown him during the progress of the Enquiry.—

2. It has been already intimated to Petitioner by this Court's proceedings of the 3d Instant, that if he were dissatisfied with the Assistant Magistrate's dismissal of the Complaint preferred against Doctor Sawmy Naik, he should apply to the Circuit Judge presiding at

at the ensuing Sessions at Chinglepute. Nothing has been stated in the foregoing address to induce a modification of those orders which must be considered final.—

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

Read Petition presented on the 3rd inst. September 1838 by Sreenungum of the Zilla of Cuddalore.—

[Here enter No. P. No. 117 of 1838.]

1. The purport of this Petition is to obtain the interference of the Court of Foujdaree Udalut in behalf of Summapan the alleged grandson and 6 others the laborers of the Petitioner who he states have been falsely charged with the crime of gang robbery and committed on an extorted confession to take their trial before the Court of Circuit.—

2. The Court of Foujdaree Udalut are able to discover nothing in this petition which would justify their interference in the manner prayed for and they accordingly direct that the Petition be rejected.—

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

Read Extract from the Minutes of

of Consultation in the Public Department under date the 28th Ultimo transmitting copy of a letter addressed to Government by the Acting Magistrate of Canara suggesting that "Ysam Shah" and "Alikery Sheik Hoosein," the two principals in the late disturbances in Soopah, who are at present undergoing a Sentence of 5. Years imprisonment in the Jail at Dharwar, for offences committed within that District, may, with the sanction of the Bombay Government, be delivered over to the Magistracy of Canara to take their trial for the crimes committed by them in Soopah,- and requesting the opinion of the Court of Foujdaree Udalut as to the expediency, under the existing circumstances, of applying to the Bombay Government for the delivery of the Prisoners mentioned in the Acting Magistrate's letter, for the purpose of their being brought to Trial for their conduct in the late disturbance in Soopah.—

[Here enter No. 1766.]

1. The case in which the said "Ysam Shah" and "Alikery Sheik Hoosein" are charged with having been principals is No. 5. of the Sirsee Calendar for the 1st Sessions of 1838 wherein 6. Prisoners were charged "with "having, with the Counsel of one Ysham Shah "Fakeer not yet apprehended, and in company with

"with 3 others also not yet apprehended, assembled
"with weapons in Hath Khamby Jungle in
"Soopak Talook, with an intent to rob the
"houses of the inhabitants of Soopak as also the
"Circar permittances &c."

2. The Judge of Circuit who presided at the Trial, considering that the offence was punishable under the provisions of Clause 3rd Section IV. Regulation XV of 1803 sentenced the fifteen Prisoners who were convicted to 14. Years imprisonment in banishment, some of them being likewise adjudged to suffer corporal punishment by Stripes.—

3. The Court of Sonjdaree Udalut on reviewing the Calendar in which this case appeared, observed in their proceedings of the 16th of June 1838, that the provision quoted did "not apply, for as much as no "Robbery" was "committed," nor any "violent attempt" made to "commit a Robbery."— that so far as the Court could gather from the presiding Judge's remarks, the offence which he considered "brought home to the "Prisoners," was "that indicated in Clause 4th Section "IV Regulation XV. of 1803," and accordingly the Court of Sonjdaree Udalut directed the Judge of Circuit to "amend his sentence, with reference "and in conformity to, that provision of the Law; "unless he "was "of opinion that the Prisoners "were "convicted

Fide C.C. 27th May 1829.

11th September 1838

"convicted of any offence of a graver nature - in
"which event he "was directed "to refer the Trial
for the consideration of the Sonjdaree Udalut.—

4. The Judge of Circuit in his return to the proceedings of the Sonjdaree Udalut quoted above certified that "he had issued a provided "warrant under the provisions of Clause 4th Section IV. Regulation XV of 1803," by which the punishment was limited to 7. years imprisonment.

5. It is a rule of practice established by the Court of Sonjdaree Udalut that a Prisoner who has been tried and convicted of a Robbery or other crime, and received a judgment of the specific penalty, cannot be tried on another charge, subsequently brought against him, for an offence in all respects the same, committed antecedently to his trial and conviction; "but if "the new crime be of a more grave description "than that of which the Prisoner has been con "victed, its superior enormity requires a new "Trial; and the sentence passed on it, if more "severe, will no doubt take into consideration the "minor sentence, the Prisoner is already un[der] "going for the lesser offence."—

6. Accordingly if no more cases be es[tab]lished against the said "Ufsar Shah" and "Alekey Sheik Soojeem," that was proved by

by the evidence adduced in Code No. 5 of the Arida Calendar for the 1st Sessions of 1838, the Court of Tongdarre Ellalat doubt the expediency of applying to the Bombay Government for the delivery of those convicted prisoners to the authorities in Canara, for the purpose of their being brought to Trial for their conduct in the late disturbance in Soopah; but of Rebellion, or any graver crime than that specified in Clause 4th Section 4 Regulation XV of 1803, can be established against them in that Code the Court of Tongdarre Ellalat are of opinion that it would be expedient to apply for their transfer to the authorities in Canara and of convicted of the graver offence the Court of Circuit in passing sentence upon the Prisoners will take into consideration the minor sentence that the Prisoners have been already undergoing for the offence committed by them in the Belgaum Territories

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

N.B. The original correspondence which accompanied the Minutes of Consultation under date the 28th Ultimo are herewith returned.—

(Sent in No. 1331)

Read

Read letter dated the 28th Ultimo from the Acting 2d Judge on Circuit in the Centre Division submitting copies of the Code Soopah and Cumbum Calendars for the 2d Sessions of 1838.—

(Here enter No 1771)

Code No 22.

1. In Code No 22 of the Candalapah Calendar five prisoners stood charged with entering the house of the Prosecutrix by taking off the Mat placed to the door way and with having stolen therefrom property consisting of Gold & Silver Jewels, Ready Cash &c of the value of Rupees 483.—

2. The Acting 2d Judge on Circuit convicted the 1st 2d and 3d Prisoners and sentenced them under Clause 3d Section IV. Regulation XV. of 1803. "to 14 Years imprisonment and labor in irons but as the Robbery was free from all circumstances of aggravation," he submits his opinion that "7 Years imprisonment and labor will meet the guilt of the 1st 2d and 3d Prisoners."

3. The Court of Tongdarre Ellalat having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause 3d Section III. Regulation I of 1825 to accede to the recommendation of the Presiding Judge, and accordingly authorize that

11th September 1830

that Officer to pass the mitigated sentence above indicated upon the prisoners

1st Padapoodatee Venctasawmy

2nd Chinna Vencatagaudoo

and

3rd Mungala Yellowjaudoo—

4. The Acting 2nd Judge will however in future abstain in such cases from passing the full sentence prescribed by Law, and will merely intimate to the Prisoner the penalty to which by Law he had rendered himself liable, instructing the Criminal Judge at the same time to detain the prisoners in Jail with hard labor in irons until the final orders of the Fouzdaree Adalut shall be made known to him—

Vide C.C. 29th March 1834.

Case № 27.

5. In Case № 27 of the Cuddapah Calendar two prisoners stood charged with having attacked the prosecutor on the high way, beat him with a stone and stick, and robbed him of property valued at Rupees 12—

6. The prisoners were convicted by the Court of Circuit, but as "the Robbery was effected "without any circumstances of aggravation," the presiding Judge submits his opinion that a "punishment of 7 Years imprisonment with labor "would sufficiently atone for it"—

7. The Court of Fouzdaree Adalut in exercise of the power vested in them by Clause 3d Section

Ft 46.

11th September 1830.

Section III. Regulation I. of 1825 resolve to accede to the recommendation of the presiding Judge, and that Officer is accordingly authorized to pass the mitigated sentence of 7 Years imprisonment with labor upon the prisoners—

1st Yakaree Peddoogaudoo

and

2nd Naugena Yance Sermala Condadoo

Case № 31.

8. In Case № 31 of the Cuddapah Calendar three prisoners stood charged with having entered the house of the Prosecutor by breaking thro' the wall, and with having stolen therefrom property valued at Rupees 117-8—

9. The presiding Judge had sentenced Section XXI. Regulation VII. of 1802, but as the Case was "divested of every circumstance of "aggravation," he recommends that the punishment be mitigated to 3 Years imprisonment—

10. On a consideration of the circumstances of the Case, the Court of Fouzdaree Adalut resolved to accede to the recommendation of the Presiding Judge and they accordingly authorize that Officer to pass the proposed mitigated sentence upon the prisoners—

1st Chintaconta Sermalagaudoo,

2d Dandaree Wolagaudoo,

and

3rd Zungum Cauleegaudoo—

The

Cadr. No. 33.

11. The prisoner concerned in Case No. 33 of the Cuddalore Calender, and charged with having attacked the prosecutrix on the Highway, beat her with a stick, and struck her with a stone on her head, and robbed her of property value Rupees 11-4, has been convicted by the Court of Circuit, and sentenced to 14 Years imprisonment with hard labor in irons.

12. The circumstances of aggravation attending the Case not appearing to the Court of Sessions Udalut to have been great, and being of opinion that the ends of Justice will be attained by a less severe sentence than imprisonment for 14 Years, they request the 2nd Judge on Circuit to suggest to the Acting 2nd Judge on Circuit the propriety of entertaining an application for a mitigation of the present sentence penalty, but should he, upon further consideration, not be able to concur in this view, he will be pleased to submit an English Translation of the Record of the Trial for the consideration and final award of the Court of Sessions Udalut.

13. The Judges in conclusion desire to record their opinion, that the Proceedings in the Cuddalore case now under review, appear to have been conducted in a manner highly creditable to the Acting 2nd Judge on Circuit.—

Ordered, that Extract from these proceedings

proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 1337)

Read letter dated 22nd August 1838 from the Acting 2nd Judge on Circuit in the Centre Division referring for the final sentence of the Court of Sessions Udalut the proceedings in Case No. 1. on the Cuddalore Calendar for the 2nd Sessions of 1838.—

(Here enter No. 1739)

1. The prisoner in this case is charged with having on the day time, on the 6th October 1837, attacked the Prosecutors wife, Nauyanah, while watching in the field of Uppanapumpa, adjacent to the village of Thancamoor Kalapully, in the Zilla of Cuddalore; struck and wounded her, with an axe on her head, and back; of which wounds she died, 4 Gaddies afterwards; and further with having robbed her of jewels, valued at 16 Rupees.—

2. The Court of Sessions Udalut observe that the there are circumstances in this Case strongly tending to convict the prisoner as the murderer of the deceased, they consider it desirable that further enquiry should be made, before

11th Sept

11th September 1838.

before they proceed to pass an irrevocable sentence
It was remarked that the the 15th witness swears
to the correctness and genuineness of the confession
the two attesting witnesses swear (to what indeed is
evident on its face) that it contained what is false.
Both of these witnesses depose before the Circuit
and Criminal Courts that the prisoner never allud
to the Silver beads and Coat No 5; which are o
otherwise proved to have been discovered by the
watchman near the spot where the murder was com
mitted; whilst the confession declares (contrary
to fact and other evidence) that the prisoner pos
sessed the whole of the property. The Court
therefore deem it proper that the Head of the
Sabrok Police should be called on, as well as
the writer of the confession, to explain as to the
entry therein of what appears to contradictory and
unsatisfactory.

3. The Court of Sessions Malabar
are also of opinion that little dependance can be
placed in the evidence of the 1st witness for the
Prosecution, for whereas in his testimony before the
Criminal and Circuit Court he unhesitatingly
swears to the identity of the prisoner, in his
deposition before the Police Officer recorded in
Page 6. he repeatedly declared that he could not
distinctly recognize the persons who he met on the

4. 5th Ole.

11th September 1838.

the day of the murder. It would however appear
from the evidence of Bal Sing, and Seelda
Seebhan at Pages 26. 65 and 70 that it was
owing to the information of this witness after
the disclosure of one Cajeem Beg, that the pri
soner was apprehended, and it is stated in the
evidence above alluded to, that shortly after the
committal of the murder, Cajeem Beg met a
person pretending one Sumaguddee perfaing near
him, with an axe on his shoulder, the Court are
of opinion that Cajeem Beg should have been
examined as to his knowledge of the circumstances
connected with the murder, and they accordingly
direct that he may be questioned with reference
to the facts stated in pages 26 and 28 65 and 70.

4. The Court further remark that the
evidence as to what actually took place in the
discovery of the property is not altogether satis
factory, for no reference is made to a search which
appears first to have been made, at the Prisoners
instigation, at his own dwelling house. It is
desirable to ascertain precisely which places
were searched, the order in which they were co
searched successively, the words uttered by the
Prisoner in the search, and whether he of his
own accord, or at the instigation of others, finally
pointed out the spot where each of Nos 3 and 4. were found.

Accordingly

11th September 1838

Accordingly they direct that each of the persons present at the time the search was made, and the Jewels were dug up, be strictly questioned, as to each successive step in that matter.—

5. The Court of Tonjdaree Udalut accordingly direct that the record of this trial be returned to the Acting 2d Judge on Circuit in the Centre Division, with instructions to direct the Criminal Judge of Cuddapah to cause the attendance of the several witnesses alluded to above, and who will, while examining them, permit the prisoner to put such questions to those witnesses as he may think fit, and having recorded any thing further that the prisoner may have to urge in his defence, retransmit the record for the final sentence of the Court of Tonjdaree Udalut.—

WS

Ordered, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 26. days from and after its receipt.—

L.D.O.

WS

Ext. Pt.

Sent following precept No. 1333.

Fr.

No. 4.

At a Court of the Tonjdaree Udalut

Present

Friday 14th September 1838.

John Bird Esqre. ——— 1st Puisne Judge

Thos. Alexander Oakes Esqre. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

WS

L.D.O.

WS

Read letter from the Chief Secretary to Government dated 11th instant.—

Acre Enter No. 1841.

Ordered, that the following letter be sent to the Chief Secretary to Government.

To The Chief Secretary to Government.

Sir,

1. With reference to your letter of the 11th Instant, No. 901, I am directed by the Judges of the Court of Tonjdaree Udalut to request that they may be furnished with a copy of Mr. Dick Benson's Report and Proceedings dated the 26th of May last, no transcript thereof having been retained on the Records of this Court.—

2. I am directed also to take this opportunity of transmitting to you, to be laid before the Right Honorable the Governor in Council for his orders, the accompanying Copy of a letter addressed to the Court of Tonjdaree Udalut by Mr. Angelo under date —

the

At a Court of the Supreme Court

Present

Saturday, 15th September, 1838. John Bird Esqr. ——— Ch. Puisne Judge,
Thomas Alexr. Oakes Esqr. Actng. 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. 3d Puisne Judge,

115

Read letter from the Magistrate of Madura, submitting certain observations regarding Cases Nos. 153 and 155, the transmission of which to the Madura Criminal Court was noticed on this Court's

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proceedings of the 20th ultimo, on the Criminal Records for the Month of July last.—

(Here enter No. 812 of 1838)

Under the explanation contained in the foregoing communication from Mr. Blackburne, it appears desirable that the records of the two Cases referred to in this Court's proceedings of the 20th ultimo should be called for and perused by the Provincial Court of Circuit in the Southern Division, who will accordingly be pleased to direct them to be submitted for their consideration, and pass such orders thereon as may appear to them to be required.—

It seems here necessary to remark, that whenever, after the investigation of a case, the Criminal authority by whom the enquiry has been conducted

the 12th Instant.

I have the honor to be &c.

(Signed) W. Douglas

Registr.

Minute of the 3d Puisne Judge

I wish to place upon record my dissent from this letter. Because when the Government state "that all the Papers" connected with Mr. Angelo's case have been forwarded to England, I do not think they have at all adverted to the fact that my view of his case has not been so forwarded.— though notice of its record has been given to them. Because I think that, if they had adverted to this fact, they would have obviated future evil on the part of Mr. Angelo, by inserting after the words "all the Papers", some such qualification as this.— "before the Government"— and because it is our duty to do all we can to guard the Government against any misconstruction of their orders.— I place my opinion on record, because I concurred with Mr. Angelo in the illegality of Mr. Bushby's proceedings; and was desirous that my opinion to that effect should be recorded, so as to be within the reach of all

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Concerned.—

(Signed) A. D. Campbell

15th September 1838.

conducted, does reason to suppose improper conduct on the part of the Police Officer by whom it has been forwarded to the Criminal Court, he should immediately communicate the circumstances on which his opinion is founded to the Magisterial authorities of the District, without awaiting the orders of this Court.—

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

(Sent in No. 1350

Ordered also, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Trichinopoly with instructions to make the necessary communications to the Magistrate of that District, and to the Assistant Criminal Judge now in charge of the Auxiliary Court at Dindigul.—

(Sent in No. 1357

Read return received from the Acting Joint Criminal Judge of Coimbatore, under date the 6th instant, to this Court's Precept of the 31st ultimo, conveying his observations on the Criminal Reports for the months of July 1838.—

(Here enter P.C. No. 1817 of 1838)

&c

Case No. 131. 1. The offence furnished by the late Acting Joint Criminal Judge of [redacted], should not have been entered in the Monthly Criminal Register. The proceedings of the Summary investigation which required to be made by the Officer in charge of the Jail should have been placed on record, and held in readiness for the consideration of the Judge on Circuit, in the event of his deeming it necessary to peruse them.—

Case No. 134. 2. Under the fuller explanation of the offence charged and proved in Case No. 134, which is submitted by the present Acting Joint Criminal Judge, the Prisoner would appear to be punishable only for an attempt to steal, and under these circumstances the Acting Joint Criminal Judge is directed to cancel the sentence passed by the Subordinate and to dispose of the case under the provisions of Section VII Regulation X of 1816.—

Ordered, that Extract from these Proceedings be transmitted to the Acting Joint Criminal Judge of Coimbatore for his information

15. September 1838.

L.A.C.

information and guidance.—

(Sent in No. 1352)

E. 16.

In Court of the Enfranchised Islands,

Present,

Monday 17th September, 1838.

John Bird Esqre ——— 1st Puisne Judge,

Thomas Revd Cable Esqre ——— Acting 2d Puisne Judge,

Revd Duncan Campbell Esqre ——— 3d Puisne Judge,

L.A.C.

Read Petition, presented on the 27th August 1838 by Commandant Durnford of Chimgaput.—

(Here enter Petn: No. 112 of 1838)

Read Petition presented by Commandant of Chimgaput.—

(Here enter Petn: No. 113 of 1838)

Read also Petition presented by Lieutenant and Acting Commandant for the same place.—

(Here enter Petn: No. 114 of 1838)

1. The Petitioners represent that they are severally the relations of the convicted prisoners in Case No. 9 on the Chimgaput Calendar for the 1st Session of 1838 who were convicted by the Court of Circuit of the crime of Gang robbery, and sentenced to 14 years' imprisonment, and the Petitioners pray the Court to modify their order of the 8th instant, and to call for the proceedings in the case, in view to the release of their said relations.—

2. The Petition No. 112 is accompanied with

with a Rowzernamah alleged to have been signed by 12 inhabitants of the villages of Talore, Karombarcombon, Kodoopakam and Govindarawadie.—

3.

In this Rowzernamah it is asserted that the Coraers, who were also convicted in this case, were apprehended on the information gained from Officers Gorooroo, and Sanjan, the relations of the Prosecutor, and one Singam Pujah, and that it was admitted by the Prosecutor before the alleged parties to the Rowkazernamah, that all that the charges against the 4 first prisoners was utterly false, the Prosecution was continued in, and supported by false witnesses subborned for the occasion, thro' dread of the consequences.

4.

The Court of Enquiry have deliberately considered further consideration of the case and of the circumstances set forth in the Rowzernamah resolve to direct that a copy of the Rowzernamah be transmitted to the Court of Circuit in the Centre Division, who will be requested to ascertain and report whether that document is genuine, and whether the allegations therein set forth are correct.—

5.

The Court of Enquiry deliberately also direct that the Court of Circuit be instructed to prepare and forward to this Court, with the least practicable delay, an English translation of the Record of this case, in order that this Court may, previous to passing a final order on the prayer of this petition be enabled to arrive at a just conclusion on its merits.—

Ordered

17th September 1838.

Ordered, that an Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by special receipt returnable in 30 days, and further that a copy of these proceedings be furnished to the Petitioners on their application.—

(Sent following Receipt No. 1356.

Read petition presented on the 3rd of September 1838 by Jaggareddy and Cadda Chowkoo of the Zillah of Cuddapah.—

(Here enter M. P. No. 116 of 1838.)

The petitioners represent themselves to be the relations of the 1st, 3d and 4th prisoners in Case No. 24 of the Cuddapah Calendar for the 2d Session of 1838. who were by the Court of Circuit convicted of the crime of Gang robbery, and sentenced to 14 years imprisonment, and state that the charge on which their relations were convicted was a false and malicious one, trumped up by the Head of Police in order to save his situation, and supported by the malice of the Prosecutor, who himself inserted the ring discovered in the House of the 1st Prisoner, the discovery of which was the only fact established against them.—

The Petitioners pray the Court will send for the record of the case and reverse the sentence passed in it by the Judge on Circuit.—

The Court of Enquiry deliberately direct

that

that the Petitioners be informed, that they see no grounds for disturbing the sentence passed in the case by the Judge on Circuit - who, altogether rejecting the evidence adduced, convicted the said Prisoner upon distinct testimony.-

The petition is accordingly rejected, and extract from these proceedings ordered to be furnished to the Petitioners on their application.-

Read petition presented on the 17th of September by the Tyannah of the Pillah of Pajahmundry.-

(Here enter No. P. No. 118 of 1838)

The Petitioner represents herself to be the mother of the 8th Prisoner in Case No. II of the Pajahmundry Calendar 1st Sessions of 1838, who was convicted of gang robbery by the Judge on Circuit, and sentenced to 5 years imprisonment - She prays the Court to call for and peruse the Proceedings held before the Criminal and Circuit Courts, and to order the release of her son.

2. The Petitioner alleges that the charge against her son was trumped up at the instigation of the Zemindar of Goondayfilley: whose servant the Prosecutor is declared to be - and she denounces as false, the evidence of the witnesses, who swore to having recognized her son

3. The Court of Sudder Adawlut on a mature consideration of the circumstances of the Case, resolve to call for the proceedings held by the Judge on Circuit in trial No. II of the Pajahmundry Calendar

J.G.
17th September 1838.

Calendar for the 1st Sessions of 1838, and they accordingly direct that the Provincial Court of Circuit in the Northern Division be instructed to transmit to this Office, with the least practicable delay, an English translation of the record of that Trial.-

Ordered, that a copy of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance by first Precept returnable in 20 days.- Extract also to be furnished to the Petitioner on her application.-

(Sent following Precept No. 1857.

Read letter dated 25th Ultimo from the 3d Judge on Circuit in the Western Division, transmitting the Record in Case No. VI on the Malabar Calendar 2d Sessions of 1838.-

(Here enter No. 1785)

Mr. Bird,
and
Mr. Campbell,

The Court of Sudder Adawlut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozat and Mooftee of the Sudder Adawlut, confirm the said Futwas of the Cazee ool Cozat and Mooftee so far as it convicts the Prisoner

2d Koraundah Sreekaram Siva Rebo.

of the crime charged, and awards Corobut, and

under

under the Provisions of Clause third, Section VIII, Regulation XV of 1803, sentence the said prisoner to be imprisoned and kept to hard labor in irons, for, and during the period of 14 years, and being of opinion that the evidence against the prisoner

Th. Landyatt Paroo Menon

is sufficient to convict him of the crime charged, &, 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 labor in irons, on the public roads, or other public works, for, and during the period of his natural life.—

(Sent following letter No. 1358.

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Joint Criminal Judge of Ellichpore for the months of August 1838.—

(Here enter No. 1824)

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 Joint Criminal Judge of Ellichpore for his information.—

(Sent in No. 1359

Read

Read letter dated the 7th instant from the 3d Judge on Circuit in the Southern Division, submitting copy of the Criminal Calendar for the 2nd Sessions of 1838.—

(Here enter No. 1856 of 1838)

Case No. 1.

The Court of Sudder Dewanny Adawlut, seeing reason to doubt the propriety of the acquittal of the 1st and 2nd prisoners in Case No. 1, resolve to direct that an English Translation of the Roobakaree of the Trial be prepared and submitted for their consideration.—

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1360.

No return having been received from the Magistrate of Bellary to the Precept of this Court of the 30th July last calling for explanation relative to the late disturbed state of the Kurumbers of Ealook.—

Ordered, that the Magistrate of Bellary be required by precept, returnable in 7 days from and after its receipt, to show what may have been done in pursuance of the instructions issued to him under date

date the 30th July last, and that he be required to make return to the precept aforesaid without any further delay

(Sent following Precept No. 1361

Read order of Government No. 1159 under date the 28th ultimo, intimating that the report from the Acting Head Assistant Magistrate of Chingleput, regarding the late outbreak in the Choultry at Chuprimatore, would be over until the receipt of the further communication from this office promised in this Court's proceedings of the 28th July last.—

(Here enter F.R. No. 1736 of 1838)

Read also letters from the Head Assistant Magistrate in charge of Chingleput dated respectively the 8th August and 5th instant, transmitting Copy of the Report and translations of the depositions taken before Mr. Swinton, Assistant Magistrate, connected with the escape of the convicts referred to in the foregoing communication from Government.—

(Here enter F.R. Nos. 1821 and 1870 of 1838)

Read also a further communication from the Head Assistant Magistrate in charge of Chingleput, submitting two depositions given by the European overseers on duty at the Chuprimatore Choultry, when the outbreak referred to in Nos. 1736 and 1870, occurred.

(Here enter F.R. No. 1823 of 1838)

Nothing

F.R.

17th September 1838.

1. Nothing has been elicited by the investigation held before the Assistant Magistrate to induce this Court to suppose, that the late outbreak originated in a combination between the Convicts and the Duffadar, and in their opinion no grounds exist for bringing that person to trial.— There can be no doubt, however from his own showing, that the Duffadar was extremely neglectful in the discharge of his duties, and if the orders which appear to have been issued by Lieutenant Baxter, regarding the piling of the Sepoy arms, had been strictly enforced by the Duffadar it seems more than probable that the outbreak in the first instance would have been effectually prevented.— Entertaining this opinion, the Judges of the Foujdaree Adawlut would suggest, if the Duffadar has not been already dismissed from his employment, that he be forthwith discharged.—

2. The record of the enquiry which is now before the Court, exhibits little more than the facts connected with the escape of the Convicts, which have been already reported in the several communications previously received on the subject, and it can only be regretted that the information the Assistant Magistrate was able to procure, should be so extremely unsatisfactory. The Judges of the Foujdaree Adawlut are constrained to observe, that the conduct of the Peons engaged

engaged in pursuing the accused convicts appears to have been in the highest degree unwilling, and there seemed reason to believe that Saunders Connor and Riggs might have more effectually exerted themselves, had they acted in a manner becoming the character of men in the situations they then held.—

Ordered, that Extract from these Proceedings be transmitted to the Chief Secretary to Government, for the information of the Right Honorable the Governor in Council.—

(Sent in No. 1362

Ordered also, that Extract from these Proceedings be forwarded to the Head Assistant & Magistrate in charge of Chingleput for his information and guidance.—

(Sent in No. 1363.

Read letter dated the 1st instant from the 1st Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Rajahmundry and the state of the Calendar.—

(Here enter No. 1822)

Read letter dated the 8th instant from the late 3d Judge of the Provincial Court of Circuit in the Southern Division, returning the

the original Death Warrant in No. 1 of the Primary Calendar for the Special Sessions of 1838 held at Vizagapatam.—

(Here enter No. 1827)

Read letter dated the 6th instant from the 1st Judge on Circuit in the Southern Division, reporting his having notified his intention of opening the Session at Vizagapatam on the 25th Instant.—

(Here enter No. 1833)

Read letter dated the 10th instant from W. Barrington Esqr 3d Judge on Circuit in the Southern Division, forwarding the death Warrants in Cases No. 3 on the primary and No. 1 on the Supplemental Calendar of the Madura 2d Sessions of 1838.—

(Here enter No. 1852)

Read letter dated the 7th instant from W. Harrington Esqr 3d Judge on Circuit in the Southern Division, submitting a statement of the Batta paid to the Prosecutor and Witnesses in attendance before the Court of Circuit in the Southern Division at

17th September 1838.

WS

L.A.Q. at Limavady during the 2d Sessions of 1838.—

Ed. W.S. WS

(Here enter No. 1853)

WS

E. 46.

At a Court of the Enquiries Eldalut—

Present,

Wednesday,
19th September,
1838.—
WS
L.A.Q.
WS

John Bird Esqre ——— 1st Puisne Judge,
Thomas Alex.r Baker Esqre ——— Acting 2d Puisne Judge,
Alex.r Duncan Campbell Esqre — 3d Puisne Judge,

Read return submitted by the Joint Criminal Judge of Elizagapatam under date the 7th instant to this Courts precepts of the 27th ultimo, conveying his observations on the Criminal Reports for the Months of July last.—

(Here enter Sel. Min. No. 1801 of 1838)

The explanation contained in the foregoing return is considered to show that the regulation was correctly quoted under which sentence was passed by the Sudr Ameen in Case No. 53.—

The Joint Criminal Judge's observations in respect of the grounds on which the disposal of Case No. 54, are deemed satisfactory, and the Judges of the Enquiries Eldalut will not disturb the sentence passed by that officer.—

The sentence recorded in Case No. 55 is likewise permitted to stand, the evidence against the Prisoner Nasseer Ahmed being considered sufficient.—

Ordered, that Extract from these proceedings be transmitted to the Joint Criminal Judge of Elizagapatam for his information and

and guidance.—

(Sent in No. 1366—

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Chingleput for the Month of August 1838—

(Here enter No. 1857)

The above Reports do not appear to call for any remarks 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. 1367.

Read return dated the 4th instant, from the Criminal Judge of Combaconum to the Precept of the Sudder Adawlut under date the 15th August 1838, conveying their remarks and orders on the Combaconum Criminal Reports for the Month of June last.—

(Here enter No. 1798)

Read return dated the 4th instant from the Acting Joint Criminal Judge of Masulipatam to the Precept of the Sudder Adawlut under date the 31st August 1838, communicating their orders and remarks on the Masulipatam Criminal Reports for the Month of July last.—

(Here enter No. 1809)

Read letter dated the 7th instant from the

the 1st Judge on Circuit in the Northern Division, submitting Statement of Batta paid to parties in attendance on the Court of Circuit for the 2nd Sessions of 1838.—

(Here enter No. 1804)

Read return dated the 4th instant from the Criminal Judge of Cuddapah, to the Precept of the Sudder Adawlut under date the 27th August 1838, conveying their observations and orders on the Cuddapah Criminal Reports for the Month of July last.—

(Here enter No. 1874)

Read letter dated the 5th instant from the 3d Judge on Circuit in the Centre Division, submitting a Statement of Batta paid to the Prosecutors and witnesses attendant on the Court of Circuit at the 2d Quarter Sessions of 1838 held at Chittoor.—

(Here enter No. 1876)

Read return dated the 6th instant from the Criminal Judge of Salem, to the precept of the Sudder Adawlut of the 31st August 1838, communicating observations on the Criminal Reports for the Month of July last.—

(Here enter No. 1878)

Read return dated the 13th instant from the Provincial Court of Circuit in the Centre

19th September 1838.

Centre Division to the precept of the Zoujdaree Adalut under date the 28th August 1838, relative to the neglect of the Judicial functionaries in the Zillah of Cuddapah to ascertain the state of the rope previous to carrying into effect the execution of the Prisoner in Case No. 18 of the Cuddapah Calendar for the 2d Sessions of 1838.

(Here enter No. 1867)

Read letter dated the 11th instant from the Acting 2d Judge on Circuit in the Centre Division, reporting his having opened the Sessions at Bellary on the 11th September, and the state of the Calendar.

(Here enter No. 1868)

Read letter dated the 8th instant from the Principal Sudr Ameen at Rajamundry, submitting the Criminal Reports for the month of August together with the reports required by Circular Order dated 19th January 1831. and No. 11 of 1834, 85 of 1835 and 80 of 1836.

(Here enter No. 1869)

J.N.

Sdr Court of the Zoujdaree Adalut

Present

Thursday 20th September 1838 — John Bird Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Act. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

The Register lays before the Court the following Statements drawn up in his Office, from the returns received thro' the Provincial Courts of Circuit exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Abstract of the operations of this Court from the 1st of July to the 31st of December 1838 according to the forms approved by Government.

(Here enter No. 1870)

1. Statement No. 1 with the details in No. 2 exhibits the number of Persons summoned before the Village and District Police and the Magistracy for petty Offences punishable by them, together with the number of acquittals and convictions, and the nature of the punishments inflicted.

2. The total number of Persons brought before the Village Police together with the number acquitted or convicted of petty Offences, as compared with the preceding half year, or from the 1st of January to the 30th June 1837, is as follows.

Persons

19th September 1838.

20th September 1838.

	Persons summoned	Persons acquitted after investigation	Persons acquitted without investigation for Reasons &c	Persons fined
From 1st January to 30th June 1837	2568	516	439	1[illegible]
From 1st July to 31st December 1837	3582	639	738	2[illegible]

3. Of the 2205 persons summoned by the Police, 1442 were confined in the Village Choultry and 76[illegible] Stocks.

4. Complaints for petty assaults & affrays constitute the great Bulk of the Cases brought before the Police.

5. Out of 3582 persons brought before the 2646 were for petty assaults & affrays and 936 for [illegible] Out of the former 1349 were summoned, of the latter

6. The Districts in which most of the punishment by the Village Police has been inflicted are

Madura
Tinnivelly
Canara
Combaconum
Bellary
Malabar
Verdachellum
and
Tinnivelly

7. The number of persons brought before the Village Police in

Madura	was 701	of whom were punished 640.
Trichinopoly	689	580
Canara	616	100
Combaconum	227	146
Bellaree	222	164
Malabar	218	36
Verdachellum	188	142
Tinnivelly	172	100

8. Of the remaining persons there were

Summoned in

Nellore	128	of whom were punished 31.
Guntoor	84	7
Chingleput	72	45.
Combatore	65	65.
Cuddapah	62	56.
Vizagapatam	51	51.
Ganjam	43	19.
Salem	22	9
Rajahmundry	11	4.
Chittoor	8	7

9. The total number of persons brought before the District Police from 1st July to 31st December last, for petty Offences punishable by themselves, was 4780 besides whom there were 794 whose cases were not disposed of

20th September 1838

of at the close of the previous report.

10. In the preceding half year the number of persons summoned before the District Police was 4318.

11. The subjoined is a comparative Statement of the acquittals and convictions by the District Police during the period under review, and the previous half of the year 183.

	Total number of persons summoned and non-summoned at the close of the half year.	Persons acquitted on the merits of the case.	Persons acquitted on account of their non-appearance on the day appointed for their trial.	Persons acquitted by the Magistrate.	Persons convicted by the District Police.	Persons convicted by the Magistrate.	Persons acquitted by the District Police.	Persons acquitted by the Magistrate.	Persons convicted by the District Police and punished after reference to the Magistrate.	Persons convicted by the Magistrate.
From 1st January to 30th June 1837	4481	1541	1885	1154	466	43985	334	794		
" 1st July to 31st December "	4885	1443	2032	1265	362	47768	35	792		

12. In the number of persons acquitted as shown above are included those against whom the Complaint was considered to be wilfully false and Malicious, amounting to 358.

13. The following Statement exhibits the number of persons punished, and the nature of their punishment, by the District Police for the two periods above referred to, in relation of those punished after reference to the Magistrate.

Punishment	Half year ending 30th June 183	Half year ending 31st Dec. 1837
Fined	1997	8775.
Confined in the Chunkey with or without Labor	5742	3875
Confined in the Stocks	217	278.
Flogged	89.	85.
	12015	13013.

the

P. 16

20th September 1838

14 The 85 persons entered as having been flogged by the District Police were subjected to Corporal punishment by order of the Magistrate, upon reference made to that authority under the provisions of Clause 2nd Section IV. Regulation IV. of 1821.

Magistracy

15. Before the Magistracy during the half year under review, there were brought 4460 persons for petty Offences, besides which there were 24 persons whose cases had not been disposed of at the close of the previous six months, making a total of 4484 persons. In the preceding half year the total number was 3763.

× 4484
− 3763
721 Increase

16. The following is a Statement of the acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy during the 2 half of the

	Persons summoned	Acquitted	Convicted	Fined	Imprisoned	Flogged	Sent to the Magistracy for punishment
From 1st of July to 31st of December 1837	4484	1835	604	2017	4486	28	4[illegible]

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined	Imprisoned	Flogged	Sent to the Magistracy for punishment
From 1st of July to 31st of Dec. 1837	1255.	596.	166.	20[illegible]

17. Of the 1835 persons acquitted by the Magistracy, there were 93 persons against whom the accusa

20th September 1838.

	Calendar year ended 31st Dec. 1837.	
	Cases	Persons
Murder	79	311
Culpable Homicide	14	55
Robbery and Murder	22	126
Gang Robbery	591	6325
Robbery by a Single individual	70	68
House breaking by day	56	100
Do by Night	591	3672
Theft	1073	2872
Forgery	34	74
Perjury	16	22
Maiming or Wounding	124	378
Arson	62	183
Rape	16	18

25. The greatest number of the above cases have occurred in the undermentioned districts—

Coimbatore

Cuddapah

Malabar

Ganjam

Canara

26. The Districts in which the smallest number of serious Crimes has occurred are

Chingleput

South Arcot

Tinnevelly

20th September 1838.

Tinnevelly

Tanjore

Guntoor

and

Masulipatam

27. The Court now proceed to take into consideration the annual Reports submitted by the Magistrates on the State of the Police in their respective Districts, and also the Reports from the Heads of Police required by the 53rd Paras of the dispatch from the Honble Court of Directors under date the 12th October 1831.

Northern Division. Vellore

28. The Magistrate of Vellore after noticing the favorable results exhibited in the Statements Nos 1. 2. 3. and 4. observes that the Reports of the Heads of Police contain but two suggestions which appear to him deserving of notice—

29. The first is a suggestion of the Head of Police of Nellore that heads of Police should be vested with authority to enforce their Processes and to punish under prescribed limitations disobedience of them, instead of applying to the Magistrate—

30. Mr Monteath, the Magistrate of Nellore, states his opinion that the adoption of this suggestion is unnecessary that it is very rarely that disobedience to the Process of a Head of Police occurs, and that it does

Submitted to Government under date the 24th May 1838.

Rajahmundry — 37. The Report of the Magistrate of Rajahmundry is almost wholly occupied in Notice of the late disturbances in the Polavaram Zemindary within his District — the cause of this disturbance in that part of the Country has formed the Subject of a Special reference to Government and the whole Subject having been reviewed in the proceedings of the Foujdaree Adalut laid before Government under date the 17th of August last, it does not appear necessary to remark to the Subject on the present occasion —

Vizagapatam and Ganjam — 38. The Report Submitted by the Magistrates of Vizagapatam and Ganjam do not appear to call for any remark —

Centre Division — 39. The resumption of the Police duties

Chittoor — from the Zemindar of Cavetnuggur, into the hands of the Magistracy, is the only Suggestion offered in the Report Submitted by the Magistrate of Chittoor; and this measure it will be observed was recommended to Government in the Proceedings of the Foujdaree Adalut of the 19th May 1838, the Subject was thereupon referred by Government to the Board of Revenue for their consideration —

Cuddapah — 40. The Acting Joint Magistrate of Cuddapah reiterates in his Report all that has been advanced in previous Reports by the late Acting Magistrate of Cuddapah, Mr. Cadamajor, respecting the degeneracy of the Village Police

in

in the District of Cuddapah, and the necessity of revising the Amount assigned to the Cattorbady Tines in that District, which both Officers have represented to be "too far inadequate at all", and to be the cause of their discontent, and of their engaging therefore with Gangs of Robbers —

41. The Court of Foujdaree Adalut have expressed their views on this Subject, in detail, in their

* Paras 22 to 25. 72. to 79. inclusive — Proceedings of the 15th August 1836, and 1st of November 1837, and it would appear to be important that the Subject should engage the Early attention of the Board of Revenue —

& para. 85.

42. The Case referred to in para. 5. of the Joint Magistrates Report in exemplification of the degeneracy of the Village Police would appear to be case No. 24 of the Cuddapah Calendar for the 2nd Sessions of 1838

43. For the information of Government the Court of Foujdaree Adalut would here explain that the 1st prisoner in that case, who was the Head Reddy of the Village, and stood charged with the Crime of Gang Robbery, was sentenced to 14 Years imprisonment and banishment, the 2nd prisoner (who was the 2d Reddy of the Village) and the 3rd 4th 5th 6th and 7th prisoners were sentenced to 14 years imprisonment and hard labor, and the 8th and 9th prisoners were held to Security in the Sum of 200 Rupees for the period of 3 years —

The

44. The Government may think it advisable to furnish the Board of Revenue with a copy of the Joint Magistrates report herewith submitted.

45. In recording the remarks contained in Para: 13. of the Joint Magistrates Report, Mr. Cochrane can must have overlooked the provisions of Section X. Regulation XIII of 1832.

46. In the 17th Para: of his Report the Joint Magistrate suggests that all Prisoners on being released from Jail should be forwarded to the Magistrate, "who having ascertained from him in what Village he wishes to reside should send him to the Head of Police of the Talook in which such Village is, with instructions that the Village Police should be directed to watch his future conduct; and the same practice he submits might to be observed when Prisoners sent up to the Criminal Court by Magistrates and Heads of Police, are released before that Tribunal from want of proof."

47. With respect to Prisoners released from confinement at the Expiration of the term of their imprisonment, it will be observed that the Circular Order of the Fouzdaree Adalut Nos. 67 and 92, already require the Criminal Judge or Officer, so discharging a Convict, to give timely Notification of his Enlargement to the Magistrate of the Zillah in which he was apprehended, or in which he formerly resided, in order that that Officer being advised

of the circumstance may take the requisite precaution to watch the conduct of the Person discharged in the event of his returning to his former haunts, and any further interference on the part of the Police would in the opinion of the Court of Fouzdaree Adalut be illegal and inexpedient.

48. With respect to Prisoners released by the Criminal Courts, the Joint Magistrates suggestion could not be legally adopted, but it will be observed that in the form of Statement exhibiting the mode in which all cases forwarded to the Criminal Court have been disposed of, furnished monthly to the Magistrates under the Circular Order of the Fouzdaree Adalut of the 10th April 1822, the grounds of a Prisoners discharge are required to be reported to the Magistrate, and if released for want of proof on a charge not punishable by the Criminal Court, it will be open to the Magistrate to use his endeavours to procure further evidence against the accused, but whether the case were punishable or not by the Criminal Court, if the evidence adduced before the Criminal Court in the first instance, were such as to raise strong suspicion against the prisoner of any act of criminality the prisoner would not be unconditionally set at liberty but required to furnish Security under clause 1st Section IV Regulation II of 1822.

49. It appears scarcely necessary that the Court of Fouzdaree Adalut should state that they do not concur in the opinion expressed by the Joint Magistrate in

in the concluding para: of his report, that persons should be convicted and punished on proof of a Talook confession alone.

Dellary. 50. The Magistrate of Dellary states that the considerable increase of crime exhibited in his Statements, chiefly however composed of cases of house breaking, Cattle Stealing and Open Thefts, is attributable to the failure of the early rains of the current Fusly year. But the Magistrate has been called upon by this Court to explain whether or not he had brought to the notice of Government the State of the Harpanelly Talook, which, from incidental references made to this Court appears to them to have been in a lamentable condition.

Chingleput and Cuddalore. 51. The Reports received from the Magistrates of Chingleput and Cuddalore do not appear to call for any particular remark from the Court of Fonjdaree Adalut.

52. On the subject of the request of the Head of Police of Ellavanasoor for an augmentation of his Police Establishment, the Joint Magistrate has addressed a separate communication to the Magistrate with reference to para: 97 of the proceedings of the Fonjdaree Adalut of the 1st November 1837, stating that an arrangement has already been entered into for augmenting the Police Establishment of that Talook, and that a further increase of the number of Police Peons is not considered necessary, a copy of this communication is appended to these proceedings

proceedings for the information of the Right Honorable the Governor in Council.

53. The improvement of the Measures assigned to the Village Police, the early accomplishment of which the Joint Magistrate of Cuddalore urges on the attention of the Court, is at present, the Judges believe, engaging the attention of the Board of Revenue.

Southern Division. 54. The Court of Fonjdaree Adalut have had frequent occasion to bring to the notice of Government the ability and great zeal displayed by Mr. Blackburne in the Control exercised by him over the Police of his District. — the great improvement in the Village Police of his District is brought to notice in para: 4 of his report now under consideration, and the conduct observed by the Magistrate towards the Head of Police of Ramnad, as explained in para: 6 of the same letter, meets with the approbation of the Court of Fonjdaree Adalut.

Madura. — vide paras: 8 of the proceedings of the F.A. 29th February 1836 — and para: 98 of the proceedings of the F.A. of the 1st November 1837.

55. With these observations on the general anxiety evinced by the Magistrate efficiently to perform his duties, the Judges would leave to the consideration and orders of the Right Honorable the Governor in Council the request, made by Mr. Blackburne in paras: 10 and 11 of his Report, that the censure on his conduct recorded in the Minutes of Consultation

and Mr.

States that he will defer any observations on the State of the Police "till the next Annual Report, when an "acquaintance with the working of the Police System in the "District will enable" him "to offer such Suggestions as "may appear to be necessary."—

Coimbatore. 63. The Magistrate of Coimbatore reports that the great increase of crime in the year 1837 is to be attributed to "the remarkable failure" of the rains throughout the year, and from the month of November 1836 "and to the distress which the Scarcity and high Prices of "food occasioned every where, by which the poorer classes "(particularly the Vullian, Karavar, and Mutton tribes, "who are notorious thieves) were driven by the want of "their usual employment to seek a Subsistence by Rob-"bery." The prices of Cholum, Ragge, and Cumboo "the Chief Articles of food," the Magistrate observes, "rose

per Cent.
Cholum — 78. 13. 8.
Ragge — 70. 7. 9.
Cumboo 67. " 4.

"during the year, as shewn in the Margin, above the "prices in 1836." That "all the tanks were dry throughout "the year" and that "there was no rice Cultivation under "them." That "the extensive tracts of land, usually cultivated with Cotton, were left waste;" and that "the produce "of Tobacco another great staple in the District of "Coimbatore did not exceed one fourth of the quantity "grown in ordinary years" and that "it may be judged "from these circumstances how severely the agricultural and

F. 41.
20th September 1838.

"and labouring classes suffered from the want of employment.

64. The Subject discussed in Paras. 16. 17. and 18. of Mr. Drury's Report has already been disposed of by the Court of Foujdaree Adalut in their Proceedings of the 1st November 1837 (Paras. 126. to 129 inclusive); and in Para. 20. of the Minutes of Consultation under date the 19th of January 1838 the Court of Foujdaree Adalut were informed that the Magistrate's Report, and the Proceedings of the Foujdaree Adalut thereon, had been forwarded to the Board of Revenue for their consideration and report.

Western Division.
Malabar. 65. The Report of the Magistrate of Malabar on the State of the Police in the District under his Charge continues Satisfactory.

vide Para: 9. of the Magistrate's Report Para 126. Submitted with the Proceedings of the F.A. of the 15th Augt 1837.

In the 8th Para. of his Report the Magistrate reports that the Village Police discovered the retreat of the notorious Offender Conjalon for whose apprehension a reward of 500 Rupees was offered under the Sanction of the Court of Foujdaree Adalut, but that the attempt to take him alive was unsuccessful, and that "he was "shot dead on the Spot by the Deshathrepan of Ellambila-"Murry" "in attempting to cut his way thro' the party that "went out to secure him."—

Canara. 67. The Joint Magistrate in Charge of Canara in Paras. 8 and 13. of his letter submits a very Satisfactory report of the State of the Police in the Talooks above the Ghauts since the Employment of the new Police.

Vide Mem: of Cons: under date the 11th April 1837.

Subsidy

20th September 1838.

Talukdar of Soondah none of the other Talukdars' reports either in this or in the remaining Districts are of sufficient importance to justify the great labor and Expence that would be occasioned by their being copied in Triplicate for transmission to the Honorable the Court of Directors.

The Suggestions however of the Head of Police of Soondah on the Village Police are worthy of attention, and they would suggest that a transcript of his Report of which a copy is submitted be referred for the consideration of the Board of Revenue.

Nos. 5. and 6.

Criminal Courts. 73.

Statement No. 5. with the details in No. 6 exhibits the operations of the Criminal Courts from the 1st July to 31st December 1837.

74.

The total number of Cases brought before the Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding report, is 2292 including 4931 Prisoners.

75.

In the preceding half year the total number of Cases was 2085, including 4833 Prisoners, being an increase on the half year under review of 207 Cases and 98 Prisoners.

76.

Of the Cases brought, and disposed of before the Criminal Courts, 75 were Cases of Murder 4 of Murder by Thuggee, 22 of Culpable Homicide,

20th September 1838.

Sibbandy Stationed on the Frontier.

68.

The almost total absence during the Official year 1837/38. of the Gang Robberies which were of almost annual occurrence on the opening of the trading Season, the Joint Magistrate ascribes chiefly to the Employment of this additional Police Force but he adds that the arrangement lately sanctioned by the Government by which the Merchants are enabled to draw Bills drawn by the Principal Collector of Dharwar instead of Money, has also tended to the prevailing security.

69.

Paras: 6 to 8 are occupied in Notice of the late conspiracy to plunder the Town of Gadag, a Report which has already been under the consideration of Government, and vide Minutes of Consultation in the Public Department under date the 28th August 1838, and proceedings of the Foujdaree Adalut thereon dated the 11th September 1838.

70.

The Court of Foujdaree Adalut would however point the attention of Government to Paras 11. and 12. of Mr. Malthy's Report, wherein he shows the necessity of some Native Police Officer of higher grade than a Shanogar, being Stationed in the Gadpah Talook, and they would recommend that he receive authority to appoint such Officer without delay.

71.

The Court of Foujdaree Adalut are of opinion that with the exception of the Report by the

Talukdar

of Robbery and Murder, 248 of Gang Robbery, 21 of Robbery by a Single individual, 33 of House breaking by day, 342 of House breaking by night, 3 of Thuggee or belonging to a Gang of Thugs, 380 of Theft, 112 of Receiving Stolen goods, 16 of arson, 5 of Rape, 43 of Perjury, 8 of Subornation of Perjury, 40 of Forgery, 86 of Maiming and Wounding and 241 Cases of a Breach of the Revenue Laws &c &c

77. Of the 4931 persons brought before the Criminal Courts. In cases adjudicable by them

970 were released unconditionally.

Against 84 of whom the charge was considered wilfully false and malicious.

85 were released on Security.

124 were detained on demand of Security.

1632 were convicted and punished.

In cases cognizable by the Court of Circuit.

692 were released by the Criminal Courts

Against 37 of whom the charge was considered wilfully false and malicious

87 were released on Security

82 were detained on demand of Security

} In cases punishable by the Court of Circuit.

1057 were committed for trial.

206 were under examination.

3 Escaped.

6 Died.

1 Punished with dismissal from the Service.

10 Sent by the Auxiliary Court of Guntoor to the Zilla Court of Nellore according to the Order of the Sunjdaree Adawlut under date the 7th July 1837.

4931

78. Of the 1632 persons who were convicted and punished by the Criminal Courts

840 were imprisoned.

371 were fined.

11 flogged.

56 were imprisoned and fined.

351 Imprisoned and flogged.

1632.

79. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 1242. the number committed was 1177, and the number unconditionally released in cases either punishable by themselves or the Courts of Circuit was 1709 in the half year under review this number as shown above was 1670.

Statements 7 and 8.

Courts of Circuit. 80. The Statements No. 7 and 8. exhibit the operations of the Courts of Circuit from the 1st of July to the 31st of December 1837.

81. The Cases of every description &c which came before those Courts during the Six months under review were 1642, including 1316 persons, being 398 persons more than were brought before the Courts of Circuit during the 1st half of the year 1837.

82. Of the 1316 persons who were committed for Trial, 379 were released unconditionally, of whom 30 were considered to have been falsely and

and maliciously accused, 128 were released on Security and 614 were convicted and punished.-

83. Of these latter,

37. were flogged and imprisoned for a term exceeding 7. years.

22. - - - - Do. - - - - Do. - - - - for a term not exceeding 7. years.

317. were imprisoned for 7. years and upwards without flogging.-

238. imprisoned for 7. years and under without flogging.

There were 62. Cases including 124 prisoners referred to the Fonjdaree Udalut, 12 Cases were postponed by the Court of Circuit, 8 persons were returned to the Criminal Courts to be disposed of by them; 10 persons were returned to those Courts in order that they might demand Security from them if they deemed fit, and 4 persons were discharged without trial and 2 persons returned to be disposed of by the Magistracy, and 10. persons died.-

84. The greatest number of Cases was brought before the Court of Circuit in the Southern Division, viz.- 149 of which 14 Cases were referred to the Fonjdaree Udalut.-

85. In the Centre Division the number of Cases was 127 of which 22. were referred to the Fonjdaree Udalut.-

86. In the Western Division 96. Cases of which 13. Cases were referred, and in the Northern Division 70. Cases of which 13. were referred to the Fonjdaree Udalut.

87. Of the 62 Trials referred to the Fonjdaree Udalut

Udalut by the Circuit Courts, the Futwas delivered by their Law Officers were concurred in by the Court of Circuit in 46. Cases, but the nature of the Offences made the trials of necessity preferrible; and 16. Cases were referred because the Courts of Circuit did not approve of the Futwa of their Law Officers.-

Statement No. 9.

Fonjdaree Udalut - 88. Statement No. 9 exhibits the operations of the Fonjdaree Udalut during the 2nd half of the year 1837.

89. It shows that at the date of the last report, there were 5 Cases, containing 8 persons, which had not been disposed of, and that there were received during the half year 162 Trials, including 425 prisoners; making together 167 Trials and 433 Prisoners; whereof 34 were Trials for Murder, 11 Cases of Robbery and Murder, 4 Cases of Murder and Plunder, 1 Case of aiding in Robbery and Murder, 84 Cases of Treason and Rebellion tried by the Mangalore Special Commission, 16. Cases of Gang Robbery, 4 Cases of Gang Robbery attended with aggravating Circumstances, 1 Case of attempt to commit Gang Robbery, 5. Cases of Robbery by a Single individual, 1 Case of House breaking by Night and Theft, 2 Cases of Rape, 2 Cases of Forgery, 1 Case of Perjury, 1 Case of Returning from Transportation, and 1 Case of Destroying Public records.-

90. Of these 167 Trials 161 were disposed

of within the half year under review, inclusive of 1 Case in which all the proceedings were quashed and 3 Cases in which all the Prisoners had died, leaving only 6. undisposed of at the close of the report.

91. Of the 157 Cases containing 417 Prisoners, in which the Court of Fouzdaree Adalut proceeded to Judgment

79 persons were released unconditionally
33 Ordered to be released on Security
} Of these 102 persons 43 were considered convicted by the Judge of Circuit.

311. Convicted and Sentenced to Punishment.
2. Insane
2. Died
} Of whom all were considered convicted by the Judge of Circuit.

417.

92. Of the 311 persons convicted

30. were Sentenced to Suffer death. Of whom only 19 were executed. the Sentence of death passed upon 11 of the Canara Rebels having been commuted by Government to transportation or Imprisonment for life.

9. Flogged and Transported.
43. Transported without flogging.
5. Imprisoned for life without flogging.
2. Flogged and Imprisoned for more than 7 and not more than 14. years.
71. Imprisoned for more than 7 and not more than 14 years without flogging.
3. Flogged and Imprisoned for 7. years and under.
92. Imprisoned for 7. years and under without flogging.
9. Punished in other Cases.
21. Prisoners released in consideration of the circumstances urged by the Special Commissioners at Mangalore.
6. Prisoners released the Imprisonment already undergone having been considered sufficient Punishment.

311. Total.

93. Of the Trials disposed of by the Fouzdaree Adalut, there were 52. Cases in which the Verdicts

of

of acquittals were over-ruled, under the Provisions of Section II. Regulation I of 1818, in 38 of which the Verdicts were founded on exceptions to the competency of the Witnesses, and in the remaining 14 on the insufficiency of the Evidence adduced.

94. In these 52 Cases containing 96. Prisoners, Sentence of death was passed on 8 Prisoners were flogged and Transported, 13 Transported without flogging, 3 imprisoned for life without flogging, 2 flogged and imprisoned for more than 7 and not more than 14 years, 12 Imprisoned for more than 7 and not more than 14 years without flogging, 1 Flogged and Imprisoned for 7 years and under, and 30. Imprisoned for 7 years and under. 9 were punished in other Cases, 2 Prisoners released, the Imprisonment already undergone being considered sufficient Punishment and 10 Prisoners released in consideration of the circumstances urged by the Special Commissioners.

95. The grounds on which the Verdicts were over ruled in the 14 Cases in which the Evidence adduced was considered by the Law Officers insufficient, will be found detailed in an Appendix to these Proceedings.

96. In conformity to the instructions contained in the 22nd Para of the Extract from the Minutes of Consultation under date the 8th of August 1834, the Judges beg leave to Explain that out of the 25 Cases referred to the Fouzdaree Adalut in consequence of the

Presiding

Presiding Judge disapproving of the Futwa of the Law Officer, in 18 Cases the decision of the Judge of Circuit was affirmed by the Tongdaree Adalut.

97

The Supreme Government exhibits the information required by the Honorable Court of Directors in the 41st Para of their General Letter under date the 20th of March 1832 as to the "number of Sentences passed by each "Judge of the Tongdaree Adalut, whether sitting singly, "or whether more than one Judge be present."

		Singly.	Conjointly.	
C. M. Lushington Esqr 1st Judge	16		86	attached to the Court during the whole period under review
John Bird Esqr 2d Judge	6		115	Do. Do.
A. D. Campbell Esqr Acting Judge	7		109	Do. Do.

98.

A Statement of what number of preferrible trials have actually been referred to the Tongdaree Adalut within the period under review, and what has been the least, the greatest and the average number of days after each trial, when the reference was made as required by the 38d Para of the general Letter from the Honorable the Court of Directors dated 20th of March 1833.

Ordered that Extract from these Proceedings together with Copies in triplicate of all Statements and Reports connected therewith be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

Sent in No. 1372

Ordered also that Paras 28. to 38 and 57 of these Proceedings be forwarded to the Provincial Court of Circuit in

Appendix

The following is an Abstract of the grounds of conviction in the trials disposed of by the Court of Tongdaree Adalut under the provisions of Section II Regulation I of 1818 from the 1st of July to the 31st of December 1837.

Case No. 4. Chittagong Calendar 1st Sessions of 1837.

The prisoners in this case

1. 1st Aurola Tyler

and

2d Badah Saib

were charged with the crime of having robbed the Prosecutor on the high way of Ready Money &c. to the amount of Sixty two Rupees, Six annas and four Pice.

2. The Provincial Law Officer in his futwa declared the Crime not to have been proved.

3. The Judge who presided at the trial did not coincide in the futwa and accordingly referred the trial

4. The Cazee-ool-cozat and Mooftees of the Tongdaree Adalut declared the Evidence adduced insufficient to establish the charge against the Prisoners.

5. The Court of Tongdaree Adalut concurr in the opinion of the Prisoners guilt, which had been expr by the Presiding Judge, but considering that mercy might be extended towards them as they were proved not to have been old Offenders, nor to have committed any act of violence

they

they were Sentenced the 1st to seven Years and the 2nd to 5 years imprisonment with hard labor on the roads.

Case No. 1. Nellore Calendar 2nd Sessions 1837

6. In this case the prisoners

Baddeea Vanador

and

Dillooputy Condor

stood charged with gang robbery attended with wounding.

7. The Provincial Law Officer convicted the prisoners of Gang robbery and awarded Cutcoobut.

8. The Judge presiding at the trial concurred in the futwa of the Provincial Law Officer and under Clause Second Section IV Regulation XI of 1803 referred the record of the trial for the final Sentence of the Foujdaree Udalut.

9. The Cazee-ool-cozat and Mooftees of the Foujdaree Udalut considered that the Crime of which the prisoners stood charged was not proved by the Evidence adduced.

10. The Court of Foujdaree Udalut it appeared that the evidence against the 1st and 2nd prisoners was quite conclusive as to their guilt, and they accordingly adjudged the prisoners to be transported for life.

Case No. 2. Salem Calendar 1st Sessions of 1837.

11. The prisoner in this case

Mosa Comdan

was arraigned on a charge of Murder.

The

12. The Provincial Law Officer in his futwa convicted the prisoner of Manslaughter on presumptive proofs.

13. The Judge who presided at the trial considered that the prisoner could not be acquitted of deliberate murder.

14. By the Futwa of the Cazee-ool-cozat and Mooftees of the Foujdaree Udalut the prisoner was declared acquitted of the crime charged.

15. The Court of Foujdaree Udalut held the prisoner to have been convicted of the Crime by his own confession before the Head of Police Supported by that given by him before the Criminal Court.

16. The Court of Foujdaree Udalut adjudged the prisoner to be transported for life.

Case No. 3. Salem Calendar 2nd Sessions of 1837.

17 The prisoners were charged with Gang robbery and Murder, and on the grounds of their confessions before the Police Officer supported by the Evidence of the 2nd and 3rd witnesses they were convicted by the futwa of the Law Officer, and declared liable to Cutcoobut.

18. The Judge presiding concurred in the futwa of the Provincial Law Officer convicting the prisoners

1st Vengalam

and

2nd Catan

of the Crime charged, and accordingly under the Provisions

of

of Clause Second Section II Regulation XI of 1802 refers
case to the Court of Foujdaree Udalut

4

The Cazee-ool-cozat and Moofties of
Foujdaree Udalut convicted the Prisoners of gang robbery on
own confessions, but were of opinion that there was no evi
to support the charge of murder, they having rejected the
of the 1st Witness on account of her sex and that of the 2d
account of his contradictions

20

The Court of Foujdaree Udalut con
in the view of the case taken by the Judge presiding at
trial and considered the Prisoners fully convicted of murder
the perpetration of gang robbery

21.

The Pris
to be transported

Case No 7 Bellary Calendar 2nd Sessions of 1837

22.

The Prisoners in this case Viz

1st Chinnoogandoo

and

3rd Nagapah

were arraigned on a charge of Murder

23.

The Provincial Law Officer in his 1st
Futwa on the grounds of the madness[illegible]ity of certain witnesses
under the Mahomedan Law acquitted the Prisoners & the
second futwa however taken from the Law Officer of the Court
of Circuit they were convicted of murder and the first sentenced
liable to Kissaas and the 2nd to Ekrarbat

The

24.

The Judge presiding at the trial consider-
-ed the Evidence sufficient to convict the Prisoners of the Crime
Charged preferred the trial to the Court of Foujdaree Udalut

25.

The Cazee-ool-Cozat and Moofties of
the Foujdaree Udalut convicted the Prisoners on their own con-
-fessions of manslaughter

26.

The Court of Foujdaree Udalut were of
opinion that the Confession of the 1st Prisoner before the Ma-
-gistrate and the Court of Circuit and the Confession of the 3d
Prisoner before the Magistrate corroborated by the Evidence
of the 2d witness before the Magistrate combined with the
Evidence as to the discovery of the Skull and bones of the de-
-ceased persons, sufficient to convict the 1st Prisoner of kill-
-ing the 2d deceased Nagamah, & the 3d Prisoner of aiding in
killing her, but considering that the Prisoners had been con-
-tinitated by the 1st deceased refusing to obey the direction
of his caste people and in the heat of blood killed them
The Court of Foujdaree Udalut sentenced them to be
transported for life

Case No 9 Cuddalore Calendar 2nd Sessions 1836

27.

The Prisoners in this case

Sinnugam

and

Raman alias Rama Odian

were arraigned on a Charge of gang robbery

28.

The Provincial Law Officer considered
that the Crime charged was not proved

The

29. The Judge who presided at the trial did not concede in this Futwa and the Case was accordingly re-
=ferred for the final decision of the Court of Fonjdaree Udalut.

30. The Cazee-ool-cozat and Mooftees of the Fonjdaree Udalut considered the Evidence established no crime against the Prisoners and rejected the Confessions of the Prisoners before the Police on the grounds of the testimony of the 6th witness who declared that they had been Extorted.

31. The Court of Fonjdaree Udalut con-
=curred in the view of the Case taken by the Presiding Judge and considering the Charge fully proved against the Prison-
=ers they were Sentenced to 14 years imprisonment and to receive 195 lashes with the Cat of nine tails.

Case No. 3. Chittoor Supplemental Calendar 3d Sessions 1837.

32. The Prisoner in this Case named

"Maddagan"

was charged with gang robbery, attended with serious
loss of life.

33. The Provincial Law Officer convicted him Chiefly on the ground of his confessions before the Magistrate, and the Judge who presided at the Trial con-
=curred with this Law Officer in convicting the Prisoner of the Crime charged.

34. The Cazee-ool-cozat and Mooftees of the Fonjdaree Udalut held that a Confession alone was established against the Prisoner.

In

35. In the opinion of the Fonjdaree Udalut it was fully proved that a robbery by open violence attended with great loss of life had taken place and that the Prison-
=er was in company with the robbers.

36. The Court of Fonjdaree Udalut under the circumstances of the Case Sentenced the Prisoner to Transportation for Life.

Case No. 4. Chittoor Suppl. Calendar 2d Sessions 1837.

37 The Prisoner in this Case named

"Comeha Venaatagaudo"

was arraigned on a charge of gang robbery accompanied with open violence.

38. The Prisoner was acquitted by the Futwa of the Provincial Law Officer but the Judge on Circuit entertaining no doubt of his guilt the trial was referred to the Fonjdaree Udalut.

39. In the Judgment of the Cazee-ool-cozat and Mooftees of the Fonjdaree Udalut the Evidence was insufficient to Substantiate the Charge preferred.

40. It appeared however to the Court of Fonjdaree Udalut that the Evidence was sufficient to Con-
=vict the Prisoner of having aided in the Robbery and they accordingly Sentenced him to five years imprisonment.

Case No. 4. Canara Calendar 1st Sessions of 1837.

41. The two Prisoners in this Case, Viz:

Hagam

Angan Menon
and
Sankara

were charged with having aided in the Commission of a Murder—

42.

The Futwa of the Provincial Law Officer convicted the Prisoners and the Judge who presided at the Trial concurred in this Futwa of the Law Officer and confirmed the Sentence—

43.

The Cazee-ool-coozat and Shroffuns of the Toojdaree Adalut were of opinion that the Evidence was insufficient and accordingly acquitted the Prisoners—

44.

To the Court of Foujdaree Adalut it appeared that the dying declaration of the deceased (duly verified) of the Prisoners being present when he was attacked and robbed, coupled with the fact of it having been proved by the Evidence of the Witnesses that the deceased left the house of 1st Witness in company with the Prisoners and that the Prisoners absconded on the night of the Murder and that all three of them were apprehended together at one house with part of the property plundered from the deceased on the night of the robbery, was sufficient for the conviction of the Prisoners, and they were accordingly sentenced to be transported for life—

Case of No. 2 Sircar Calendar 1st Sessions of 1837—

45.

In this Case the Prisoner

Ayya

Ayya

was charged with Gang Robbery and Murder—

46.

The Provincial Law Officer convicted the Prisoner on strong presumptive proof of the Robbery but the Judge who presided at the Trial considered the Prisoner convicted of Murder and he accordingly referred the Case to the Foujdaree Adalut—

47.

The Futwa of the Cazee-ool-coozat was to the Effect that the Crime of gang robbery alone was established against the Prisoner—

48.

To the Court of Foujdaree Adalut there appeared no room to doubt the guilt of the Prisoner who in his confession before the Principal Sudr Ameen (which was fully corroborated by the Evidence of the 2nd and 3rd Witnesses) admitted that he was in Company with the Robbers on the night in question— He was accordingly sentenced to be transported—

Case No. 2 Malabar Calendar 2nd Sessions of 1837—

49.

In this case the Prisoners

Karovalil Koroo Nair
Pelatary Ooney Koren
Pelatary Chirrea Ambichy
and
Chalil Erechen

Prisoners

were severally accused, the 2nd of causing the death of One & the others of aiding in his death and of pounding the deceased and also several of the witnesses

The

dangerous and deadly weapon in striking the deceased
was guilty of culpable homicide referred the trial
to

In the opinion of the Cazee-ool-coozat and
Mooftees of the Tonjdaree Udalut as no murderous
intent had been proved on the part of the prisoner he was
convicted of Homicide by misadventure.

The Court of Tonjdaree Udalut re-
-marked that the act of the Prisoner which occasioned the
death of the deceased was committed not as a punish-
-ment to the deceased for his repeated pilferings there
in defence of his property and they observed that injurious
blows inflicted with a deadly and dangerous instrument
from which death may and does usually ensue though the
Culpable homicide and under these circumstances the Court sentenced
the prisoner to 3 years imprisonment.

Case of Combassamy Sirdar Calendar 2nd Sessions June 1838

The prisoner in this case

stood charged

was accused of the crime of rape.

The Provincial Law Officer in his
Fatwa declared that the Mahomedan Law required four
eye-witnesses to establish a charge of rape, as this charge
not having been so supported he declared the prisoner
acquitted.

The Judge Presiding at the trial

being

being of opinion that the charge was fully and clearly
established referred the trial to the Court of Tonjdaree
Udalut.

The Fatwa of the Cazee-ool-coozat and
Mooftees of the Tonjdaree Udalut on the grounds that there
were no eye witnesses to the fact save the Prosecutor de-
-clared the offence charged not proved.

The Court of Tonjdaree Udalut con-
-sidering the crime fully proved by the murdering
Evidence of the Prosecutor and of his wife, the former of
whom was declared by the Judge on Circuit to have
given his evidence in a most straight forward way, and
the latter to have shown by her simplicity the absence
of all fraud convicted the prisoner and Sentenced him to
seven years imprisonment and to receive 150 Rattans with
a cat of nine Tails.

Read the Criminal Reports prescrib-
-ed by Section XXXV Regulation X of 1816 submitted by
the Acting Joint Criminal Judge of Purtaub for the
month of August 1838.

(Here ends No. 1863.)

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

Ordered therefore that Extract from
these Proceedings be sent to the Acting Joint

Criminal

20th September 1838.

Criminal Judge of Guntoor for his information.

/ Sent in Nº 1874 /

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Officiating Joint Criminal Judge at Tinnevelly for the month of August 1838.

/ Here enter Nº 1877 /

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

Ordered therefore that Extract from the Proceedings be sent to the Officiating Joint Criminal Judge at Tinnevelly for his information.

/ Sent in Nº 1875 /

Read again Letter dated the 30th June 1838 from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Record in Calendar Case Nº 3 on the Masulipatam 2nd Quarter Sessions of 1838.

/ Here enter Nº 1422 /

Read also return dated the 3d Instant from the 2nd Judge of the Court of Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated 31st July 1838 directing the Judge Presiding at the Masulipatam Sessions to take additional Evidence in Calendar Case Nº 3 of the 2nd Calendar Quarterly Sessions of 1838 and returning the record with English and Persian translations of such additional Evidence.

/ Here enter Nº 1821 /

The

F.H.

20th September 1838.

Mr. Oakes
and
Mr. Campbell.

The Court of Foujdaree Udalut on a deliberate consideration of the Circumstances of the Case in Evidence before them, being of opinion that the proof against the Prisoner

Caunookollon Seetamah

is sufficient to convict her of the crime of Murder, do under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict her thereof, and under the provisions of 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 1876 /

Read letter dated the 23rd April 1838 from the Provincial Court of Circuit in the Western Division, forwarding Statements of crimes and Misdemeanors for the Half year ending the 31st December last.

/ Here enter Nº 962. /

Read letter dated the 11th May 1838 from the Provincial Court in the Northern Division transmitting Printed Criminal Statements for the 2nd Half year of 1837.

/ Here enter Nº 1099. /

Read

20th September 1838.

Read letter dated the 1st March 1838,
from the Provincial Court of Circuit in the Centre Divi-
sion, submitting copy of a return from the Magistrate
of Southern Division of Arcot and of its Enclosure from
the Joint Magistrate, containing the explanation re-
quired by the higher Court on the subject of the defici-
ency in the Police Establishment of Tavanambe Taluk
/ Here enter No. 528 /

Read letter dated the 20th June 1838,
from the Provincial Court of Circuit in the Centre
Division, submitting printed Statements Nos. 1. 2. 3.
and 4 for the half year ending the 31st December 1837,
and copies of the Reports of the Several Magistrates in
the Centre Division on the State of the Police in their
respective Districts.
/ Here enter No. 1323. /

Read letter dated the 12th May 1838
from the Provincial Court of Circuit in the Southern
Division, transmitting the Half yearly Criminal
Statement of the Magistrate of Tanjore
/ Here enter No. 1051 /

Read letter dated the 1st June 1838.
from the Provincial Court of Circuit in the Southern
Division, submitting, with reference to their Court's letter
of the 28th Ultimo, a copy of a letter from the Magistrate
of Tanjore, regarding the omission in Column 8 of
Statement

20th September 1838.

Statement No. 2, transmitted by that Officer for the
2nd Half year of 1837.
/ Here enter No. 1189. /

Read letter dated the 25th April 1838
from the Provincial Court of Circuit in the Southern
Division, transmitting Printed Statements for the 2nd
Half year of 1837.
/ Here enter No. 943. /

Entd

At a Court of the Faujdaree Adalut.

Present.

John Bird Esqre. 1st Puisne Judge.

Thomas Alexr. Oakes Esqre. 2nd Puisne Judge.

Friday 21st September 1838. — Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

L.P.C. — Read return submitted by the Criminal Judge of Tellore, under date the 12th Instant to this Court's Precept of the 8th Instant, conveying their observations on the Criminal Reports for the month of July last.

(Here enter No. 1858 of 1838)

1. The explanation contained in the foregoing return does not exhibit the information required in this Court's proceedings of the 8th Instant, in which the Criminal Judge was desired to report whether the 2nd Prisoner in Case No. 59 had been convicted of having preferred a false and malicious charge before the Aumeen.

2. From the Criminal Judge's observations it would, however, now appear, that the investigation which resulted from the presentation of the Petition, to which it is stated the 2nd Prisoner's mark had been affixed, did not contain what can be properly termed a charge of a crime or offence: but in the event even if such not being the

the case, it seems clear, whatever the complaint may have been, that it was not the complaint of the Prisoner now in confinement, but that of another individual, and under these circumstances the Judges of the Tongdaree Udalut direct that the Prisoner be forthwith released.—

Ordered, that Extract from these proceedings be communicated to the Criminal Judge of Nellore by precept returnable within two days from and after its receipt.—

(Sent following precept No. 1381)

(Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Cuddalore for the month of August 1838.—

(Here enter No. 1870)

The above Reports do not appear to call for any remark from the Court of Tongdaree Udalut.—

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

(Sent in No. 1382)

No. 16.

At a Court of the Tongdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge.

Saturday 22nd September 1838.

Thomas Alexr. Oakes Esqre. — 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. — 3rd Puisne Judge.

Read letter dated the 6th Instant from the Acting Joint Criminal Judge of Cochin submitting the Criminal Reports for the Month of August 1838.—

(Here enter No. 1831)

The Court of Tongdaree Udalut direct that the Acting Joint Criminal Judge will in future be careful that the several Reports transmitted monthly to the Court of Tongdaree Udalut are stitched together in the present instance the Criminal Reports and Statements of Convicts and of Extra Peons employed in the Jail at that Station have been sent up in separate sheets.—

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

(Sent in No. 1385)

12th November 1838

No.

At a Court of the Enquirers Established

Monday, Present,

24th September, John Bird Esqre _____ 1st Puisne Judge,

1838. Thomas Alexr Baker Esqre _____ Acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre ____ 3d Puisne Judge,

Vs

T.A.Q. Read letter dated the 29th Ultimo

from the 2d Judge on Circuit in the Western Division

[redacted] transmitting the record in Case No. XI on the Criminal

Calendar 2d Sessions of 1838.—

(Here enter No. 1815)

Mr. Bird, The Court of Enquirers Established on a

and deliberate consideration of the circumstances of the

Mr. Campbell, case in evidence before them, being of opinion that

the proof against the prisoner

"Cootima pilagatha, alias Thekinyadatha

Province Cooly"

is sufficient to convict him of the crime of Murder,

viz, under the authority with which they are vested by

Clause first, Section II Regulation I of 1816, convict him

thereof, and under the provisions of Section X Regula-

tion VIII of 1802, sentence the said prisoner to

suffer death by being hanged at the usual time

and place of execution.—

(Vide following letter No. 1389

Read

Read letter dated the 11th. instant from the 3d. Judge of the Provincial Court of Circuit in the Centre Division, submitting copies of the Notes of 2d, 3d & 5th. and 7th. Supplemental Calendars for the 3d Quarter Sessions of 1838.—

(Here enter A°. 1879.)

Case A°. 1.
7th. Supl. Cal.

1.

To enable the Court of Enquêtes to adopt to determine what further measures should be adopted in view to the discovery of the perpetrators of the murder of "Joramdeen", they would direct the 3d. Judge presiding at the 3d. Quarter Sessions to prepare and to submit, with the least possible delay, an English Translation of the Record of the 3rd. case in A°. 7 of the 7th. Supplemental Calendar.—

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 by first packet returnable in 5 days from and after the receipt.—

(Sent following Precipe A°. 1390)

Read the Criminal Reports presented by Section XXXV Regulation X of 1816 submitted by the

the Criminal Judge of Canara for the Month of August 1838.—

(Here enter A°. 1832)

The above reports do not appear to call for any remark from the Court of Enquêtes Ed adat.—

Ordered therefore, that Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information.—

(Sent in A°. 1391)

Read the Criminal Reports for the Month of August 1838, submitted by the Criminal Judge of Nellore.—

(Here enter A°. 1866.)

Case A°. 68.

The Cundit Sudr Ameen having released the prisoners in Case A°. 68, charged with embezzling 100 Rupees out of a sum of money entrusted to them for the purchase of Cloths, and referred the prosecutor to a Civil Suit, the Court of Enquêtes Ed adat desire that the Criminal Judge will look into the proceedings held in the Case, and report whether there was no proof of fraud on the part of the prisoners.—

Ordered, that Extract from these proceedings

Ft. 11

At a Court of the Foujdaree Udalut.

Present

John Bird Esqr. ——— 1st Puisne Judge

Wednesday 26th September 1838. Thomas Alexr. Oakes Esqr. ——— 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read the Criminal Reports for the month of August 1838 submitted by the Acting Assistant Criminal Judge in charge of the Criminal Court at Chicacole.

(Here enter No. 1864)

Cases Nos. 74 and 75.

1. The Court of Foujdaree Udalut take not now disturb the two sentences passed by the Acting Assistant Criminal Judge on the prisoner Cunday Neelacuntoo, concurred in Cases Nos. 74 and 75. of the Report No. 5, because the periods of imprisonment do not, in the aggregate, exceed the sentence, which, in such case, a Criminal Judge is authorized to inflict; but they desire that the Acting Assistant Judge be instructed in future in Cases adjudicable by the Criminal Court, to pass but one sentence for the several offences cognizable by it, proved against a prisoner.—

Case No. 80.

2. In the column of remarks on Case No. 80 the Criminal Judge should have shewn the nature of the contradictory depositions on

(which

24th September 1838.

proceedings be forwarded to the Criminal Judge of Rollone for his information and guidance by Precept returnable in 5 days from and after its receipt

(Sent following Precept No. 1392

Read the Criminal Reports for the month of August 1838 submitted by the Acting Criminal Judge of Madura.—

(Here enter No. 1826)

Case No. 178.

The Acting Criminal Judge is directed to request the Magistrate of Madura to submit direct to the Court of Foujdaree Udalut the cause of the delay in forwarding the prisoners concerned in Case No. 178 to the Criminal Court.—

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

(Sent in No. 1393.

26th September 1838.

which the prisoner has been committed to take his Trial before the Court of Circuit for Perjury.—

Case No. 85. 3. The conduct of the Police Peons towards the prisoner concerned in Case No. 85. should be brought to the notice of the Magistrate, in view to their punishment for extorting a confession from the prisoner.—

4. With reference to the punishment awarded by the Criminal Judge for refractory behaviour on the part of 5. Convicts, as entered in the Statement shewing the instances in which the powers of punishment created by Regulation X of 1832 have been Exercised,— the Court of Fouzdaree Udalut desire to be informed whether in the Jail at Chicacole the daily allowance of a Convict is served out to him in Kind, or in Money.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge at Chicacole for his information and guidance by precept returnable in 5. days from and after its receipt.—

(Sent following precept No. 1397)

Read returns dated the 19th Instant made by the Acting 2nd Judge on Circuit in the Centre Division to the precept of the Fouzdaree Udalut of the 11th September 1838 containing the

26th September 1838.

observations and orders of the Court of Fouzdaree Udalut on the Cuddapah and Cumbum Calendars for the 2d Sessions of 1838, and suggesting to the Acting 2d Judge the propriety of submitting an application for a mitigation of the prescribed penalty in the case of the prisoner concerned in Case No. 33, and convicted of Highway Robbery.—

(Here enter No. 1916)

1. The Acting 2nd Judge accordingly submits his opinion that under the circumstances of the Case, the real guilt of the Prisoner in the Case No. 33 will be fully met by a sentence of 8 Years imprisonment with labor.—

2. The Court of Fouzdaree Udalut being also of opinion that the ends of justice will be attained by a Sentence of 8 Years imprisonment with labor, resolve to authorize the Acting 2nd Judge to pass that sentence upon the Prisoner.

"Veruntamen."—

Ordered, that Extract from these proceedings be forwarded to the Acting 2d Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 5. days from and after its receipt.—

(Sent following precept No. 1398)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816

Submitted

26th September 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 Criminal Judge of Calicut for his information.—

(Sent in No. 1401)

Read the Cuddapah and Cumbum Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Cuddapah for the month of August 1838.

(Here enter No. 1804)

The above reports do not appear to call for any remarks from the Court of Foujdaree Udalut.—

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

(Sent in No. 1402)

Read again the Criminal Reports for the month of August 1838 submitted by the Acting Joint Criminal Judge at Guntoor.—

(Here enter No. 1863)

Upon further consideration of these Reports the Court of Foujdaree Udalut are

Ends 7th

Code No. 33.

26th September 1838.

Submitted by the Acting Joint Criminal Judge at Masulipatam for the month of August 1838.

(Here enter No. 1862.)

The above reports do not appear to call for any remarks from the Court of Foujdaree Udalut.—

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

(Sent in No. 1404)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge at Chittoor for the month of August 1838.—

(Here enter No. 1865.)

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 at Chittoor for his information.—

(Sent in No. 1406)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Calicut for the month of August 1838.—

(Here enter No. 1882)

The

Dc 26th September 1838

of opinion that sufficient grounds did not exist for the requisition of security made from the 1st prisoner in Case No. 33, and they accordingly resolve to direct that the prisoner, if in confinement, be unconditionally set at liberty, or if he had furnished the security demanded from him, that the bail bonds entered into, be cancelled.

Ordered, that Extract from these Proceedings be forwarded to the Acting Senr Criminal Judge at Cuntoor for his information and guidance by precept returnable in 5. days from and after its receipt.

(Sent following precept No. 1403)

Ex. 7th

2.Do.

H.M. Court of the Zoujdaree Adalut.

Present,

Thursday 27th September 1838

John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Baker Esqre ——— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

WB

Read letter dated the 30th Ultimo from the 2d Judge on Circuit in the Western Division, transmitting the record in Case No. XXI on the Malabar Calendar for the 2d Sessions of 1838.—

(Here enter No. 1850)

Mr. Baker, and Mr. Campbell,

The Court of Zoujdaree 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 wul Cozat and Mooftee of the Zoujdaree Adalut, confirm the said Futwa of the Cazee wul Cozat and Mooftee aforesaid, so far as it convicts the prisoner

Chellikawoo Neeloo

of the crime charged, and they accordingly convict her thereof, and sentence her to be transported to such place or places, beyond sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of her natural life.

(Sent following letter No. 1413

Read

27th September 1838

Read the Criminal Return for the Month of August 1838 submitted by the Acting Joint Criminal Judge of Coimbatore.—

(Here ends No. 854.)

Case No. 139.

1.

The Section and Regulation quoted in justification of the sentence passed upon the prisoner in Case No. 139 is not applicable. If the prisoner was proved to have committed a Robbery, by violence, he must be committed to take his trial before the Court of Circuit; but if he was convicted merely of a Theft, he is punishable only under Section VII. Regulation X of 1816.—

2.

The Joint Criminal Judge will submit a further explanation on the subject of the Court of Conjeveram Decision.—

Case No. 143.

3.

It appears that the late Acting Joint Criminal Judge at Dindigul did not go into the merits of Case No. 143, because the Law which declares that Tobacco shall not be sold at all except under authority would seem not to be enforced in Coimbatore except as regards Tobacco for the consumption of Malabar.—

4.

But Tobacco being liable to pay duties even in Coimbatore the Joint Criminal Judge was bound to go into the Case, to see if there had been any infringement of Regulation VI 1812 and Section XXI Regulation I of 1812, and if a breach of the Law was proved, to dispose of the Case under the

27th September 1838.

the Regulations.—

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.—

E. W. S.

(Sent following Precept No. 1614.)

Read return dated 15th September 1838 from the late Acting 2d Judge Sate on Circuit in the Coimbatore Division, in the precept of the 8th June last of the 3d instant, conveying their observations and orders on the Madura Calendar for the 2d Session of 1838.—

(Here ends No. 1883.)

Case No. 9.

The Prisoner in this Case Ramalingum Moodely was charged and pleaded guilty to the crime of conspiracy in having alleged in his declaration given on the 21st April 1838 as the Prisoner in Criminal No. 85 of 1838 that he had in company with certain other sworn certain images from the Pagoda of Tejachalar at Tirupatoor in the Zillah of Madura and sold them to Mutalagopelly and others their accomplices, and with having in a subsequent declaration admitted the former statements were false, and that he had been instigated to make them

them by Ogyaruen Amblajaran for the purpose of im=
=peaching the said Muttulingoopillay and others.=

The Court of Enquiry Adalut having attentively considered the record of the trial No. 9 received with the late Acting 2d. Judge's return of the 16th. Instant are unable to concur in the judgement passed by the late Acting 2d. Judge Mr. Harrington. The Court of Enquiry Adalut consider that the bare circumstances of the confession and its subsequent retraction by the Prisoner, are totally insufficient to justify his conviction of the crime charged - such statements could only be received as evidence against the confessing party himself, and could not in any way affect Muttulingoopillay and others. and there is no evidence in the present case to show which of the statements made by the Prisoner is false and which is true. Under these circumstances the Court of Enquiry Adalut are of opinion that the conviction of the Prisoner cannot be legally supported, and they accordingly direct that the Prisoner

Ramalinga Moodelly

be unconditionally set at liberty.=

Ordered, That Extract from these pro=
=ceedings be forwarded to the Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 15 days.=

(Sent following Precept No. 1415

E. 16.

Fiscal Court of the Enquiry Adalut

Present,

Friday 28th. September, 1838. John Bird Esqre. ——— 1st. Puisne Judge,
Thomas Alexr. Baker Esqre. ——— Acting 2d. Puisne Judge,
Alexr. Duncan Campbell Esqre. ——— 3d. Puisne Judge,

Read return, dated the 21st. instant,

L.A.O.

received from the Criminal Judge of Chavagacherry, enclosing, with reference to this Court's Precept of the 3d. instant, recording their observations on the Cumbuna Criminal report for July last, a translation of a letter from the Principal Cur Ameen at Cumbuna on the subject thereof.=

(Here enter F.C. No. 1922 of 1838)

On the letter from the Principal Cur Ameen at Cumbuna which accompanies the foregoing return, that Officer reports his inability to carry into effect the order of this Court, directing the unconditional release of the Prisoner in Criminal Case No. 26, in consequence of that individual having escaped from confinement on the 7th. instant, or 6 days before the date of the communication from the Principal Cur Ameen now under observation.=

2. The report required by Enquiry Adalut Circular Order No. 42 not having been as yet received from the Principal Cur Ameen, he is desired to submit it thro' the Criminal Court at Cuddapah without

without any further delay, and will at the same time explain why he has allowed a period of six days to elapse without transmitting for the information of this Court, a detailed Statement of the circumstances under which the escape was effected.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Cuddapah for communication to the Principal Sudr Ameen at Cumbum, by precept returnable within 8 days from and after its receipt.—

(Vide following Precept No. 1818

Read return, dated the 17th instant, from the Criminal Judge of Cuddapah, to the precept of the Conjeveram Zillah dated the 3d September 1838, conveying their observations and orders on the Cumbum Criminal Reports for the Month of July last.—

(Here enter No. 1870)

Read return, dated the 10th instant from the Criminal Judge of Malabar, to the precept of the Conjeveram Zillah under date the 30th August 1838, conveying their observations and orders on the Criminal Reports for the Month of July last.—

(Here enter No. 1871)

Read

Read return, dated the 13th instant from the Criminal Judge of Chittoor, to the Precept of the Conjeveram Zillah under date the 3d September 1838, conveying their observations and orders on the Chittoor Criminal Reports for the Month of July last.—

(Here enter No. 1872)

Read Supplemental Return dated the 12th instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Conjeveram Zillah under date the 12th July last, directing them to forward the information required from the late Acting 1st Judge, of the Names of such Head Police, and of the Cutcherries in which they exercise Jurisdiction, as have caused confessions to be attested by witnesses not really present.—

(Here enter No. 1874)

Read letter dated the 12th instant from the 2d Judge on Circuit in the Western Division, reporting his having notified his intention of opening the Sessions at Mangalore on the 4th Proximo.—

(Here enter No. 1880)

Read letter, dated the 11th instant, from the 2d Judge on Circuit in the Western Division, reporting his having closed the Sessions at Calicut.—

(Here enter No. 1898)

Read

28th September 1838.

Read return dated the 18th instant from the Acting 2d Judge on Circuit in the Cork Division, to the Precept of the Louisdare Gaolist under date the 28th August 1838, conveying their remarks and orders on the sentence passed in the execution of the prisoner in Case No 18 of the Cork Calendar for the 2d Sessions of 1838.—

(Here enter No 1889)

Read return, dated the 7th instant, from the Acting 3d Judge on Circuit in the Southern Division, to the precept of the Louisdare Gaolist under date the 17th September 1838, calling for an English translation of the record of Case No 1 on the Limerick Calendar for the 2d Sessions of 1838.—

(Here enter No 1932)

Read return, dated the 25th instant from the Criminal Judge of Connaught, to the precept of the Louisdare Gaolist under date the 5th September 1838, conveying their observations and orders on the Connaught Criminal Reports for the months of July last.—

(Here enter No 1940)

5 Sept. L.

10

B. G.

At a Court of the Louisdare Gaolist

Present,

Saturday 29th September, 1838.

John Bird Esqr —— 1st Puisne Judge,
Thomas Alexr Baker Esqr —— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqr —— 3d Puisne Judge,

113

L.A.Q.

Read return dated the 5th September 1838 from the 2d Judge of the Court of Circuit in the Northern Division, to the precept of the Louisdare Gaolist dated 31st July last, directing the Judge presiding at the Quarter Sessions to cause additional evidence in Case No 3 of the Calendar of the 2nd Quarter Sessions of 1838 to be taken and to return unto the record with the Irish and Persian translations of such additional evidence.

(Here enter Doc. No 1821)

Mr Bird, and Mr Campbell,

The Court of Louisdare Gaolist, having maturely considered the Proceedings had before the Judge on Circuit, the Letter of the Provincial Law Officers and the Letter of the Cazee ool Cozat and Mooftees of the Louisdare Gaolist, confirm such part of the said Fatwa of the Cazee ool Cozat and Mooftees aforesaid, as acquits the prisoner

2d Bodeapanty Rugpiah,

but being of opinion that strong suspicion, but not amounting to conviction, attaches to him, they order

Clause

29. September 1838.

Clause sixth, Section III. Regulation XV of 1803, direct that he be required to find two sureties in (200) Rupees two hundred each surety, for his good behaviour and appearance when required within three years, or that in default thereof he be detained for three years in confinement.-

1.

After a consideration of the case No. 3 at the last Sessions, submitted with the Letter of the 2d. Judge, Letter of the 3d. June last, and more the impression that the prisoner Cutamah had not acted alone in committing the murder which formed the subject of that trial. The Court of Sudder Dewanny Adawlut were desirous previously to passing final sentence on her to obtaining if possible, any further evidence that might tend to establish that point.-

2.

In furtherance of this view the Judge presiding at the 3d. Quarterly Sessions, was by precept dated the 31st. July directed in conjunction with the Assistant Judge, to cause the attendance of all available evidence in the case, to be examined in the presence of the prisoner (Cutamah) who was to be allowed to cross examine the witnesses and to urge any thing further in her defence, and to retransmit the record with English and Persian translations of such additional evidence

29. September 1838.

evidence. He was further desired to call on the Assistant Judge to explain the circumstances under which the release of the 2d. Prisoner Sujjah had taken place, while there appeared so much evidence against him as would have justified his committal.-

3.

From the Precept of the 2d Judge dated 5th August, addressed to the Assistant Criminal Judge, a copy of which accompanied this return of the 5th Instant, it appears that the Assistant Criminal Judge was directed to reapprehend and recommit to trial, if necessary, the Prisoner Sujjah. This Prisoner had been released by the Criminal Court, and in strictness could only be recommitted under the orders of the Collective Court of Circuit. The act therefore of the 2d Judge in using the powers which by the legislature are confided to the Collective body was to say the least of it irregular But this, the Court of Sudder Dewanny Adawlut regret to observe is not the only error they feel themselves called on to notice in the Proceedings of the 2d Judge on this occasion.

4.

On the new trial now submitted the Court remark that the trial of Cutamah has not, (as it ought to have been) kept quite distinct from that of Sujjah, on the contrary the recorded testimony of the witnesses in the former trial has after their admission of its correctness been admitted as evidence in this second trial. The Court view with surprise such a proceeding in a

be submitted, which in the case of Suggiah was the oral testimony of the witnesses to be newly taken in this 2nd trial on the points previously deposed to by them in the former trial against Seetanah alone.—

5. The Court of Enquiry find that it will be seen have acquitted the 2nd Prisoner Suggiah in this case; for they consider the evidence altogether insufficient to establish his conviction. The Court reject, as worthless, the evidence of those witnesses who have now declared that they saw blood on the prisoner's cloth; for had such been the case, it must have been noticed at the time, and it would have afforded such convincing proof of that prisoner's having been an actual perpetrator in the murder, that it must have been prominently brought forward against him. But at the same time the Court are of opinion that the evidence adduced is insufficient for the conviction of the prisoner Suggiah, they consider, with reference to the age of the boy, and to the circumstances of the case, that it is quite impossible that the woman could have perpetrated the murder without assistance, and that strong suspicion attaches to the prisoner Suggiah of having aided in the murder, and under this view they have deemed three years in 240 Rupees each.—

Ordered, that extract from these proceedings be sent to the 2d Judge of the Court of Circuit in the Northern Division for his information.—

(Sent in No. 1427)

Read letter dated the 11th instant from the 1st Judge on Circuit in the Northern Division, submitting copy of the Rajahmundry Calendar for the 2d Sessions of 1858.—

(Here enter No. 1860)

Case No. 1. With reference to Case No. 1. of this Calendar the 1st Judge on Circuit will instruct the Criminal Judge of Rajahmundry to be careful in future in preparing an indictment for forgery, to specify the party intended to be defrauded thereby; as under the definition of Forgery contained in Clause 3d Section IV Regulation V of 1811, it is essential to a prisoner conviction that the fabrication be "fraudulent" as well as "injurious".—

Case No. 3. The Court of Enquiry before mentioned are of opinion that the 1st Judge erred in postponing the trial of the prisoner concerned in Case No. 3, on the addition of a count to the original indictment, charging

charging the prisoner with having assaulted the Prosecutrix with an intent to ravish her, the case might have been heard and disposed of at the present Sessions:—

Case No 4. The Th Judge will communicate to the Criminal Judge of Rajahmundry the opinion of the Court of Sudder Adawlut, that Case No 4 was, under the circumstances of the case, an improper commitment.—

Case No 7. With reference to the grounds assigned in the Calendar for the postponement of the trial of Case No 7, the Court of Sudder Adawlut desire that the Th Judge will explain why the attendance of the witnesses, named by the prisoners, could not be procured before the Sessions at Rajahmundry were brought to a close.—

Ordered, that extract from these proceedings be forwarded to the Th Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 1428

Read return dated the 21st instant from the Provincial Court of Circuit in the Centre Division to this Court's Precept of the 12th July last, directing the names and jurisdictions of the Police officers, who had caused the manner of attesting witnesses to be subscribed to the confessions of certain Prisoners although the witnesses were not present at

at the time of the confession, to be ascertained and reported:—

(Here enter Sudder No. 1428 of 1838)

1. It appears from the return submitted by the Magistrate of Cuddapa to the Precept of the Provincial Court of Circuit, copies of which accompany the foregoing communication, that the Police Officer referred to in para: 13 of the report from Actg. Sudder Judge of Circuit for the Th Sessions of the current year, is employed in the District of Cuddapa, and the enquiry which has been instituted by the magisterial authorities in that district affords no sufficient proof of the absence of the attesting witnesses, indicated by the late Acting Th Judge, when the confessions of the Prisoners in No 10 of the Cuddapa Calendar were reduced to writing in the Police Cutcherry, in the presence of the Head of Police, and to which their signatures are supposed by the late Acting Th Judge, to have been subsequently affixed.

2. The observations offered by the Magistrate of Cuddapa in the return adverted to, regarding the improbability of an officer holding the high and respon= =sible situation of a Tahsildar resorting to such a measure, are, the Judges of the Sudder Adawlut freely admit, just and appropriate, and tend to show that in the instance noticed by the Provincial Court

Court of Circuit. any improper proceedings of the kind was both useless and unnecessary. and not likely to be productive of benefit to the Police officer himself.—

3. The Judges of the Court of Enquiry are doubtless know from experience that attesting witnesses are frequently called in after a confession has been reduced to writing and affix their signatures to a deposition which was not given in their presence. this admitted to be correct; and whether such irregularity be the result of forgetfulness or neglect on the part of the officer conducting the investigation, it is equally to be deprecated.—

Ordered, that Extracts from these Proceedings be forwarded to the Criminal Court of Circuit in the Centre Division to be communicated to the Magistrate of Cuddapah for his information and guidance.—

(Sent in No. 1429

Read again letter dated the 3d. instant from the Criminal Judge of Cuddapah, requesting further information as to the course of enquiry to be pursued by him, under the orders of this Court of the 31st. of August last, in view to determining whether the charge preferred against the

the late Mr. Bushby was the result of a

(Here enter No. 1797)

Also read order of Government dated the 19th. instant No. 936. transmitting copies of the depositions which accompanied Mr. Commissioner Dickinson's Report to Government of the 26th. of May 1838, in order to their being furnished to the Criminal Judge of Cuddapah to enable him to conduct the enquiry ordered to be instituted in para. 2 of the Minutes of Consultation of the 17th. of August 1838.—

(Here enter No. 1926)

1. Ordered, that the copies of the papers received with the order of Government of the 19th. instant, together with a copy of the report made by the Court of Enquiry dated 23d. July 1838 on the proceedings held by Mr. Dickinson on the charge of corruption brought against Mr. Bushby, be forwarded to the Criminal Judge at Cuddapah, in order that he may be in possession of the view taken by the Court of Enquiry of the nature of the evidence brought forward to prove the charge of bribery, and having perused these papers, the Criminal Judge will in conformity to the orders of this Court of the 31st. of August last proceed to examine Parthasarady, Rajah Row, Venkatareddy and

and any other persons whom he may find it necessary to question.—

2.

The examinations however of Rajah Row and Venkataradoo or any others alledged to have been parties in the pretended delivery of the money extra to are to be taken with reference to the evidence, but not upon oath, the object of the enquiry being to ascertain whether they can furnish any information on the subject of the supposed conspiracy, it being left to the ultimate determination of this Court whether sufficient grounds exist to institute proceedings before the Magistrate of Cuddapah, and whether the persons named shall in that event, be admitted as witnesses against any persons concerned therein.—

3.

The Criminal Judge is directed to report whether the orders conveyed to him in paras 2. of the proceedings of this Court of the 31st of August last have been confirmed or no.—

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

(Sent in No 1430

Read

Read letter dated the 22d. instant from the 3d. Judge of the Provincial Court of Circuit in the Centre Division, submitting Copies of the Chittoor 8th, 9th, 10th. and 11th. Supplemental Calendars for the 3d. Quarter Sessions of 1838.—

(Here enter 1 Ltr. 899)

Eighth Supl. Cal. Case No. 1. 1. With reference to Case No. 1 of the 8th. Supplemental Calendar the 3d. Judge presiding at the 3d. Quarterly Sessions will instruct the Criminal Judge of Chittoor to be careful in future in preparing an Indictment for Forgery to specify the party intended to be defrauded strictly, as under the definition of Forgery contained in Clause 3d. Section IV Regulation XI of 1817 it is essential to a prisoner's conviction for that offence that the fabrication be "fraudulent" as well as "injurious."—

Tenth Supl. Cal. Cases Nos. 1. 2 and 3. 2. The prisoners concerned in the Cases noted in the margin have been convicted in three distinct instances of the crime of Gang Robbery, "but "in consideration of the prisoners not being old offenders "and the Robbery not being attended with any "personal injury, and as it may be inferred that "they probably committed this crime thro the ill= "=persuasion of the other offenders not apprehended" he submits that "the ends of justice will be fully satisfied

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"satisfied by a mitigation of the punishment to 10 seven
"years' imprisonment with hard labor in irons."—

3.

Adverting to the three instances in which
the prisoners refered to have been convicted of the crime
of Gang Robbery, and to the prevalence of that Crime
in the District of Chittoor, the Court of Enquiree Edatu
are not prepared to sanction the mitigation proposed
by the 3d. Judge, and he will accordingly proceed to
pass upon the prisoners the sentence of punishment
prescribed for the offences by the Regulations.—

II. Supl. Cal: Case No. 1.

4.

The two prisoners concerned in Case No. 1
of the II. Supplemental Calendar were charged with
having, with an evil intent, put prisoners drugs into
rice, and by administered the same to the daughter of
the prosecutor; and the 3d. Judge considering them
convicted of the charge has sentenced the prisoners
each to four years' imprisonment with hard labor in
irons.—

5.

As the prisoners, particularly the second,
do not appear to have been aware of the dangerous
qualities of the medicine, the Court of Enquiree Edatu
are of opinion that the ends of justice will be satisfied
by a sentence of 2 years imprisonment with labor in irons
on the 1st prisoner and of 1 years imprisonment and labor
in

E. St.

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irons on the 2d prisoner.—

6.

If upon further consideration the
3d Judge concur in this view, the Court of Enquiree
Edatu authorize him in that event to amend his
sentence accordingly, that should he be unable to do
so, he will be pleased to refer the Trial for the
final consideration of the Enquiree Edatu.—

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 by precept
returnable in 5 days, from and after its receipt.—

(Sent following Precept No. 1431

Read the Criminal Reports for the
Month of August 1838 submitted by the Criminal
Judge of Salem.—

(Here enter No. 1896)

Case No. 137.

The Criminal Judge is directed to call
upon his Assistant to explain why the prosecutor and
those of the witnesses in Case No. 137 who are represented
to have grossly prevaricated in their evidence were not
punished under Section VII Regulation XIII of 1832.—

Case No. 152

The Criminal Judge will intimate to
the Magistrate of Salem that an insufficient security
has

has been assigned by the Head of Police of the Regiment
Ealook for the detention of the 11th prisoner in Case No. 152
in the Ealook from the 25th of July to the 11th of August
Case No. 155.

The Criminal Judge will also request
the Magistrate to procure and to forward to this
Office the Assistant Magistrate's explanation of the
delay in forwarding the prisoner in Case No. 155. to the
Criminal Court.—

Case No. 157.

Explanation is also required from the
Magistrate of the date of the apprehension of the 3.
prisoners "Imaura" "Ulangodeu" and "Ramasami"

Ordered, that extract from these
proceedings be forwarded to the Criminal Judge
of Salem for his information and guidance by receipt
returnable in 5 days, from and after the receipt
and with instructions to make the necessary communication
to the Magistrate of Salem.—

(Cont. following Receipt No. 1432.

Read letter dated the 17th instant from
the Acting 2nd Judge on Circuit in the Centre Division,
forwarding the original death warrant of Cantany
Veneatapah, prisoner in Case No. 20 of the Cuddapah
Calendar for the 2nd Sessions of 1838.—

(Here enter No. 1898 of 1838)

Read

Read letter, dated the 19th instant from
the 1st Judge of the Provincial Court of Circuit in the
Southern Division, forwarding the death warrant of
Mahomed Ebramphee, prisoner in No. 3 of the Nundra
Calendar for the 2d Sessions of 1838, omitted to be sent
with the 3d Judge's letter of the 3d instant.—

(Here enter No. 1906 of 1838.)

Read Supplemental return dated the
21st instant from the Provincial Court of Circuit in the
Centre Division, to the precept of the 13th instant
under date the 11th July 1838, conveying their orders and
observations on the Cuddalore Calendar for the 1st Sessions
of 1838, and directing them to expedite the preparation
of the Record of the referred trial No. 5 of the Cuddalore
Calendar and likewise review the Proceedings in Case
Nos. 184 and 197 of the Bellary Supplemental Report
for December last referred to in their notice of the 5th
January last.—

-8-

(Here enter No. 1907 of 1838)

Read letter, dated the 20th instant
from the Acting 3d Judge on Circuit in the Southern
Division, reporting his having opened the Sessions at
Combaconum on the 20th September and the state of the
Calendar.—

(Here enter No. 1909 of 1838)

Read

2d. September 1838.

Read Return dated the 2d. instant from the Criminal Judge of Ellore, to the precept of the Coujdaree Udalut dated the 21st. September 1838, directing the release of the 2d. Prisoner in Case No. 69 of the Criminal File.—

(Here enter No. 1937 of 1838)

Read return, dated the 2d. instant from the Joint Criminal Judge at Vizagapatam to the precept of the Coujdaree Udalut under date the 8th. September 1838, conveying their remarks and observations on the return made by the Joint Criminal Judge dated 20th. August last.—

(Here enter No. 1949 of 1838)

Read letter, dated the 25th. instant from the 1st. Judge on Circuit in the Northern Division

115 submitting a statement of the Batta paid to the

I.N.Q. prosecutors and witnesses in attendance on the Court

142 of Circuit for the 2d. Sessions of 1838 at Rajahmundry—

(Here enter No. 1956 of 1838.)

Exd.

Fort St. George.

At a Court of the Coujdaree Udalut.

Present

John Bird Esqre. ——— 1st. Puisne Judge

Monday 1st October 1838 — Thomas Alexr. Oakes Esqre. — Actg. 2d. Puisne Judge

115 — Alexr. Duncan Campbell Esqre. — 3d. Puisne Judge

I.N.Q. — Read Miscellaneous Petition presented on the 13th. August by Cazy Saheb of the Zillah of Cuddapah.—

142 (Here enter Mo. Pr. No. 97 of 1838.)

1. The Petitioner represents himself to be the brother of the 2d. Prisoner in Case No. 32. of the Cuddapah Calendar for the 2d. Sessions of 1838, convicted of receiving stolen goods knowing them to have been stolen, and sentenced to 7 Years imprisonment. He prays the Court will, in view to the pleadings of his brother, call for the record of the trials.—

2. The Court of Coujdaree Udalut desire the Petitioner be informed that they see no reason to doubt the propriety of the sentence referred to, and the prayer of his petition is accordingly rejected.—

Ordered that a copy of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 27th.

27th August 1838 by Shunna Conda Reddy of the Zillah of Cuddapah

(Here enter M. P. No. 110 of 1838)

1.

The Petitioner represents that the act for which his brother the prisoner in Case No. 13 of the Cuddapah Calendar for the 2nd Sessions of 1838 was put on his trial, was committed during a fit of insanity, and he prays the Court will take consideration of the record of the trial, now under reference, over his release.—

2.

The Court of Sunjdaree Udalut direct that the Petitioner be informed, that having arrived at the opinion, that the prisoner at the time he committed the fatal act of murder, they have acquitted him of the crime of which he stood charged; but considering him an unfit person to be at large, they have directed that he be detained under the charge of the Zillah Surgeon, until it shall have been certified that he can be released without danger to the community.

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

Read Miscellaneous Petition presented on the 11th Ultimo by Vencatachella & Moodelly the Mookteyar Vakeel of Gooty Condapilla Row & Sutteor.—

(Here Enter M. P. No. 121 of 1838)

1st October 1838.

1.— It is represented in the foregoing address that the Head Assistant Magistrate of North Arcot dismissed a charge of highway robbery, which had been preferred by the Petitioner before the Magisterial authorities of that district, against certain individuals by whom he had been assaulted and robbed of Company's Rupees 2000 in ready money, although ample proof was adduced in support of the truth of his complaint, which was thereby clearly and fully established.

That he subsequently appealed against the order of the Assistant Magistrate to the Judge on Circuit, by whom, however the decision complained of was approved and confirmed.— That having thus failed in obtaining redress Petitioner now prays the record of the case may be called for, and perused by this Court, with a view to their reversing the order of the Judge on Circuit, and issuing instructions to the Magistrate to summon and examine certain witnesses whom the Head Assistant Magistrate declined investigating, when he originally dismissed the Petitioners complaint.—

2. On a perusal of the several papers which are submitted with the Petitioners address there appears to the Court of Sunjdaree Udalut to be every reason to suppose that the charge of highway

1st October 1838.

highway robbery is false, and had already been considered as such by the two subordinate authorities, and as it was observed that the order of the Circuit Judge confirming the proceedings of the Acting Assistant Magistrate, now appealed against, was passed so long as eight months ago, without any attempt being made by the Petitioner during that period towards impugning its propriety and correctness, the Judges of the Sangdaree Udalut resolve to refuse compliance with the Petitioners present application.—

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

Read Petition presented on the 11th September by Yegnamal of Combaconum.—

(Here enter M. P. No. 122 of 1838)

The Petitioner prays that as the Court have acceded to her request in calling for the record of the Proceedings held on the Cases Nos. 21 22 and 23 of the Combaconum Calendar for the 1st Sessions of 1838, that they will also direct that authenticated copies of the documents mentioned in her petition may be furnished as they are (she alleges) of importance to the right understanding of the merits of the cases above alluded to.—

The

2. Fol. 6.

1st October 1838.

2. The Court of Sangdaree Udalut on a consideration of the circumstances stated in the petition resolve to direct that copy of the translation of this petition be forwarded to the Court of Circuit in the Southern Division who will be instructed on transmitting the records of the Trials called for in the Proceedings of this Court under date the 27th Ultimo, to procure and forward to this Office translations of the several documents therein enumerated.—

Ordered, that Extract from these Proceedings be forwarded to the Court of Circuit in the Southern Division for their information and guidance by precept returnable without delay and that copy of these proceedings be also furnished to the Petitioner on her application.—

(Sent following precept No. 1437)

Read the Criminal Reports for the Month of August 1838 submitted by the Criminal Judge of Rajahmundry.—

(Here enter No. 1900)

Cases Nos. 50 and 51.

The Court of Sangdaree Udalut desire that a copy of the remarks recorded on Cases Nos. 50 and 51 be furnished to the Magistrate of Rajahmundry, and that he be desired to report direct to this Court what notice he may have taken of the Conduct of the Police Officers who conducted

conducted the preliminary enquiry into the charges preferred against the prisoners.—

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

(Sent following precept No 1428)

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Western Division transmitting the Sirdar Criminal Return for the month of August 1838.—

(Here enter No 1924)

Case No 30.

The Court of Foujdaree Udalut cannot now disturb the sentence that has been passed by the Principal Sudr Ameen of Sirdar on the 1st prisoner concerned in Case No 30, and convicted of theft; but for the future guidance of that Officer the Court of Foujdaree Udalut would record their opinion, that, under the circumstance of the prisoner having been the servant of the prosecutor, the sentence of 42 days imprisonment was too lenient a sentence.—

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 Sirsee for his information and future guidance.—

(Sent in No 1439)

Read the Criminal Reports for the month of August 1838 submitted by the Criminal Judge of Bellary.—

(Here enter No 1930)

Cases Nos 130. Filed 142.

1. The Police Officers by whom the Cases Nos 130 and 142 were forwarded to the Criminal Court, most unnecessarily detained the prisoners in the Talook, in the first mentioned Case for a period of 23 days, and in the 2nd Case for a period of 30 days, in consequence of a reference made by them to the Magistracy.—

2. The Police Officers in such Cases are directed to act upon their own responsibility in forwarding prisoners to the Criminal Court, and there appearing to have been no necessity whatever for a reference to the Magistracy in the Cases noted above, the Magistrate is directed to admonish the Heads of Police of the irregularity of their Conduct.—

Cases Nos 144. 146 and 147.

3. The Criminal Judge will also intimate to the Magistrate, that the Court of Foujdaree Udalut consider the persons assigned by the Police Officers for the detention in the Talook

1st October 1838.

Talork of the prisoners concerned in Cases Nos 144 146 and 147 insufficient and unsatisfactory, and that they desires he will report direct to this Court what notice he may have taken of such delay.—

4. The Reports now under perusal exhibit an arrear of 20 Cases containing 70 prisoners under examination for and according to the Court of Inquiry above detailed that the cause such heavy arrear of business in the Criminal Department of the Court, may be fully explained.—

5. A similar explanation respecting the "arrears" exhibited in the Criminal Returns for the Month of July was called for in the proceedings of this Court of the 6th of September last, to which date it is observed no return has yet been received from the Criminal Judge.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by first opportunity in 3 days from and after its receipt, and with instructions to make the necessary communications to the Magistrate of Bellary.—

(Sent following Precept No 1540)

Read Mister Unwin's Petition presented on the 11th Ultimo by Moodeobasetty of

3. Ft 6.

1st October 1838.

of Chittoor.—

(Here enter M. P. No 120 of 1838.)

1. The Petitioner represents, that a document having been executed in his favor by one P. Shunmoogasetty, recognizing the Petitioner to be the Head Setty of Cullooput, a complaint was, after its execution, preferred to the Magistracy, to the effect that violence had been used in order to extort P. Shunmooga Setty's signature.— That on investigation, two of the attesting witnesses were fined by the Head Assistant Magistrate for having assisted, whilst P. Shunmooga Setty was in a state of exhaustion from illness, in forcing that person to sign the said document.— That Petitioner having appealed the Court of Circuit to procure the reversal of the Head Assistant Magistrate's order, not only failed in doing so, but had it intimated to him by the proceedings of the Court of Circuit that the document referred to was, under the circumstances of the case, an invalid instrument.—

2. Petitioner contends that the opinion of the Court of Circuit on this point was not required, and prays therefore in order to re-establish the validity of the said document, that this Court will be pleased to call for the record of case inquired into by the Head As

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Magistrate, and on a perusal thereof, passes an order cancelling that of the Circuit Court, to which he refers, an attested copy of which, he has enclosed in his present address.

3. The Judges of the Toujdaree Udalut direct it to be intimated to the Petitioner, that the order of the Circuit Judge, to which he has referred, cannot affect the validity of the document stated to have been executed in his favor, and that the fact of its having been voluntarily, or otherwise, signed by P. Shunmooga Setty can be legally determined only by the Criml Courts, if the genuineness of the Shunmooga's signature be further contested by the individual, whose signature it is stated to be.

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

T. U.

Tuesday 2nd October 1838.

W.B. D.P.C. W.B.

Mr. Oakes and Mr. Campbell.

T. U.

At a Court of the Toujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Thomas Alexr. Oakes Esqre. AJ 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read letter dated the 13th Ultimo from the 2nd Judge on Circuit in the Western Division, transmitting the record in Case No. IV. on the Malabar Calendar for the 2nd Session of 1838.—

(Here enter No. 1894.)

The Court of Toujdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Toujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner—

Edayadytodoogail, alias Kayetteparrakel Govinen,

of the crime charged, but being of opinion that the punishment to which the prisoner is liable, under the finding of Fetwas declared in the said futwa, would by reason of certain extenuating circumst

2nd October 1838.

in this case be too severe, the Court of Foujdaree Udalut 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 labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

(Sent following letter No. 1444)—

F. 86.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge.

Wednesday 3rd October 1838.

Thomas Alexr. Oakes Esqre. Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Statement submitted by the Acting 2nd Judge on Circuit in the Centre Division, under date the 4th Ultimo, showing the amount of Batta paid to Prosecutors and Witnesses in attendance before the Court of Circuit at Cuttack during the 2nd Sessions of the current year.—

(Here enter No. 1942 of 1838.)

Rs. 964-2-0

1. Viewing the aggregate amount of Batta reported in the foregoing return to have been paid to the Prosecutors and Witnesses in attendance during the late Sessions at Cuttack, as enormous; the Court of Foujdaree Udalut resolve to request the Acting 2nd Judge late on Circuit at that Station will report whether the instructions conveyed in this Courts Circular Order No. 93 were conformed to, on the occasion of the late Sessions at Cuttack; and if so, what particular circumstances have caused such an

3rd October 1838.

and occasioned by heavy expenditure on account of Batta-

2. The Court of Foujdaree Udalut have not failed to observe, that six witnesses in No. 21 of the Calendar received Batta for 19 days: and that the total sums expended on this account in the case in question were Rupees 133-6-

3. In the event of Mr. Vaughan's system for the summoning of witnesses not having been adopted, Mr. Lewin will be pleased to explain why it was not adhered to.—

Ordered, that Extract from these proceedings be transmitted to the Acting 2nd Judge on Circuit in the Cuttack Division by precept returnable within 10 days from date after its receipt.—

(See following precept No. 1149)

F U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Thursday 4th October 1838. Thomas Alexr. Oakes Esqre. — Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. — 3rd Puisne Judge

Read letter dated the 13th August last from the 3rd Judge on Circuit in the Western Division transmitting the record in Case No. V. on the Malabar Calendar for the 2nd Sessions of 1838.

(Here enter No. 1730)

The Court of Foujdaree Udalut, on a deliberate consideration of the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoners—

1st Chorratha Chamoo

2nd Koonnathu alias Parramil Ramen

and

4th Pattathedyil Chamee

is sufficient to commit them of the crime of murder, in the prosecution of robbery, do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict them thereof, and under the provisions of Clause first, Section IV, Regulation XV of 1803 sentence the prisoners—

1st Chorratha

4th October 1838.

1st Charratha Chamoo

and

4th Pattathedyil Chamee

to suffer death by being hanged, at the usual time and place of execution, and under the provision of Clause fifth, of the same Section, and Regulation, Sentence the Prisoner

2nd Koonnatha alias Parramel Aymen

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. 1451)

Read letter dated the 26th Ultimo from the Acting Magistrate of Trichinopoly submitting the explanation called for in this Courts proceedings of the 7th Ultimo, regarding the delay which had occurred in the transmission of a Case to the Criminal Court from the Woodiar Pollium Talook, and in respect of an excess in the number of Extra Peons entertained in the Jail at Trichinopoly.—

(Here enter No. 1950 of 1838)

Under the explanation submitted in the foregoing communication from the Acting Magistrate of Trichinopoly, the Court of

Sessions

4th October 1838.

Sungdarees Udalut resolve to return to that Officer the Statement of Extra Peons entertained in the Jail under his Superintendence, in order that the necessary alterations and corrections be made in that Office.—

Ordered, that Extracts from the Proceedings be transmitted to the Acting Magistrate of Trichinopoly by precept returnable within 2 days from and after its receipt.—

(Sent following precept No. 1452)

F. D.

At a Court of the Tondaree Adalut.

Present,

Saturday, 6th October 1838. John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqr. 2nd Puisne Judge
Mervr. Duncan Campbell Esqr. 3rd Puisne Judge

W.S.
L.P.Q.

Read letter from the Chief Secretary to Government dated 2nd Instant.

(Here enter a Pr. 1964.)

Ordered, that the following letter be sent to the Chief Secretary to Government.

To, The Chief Secretary to Government.

Sir,

I am directed to acknowledge the receipt of the order of Government of the 2nd Instant, No. 988, and in reply to communicate to you the opinion of the Court of Tondaree Adalut, that it would be expedient to extend to the Territories subject to the Presidency of Fort Saint George, the Enactment proposed to be framed by the Supreme Government, for the abolition of the ignominious mode of punishment denominated Teshaar.

I have &c.

(Signed) W. Douglas
Register.

Minute

F. Q.

At a Court of the Tongdaree Udalut.

Present,

Saturday, 6th October 1838. John Bird Esqre _____ 1st Puisne Judge
Thomas Mect. Oakes Esqre Offg. 2nd Puisne Judge
Mrvt. Duncan Campbell Esqre 3rd Puisne Judge

W.S.
L.P.Q
W.S.

Read letter from the Chief Secretary to Government dated 2nd Instant.

(Here enter a Kc. 1965.)

Ordered, that the following letter be sent to the Chief Secretary to Government.

To, The Chief Secretary to Government.

Sir,

I am directed to acknowledge the receipt of the order of Government of the 2nd Instant, No. 988, and in reply to communicate to you the opinion of the Court of Tongdaree Udalut, that it would be expedient to Extend to the Territories Subject to the Presidency of Fort Saint George, the Enactment proposed to be framed by the Supreme Government, for the abolition of the ignominious mode of punishment denominated Tasheer.

I have &c.

(Signed) W. Douglas
Registrar.

Minute

6th October 1838.

Minute of the 3rd Puisne Judge—

I think this a very important matter
& before giving a final opinion prefer
it, I should wish to be informed of the principle on which
it is recommended for adoption in Bengal and the North
West Provinces of which I am at present (as I consider
my colleagues are) profoundly ignorant—

There can be no doubt that the native
attach the most extreme horror to the punishment of
Tushan— The principle of honor is strong amongst
them against its infliction, Except in cases of extreme
disgrace and moral debasement— I think their feelings
as to crimes against property are far below what they
ought to be— and to create moral degradation in their
minds as connected with such crimes, I would confine,
as regards these crimes alone, a punishment which every
native deems indelibly disgraceful—

To abandon, as a punishment, that to
which the natives attach the worst disgrace, seems to me
legislating for them as if they professed European, and not
Indian, sentiments— All must agree that the punish-
ment of Tusheer is barbarous— but so long as it excites
moral feeling, and excludes those who have suffered it
from Society— I think it may be usefully inflicted to
augment moral feeling where it is notoriously too dull

in

6th October 1838.

in native minds—

(Signed) A. D. Campbell

6th October 1838.

Read letter dated the 20th August 1838.
from the 1st Judge on Circuit in the Northern Division
transmitting the Record in Case No. 2 on the Calendar
Calendar for the 2nd Sessions of 1838—

(Here enter No. 1861)

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

1st Doolloy Chundur Doss
2nd Chundragoontah Lahaeegandoo

is sufficient to convict them of the crimes of which they
each stand charged, do, under the authority with which they
are vested, by Clause first, Section II. Regulation I of 1818,
convict them thereof, and under the Provisions of Clause
Second, of the same Section and Regulation, direct their
Law Officers to declare by a Second Fetwa, to what
Sentence the Prisoners would each have been liable, under
the Mahomedan Law, had they been convicted, by full legal
evidence, of the crimes of which they are severally
charged—

Answer—

In the Event of the Prisoners being
Convicted

convicted on full legal evidence of the crimes charged, that of theft would be established against the 1st Prisoner, and that of having received Stolen property Knowing it to be such, against the 2d Prisoner; and they would be liable to Sokoobut in proportion to their respective crimes. And being barred in favor of the 1st Prisoner because he consent to the house of the Prosecutor with his (Prosecutors) permission—

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 Futwas of the Cazee-ool-cozat and Mooftee of the Fouzdaree Udalut Confirm the said Futwas of the Cazee-ool-Cozat and Mooftee aforesaid convicting the prisoners

1st Poolloory Kitchiah and

2nd Cundlagountah Letchregaudoo

and awarding Sokoobut and under the provisions of Clause first Section V. Regulation VIII. of 1831 and Clause first Section V. Regulation XV. of 1803 Sentence the Prisoner

1st Poolloory Kitchiah,

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; and under the provisions of Clause second Section III. Regulation VII of 1832 Sentence the prisoner Cundlagountah Letchregaudoo

to

F. U.

6th October 1838.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three years—

(Sent following letter & No. 1458)

Read letter from the Acting Magistrate of Chingleput under date the 24th Ultimo reporting that Convicts who have become unfit from Sickness for hard labor on the roads, are continually forwarded to his Office by the Officer Superintending the Public Works executing in the vicinity of Madras for the purpose of being transmitted to the Tillahs from which they were originally sent, but as this System Causes a great expende to Government from the necessity of procuring Carriage for the Sick,- Suggesting that he may be authorized to send all Convicts so received to the Jail at Chingleput where they might receive due attention from the Medical Officer attached to the Tillah- intimating also that twenty One Prisoners for transmission to Coimbatore, and other Tillahs, have been just received by him, but that he has resolved upon detaining them at Poonamalee pending this Reference-

(Here enter No. 1944—)

The Court of Fouzdaree Udalut Resolve to submit a copy of the Acting Magistrates letter of the 24th Ultimo to Government for the consideration and orders of the Right Honorable the Governor in Council—

H

2. It appears to the Court of Tondairee Udalut desirable that all such Convicts who may be temporarily incapacitated by Sickness from labor should be forwarded by Lieutenant Worster to Pondamalee where they could be accommodated in the building formerly occupied at that Station as a Jail, and receive attention either from Assistant Surgeon Sanderson, or the Medical Officer attached to that Depôt; the Convicts still continuing under the Controul of Lieutenant Worster whose head quarters the Court of Tondairee Udalut have reason to believe have been established at Pondamalee—

3. But Convicts upon Sanderson (the Officer in Medical charge of the Gangs on the Western Road) may certify to be altogether unfit for this peculiar description of labor, the Court of Tondairee Udalut would suggest be forwarded to the Jail at Chinglepute; and not returned to their own Districts unless the Officer in Medical charge of that Zillah should deem such measure necessary for their health—

4. It is obvious to remark that the most erroneous impressions may arise as to the State of the health of the Prisoners employed under Lieutenant Worster, unless his returns are accompanied by Statements, shewing the number of convicts who have been incapacitated from work by ill health while under his orders—

Ordered that Extract from these proceedings

proceedings together with Copy of the Acting Magistrate's 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. 1459 /38

At a Court of the Cuydaree Adalut

Present,

Monday 8th October, 1838. John Bird Esqre _____ 1st Puisne Judge

Thomas Fleet Oakes Esqre ____ Acting 2d Puisne Judge

Fleet Duncan Campbell Esqre ____ 3d Puisne Judge

Read petition presented on the 27th August by Inadegay Boongundoo of the Pallah of Cuddapah.—

(Here enter Gr. P. No. 108 of 1838)

The Petitioner prays the Court will order the release of her son who she alleges has been unjustly accused of murder in Case No. 1 of the Cuddapah Calendar for the 2d Sessions of 1838.—

The Court of Cuydaree Adalut desire the Petitioner to be informed that the case in which her son is implicated, is at present under reference, and will be disposed of in due course.—

Ordered, that extract from these Proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 17th ultimo by Gr. Doorayer of Cuddapah.—

(Here enter Mis. Pet: No. 126 of 1838)

The circumstances represented in the Petitioner's former address to this Court are again set forth

Gr. P. 69 of 1838.
Gr. P. 70 of 1838.
" 71 " "
" 88 "
" 92 "
" 166 "

in the foregoing Petition, which contains, in addition, a request to be made acquainted with the particular parts of the Miscellaneous Petition No. 165 of 1838, that induced the Court of Enquiries Adalut to impose on the Petitioner a fine, for supposed contempt of Court. the further prayer to be informed whether he is considered by this Court to be liable to a fine of Rupees 50 ordered to be levied from him by the Magistrate of Cuchimpoly.—

As the grounds on which the Petitioner was fined for contempt of Court, are explained in the proceedings of the Court of Enquiries Adalut under date the 3d instt, the part of his address in which they are referred to, needs no notice. The Petitioner is informed that the style of his Petition is considered to be still objectionable and indecorous; and if persisted in, will call for a more severe mark of the Court's displeasure than that to which he has been recently subjected.—

Any complaint which the Petitioner may be desirous of preferring against the proceedings of the Magistrate should be first brought to the notice of the Court of Circuit, who do not appear to have been as yet addressed regarding the fine of Rupees 50, stated to have been imposed on the Petitioner, and that authority will furnish the Petitioner with the information he now seeks to obtain from the Court of Enquiries Adalut.—

Ordered, that Extract from these proceedings

proceedings be furnished to the Petitioner on his application.—

Read petition presented on the 17th September 1838 by Bonamaley Amal of the Zillah of Combaconum.—

(Here enter Rs. C. of Pet. No. 127 of 1838)

The object of this petition is to obtain a modification of the orders of the Court of Enquiries Adalut dated 7th August 1837, 5th February 1838 and 9th July 1838 respectively, declining to interfere on behalf of the 1st and 3d Prisoners in Case No. 11 of the Combaconum Calendar for the 1st Sessions of 1837.—

The Court of Enquiries Adalut see no reason to modify their orders passed on consideration of the petitions formerly presented to the Court on this subject—

This petition is accordingly rejected, and the Petitioner is informed that no further petition having reference to the same case will receive attention.—

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

Read Miscellaneous Petition presented on the 1st instant by Gopala Naiken and Ramasamy Naiken, late Sail Peons in the Zillah Court of Chingleput.—

(Here enter Misc: Pet. No. 128 of 1838)

The Petitioners represent that whilst they were guarding certain convicts at work on the high road, the

8th Octobre 1838.

the Zilla Judge came to the spot and finding a Boy, named Krishnama Naiken, with his belt and jacket off and thrown over his shoulder, dismissed that individual and the Petitioners, on the plea that they were engaged in conversation at an improper distance from the convicts, instead of standing close and executing work from them.—

They contend that their dismissal was unwarranted, inasmuch as the fact of their having carefully performed their duty in guarding the Convicts must be inferred from the circumstance of the latter not having effected their escape, and pray that orders may be issued directing their restoration to the situations from which they have been removed.—

The Zilla Judge seems to have been justified in dismissing the Petitioners, under the reasons stated in his order for their removal, and the Court of Sonjdaree Adawlut accordingly decline interfering on their behalf.—

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

Read letter dated the 1st instant from the Criminal Judge of Cuttack, submitting for the consideration and orders of the Court of Sonjdaree Adawlut a copy of a letter addressed to him by the Magistrate

J. H.

8th Octobre 1838.

Magistrate of Cuttack on the subject of the charge of "Highway Robbery preferred against "Singabredah" and "Lala Ranguspah" for which three persons have been committed for trial before the Court of Circuit, and as under the circumstances stated by Mr. Blane, he (the Criminal Judge) sees "strong reason to believe "that this charge is the result of a conspiracy" & requesting that the Judges will be pleased to allow him to re-investigate the case, "and if there appear "sufficient grounds to release them".—

(Vide entry of 5th 1976)

1. Under the circumstances of the case, the Court of Sonjdaree Adawlut resolve to authorize the Criminal Judge of Cuttack to hold a further investigation into the case referred to in his letter of the 1st instant, and to discharge the prisoners should there appear to be sufficient grounds for their release,— and pending the enquiry the Criminal Judge will use his discretion in admitting the prisoners to bail.—

2. Adverting however to the 2d and 8th para.s of the Magistrate's letter of the 29th ultimo, addressed

addressed to the Criminal Judge of Cuddapah, the Court of Enquiry Edatut resolve to call upon Mr. Blane to report direct to this Court, whether any investigation has since been made into the charge preferred against one Bunkah Cotteah, of having assaulted a Native Christian woman, taken from her the marks or ornaments worn by her as a Christian, - and forcibly compelling her to go before the Village Pagoda, and to perform some ceremony repugnant to her feelings as a Christian; and if not, to desire that the charge may be enquired into either by the Magistrate himself or by one of his European Assistants. -

3. And with respect to the "Pahsildar" who was, by the Magisterial order of the 10th of June, directed to investigate and to report upon a complaint made by the Native Christians of the Villages of Reddimanie & Jumbulamanoy and Bontadapully; that the Village Barber, Washerman, Potmaker &c. had been prohibited by the Peddaries from attending or supplying them - but who never took up the case at all, and whilst this was pending, I proceeded to investigate the charge of Highway Robbery got up by the parties, who themselves stood in the position of defendants in the case ordered to be investigated - and subsequently forwarded the

the parties to the Criminal Court without adverting to, or "at all representing to that tribunal the circumstance that "he had this before him;" the complaint of these very persons, "made several months previously, of which "he had made no investigation" the Court of Enquiry Edatut desire that they may be informed of the notice that may have been taken of the conduct of the Head of Talook Police, - in the opinion of the Judge, he justly merits dismissal from his situation. -

Ordered, that a copy of these proceedings be forwarded to the Magistrate of Cuddapah for his information and guidance by precept returnable in 7 days from and after its receipt, and that a copy of para 1. be forwarded for the information and guidance of the Criminal Judge of Cuddapah.

(Sent in No. 1462 & 1463

Read letter dated the 24th ultimo from the 2d Judge on Circuit in the Eastern Division submitting copies of the Madalaar Calendars for the 2d Sessions of 1838. -

(Here enter No. 1944)

Case No. 1.

The Court of Enquiry Edatut are of opinion that the highly culpable conduct of the District

8th October 1838.

8.

District Police in subornin[illegible] or causing to be subomed, evidence in support of the Murder charged in Case No. 1. should be brought to the notice of the Magistrate, and the 2d Judge on Circuit will make a representation to the Magistrate accordingly.—

Case No. 1. second Asst. Calendar.

It would appear from the abstract of the examination before the Criminal Court, as entered in the Calendar, that the evidence bore very strongly against the prisoner as the person who ill treated and beat the prosecutrix, and accordingly the Court of Sunjdara Adalut would desire some further explanation of the grounds of the acquittal of the prisoner Dadabhoi Nadamood.—

Ordered, that Extract from these Proceedings be forwarded to the 2d Judge on Circuit in the Bateem Division for his information and guidance by Precept returnable in Jaugt, from and after its receipt.—

(Sent following Precept No. 1464

Read letter dated the 6th September 1838, from the 3d Judge late presiding at the Chittoor 2d Quarterly Sessions transmitting the record in Case No. 1 on the Chittoor 10th and 15th Supplemental Calendars for the 2d Quarterly Sessions of 1838, for the final sentence of the Court of Sunjdara Adalut.—

(Rule entered No. 1810)

The

E.C.

8th October 1838.

Case No. 1.
10th Suppl. Calendar
Mr. Bird,
Mr. Baker,
and
Mr. Campbell,

The Court of Sunjdara Adalut, having maturely considered the Proceedings held before the Judge presiding at the 2d Quarterly Sessions, the Futwa of the Drommal Law Officer, and the Futwa of the Cazee ool Coozat and Mooftees of the Sunjdara Adalut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, as acquits the Prisoners,

8th Dura Rangadoo,
4th Gundrapoo Pulley Moneyadoo,
6th Cama Durmadoo,
and
7th Buttegadoo,

of the crime charged, but considering that a strong suspicion, though not amounting to conviction, attaches to each of the said Prisoners, they direct that under Clause 6th, Section III, Regulation XV of 1816, the Prisoners

3d Dura Rangadoo,
4th Gundrapoo Pulley Moneyadoo,
and
6th Cama Durmadoo,

be each required to find two sureties, in 100 Rupees each surety, for their good behaviour and appearance when required, within three years, or in default thereof, that they be detained for three years in confinement; and that the Prisoner

7th Buttegadoo,

be required to find two sureties, in fifty Rupees each

surety

surety, for his good behaviour and appearance when required
within one year, or in default thereof, that he be detained
for one year in confinement, and being of opinion that
the evidence against the prisoners

1st Kanoommutoyandoo,

and

2d Cumpullay Venkatalagandoo,

is sufficient to convict them of the crime of gang robbery,
accompanied with murder, they do, under the authority
with which they are vested, by Clause first, Section
III Regulation I of 1816, convict them thereof, and under
the provisions of Clause first, and fifth, Section IV
Regulation XV of 1803, sentence the said prisoners to be
transported, to such place, or places, beyond sea, as
the Governor in Council shall appoint, there to be
imprisoned, and kept to hard labor in irons, on the
public roads, or other public works, for and during
the period of their natural lives; The Court, also
being of opinion that the evidence against the prisoner

3d Coocha Gungadoo,

is sufficient to convict him of the crime of joining a
Gang of robbers, for the purpose of committing robbery,

do,

do, under the authority with which they are vested, by
Clause first, Section III Regulation I of 1816, convict
him thereof, and under the provisions of Clause fourth,
Section IV Regulation XV 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 five years.—

Sent in No. 1465

Case No. 1
15th Suppl. Calendar.

Mr. Bird,
and
Mr. Oakes,

The Court of Zillah are hereby of opinion having
maturely considered the proceedings held before the Judge
presiding at the Quarterly Sessions, the Futwa of the
Provincial Law Officer, and the Futwa of the Cazee
ool Cozat and Mooftee of the Zillah are hereby of
opinion, that the said Futwa of the Cazee ool Cozat and
Mooftee aforesaid, so far as it acquits the prisoner

1st Chooty Kanoomuntoyandoo,

2d Venkatarammoodoo,

3d Chukia Caupadoy, and

4th Chinna Cadaragandoo,

but, being of opinion that strong suspicion, tho'
not amounting to conviction, attaches to the said
prisoners, they direct that under Clause Sixth,
Section III Regulation XV of 1803, they be required
each to find two sureties, of two hundred Rupees
each

each surety, for their good behaviour and appearance when required, within three years, or in default thereof that they be detained for three years in confinement.—

Extract following letter &c

1. In the above letter the Court of Exchequer direct that observe that the 3d Judge has omitted to record any distinct opinion as to the precise sentence to be passed on the several Prisoners.—

2. The Court of Exchequer direct that consider the crime charged against the 1st and 2d Prisoners in Case No 1 on the 10th Supplemental Calendar fully established against them, and that they have also convicted the 5th Prisoner of the minor offence of having joined the gang for the purpose of committing gang robbery, this having accompanied them to the scene of action being no where proved.—

3. The evidence against the remaining 3 Prisoners in this Case, and against those on the 15th Supplemental Calendar, appears to the Court very unsatisfactory, and altogether insufficient for the conviction of the accused.—

4. The Court observe that the right in articles found with the 3d and 5th Prisoners in the former case has no where been clearly proved and that they do not consider that the mere circumstance, had it

E. D.

8th October 1838.

been established, of the Prisoners having been in their profession property proved to have belonged to the deceased, as in the case of the 4th Prisoner, is sufficient to justify a sentence against them for robbery and murder, this alone fact affords the strongest suspicion that they were engaged in the robbery and murder.—

5. The admission of the 7th Prisoner before the Magistracy that he suspected that the property which he received from the 4th Prisoner was stolen, the Court consider insufficient for his conviction, this it establishes against him grounds of suspicion.—

6. The Court have been able to attach but little weight to the whole of the evidence adduced against the Prisoners in Case No 1 of the 15th Supplemental Calendar.—

7. They are by no means satisfied with the proof of the property produced having belonged to the deceased.— The evidence respecting No 5, in particular, is in the opinion of the Court as strong in favor of the right of the 4th Prisoner, as in favor of the Prosecution, and they consider the testimony of the 15th Witness renders it very doubtful whether the earring did belong to the deceased.—

8. The 1st witness has unhesitatingly sworn to the identity of the whole of the Prisoners and has stated

stated a story of his father having knocked down the 1st Prisoner (P. 21.) which he did not mention in the former Case.—

9. It is admitted that the robbers were disguised, and it is therefore in the opinion of the Court hardly credible that a boy of 8 years old, as the witness is stated to be, could under the circumstances of the case have recognized so many persons.—

10. The 2d witness also deposes that he recognized the 1st Prisoner, but his evidence in the former case shows that he did not identify any of the gang.—

11. Under these circumstances the Court do not consider that more than suspicion is established against the Prisoners.—

Ordered, that Extract from these Proceedings be forwarded to the 3d Judge late presiding at the Chittoor 2d Quarterly Sessions of 1838 by Precept returnable in 10 days from and after its receipt.—

Sent following Precept No. 1486

Read Miscellaneous Petition presented on the 17th Ultimo by Erishnamma Naiken late Peon in the Zilla

Zilla Court at Chingleput.—

(Here enter Trial Ct. No. 125 of 1838)

The Petitioner complains of dismissal from the situation of Jail Peon in the Zilla Court at Chingleput by the Judge of that station, in consequence of his having been seen by that Officer without his Jacket or belt, whilst employed in guarding a party of Convicts at work on the Public roads.—

He represents himself to be a servant of 32 years standing, states that he was once instrumental in preventing the escape of certain Convicts who had divested themselves of their fetters, and prays under these circumstances that this Court will order his restoration to the situation he lately held.—

The grounds on which the Petitioner has been dismissed are connected with the discipline and superintendence of the Jail under charge of the Zilla Judge at Chingleput, and the Court of Judicature Adalut are not disposed, by acceding to the Petitioner's request, to interfere in such a matter.—

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

Read Letter dated the 3d instant from

8th October 1838.

from the Magistrate of Madura, submitting the explanation called for in the Proceedings of the Foujdaree Adaulut under date the 5th. September 1838, relative to the delay in the transmission of Case No. 178 to the Criminal Court.

(Here enter No. 1989)

F. 86.

At a Court of the Foujdaree Adaulut.

Present.

John Bird Esqre. ——— 1st Puisne Judge.

Tuesday 9th October 1838. Thomas Alexr. Oakes Esqre. A.g 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Extract from the proceedings of the Court of Circuit for the Centre Division under date the 29th Ultimo, transmitted by the Judge presiding at the 3rd quarterly Sessions of the present Year, soliciting instructions as to whether the Magistrate has the power to eject an individual from a piece of ground claimed by and awarded to a second party, or whether redress should not be sought by a Civil Action.—

(Here enter No. 1967)

1. In the case referred to in the foregoing Extract from the proceedings of the Judge presiding at the 3rd quarterly Sessions, it would appear that the successful party in a Civil Action had been placed in possession of a certain piece of land, which had been under litigation in an Appeal Suit before a Sudr Ameen, but that the Son of the opponent had subsequent to the enforcement of the Sudr Ameen's decree proceeded to occupy a portion of the said ground on which

which he has built a house. The Judge presiding at the Sessions doubts whether the treatment of the individual by whom the part of the ground in question has been thus occupied, should be effected by the Magistrate, or whether the party aggrieved should not seek redress by a Civil Action.

2.

The Court of Fouzdaree Udalut has no hesitation in declaring it to be incumbent on the authority by whom the Decree has been passed, to enforce its execution to the fullest possible extent; and, under the circumstances stated by the presiding Judge, it becomes the duty of the Civil Court to proceed to the immediate enactment of the operation of the Decree passed by the Lower Courts.

3.

It would be obviously unjust that the successful party in a suit should be under the necessity of instituting a fresh action to procure the full and unobstructed enjoyment of land declared to be his after a regular judicial inquiry; and any third individual attempting to interfere with the execution of any process resulting from a decree of that nature, must necessarily render himself liable to the penalty for such unjustifiable conduct, under the process by a new Civil Action against the party placed by the Court in possession.

9th October 1838

possession.

Ordered, that Extract from these proceedings be transmitted to the Judge presiding at the 3rd Quarter Sessions of the current year at Chittoor for his information and guidance.

(Sent in No. 1468

Read return, dated the 2nd Instant from the Criminal Judge of Nellore, to the precept of the Fouzdaree Udalut under date the 24th September, conveying their observations and orders on the Nellore Criminal Reports for the Month of August last.

(Here Enter No. 1968)

Read return, dated the 1st Instant from the Acting Joint Criminal Judge of Guntoor to the precept of the Fouzdaree Udalut under date the 26th September 1838, conveying their observations and orders on the Guntoor Criminal Reports for the Month of August last.

(Here Enter No. 1970)

Read return, dated the 2nd Instant from the Acting 3rd Judge on Circuit in the Southern Division to the precept of the Fouzdaree Udalut under date the 27th September 1838, directing the unconditional release of Ramalinga Moodly prisoner in Cause No. 9 of the Madura Primary Calendar

9th October 1838

Calendar for the 2nd Sessions of 1838.

(Here Enter No. 1971.)

Read return dated the 26th Ultimo from the Provincial Court of Circuit in the Northern Division to the precept of the Tongdaree Udalut under date the 3rd September 1838, directing them to submit a translation of the Record in Case No. 4 of the Rajahmundry Calendar for the 1st Sessions of 1838.

(Here Enter No. 1972.)

Read return, dated the 6th Instant from the 3rd Judge of the Provincial Court of Circuit in the Carnatic Division, to the precept of the Tongdaree Udalut under date the 29th Ultimo, conveying their observations and orders on the Chittoor 8th, 10th and 11th Supplemental Calendars for the 3rd Quarter Sessions of 1838.

(Here Enter No. 1984.)

Read return, dated the 2nd Instant from the Criminal Judge of Salem, to the precept of the Tongdaree Udalut under date the 29th September 1838, conveying their observations and orders on the Salem Criminal Reports for the Month of August last.

(Here Enter No. 1986.)

115
240
450

S. U.

At a Court of the Tongdaree Udalut

Present

Friday 12th October 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 15th September 1838 from the 3rd Judge on Circuit in the Southern Division transmitting the record in Case No. 2 on the Tinnevelly Calendar for the 2nd Sessions of 1838, for the final sentence of the Court of Tongdaree Udalut.

(Here Enter No. 1917.)

Mr. Bird
and
Mr. Campbell.

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

1st Latchmy

is sufficient to convict her of the crime charged, &c, under the authority with which they are vested by Clause first, Section II, Regulation I of 1810, convict her thereof, and sentence her to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to labor, suitable to her sex, without irons,

on

on the public roads, or other public works, for, and during the period of her natural life.—

(Sent following letter No. 1476)

The Court of Sungdarree Udalut observe, with reference to the concluding paragraph of the letter above recorded, that the grounds of mitigation suggested by the 3rd Judge is altogether inadmissible, but being of opinion that the 1st Prisoner could not have perpetrated the murder alone, and may not have taken the principal active part in it, the Court has been led to accede to his recommendation and have sentenced her to transportation.—

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 1477)

Read letter dated the 25th September 1838 from the Acting 2nd Judge on Circuit in the Centre Division referring for the final sentence of the Court of Sungdarree Udalut the record of the trial in Case No. 1 on the Cumbum Calendar for the 2nd Sessions of 1838.—

(Here Enter No. 1945.)

In this case, the Prisoners 1st Gulla Sipperigadoo, and 2nd Gulla Boreyda Papadoo, are

are charged with murder, in having at midnight on the 7th November 1837, conducted the Prosecutors brother to a water course, and murdered him there, by striking him with an axe.—

2. The only circumstances against the 2nd Prisoner were his crimination by the 1st prisoner and his own admission that he was present, when the murder was perpetrated by the 1st Prisoner. On such grounds the Principal Sudr Ameen was not justified in committing him for trial, and it is a subject of regret that measures were not taken for his admission as a witness in the first instance.—

3. Having however now been tried and fully acquitted, he is a competent witness and further evidence being indispensable for the conviction of the 1st prisoner, the Court of Sungdarree Udalut resolve to return the English and Persian translations of the record of the case to the Acting 2nd Judge, with instructions to issue a precept to the Criminal Judge of Cuddapah, directing him to obtain the attendance of the said Papadoo, and in the presence of the prisoner Sipperigadoo, to take his examination on oath, in regard to the conduct of the said prisoner at the time of the murder. The Criminal Judge will permit the prisoner to cross examine this

this witness and should he wish it, to offer any thing further in his defence.—

4. The Acting 2nd Judge will annex English and Tamlian translations of the additional evidence, so taken, to the Record, and will return the same for the consideration and final judgment of the Court of Sungdarre Udalut.—

Ordered, that Extract from these Proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division by precept returnable in 20 days from and after its receipt.—

(Sent following precept. No 1478)

Read return dated the 3rd Instant submitted by the Acting Joint Criminal Judge of Coimbatore to this Courts Precept of the 27th Ultimo conveying the observations of the Court of Sungdarre Udalut on the Criminal Reports for the Month of August last.—

(Here Enter No 1985.)

Under the further explanation contained in the foregoing return, regarding the circumstances which induced the Acting Joint Criminal Judge to dispose of Criminal Case No 139, in the manner stated in the reports for August, the Judges of the Sungdarre Udalut are unwilling to interfere with the operation of the Sentence passed, which is accordingly permitted to stand.—

Ordered

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

(Sent in No 1479)

Read letter from the Acting Joint Criminal Judge at Coimbatore dated the 2nd Instant, explaining that he is unable to transfer to the charge of Lieutenant Worster, the number of Convicts which he was ordered to send to that Officer in this Courts communication of the 27th Ultimo, and 10 others required to be substituted for a similar number returned to Coimbatore by Lieutenant Worster as being unfit for hard labor.

(Here Enter No 1988.)

1. As Mr Spare reports that the removal from Coimbatore of several Prisoners who have become proficient in the manufacture of the paper prepared at that Station, would lead to a deterioration of that article, the improvement of which has engaged the attention of his predecessor the Court of Sungdarre Udalut authorize them being retained in the Coimbatore Jail.—

2. Of the other Convicts referred to in the Acting Joint Criminal Judge's communication, it appears that only 36 are now available for the purpose of being worked on the Great Road

Read. Mr. Thorn will consequently be pleased to transfer as many of these to the charge of Lieutenant Worster, as may not be objected to by the Zilla Surgeon.—

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

(Sent in No. 1480)

Ordered also, that copy of an Extract from these proceedings be sent to Lieutenant Worster for his information.—

(Sent in No. 1481)

Read letter from the 3rd Judge and late Acting 2nd Judge of the Provincial Court in the Northern Division returning the original death warrant in No. 3. of the primary Calendar of the 2nd Sessions of 1838, together with copy of a letter to his address from the Acting Joint Criminal Judge at Masulipatam, on the subject of the Prisoner therein concerned.—

(Here enter No. 1992.)

The Acting Joint Criminal Judge's observations on the subject of the faulty construction of the gallows and drop, now in use at Masulipatam, and his remarks regarding the late orders of this Court for procuring proper ropes on the

occasions of an execution, are out of place in the communication in which they are contained; and the Judges of the Sanjidaree Adalut entirely concur with the 3rd Judge in considering that they should have been made the subject of a separate and distinct address.—

2 As they have been brought to notice, it is necessary to point out that the Acting Joint Criminal Judge's objections will be fully obviated, if, previous to the execution, the new rope be properly stretched by having a heavy weight attached to, and suspended by it. This precaution will render it unnecessary that the finer kind of rope should be procured.

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Northern Division for communication to the Acting Joint Criminal Judge of Masulipatam.—

(Sent in No. 1482)

Read letter dated the 28th Ultimo from the Criminal Judge of Combaconum transmitting the Criminal Reports for the month of August 1838.—

(Here enter No. 1951.)

Read letter dated the 2nd Instant from the Superintendent of Police at Madras forwarding

Read.- Mr. Sparrow will consequently be pleased to transfer as many of these to the charge of Lieutenant Worster, as may not be objected to by the Zilla Surgeon.-

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

(Sent in No. 1480)

Ordered also, that copy of an Extract from these proceedings be sent to Lieutenant Worster for his information.-

(Sent in No. 1481)

Read letter from the 3rd Judge and late Acting 2nd Judge of the Provincial Court in the Northern Division returning the original death warrant in No. 3. of the primary Calendar of the 2nd Sessions of 1838, together with copy of a letter to his address from the Acting Joint Criminal Judge at Masulipatam, on the subject of the Prisoner therein concerned.-

(Here enter No. 1992)

The Acting Joint Criminal Judge's observations on the subject of the faulty construction of the gallows and drop, now in use at Masulipatam, and his remarks regarding the late orders of this Court for procuring proper ropes on the occasion

occasion of an execution, are out of place in the communication in which they are contained, and the Judges of the Sanjiaver Adalut entirely concur with the 3rd Judge in considering that they should have been made the subject of a separate and distinct address.-

2 As they have been brought to notice, it is necessary to point out that the Acting Joint Criminal Judge's objections will be fully obviated, if, previous to the execution, the new rope be properly stretched by having a heavy weight attached to, and suspended by it. This precaution will render it unnecessary that the finer kind of rope should be procured

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Northern Division for communication to the Acting Joint Criminal Judge of Masulipatam.-

(Sent in No. 1482)

Read letter dated the 28th Ultimo from the Criminal Judge of Combaconum transmitting the Criminal Reports for the Month of August 1838.-

(Here enter No. 1951)

Read letter dated the 2nd Instant from the Superintendent of Police at Madras forwarding a Supplemental

12th October 1838.

Supplemental Report of Sentences passed on Prisoners under Act XXII of 1837 during the last Month.

(Vide Enter No. 1958)

Read letter dated the 1st Instant from the 3rd Judge of the Court of Circuit in the Centre Division transmitting copies of the Chittoor 6th and 12th Supplemental Calendars for the 3rd Quarterly Sessions of 1838.

(Vide Enter No. 1966)

Read return dated the 3rd Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Tanjore Udalut under date the 25th August ultimo, directing them agreeably to the recommendation of the Acting 3rd Judge late on Circuit, who presided on the trial of the Prisoner in Case No. 13 of the Salem Calendar for the 1st Sessions of 1838, to pass the mitigated sentence of 7 years imprisonment on the said prisoner Eroolavaran,—

(Vide Enter No. 1970)

T. Uo.

At a Court of the Tanjore Udalut.

Present,

Monday 15th October 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thos. Alexander Oakes Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read petition presented by Vencata-murtoo, Moktyar Vakeel of Lait Sree Land of Tanjore, alleging, that as security of a debt due to his father in law by the late Rajah Juggannadha Dabor, certain gold and silver jewels, cloths &c. secured in boxes and sealed with the seal of both parties, were deposited in the Agency house of his father in law, Channaram,— that on the death of Juggannadha Dabor and of his father in Law, Channaram, Rajah Ramanadha Dabor, who succeeded to his Brothers Estate, and Petitioner, who succeeded to the Estate of his father-in-law Channaram, examined the list of articles kept in the Agency House as a pledge for the debt, and that when the Examination was over, the articles were again sheured in the Room of the Agency House, with the locks and Seals of both parties, and Peons were entertained at the expence of Ramanadha Dabor to guard the same; that in the months of June 1837 three petitions, respecting these Jewels Cloths &c were presented to the Magistrate of Tanjore by Atchammah and Rungamah, the widows of the late Rajah Vaseereddy Juggannadha Dabor, re-

alleging

alleging that this property was included in the Claim advanced by them in the Suits instituted for the Recovery of the Vaffareddy Estate, and praying therefore that Ramanadha Babor might not be permitted to remove or to dispose of any part of the property - that these Petitions were referred to V. Dhurmapoorie the Head of Police of Mangalagiry Tanah, who having examined into the case, reported the circumstances under which they were placed in deposit in the Agency House, and suggested that they should remain under the Surveillance of the Daroghas as before - that before this Report was despatched P. Venkata Kristna Row, an inhabitant of Machulipatam, and Head Shirristadar under the Collector of Guntoor, preferred a charge before the Magistrate of Guntoor against Petitioner, and his brother, and Ramanadha Babor and his Officers, alleging that Ingganadha Babor had mortgaged the very articles aforesaid, deposited in the agency house, as security for a debt of 46000 Rupees due to his Uncle the late Ootamah Pentoloo - that the room in the Agency House had been obtained on loan from Sienna pain, it not having been then practicable to carry the articles to Machulipatam, - that Sienna pain executed a Kararnamah to the Effect that A. Pentoloo might remove the things whenever he pleased, without the least interruption, that the bales and boxes containing the said articles were thereupon sealed, and the door of the Room locked, and A.

Pentoloo's

Pentoloo's own Seal placed to watch it - that Ramanadha Babor, and the present Petitioner, combining together had on the 24th May 1837 forcibly broken open the locks of the door, destroyed the Seals and fastened the door with their own locks and Seals, and praying therefore that the rooms might be placed in his possession - this charge also, the Petitioner states, was referred to the Head of Police of the Tanah of Mangalagiry, but the investigation of it was postponed as the Prosecutor and his witnesses did not make their appearance, the Head of Police however in the mean time forwarded to the Magistrate his proceedings in the former case, and as the proceedings in that case would shew that Venkata-kristna Row, the Head Shirristadar, had no concern whatever with the articles, he (Petitioner) thereupon requested both the Magistrate of Guntoor, and the Judge who was on Circuit during the 1st Sessions of this year, to take into Consideration the Report of the Head of Police, named V. Dhurmapoorie, made on the 3rd September 1837, but his application to this purport he states was made without effect:- the said V. Dhurmapoorie after the Submission of this Report was removed, the Petitioner alleges, to the Amanedship of the Talook of Rachoor, and his Successor, it is asserted, passed a decision in the Case (Petitioner does not know whom) according to the Pleasure of the Head Shirristadar Venkata Kristna Row, that neither Petitioner nor Ramanadha Babor were informed of its purport - but that a Notice was

Served

served upon Petitioner, informing him that the Assistant Magistrate desired to Examine the Cloths &c. deposited in the room in the Agency House, which were the Subject of dispute, and desiring him to attend with the Keys of the said room; Petitioner States that in reply he addressed an urzee by Tappal to the Assistant Magistrate stating that he was too ill to attend in person, and that he had no accredited Vakeel with him at the time:- Shortly after this urzee had been despatched, Petitioner States, that the new Head of Police of Mangalagery, with his Force and the people of Kristna Row, made an attack upon the Agency House in which the Jewels &c. had been deposited. broke down a part of the Compound wall on the Western Side of the house, forced open the door of the House, broke the locks of the room in which the Articles were secured, and delivered the property over to the possession of Vencatakristna Row. Petitioner States that he complained of these proceedings of the Police to the Magistrate of Guntoor but that Officer having returned his urzee with an Endorsement refusing to interfere in the matter, he Petitioned Mr. Baig, the Judge who presided at the 1st Sessions of 1838, who thereupon called for the proceedings in the Case, but having been taken ill before he could complete the examination of the Record, the case was left for the disposal of Mr. Dorkan, the 3d Judge, who relieved Mr. Baig at Rajahmundry:- the Petitioner avers that the 3d

Judge

Judge having been misled by the Report of the Magistrate in favor of Vencatakristna Row, erroneously confirmed the proceedings of the Police Officers, and further fined Petitioner in the Sum of 50 Rupees for the use of Language which the 3d Judge deemed disrespectful to the Collector; the Petitioner characterizing, as altogether unjustifiable, the proceedings of the Magistrate, in delivering up to his Shirastadar Vencatakrishnarow, property which had been in Petitioner's possession for 20 years, without any claim having been preferred to it by the said Kristna Row and then only upon a mere charge, and before the justness of Kristna row's claim had been tested by a Judicial Enquiry;- and he submits that the Court will be of the same opinion, if, in compliance with the prayer of his petition, they will call for and peruse the proceedings held by the present and the late Head of Police of Mangalagery, in the two cases referred to above; and in consideration of the circumstances of the case, will the Petitioner trusts that the language used by him in describing the unjustifiable proceedings of the Magistrate will not be considered such as deserving the fine imposed upon him by the Judge on Circuit,- and in this hope he prays that orders may be issued for its remission, and that pending the Enquiry proposed to be instituted by this Court, measures may be taken to prevent the said Vencatakristna Row making away with any part of the property that has been delivered into his possession.

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

Also

Also read petitions presented on behalf of Vaparaddy Atchunnah, complaining of the unjustifiable proceedings of the Magistrate of Guntoor in delivering over the property referred to above, to the Head Shroffs Sarvaiah Venkatakrishna Row, and praying that She also may be relieved from the fine imposed upon her by the Judge of Circuit for the use of language in her petition which was considered disrespectful to the Collector of Guntoor.

/Here enter No. 123 and 124 of 1838./

In these petitions it appears to be admitted that the property in dispute belongs to the Estate of Inggunadha Baboo, and in that case it cannot be finally disposed of until a Decree in the Appeal now pending shall have been passed by Her Majesty in Council, but if there is any truth in the Statement of the Petitioners Sena Lank the proceedings of the Magistrate of Guntoor, in delivering the property over to Venaata Ristna Rau in the manner alleged in the petition, are very questionable, and accordingly the Court of Foujdaree Adalut resolve to direct the Provincial Court of Circuit in the Northern Division to call for and to submit copies and translations of these proceedings of the two Heads of Police of Mungalagerry and of the Magistracy in the several cases referred to in a former part of these proceedings; and as it appears necessary that in the meantime provision should be made for the temporary charge of this property which forms a portion

portion of that sued for in the Vaparaddy Suit, now in Appeal before the Queen in Council it is ordered that Copy of these Proceedings and the Papers therein referred to be recorded in the Civil Department - whence orders will be issued respecting the present custody of the articles that were found in the room of the Agency House at Amaravatee.

Ordered, that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 5 days from and after the receipt of this Precept.

/Sent following Precept No. 1489/

Ordered also, that an Extract from these Proceedings be forwarded to the Magistrate of Guntoor for his information, and that a copy of these orders be furnished to the Petitioners respectively on their application.

/Sent in No. 1490./

D. Kristnaiah Pantulu Brooktyan Vakeel to Rajah Vaparaddy Atchunnah, moves the Court to returne the Brooktyarnamah filed with Miscellaneous Petition No. 123 of 1838.

Ordered accordingly.

Read letter dated the 24th Ultimo from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the Record in Case No. 4 on the Dillary Calendar for the 2d Sessions of 1838.

/Here enter No. 1493./

The

same time be the better mode of supplying what is wanting in the Zillah than by investing the Collector and Magistrate of Trichinopoly with the powers of a Criminal Judge as originally proposed; and in the event of their being of opinion that the adoption of such a measure is necessary as best to relieve the Court at Combaconum, than to meet the wants of the Community at Trichinopoly - desiring them to report whether the Judicial duties at Tinnevelly might not be performed by a Principal Sudr Ameen, the European Officer being transferred to the proposed Auxiliary Court at Trichinopoly -

/ Here enter No. 1903 /

Also read letter dated the 27th Ultimo from the Acting Collector and Magistrate of Tinnevelly; submitting for the consideration of the Court the objections which have occurred to him, to the proposed transfer of the Auxiliary Court from Tinnevelly to Trichinopoly, and the substitution of a Native Court in lieu thereof -

/ Here enter No. 1954 /

In their letter of the 20th Ultimo the Provincial Court of Circuit in the Southern Division state that they "consider it highly desirable that an Auxiliary Court "should be established" at Trichinopoly, "aware as they are "of the loud complaints made by the inhabitants of this co "populous place of the inconvenience to which they are exposed, "by being at so great a distance from the Court of the Zillah;

that

that the establishment "of an Auxiliary Court is to be pre- "ferred greatly to the conferring on the Magistrate and co "assistant, the powers of a Criminal Judge; as the former "arrangement will afford the inhabitants relief "in Civil" "as well as in "Criminal" "matters" and that in drawing a comparison between the relative "importance of the two Sta- "tions," all will admit that an Auxiliary Court is "far more "required" at Trichinopoly than at Tinnevelly - that the co "business" "at Tinnevelly might be safely entrusted to a Prin- "cipal Sudr Ameen, whereas "they feel sure that none but a "European could preside over a Court in Trichinopoly" - where moreover "an assistant Judge would find that he had quite "as much business as he could, with even close attention, to "dispose of" -

2. And the Magistrate of Trichinopoly, in the 9th para: of his letter of the 2nd of February 1838, reporting on the State of the Police of his District, states that "to the "inconvenient distance of the Criminal Court from the greater "portion of this District (Trichinopoly) "is unquestionably "to be attributed in part, the difficulty of detecting the perpe- "trators of Serious Offences, as the Sufferers often refuse to "give information which might lead to their detection, from the "necessity they would thereby be under of proceeding to the Sudr "Court at Combaconum to prosecute the offenders" - and that - "Besides the Serious evils just mentioned, it must be co "obvious that the fact of this disinclination to prosecute being

* Copy laid before Government with the proceedings of the Foujdaree Adalut of the 20th September 1838 -

same time be the better mode of supplying what is wanting in the Zillah than by investing the Collector and Magistrate of Trichinopoly with the powers of a Criminal Judge as originally proposed; and in the event of their being of opinion that the adoption of such a measure is necessary so to relieve the Court at Combaconum, than to meet the wants of the Community at Trichinopoly,- desiring them to report whether the Judicial duties at Tinnevelly might not be performed by a Principal Sudr Ameen, the European Assistant being transferred to the proposed Auxiliary Court at Trichinopoly.-

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that

15th October 1838.

that the establishment "of an Auxiliary Court is to be pre- "ferred greatly to the conferring on the Magistrate and As- "sistant, the powers of a Criminal Judge;- as the former "arrangement will afford the inhabitants relief "in Civil" as well as in "Criminal" "matters" and that in drawing a Comparison between the relative "importance of the two Sta- "tions," all will admit that an Auxiliary Court is "far more "required" at Trichinopoly than at Tinnevelly;- that the en- "dirons" "at Tinnevelly might be safely entrusted to a Prin- "cipal Sudr Ameen, whereas "they will not here that time but a "European could preside over a Court in Trichinopoly;- where Moreover "an Assistant Judge would find that he had quite "as much business as he could, with even close attention, dis- "pose of.-

2.

And the Magistrate of Trichinopoly, in the 9th Para: of his letter of the 3d of February 1838, reporting on the State of the Police of his District, states that "to the "inconvenient distance of the Criminal Court from the greater "portion of this District (Trichinopoly) "is unquestionably "to be attributed in part, the difficulty of detecting the perpe- "trators of Serious Offences, as the Sufferers often refrain from "give information which might lead to their detection, from the "perplexity they would thereby be under of proceeding to the Court at Combaconum to prosecute the offenders" and that "Besides the Serious evils just mentioned, it must be ob- "vious that the fact of this disinclination to prosecute being

* Copy laid before Government with the Proceedings of the Foujdaree Adalut of the 20th September 1838.-

being generally known must operate as a positive encouragement to the evil disposed to commit crimes."

3.

With these opinions on record, the Court of Tondaree Udalut at first were inclined to have recommended the transfer of the Auxiliary Court from Tinnevelly to Trichinopoly, and the Establishment of a Principal Sudr Ameen's Court at the former Station in lieu of the existing Assistant Judge's Court. The expence attending this arrangement, which would far more effectually have met the wants of the Community of Trichinopoly, than the proposition to allow the Magistrate the Services of a Special Assistant, would only have involved a charge of 32 Rupees in excess of the estimated expence attending the measure of conferring the contemplated Judicial duties on the Collector and Magistrate.

* Salary of Special Assistant 1000.
1 English Writer 25
1050

4.

But the acting Collector and Magistrate of Tinnevelly having in his letter of the 27th ultimo, of which a copy is annexed, shewn good and sufficient reasons against the Removal of the Auxiliary Court from Tinnevelly, the Court of Sudr and Tondaree Udalut submit their opinion that it would be preferable to adopt the suggestion of the Supreme Government, by establishing an Auxiliary Court at Trichinopoly without interfering with the European Auxiliary Court at present existing at Tinnevelly.

5.

The additional expence that will be

be entailed on the Government by the Establishment of another Auxiliary Court will be 1000 Rupees per Annum, in excess of the expence attending the former proposition of appointing a Special Assistant to aid the Collector and Magistrate in the discharge of the Judicial duties proposed to be assigned to him.

6.

The Court of Sudr & Udalut are at present unable to suggest the means by which this additional expence can immediately be met, but it occurs to the Judges that eventually it may be partly met by the abolition of the Native Court at Combaconum, where there is scarcely sufficient business either Civil or Criminal to justify the continuation of a Principal Sudr Ameen's Court, and where the Principal Sudr Ameen is an unnecessary expence, and ought to be pensioned. But as the Establishment of an Auxiliary Court at Trichinopoly would be highly conducive to the public interests, and is the measure best calculated to satisfy the demands of the people for the Settlement of the many Criminal and Civil cases arising in that populous Province, which are now forwarded to the adjacent District of Tanjore for adjudication by the Judge at Combaconum, the Judges trust that the measure will not be abandoned merely on account of the trifling additional expence with which it may be attended.

7.

The duties required of the Judge and Criminal Judge at Combaconum are extremely onerous, and

the

the proposition to establish an Auxiliary Court at Trichinopoly would afford that relief to the Tillah Court which the State of its files urgently calls for. the number of Criminal Cases forwarded to the Court at Combaconum during the month of August last was 61, including 155 prisoners, of whom 57 prisoners and 25 Cases were received from the District of Trichinopoly.

8. The Government are already renting a building for the purposes of a Jail at Trichinopoly, and no difficulty would be experienced in procuring suitable accommodation for a Court House.

Ordered, that Extract from these proceedings, together with a copy of the letter from the Acting Magistrate of Tinnevelly dated the 27th 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 a No. 1493 /

Read the Criminal Reports for the month of August 1838 Submitted by the Joint Criminal Judge at Vizagapatam.

/ Here enter No. 1887. /

The Court of Foujdaree Adalut are disposed to consider the Commitment of the Prisoner in Case No. 70 premature. the Judge of Circuit however who is on the Spot, and must have already had the Case before him, will

will on the Examination of the Proceedings pass such orders thereon as may appear to him proper. It would appear to the Court of Foujdaree Adalut from the Abstract of the depositions given before the Criminal Court that the evidence was as much against the 4th witness himself, as against the Prisoner.

2. The Court of Foujdaree Adalut seeing no sufficient ground for the requisition of Security made from the Prisoner in Case No. 80, they desire that orders may be issued for her unconditional release from Confinement, or if any bonds have been entered into by the Sureties that the same may be immediately Cancelled.

3. From the Statement of Labor it would appear that only 32 Convicts were worked outside the Jail during the month of August last, and accordingly the Joint Criminal Judge should explain why 11 extra Peons were employed during that month.

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. 1494

Ordered also, that para 1. of these proceedings be furnished to the 1st Judge on Circuit in the Northern Division for his information.

/ Sent in No. 1495 /

Read

15th October 1838.

Read letter dated 4th October 1838 from the Acting 3rd Judge on Circuit in the Southern Division, submitting an English translation of the Record in Case No. 1 on the Tinnevelly Calendar for the 2nd Sessions of 1838 for the consideration and final judgment of the Court of Foujdaree Adalut.

/ Here enter F.R. No. 1981 of 1838. /

1. The 2nd prisoner in this case was convicted by the Court of Circuit of the Crime of wounding and sentenced to 4 Years' imprisonment and the 1st and 3rd released, the former on Security and the latter unconditionally.

2. The Court of Foujdaree Adalut entertaining some doubts as to the propriety of the acquittal of the 1st and 3rd prisoners, directed in their proceedings under date 19th September that an English translation of the Record of the trial should be referred for their consideration.

3. The Court of Foujdaree Adalut on a deliberate consideration of the Circumstances of the Case in Evidence before them, see no reason for disturbing the Sentence of acquittal passed by the late Acting 2d Judge late on Circuit in the Southern Division on the 1st and 3rd Prisoners.

Ordered, that Extract from these proceedings be forwarded to the Court of Circuit in the Southern Division for their information and guidance.

/ Sent in No. 1496. /

Read

F.R.
15th October 1838.

Read letter dated the 5th Instant from the Acting 2nd Judge on Circuit in the Centre Division.

/ Here enter F.R. No. 1993 of 1838. /

1. With the foregoing Communication, the Acting 2nd Judge on Circuit has submitted copy of a letter addressed by him to the Provincial Court of Circuit under date the 5th Instant, in which he has recorded his opinion regarding the disposal of Criminal Case No. 107 of the Cuddapah file which formed the Subject of this Court's Proceedings of the 2nd August last.

2. The Judges of the Foujdaree Adalut desire to be furnished with Copy of the order which may have been passed by the Provincial Court of Circuit entirely on the Acting 2d Judge's letter to their address of the 5th October 1838, and accordingly they are requested to cause a copy thereof to be transmitted to this Office without delay.

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

/ Sent in No. 1497 /

Read the Criminal Reports for the month of September 1838 Submitted by the Joint Criminal Judge at Tellicherry.

/ Here enter No. 1998. /

Case No. 107.

With the exception of the Talook Confession of the prisoner in Case No. 107 there would appear to

to have been no Evidence to prove that he knew that the Stolen property found in his possession was obtained by theft, and consequently no grounds for the Sentence awarded under the provisions of Clause 4th Section IV. Regulation VII of 1822; but for having purchased or received Stolen property, offered under suspicious circumstances, without giving information to the Police, the Prisoner would be liable to punishment as under Section IX Regulation XIII. of 1832.

The Joint Criminal Judge will accordingly revise his Sentence in Case No 107, reporting the circumstance of the Amendment made therein, for the information of the Court of Fouzdaree Adaulut.

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.

(Sent following Precept No 1498)

Read the Criminal Reports Submitted by the Acting Joint Criminal Judge at Cochin for the month of September 1838.

(Here enter No 2001)

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

Ordered therefore, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Cochin for his information.

(Sent in No 1499)

WS

LHC

WB

EWL

At a Court of the Fouzdaree Adaulut

Present,

Tuesday
16th October, 1838.

John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Baker Esqre ——— Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre ——— 3d Puisne Judge,

LHC

Read letter dated the 28th ultimo from the Provincial Court of Circuit in the Southern Division forwarding a communication from the Acting Criminal Judge of Cuddapa, detailing the circumstances of the escape of certain Prisoners whilst on their way to the Criminal Court, and submitting for consideration that it be made a general rule, to give to the Criminal Courts primary cognizance of Cases in which Prisoners, remanded as above described by the Authorities, may escape, and being re-captured, are at once brought before the Criminal authorities.—

(Here enter No 1955 of 1838)

1. The Judges of the Fouzdaree Adaulut consider the Circular Order of this Court, dated the 28th June 1828, to be applicable to cases wherein Prisoners forwarded to the Criminal Courts by competent authority, may have effected their escape, and being re-apprehended are brought before the Court by the Peons in whose custody they were originally placed, to be conducted there, without the

the intervention of the Head of Police or the Magistracy.—

2. The Acting Criminal Judge will, accordingly, be pleased to proceed to the disposal of the additional charge to which the individuals in question have rendered themselves liable.—

3. His construction of the Circular Order of the 28th June 1828 the Court of Conjedaveram Ordered that same may be circulated for general information.—

Ordered, that Extracts from these proceedings be transmitted to the 4 Provincial Courts of Circuit for communication to the several Criminal and Joint Criminal Judges and Principal Sub Amuns within their respective Divisions.—

(Sent in No. 1502.

Read return dated the 6th instant from the Acting 2d Judge on Circuit in the Centre Division to the precept of the Conjedaveram Ordered under date the 26th September last, authorizing the passing the mitigated sentence of 8 years on the prisoner in Case No. 38 of the Cuddapah Calendar for the 2d Sessions of 1838.—

(Here enter No. 1994 of 1838)

Read letter dated the 4th instant from the 2d Judge on Circuit in the Western Division, reporting his having opened the Sessions at Trangalore on the 4th Instant, and the state of the Calendar at that

that station.—

(Here enter No. 1999 of 1838)

Read return dated the 8th instant from the Acting Criminal Judge of Chingleput to the precept of the Conjedaveram Ordered under date the 26th September last, conveying their observations and orders on the Chingleput Criminal Reports for the Months of August last.—

(Here enter No. 2000 of 1838)

Read letter dated the 8th instant from the Criminal Judge of Canara, transmitting the Criminal Reports for the Month of September 1838.—

(Here enter No. 2002 of 1838)

Read Statement dated the 9th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division of Coimbatore to Prosecutors and witnesses attending before the Court of Circuit for the 3d Quarter Sessions of 1838.—

Here enter No. 2009 of 1838.

Read letter dated the 8th instant from the Acting Joint Criminal Judge of Guntoor, forwarding the annual Criminal Returns for the Month of September 1838.—

(Here enter No. 2010 of 1838)

Read return, dated the 10th instant from

from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Coojdaree Adalut under date the 8th October 1838, conveying their observations on the Record in Case No. of the Calendar 10th and 15th Supplemental Calendars for the 2d Quarter Sessions of 1838.-

(Here enter No. 2011 of 1838)

Read return dated the 8th instant from the Acting Magistrate of Trichinopoly to the precept of the Coojdaree Adalut under date the 4th Instant, transmitting for correction the Statement of Extra Rows entertained in the Trichinopoly Gaol.-

(Here enter No. 2013 of 1838)

JJS

T.A.O

Read letter dated the 12th instant from the Criminal Judge of Chingleput, transmitting the Criminal Report for the Month of September 1838.-

(Here enter No. 2019 of 1838)

E.P.S

No.

At a Court of the Coojdaree Adalut.

Present,

Friday, 19th October 1838.

John Bird Esqre _____ 1st Puisne Judge
Thos Alexander Oake Esqre M.A. 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge
dated 4th July 1838.

Read letter from the 3rd Judge on Circuit in the Northern Division forwarding for the final decision of the Court of Coojdaree Adalut the Record of Case No. 2 on the Rajahmundry Calendar for the 1st Sessions of 1838.

(Here enter No. 1430.)

JJS

L.A.O

Read a return dated 5th Instant from the late 3rd Judge late on Circuit in the Northern Division, to the Precept of the Coojdaree Adalut under date 7th August 1838, directing him to obtain through the Criminal Court of Rajahmundry additional evidence as to the inditing of the confession of the 1st prisoner in Case No. 2 of the Rajahmundry Supplemental Calendar before the Head of Police.-

(Here enter No. 1811.)

Read also letter dated 26th Ultimo from the Provincial Court in the Northern Division, transmitting the translated Record in Case No. 2 on the Rajahmundry Supplemental Calendar for 1st Sessions of 1838 completed in accordance with the Precept of the Coojdaree Adalut of the 7th Ultimo to the 3d Judge late on Circuit.-

(Here enter No. 1997.)

The

Wm Bird.
and
Wm Oakes.

The Court of Tongdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-cozat and Mooftees of the Tongdaree Udalut, confirm the said futwa of the Cazee-ool-cozat and Mooftees aforesaid, so far as it convicts the prisoners

6th Padamaty Dhurmador
and
7th Padamaty Togadoo

and acquits the prisoners.

2nd Mungalah Banjadoo
and
5th Moongam Moolador

but considering that strong suspicion, though not amounting to conviction, attaches to the said prisoners.

2nd Mungalah Banjadoo
and
5th Moongam Moolador

they, under Clause Sixth Section II Regulation XV of 1803, direct that the said prisoners be each required to find two sureties, in One hundred Rupees each surety, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for three years in confinement; and under the finding of Cokoodust declared in the futwa they sentence the prisoners

6th Padamaty Dhurmadoo

to

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

7th Padamaty Togadoo

to be banished to the district of Chingleput, 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 (14) fourteen years.

The Court of Tongdaree Udalut being further of opinion that the proof against the prisoners

1st Nundoolah Mooliyalar
and
4th Goda Venkadoo

is sufficient to convict them of being parties to the Murder do. under the provisions of Clause first Section II Regulation I of 1818. Convict them thereof, and sentence the prisoner

1st Nundoolah Mooliyalar

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

4th Goda Venkadoo

to be banished to the district of Chingleput, there to be imprisoned

19th October 1838.

imprisoned and kept to hard labor in irons on the publick roads, or other public works, for, and during the period of (14) fourteen years.

/ Sent following letter No. 1509 /

Read the Criminal Reports submitted by the Officiating Joint Criminal Judge of Tinnevelly for the months of September 1838

/ Here enter No. 2024 /

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

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

/ Sent pr No. 1570 /

F. 26

At a Court of the Fondaree Udalut

Present,

Monday 22nd October 1838.

John Bird Esqre _____ 1st Puisne Judge

Thos. Alexander Oakes Esqre Offg. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre 3rd Puisne Judge

Read returns dated respectively the 10th of August 1838 and the 12th Instant from the Provincial Court of Circuit in the Centre Division, conveying the information required by the Court's Precept of the 23rd July last on the subject of a complaint preferred by Culiattoor Pauperaddy in Miscellaneous Petition No. 76 of 1838.

/ Here enter No. 1662 and 2030 of 1838 /

Read Petition presented by Paupe-
-reddy of the Tillah of Chittoor.

/ Here enter No. 1607 & 1715 of 1838 /

1. The Magistrate having certified to the Provincial Court of Circuit, that no charge had been pre-
-sented to the Police Authorities of the North Arcot District, of the nature of that stated by C. Pauperaddy to have been preferred to them, that part of the Petitioner's address needs no further notice.

2. From the information contained in the Communication from the Magistrate of North Arcot, copy of which accompanies the foregoing Returns, it is evident that the Petitioner has been subjected to and harassed by a System of surveillance

Surveillance, totally at variance with, and unauthorized by, the Regulations. The fact of C. Pauperaddy being a released Convict, and a bad character, would appear to be the only grounds on which he has been prohibited by several Heads of Police from selecting a residence within the limits of their respective jurisdictions, and this circumstance would also seem to have induced those Officers to place him in charge of Peons, in order to transport him beyond the boundaries of their several districts.

3. A proceeding of this [redacted] neither sanctioned by Law, nor custom, and in the opinion of this Court calls for animadversion. It was perfectly competent to C. Pauperaddy to reside where it best suited him to remain, and no threat, interference with his wishes or movements should have been attempted by any of the Police Officers who have taken part in the measures which are reported to have been used towards him.

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit for their information and guidance and for communication to the Magistrate in the Northern Division of Arcot.

/ Sent in No. 1513 /

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

Read again Miscellaneous Petition presented on the 18th August last by Lavagamy of Cuddalore

Cuddalore.

/ Here enter No. I. & No. 100 of 1838. /

Read also letter from the Magistrate of South Arcot reporting on the subject of the foregoing address with reference to this Court's communication of the 3rd Ultimo.

/ Here enter T. R. No. 2039 of 1838. /

1. The Petitioner Lavagamy having in the foregoing Petition represented that her husband effected the seizure of an individual named Labapanty for whose apprehension a reward of Rupees 500 had been publicly offered by the Magisterial authorities of the District, and stated that the person in question having escaped from his guards whilst on his way to Chittore, her husband has been since imprisoned to great inconvenience in consequence of a charge of robbery having been falsely preferred against him before the Police at Pondicherry, by this same person who had been arrested through his means, and further that her husband had failed in procuring from the Magistrate of South Arcot, payment of the reward to which he is entitled.

2. The Court called upon the Magistrate to explain why the reward in question had been withheld and pointed out that the necessary communication should be made to the French authorities, if he had reason to suppose that the accusation in question resulted from the services rendered by the person charged.

3. In the letter recorded above the Magistrate has

has reported that the person against whom the Charge of Robbery has been preferred has not been apprehended and that the Petitioner's husband was referred for payment of the reward, to which She has adverted, to the Magistrate of North Arcot.

4.

Under these circumstances the Court of Faujdaree Adalut direct that it be intimated to the Petitioner Sevagamy, that the interference of this Court does not appear to be required in the matter She has brought to notice, and that her application for the reward, alleged to be payable to her husband, should be preferred to the Magistrate of the North Arcot District, within whose jurisdiction the Robbery for which Salapanty was apprehended, was said to have been committed.

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

Read Miscellaneous Petition presented on the 11th September last by G. Lashacharloo vakeel on behalf of Ala Appalacharloo of Nellore.

/Here enter No. 2 of 19th of 1838./

The petitioner adverts to his former address, Miscellaneous Petition No. 52 of 1838, and to this Courts proceedings thereon, in which, he points out, it has been erroneously supposed he had stated that he had been deprived of his Archaka Mirasy in the Pagoda of Ringoolabala petta at Nellore.

The

2.

The Petitioner explains that the Mirasy in question was by a Decree of the Nellore Zillah Court declared to be hereditarily vested in him and his heirs, and that when the Decree was carried into Execution, an Enquiry was instituted by the Zillah Judge for the purpose of ascertaining whether the Petitioner was entitled to hold charge of the keys of the Pagoda, which ended in that Officers declaring that they were to remain in the Petitioners possession. That this order has been acted on during the last 13 years. That lately however, an heir of one of the Defendants in the suit referred to, managed to obtain possession of the said Keys by causing them to be surreptitiously removed from the Petitioners dwelling. That to procure their restitution, the Petitioner applied to the Magistrate of Nellore, stating that he was authorized to keep them in his custody, by virtue of his Office, and that their removal had for its object to give a claim to the individual holding them, which had been formerly decided upon by the Judicial Authorities. That having failed in procuring redress from the Magistrate, the Petitioner brought the circumstances of his complaint to the notice of the Court of Circuit, who called upon that Officer to place the Petitioner in possession of the Keys of the Pagoda. That subsequently several communications passed between the Magistrate, and the Court of Circuit, which led to the latter authority eventually agreeing with the Magistrate, in considering it expedient that the Petitioner

should

Should seek redress through means of the Civil Court.

3. The Petitioner reports that this conclusion was adopted by the Judge on Circuit, in consequence of the facts of the case having been partially stated in the Returns submitted to him by the Magistrate who reported that the Petitioner had been dismissed by the Durmakarta of the institution, by whom the Keys had been placed in the Custody of one T. Ramasawmy. The Petitioner contends that the Durmakarta had no authority for acting in the manner described by the Magistrate, and prays therefore that this Court will interfere, and issue orders directing their immediate restoration to the Petitioner.

4. From the papers submitted with the foregoing address it would appear that the Petitioner was no more or less than a Servant attached to the institution referred to, and without reference to the circumstances under which he was originally installed in the Office he seems to have held for the last 13 years, the Judges of the Foujdaree Adalut see no reason to suppose that the retention of the Situation in question was not dependent on the manner in which the Petitioner performed the duties which devolved on him.

5. It is not however, clear, whether these are held to have ceased on the Petitioner's being dispossessed of the Keys of the Pagoda, the Custody of which has not been mooted in the Decree of the Vellore Zillah Court adverted to in the Petitioner's address, or whether the Petitioner's Mirasy, of which he states that he has not been deprived, is supposed to become void with the removal of the Keys from the Petitioner's possession.

6. The Judges of the Foujdaree Adalut accordingly resolve to call upon the Provincial Court of Circuit to ascertain and report whether any cause of action has arisen which has not been disposed of under the Decree of the Zillah Court at Vellore in Appeal Suit No. 35 of 1823 on which the Petitioner's claim to retain possession of the Keys of the Pagoda would seem to be mainly grounded.

Ordered, that Extract from these Proceedings be transmitted to the Provincial Court of Circuit in the Northern Division by Precept returnable in 15 days from and after its receipt.

(Sent following Precept No. 1314)

Read petitions presented on the 1st October by Anhoola Reddy Chenchiah and Juggah reddy and Pollandy of Cuddapah.

(Here enter Mr. P. Nos. 130 and 131 of 1838.)

The Petitioners repeat the requests contained in Petition No. 116 of 1838, on which an order was passed by the Court of Foujdaree Adalut under date 17th September 1838, and intimate their intention of submitting a Mazzumnamah in support of the innocence of their relations.

Read

Read also petitions presented on the 8th October by Akoola Pedda Chenchoo and Poggati Peddy and Polla Peddy.

/ Vide enter M. P. Nos. 136 and 137 of 1838 /

The Petitioners, with this address, submit the Mazzarnamahs alluded to by them in their former petitions, and pray the Court will, after having taken them into Consideration, order the release of their relations.

In the former of these Mazzarnamahs, it is represented that the accusation was a false one, and entirely supported by the relations of the Prosecutors, and that the Prisoners have always borne good characters, that none of the Stolen Property was discovered in the possession of the Prisoners.

The Subject of the other Mazzarnamah is the same, and contains the additional fact that 3 other individuals who were apprehended after the committal of the Prisoners in this Case, on Suspicion of being concerned in the robbery, were released by the Criminal Judge.

These documents contain nothing which can induce the Court of Sudder Adalut to alter their Opinion recorded in their Proceedings of the 17th Ultimo. to which the Petitioners are accordingly referred. and informed that no further petitions on the same Subject will be received by the Court.

Ordered, that the Prayer of these petitions

petitions be rejected, and that Extract from these Proceedings be furnished to the Petitioners on their application.

Read a Miscellaneous Petition presented on the 1st Instant by Nakarecumbee Pariah of Masulipatam.

/ Vide enter M. P. No. 132 of 1838 /

The Petitioner represents himself to be the brother of the 5th and 6th Prisoners in Case No. 1 of the Calendar for the 3rd Quarterly Sessions of 1838. held at Masulipatam. He contends, for reasons stated in detail, that the evidence adduced against the two Prisoners in question is insufficient to justify their Conviction of the Offence with which they were charged or to warrant the Sentence of 7 years imprisonment and corporal punishment which has been recorded by the Presiding Judge. He avers that the accusation of having received the property Stolen by the four first Prisoners in the Case, originated with the Police Peons to whom his brothers refused to pay a fee which they demanded. That the houses of the two Prisoners in question were Searched by the Police Peons at a time when none of the Village Officers were present and that the Statements regarding any property discovered therein are founded on the Assertions made by the Peons. He further alleges that the confession stated to have been given by the Prisoners before the Police authorities is a fabrication and that the Evidence throughout is inconsistent and contradictory.

On

22nd October 1838.

2. On a consideration of the several statements made in the foregoing address and on further reference to the Calendar received from the 2nd Judge who presided at the 3d Quarterly Sessions at Masulipatam, the Judges of the Foujdaree Adalut are of opinion that it is desirable for the ends of justice to ascertain from the 2nd Judge of Circuit in the Northern Division, whether or not what is contained therein induces him to doubt the propriety of the Sentence passed by him - and that his report thereon together with the record of the case referred to by the Petitioner should be submitted for their consideration - They accordingly resolve to direct that a translation of the said Petition be prepared and forwarded to the 2nd Judge of Circuit in the Northern Division, and that until the Receipt of the further orders of this Court, that part of the Sentence passed which awards corporal punishment be suspended -

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge of the Provincial Court in the Northern Division lately proceeding at the 3d Quarterly Sessions of the current year at Masulipatam for his information and guidance by Precept returnable within 25 days from and after the receipt -

/ Sent following Precept No. 1515 /

Read Miscellaneous Petition presented on the 8th of October 1838 by Chappa Goroyamah of Nellore

/ Here enter Mr P. No. 134 of 1838 /

The

22nd October 1838.

1. The petitioner represents that her husband and his younger brother prisoners in Case No. 26 in the Nellore Calendar for the 2nd Sessions of 1834 were unjustly sentenced on a false charge of gang robbery to 13 years imprisonment - and she prays the Court will after a consideration of the proceedings held in the case, order their release -

The Court of Foujdaree Adalut desire the

2. Petitioner be informed that the prayer of her petition is inadmissible - The mitigated Sentence of 13 years imprisonment passed on the prisoners was, after due consideration, approved of by the Court of Foujdaree Adalut several years ago.

Ordered accordingly, that the Petitioner be informed that copy of these proceedings be furnished to the petitioner on her application -

Read Miscellaneous Petition presented on the 8th Instant by Kristnama Naicken late a Peon in the Jail at Chingleput -

/ Here enter Mr P. No. 135 of 1838 /

Adverting to his former address praying that orders might be issued directing his restoration to the situation from which he has been dismissed by the Criminal Judge at Chingleput, and to this Courts proceedings thereon declining to interfere, the Petitioner reiterates his former prayer on the grounds of his having been once wounded in endeavouring to secure certain convicts who attempted to escape and

of

22nd October 1838.

of its being improbable that under such circumstances he could have been guilty of the negligence imputed to him.

The Judges of the Tinjoare Adalut on further consideration of the Case resolve to transmit a Copy of the foregoing address to the Criminal Judge of Chingleput, who will be pleased to Report whether if the circumstances stated by the Petitioner are correct the Petitioner may not be re-employed on an early occasion without detriment to the discipline of the Jail in which he was recently employed.

Ordered, that Extract from these proceedings be transmitted to the Criminal Judge of Chingleput by precept returnable within 2 days from and after its receipt.-

/ Sent following Precept No. 1516 /

Mooddoobee Setty of the Taluk of Chittoor moves the Court to return the Enclosures in his Miscellaneous Petition No. 120 of 1838.-

Ordered accordingly.-

Read the Criminal Reports for the month of September 1838 submitted by the Principal Sudr Ameen at Honore.-

/ Here enter No. 2034 /

The Principal Sudr Ameen is directed to submit an explanation of the Employment of 9 Extra Tail Peons for 15 days during the month of September last.-

Ordered

T. U.

22nd October 1838.

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Honore for his information and guidance by precept returnable in 5 days from and after its receipt.-

/ Sent following Precept No. 1517 /

Read letter dated the 10th Instant from the Criminal Judge of Bellary requesting authority to make the tender of a conditional pardon to the 6th prisoner in Case No. 181 of the Criminal Report for November 1837.-

/ Here enter No. 2035 /

Under the authority vested in them by Section XII Regulation XIII of 1832 the Court of Tinjoare Adalut sanction the offer of a conditional pardon to "Magat" alias "Chonchia" which must be made in the terms prescribed in the Circular Order of the 3d of April 1838.

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

/ Sent in No. 1518 /

Read the Criminal Reports for the month of September 1838 submitted by the Acting Criminal Judge of Chicacole.-

/ Here enter No. 2038 /

Case No. 92.

The remarks recorded by the Criminal Court on Case No. 92 should be communicated to the Magistrate

Magistrate of Ganjam, and that Officer requested to report direct to the Court of Fouzdaree Adalut the circumstances connected with the alleged Talook confessions of the prisoners, and whether he is of opinion that grounds exist for instituting proceedings against the 1st witness prisoner in support of the charge.

Case No. 93. 2. With reference to Case No. 93, the Court of Fouzdaree Adalut desire that the Acting Criminal Judge be informed, that it has been ruled, that Section II. Regulation III of 1833 does not intend the alteration of a sentence, passed by a Sub Ameen, not contrary to justice as respects the conviction, and not contrary to the Regulations as respects the extent of punishment, excepting in cases where the punishment awarded only be excessive, or wholly insufficient to satisfy the ends of Justice, and Case No. 93 does not appear to be a case in which such power should have been exercised.

Case No. 95. 3. Section VII. Regulation VI of 1822 quoted in justification of the sentence passed upon the 1st prisoner in Case No. 95, is wholly inapplicable, - it is concluded that Claus 1st Section IV. of that enactment was intended to be cited, but it does not appear that the 1st prisoner has rendered himself amenable to punishment even under this last quoted provision, as it is not shewn that the property found on the prisoner was proved to have been obtained by theft or Robbery - or even that the prisoner knew

knew that it was stolen property. Moreover it has not been explained whether the property found in the possession of the prisoner was proved to belong to the prosecutor in Case No. 95.

If the prisoner has rendered himself liable to punishment under Section IX. Regulation XIII. of 1832. the Acting Criminal Judge will amend the sentence of his assistant, reporting however what he may have done for the information of the Court of Fouzdaree Adalut.

Ordered, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Coimbatore for his information and guidance by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 1519.)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Coimbatore for the month of September 1838.

(Appendix No. 2041.)

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

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

(Sent in No. 1520.)

J. U.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Tuesday 23rd October 1838 — Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge,

Alexr Duncan Campbell Esqre 3rd Puisne Judge,

Read letter, dated the 1st October 1838 from the Acting 2nd Judge on Circuit in the Centre Division referring for the consideration and final decision of the Court of Foujdaree Udalut the record in the trial No. 3, on the Cumboum Calendar of the 2nd Sessions of 1838.—

(Here enter No 1971)

The prisoner, in this Case, a Native

1. Cadeyadoo is charged with murder, in having on the 26th of April, gone armed, with some others, attacked, and killed the Prosecutor's younger brother Vencateeyadoo, by shooting him with an arrow, and stabbing him with a Knife, and with having robbed him of property, valued at Rupees 4-6.—

The Court of Foujdaree Udalut observe

2. that although the Prisoner admitted before the Principal Sudr Ameen the confession alleged to have been given by him before the Police Officer yet in his examination before the Principal Sudr Ameen the

he denied having either killed, or witnessed the murder of the deceased.—

3. The prisoner may possibly have misunderstood the question put to him by the Principal Sudr Ameen, as to whether the declarations read over to him at his examination before the Criminal Court, was that entered to be written by him at his examination before the Police; and accordingly the Court deem it advisable that the original confession should be proved by the person who wrote it, or by the attesting witnesses.—

4. The testimony of the prosecutor before the Court of Circuit as to the state of the corpse differed so widely from his evidence on this point before the Police and the Criminal Court, as to throw great discredit on his evidence; and the circumstances respecting the finding of the remains of the deceased, appear to the Court to remain unsatisfactorily explained, as to render it necessary that the evidence of Boyer, and Potee, the wife, and sister of the deceased, should be taken on this point:— and as to whether the prosecutor recognized the bloody cloths brought to him by his sister and his sister in law, from the Channel. And for this purpose the Court of Foujdaree Udalut resolve to return the English and Persian translations of the record of this case to the Acting 2nd

Vide page 6 of the Record.

2nd Judge, with instructions to issue a Precept to the Criminal Judge of Cuddapah, directing him to obtain the attendance of the persons above alluded to, and in the presence of the prisoner, N. Eadeegadoo, take their examination on oath on the several points above cited.—

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

6. The Acting 2nd Judge will annex English and Persian translations of the additional evidence so taken, to the record, and will retransmit the same for the consideration and final judgment of the Court of Foujdaree Udalut.—

7. The Court of Foujdaree Udalut view with much concern the negligence and inactivity on the part of the Police Officers of the Dooab and Talook, as exhibited in the proceedings on this trial, and they direct the Magistrate be called on to report what notice may have been taken of their misconduct, and also what measures have been adopted for the apprehension of the remainder of the gang who appear to be known, and the residence of several, ascertained.—

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge

on

23rd October 1838.

on Circuit in the Centre Division for his information and guidance by precept returnable in 20 days from and after its receipt.—

(Sent following precept No. 1521)

Read returns and supplemental returns dated respectively the 8th and 16th Instant from the Criminal Judge of Cuddapah to the precept of the Fouzdaree Adawlut under date the 28th September 1838 directing the Principal Sudr Ameen at Cumbum be required to submit without delay the report required by Circular Order No. 42 omitted to be forwarded.—

(Here enter Nos. 2014 and 2051)

C.C.

C. 16.

In the Court of the Fouzdaree Adawlut

Present

Wednesday 24th October, 1838.

John Bird Esqr. 1st Puisne Judge,

Thomas Oliver Esqr. Acting 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. 3d Puisne Judge,

Read letter dated the 31st January last from the Acting 1st Judge on Circuit in the Centre Division, transmitting the Record in Case No. 7 of the Cuddapah Calendar for the 1st Session of 1838.—

(Here enter No. 1172 of 1838)

Mr. Oakes, and Mr. Campbell,

The Court of Fouzdaree 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

1st Gatoory Bungaroo,

2d & 3d Venkatapah,

3d Bingy Dasreygaroo,

and

4th Roodrapaty Bungaroo,

is sufficient to convict them of the crimes charged against them respectively, 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 Clause second, of the same Section and Regulation, direct their Law Officers to declare, by a second future,

to what sentence the Prisoners would have been liable,
under the Mahomedan Law, if they had been convicted,
by full legal evidence.—

Answer.

In the event of the crime charged being
established against the 1st 2d and 4th Prisoners, by the
evidence of credible witnesses, and of the crime of aiding,
and abetting therein, being proved against the third
Prisoner, they will be liable to Restitution, in proportion
to the crimes with which they are respectively charged.—

The Court of Enquiry Adalut having
maturely considered the Proceedings held before the Judge
on Circuit, the Futwa of the Provincial Law officer, and
the Futwas of the Cazee or Cozzat and Mooftee of the
Sudder Adalut, under the provisions of Clause third,
Section VII, Regulation XV of 1803, sentence the Prisoners

1st Gatoory Nangadoo.
2d do Nemaatpah
and
4th Mookapully Nanegandoo,

to be transported to such place or places beyond sea,
as the Governor in Council shall appoint, there to
be imprisoned, and kept to hard labor, in irons, on
the public roads, or other public works, for, and during
the

the period of their natural lives, and the Prisoner

3d Bingy, Dasareegandoo,

to be imprisoned, and kept to hard labor, in irons, on
the public roads, or other public works, for, and during the
period of 10 years.—

(Sent following letter No. 1528.

Read letter dated the 9th instant, from
the 2d Judge on Circuit in the Western Division, trans-
=mitting the death warrant issued in Case No. 11 on the
Calicut Calendar for the 2d Sessions of 1838.—

(Here enter No. 2022 of 1838.)

Read Statement dated the 1st instant,
from the Officiating Joint Criminal Judge at Tinnevelly of
the amount realized by the sales of the Prisoners in the
3d Quarter of 1838.—

(Here enter No. 2025 of 1838.)

Read letter dated the 12th instant
from the 2d Judge of the Court of Circuit in the
Northern Division, forwarding a Statement of Batta
paid to the Prosecutors and witnesses attendance
on the Court of Circuit for the 3d Quarterly Sessions of
1838.—

(Here enter No. 2026 of 1838.)

Read returns dated the 11th instant from
the 1st Judge on Circuit in the Eastern Division of the
present

precepts of the Tongdaree Udalut under date the 20th ultimo,
conveying their remarks and orders on the Rajahmundry
Calendar for the 2d Sessions of 1838.—

(Here enter No. 2042 of 1838)

Read Supplemental return dated the 12th
instant, from the Provincial Court of Circuit in the
Northern Division, to the precepts of the Tongdaree Udalut
under date the 27th August last, directing the Collective Court of
Circuit to forward copies of all Orders passed in Case No. 34 of the
Criminal file of the Joint Criminal Court at Ganjam Putnam.—

(Here enter No. 2047 of 1838.)

Read letter dated the 16th instant, from
the Acting 2d Judge on Circuit in the Centre Division, reporting
his intention to open the 2d Sessions of 1838 at Chingleput
on the 19th Proximo.—

(Here enter No. 2054 of 1838.)

Read letter dated the 12th instant, from
the Provincial Court of Circuit in the Western Division,
submitting translations of the Criminal Reports received
from the Principal Sudr Ameen of Salem for September 1838.—

(Here enter No. 2057 of 1838.)

J. U.

At a Court of the Tongdaree Udalut

Present,

Thursday, John Bird Esqre _____ 1st Puisne Judge
25th October 1838. Thomas Alexr. Oakes Esqre Act. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 3rd Puisne Judge

No returns having been received
from the Criminal Judge of Bellary to the precepts of the
Court of Tongdaree Udalut issued under date the 6th Ultimo
and 1st Instant, it is ordered that that Officer be com-
manded immediately to conform to the orders contained
in the Proceedings of the Tongdaree Udalut transmitted
to him therewith, and to shew good and sufficient rea-
son why the precepts referred to were not executed and
returned to this Court within the periods specified therein.

Ordered, that Extract from these Pro-
ceedings be forwarded to the Criminal Judge of Bellary
for his information and guidance by precept returnable
in 24 hours, from and after its receipt.—

Sent following Precept No. 1539.

No return having been received
from the 3rd Judge of the Provincial Court of Circuit in the
Centre Division, to the precept of the Court of Tongdaree Udalut
under date the 24th of September 1838. Ordered that that Officer
be required to make full and complete return thereto, by
submitting, without further delay, an English Translation of
the

the record of the Trial in Case No. 1. of the 7th Supplemental Calendar for the 3rd Quarter Sessions of 1838.

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 5. days from and after its pranit—

/ Sent following Precept No. 1531 /

Read the Criminal Reports for the month of September 1838 submitted by the Acting Criminal Judge of Madura.

/ Here enter No. 2016 /

Case No. 179. 1.

With reference to the Sentence passed by the Sudr Ameen in Case No. 179 awarding 50 Lashes, 5 days before the release of the prisoner, the Court of Foujdaree Udalut desire that the attention of that Officer be called to the Circular Order of the 21st October 1836, under which the infliction of a Sentence of Corporal punishment cannot be delayed beyond two months after the Sentence has been passed—

Case No. 181. 2.

The Section and Regulation quoted by the Acting Criminal Judge in justification of his Sentence in Case No. 181 is inapplicable to the Offence charged against the Prisoner. The Sentence must be accordingly remitted, and the nature of the amendment reported for the information of the Court of Foujdaree Udalut, and in the meantime

meantime the Corporal punishment awarded must not be inflicted—

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

/ Sent following Precept No. 1532 /

Read the Criminal Reports for the month of September 1838, submitted by the Criminal Judge of Salem—

/ Here enter No. 2063. /

Case No. 177. 1.

In the remarks by the Assistant Criminal Judge on Case No. 177, it is stated that there was no evidence as to the theft of the Bullock, and accordingly the prisoner was not liable to punishment under Clause 4th Section III. Regulation VI of 1822—

2.

The proper course for the Assistant Criminal Judge to pursue in future similar cases, would be to require the Mahomedan Law Officer of the Court to declare whether such attempt at fraud was punishable under the Mahomedan Law, and to dispose of the Case accordingly—

Case No. 181. 3.

The Criminal Judge is required to submit an explanation of the Circumstances under which the prisoner in Case No. 181 was held to security, the same individual having been convicted and punished for a specific offence in Case No. 180—

The

25th October 1838.

Case No. 183. 4. The Criminal Judge is required to explain whether the Police confessions of the Prisoners in Case No. 183 were proved, as otherwise there would not appear to have been sufficient grounds for the requisition of Security.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Salem for his information and guidance by Precept returnable in 8 days from and after its receipt.—

/ Sent following Precept No. 1535 /

Read return, dated the 15th Instant, from the Acting 2nd Judge on Circuit in the Centre Division, to the Precept of the Tongdaree Adalut under date the 11th September, returning the Record in Case No. 1 on the Cuddapah Calendar of the 2nd Sessions of 1838.—

/ Vide order No. 2055. /

Read return dated the 15th Instant from the Criminal Judge of Rajahmundry to the Precept of the Tongdaree Adalut of the 1st Instant containing their remarks and orders on the Rajahmundry Criminal Reports for the month of August last.—

/ Vide order No. 2061. /

T. W.

At a Court of the Tongdaree Adalut.

Present

Friday, 26th October 1838.

John Bird Esqre _____ 1st Puisne Judge
Thomas Alexr Oakes Esqre Actg 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge

No return having been made by the Magistrate of Bellary to the Precept of the Tongdaree Adalut of the 30th of July 1838 calling for explanations relative to his proceedings respecting the late disturbed State of the Purpunhully Talook notwithstanding that a second precept on the same Subject was issued to the Magistrate on the 17th Ultimo.—

Ordered that the Magistrate of Bellary be commanded by Precept returnable in 3 days from and after its receipt, to submit the information required on the late disturbed State of the Purpunhully Talook, and fully to explain the cause of the delay in conforming to the repeated orders issued by the Court of Tongdaree Adalut for his guidance.—

/ Sent following Precept No. 1536. /

Read letter dated the 8th Instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division forwarding Masulipatam

Primary

26th October 1838.

Primary and 1st and 2nd Supplemental Calendars for the 3d Quarterly Sessions of 1838.

/ Here enter No. 2007 /

The above Calendars not requiring any remark from the Court of Fingdarra Adalat. Ordered that Extract from these proceedings be forwarded for the information of the 2nd Judge of the Provincial Court of Circuit in the Northern Division.

/ Sent in No. 1537 /

W.S.

J.H.D.

Ent'd J.H.

U.H.

In the Court of the Fingdarra Adalat.

Present,

Monday 29th October 1838. John Bird Esqre _____ 1st Puisne Judge,
Thomas Alexr Oakes Esqre _____ Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre ___ 3d Puisne Judge,

Read again petition presented on the 2d July 1838 by Gotoneo Eddanddy of Cossapah.

/ Here enter the P. No. 99 of 1838 /

The prayport of this petition is to obtain the release of the 2d Prisoner in Case No. 5 of the Cossapah Calendar of the 1st Sessions of 1838, and the restoration of certain articles which the Petitioner alleges have been unjustly seized and detained by the Prosecutor as their property.

The Court of Fingdarra Adalat desire the Petitioner be informed that his brother has, after a most deliberate consideration of the evidence in record before them, been found guilty of the charge of which he stood accused, and sentenced to be transported, and that the Court being of opinion, that Gotoneo Eddanddy had fully proved his right to the articles marked 68. 69. and 70 three clothes, given up by them, have directed those articles to be restored to his family. The Court further direct the Petitioner be warned that any further petition on this subject will not be received.

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

application.—

Read letter dated the 16th August last from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No. 3 on the Jaintore Calendar 2d Sessions of 1838.—

(Here enter No. 2018 of 1838)

Mr. Bird,
and
Mr. Campbell,

The Court of Enquiry Sudder Adawlut met & deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

Rangah Canteredy

is sufficient to commit him of the crime of express murder, do under the authority with which they are vested by Clause first Section III Regulation I of 1818 convict him thereof and under the provisions of Section X Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 1540

Read letter dated the 15th instant from the Acting 2d Judge on Circuit in the Centre Division, submitting a copy of the Bellary Calendar for the 2d Sessions of 1838.—

(Here enter No. 2053)

Case No. 9. 1. In Case No. 9 of this Calendar the prisoner "Cabroollahkhan" alias "Chabookhan", stood charged with "Housebreaking" and with having stolen from

from the Shop of the Prosecutor property to the value of Rupees 107-10.—

2. The Acting 2d Judge states that having considered the case clearly proved against the prisoner, he was informed of the punishment to which he had rendered himself liable under Section XXI. Regulation VII of 1802, and Clauses 2d and 4th Section II Regulation VII of 1822, but as the offence was free from all matter of aggravation, and it is probable that the amount was the only cause of its coming before the Court of Circuit, the Acting 2d Judge submits that 3 years imprisonment would be a sufficient punishment.—

3. The Court of Enquiry Sudder Adawlut concurring in opinion with the Acting 2d Judge, resolve, under the authority vested in them by Clause 3d Section III Regulation I of 1825, to authorize that Officer to pass the mitigated sentence above indicated upon the prisoner

"Cabroollah Khan"
alias
"Chabookhan"

Case No. 11. 4. In Case No. 11. the two prisoners

Venkatagiah

"Venkategaudoo" and "Deeva Kurrappa Naidoo" were charged
the first with having robbed from the Prosecutor on
the highway, ready money; "cloths and a Mattie Bag, all
"amounting in value to Rupees 20-5-" and the 2d prisoner
"with having instigated the 1st prisoner to commit the
"aforesaid Robbery, and received the abovementioned robbed
"property in his possession"

5. The Acting 2d Judge states that the 1st
prisoner, when the Robbery was committed, was armed with
a stick, which being "an offensive weapon" he becomes
liable under Clause 1st Section III, and Clause 3d Section IV.
Regulation XV of 1803 to 14 years imprisonment, but
as the Robbery "was effected with the least possible
violence, and with a freedom from all other aggravation"
and "the instigation of the 2d prisoner also pleads
"in favor of the 1st" prisoner, the Acting 2d Judge
recommends that he be adjudged the instigated
punishment of 5 years imprisonment, — as regards
the 2d prisoner, who, as an accessary before the fact,
is regarded as a principal, and therefore liable to
14 years imprisonment, the Acting 2d Judge recommends
that a sentence of 7 years imprisonment be passed
on him, for though more culpable than the 1st
prisoner, Mr. Lewin is of opinion that a sentence
of

E. L.

29th October 1838.

of 14 years imprisonment would go beyond what the justice
of the case requires.—

6. The Court of Enjidaree Dewaney having
duly considered all the circumstances of the Case, approve
of the recommendation of the preceding Judge, and
accordingly authorize that Officer to pass the instigated
sentences suggested above, upon the prisoners

"Venkategaudoo"

and

"Deeva Kurappa Naidoo"

Case No. 12. 7. The Court of Enjidaree Dewaney approve
of the instructions addressed by the Acting 2d Judge
to the Criminal Judge of Tinnevelly on the subject of
his general neglect of the practice enjoined by the
Circular Order of the Enjidaree Dewaney of the 10th of
April 1833, and in communicating this remark to
Mr. Paternoster, the Acting 2d Judge will enjoin his
strict observance of the order in question in all
future similar Cases of Wounding forwarded to the
Criminal Court.—

Case No. 13. 8. The Court of Enjidaree Dewaney consider
it much to be regretted that the Acting 2d Judge
did not complete the Trial of the prisoner concerned
in

29th October 1838.

the 1st, 2d, 3d and 5th to 7 years imprisonment and hard labor; that as the 4th and 6th prisoners are "youths," and may be concluded to have followed the bad counsel of the others, the Acting 2d Judge recommends that the mitigated sentence of 3 years imprisonment and labor may be passed upon them.—

14. The Court of Enjdarre Kodattut under the authority vested in them by Clause 3d Section III Regulation I of 1825, resolve to accede to the recommendation of the presiding Judge, and accordingly authorize him to pass the mitigated sentence of 3 years imprisonment with labor in irons, on the prisoners 4th "Veerapadoo" and 6th Chinna Ayoutteyandee"

15. The Court of Enjdarre Kodattut cannot close their remarks on this Calendar without recording their opinion of the ability, and general knowledge of his duty, displayed by the Acting 2d Judge in the disposal of the business connected with the late Sessions at Bellary.—

Ordered, that Extract from these

Proceedings

E.K.

29th October 1838.

Proceedings be forwarded to the Acting 2d Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 15 days from and after its receipt.—

(Sent following Precept No 1541

Read the Criminal Reports submitted by the Criminal Judge at Calicut for the Month of September 1838.—

(Here enter No 2040)

The above Reports do not appear to call for any remark from the Court of Enjdarre Kodattut.—

Ordered therefore, that Extract from these Proceedings be sent to the Criminal Judge at Calicut for his information.—

(Sent in No 1542

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Cuddalore for the Month of September 1838.—

(Here enter No 2044)

The above reports do not appear to call for any remark from the Court of Enjdarre Kodattut.—

Ordered therefore, that extract from these Proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information.—

(Sent in No 1563

Read

29th Octobre 1838.

Read the Criminal Reports for the month of September 1838 submitted by the Joint Criminal Judge of Vizagapatam.—

(Here enter No. 2068)

The Court of Conjedaree Adalut observe that only one of the Six Cases forwarded to the Joint Criminal Judge during the month of September was disposed of within the period embraced in these Reports;— the Joint Criminal Judge is directed therefore to explain the cause of the delay in disposing of the Cases specified in the margin, and in future similar cases the Joint Criminal Judge will enter such information to be exhibited in the Report itself.—

Nos. 85. 87. 88. 89 and 90.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1544

Read the Criminal Reports for the Month of September 1838 submitted by the Criminal Judge of Nellore.—

(Here enter No. 2032.)

The Court of Conjedaree Adalut are of opinion

29th Octobre 1838.

opinion that the evidence against the prisoner convicted in Case No. 76 is scarcely sufficient to warrant his commitment for trial by the Court of Circuit, and the Criminal Judge is directed therefore to use every endeavour to procure further evidence in respect of the murder of the prosecutor's daughter; the result to be communicated for the information and order of the Court of Conjedaree Adalut.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance by Precept returnable in 15 days from and after its receipt.—

(Sent following Receipt No. 1545

Read letter dated the 13th instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting a copy of the Sessions Calendar for the 3d Quarterly Sessions of 1838.—

(Here enter No. 2046)

1. In Case No. 1 of this Calendar thirteen prisoners stood charged with the crime of Robbery by open violence.—

2. The presiding Judge considering all the prisoners duly convicted of the crime sentenced five 1s, two 2s, three 3s, four 4s, one 6s

6th 7th 8th 9th 10th 11th 12th and 18th prisoners to 14 years imprisonment,
and the 2d and 8th to the further punishment of 195 stripes;
that as the detection of the perpetrators of the Robbery was
"owing to the information of the 7th witness, who appears to
"have disclosed it with the hope of saving his younger brother
"the 5th prisoner, and as that witness when" the presiding
Judge "proposed to reward him with money, earnestly urged
"that his hope as to his brother may not be disappointed"
Mr Vaughan suggests "that the 5th prisoner be punished
"by imprisonment with hard labor for 1 year only"
3.

As the 6th prisoner is shewn to have been
one of the Gang who invited others to commit the Robbery,
and does not appear to have made
his apprehension, the Court of Enquiry do not consider
it proper to sanction so large a remission of the punishment
to which he has rendered himself liable, but under the
circumstances of the case, they resolve to authorize the 1st Judge
of the Provincial Court of Circuit to pass the mitigated
sentence of 4 years imprisonment with hard labor in irons
on the prisoner.

"Ramil Coodanny"

Ordered, that Extract from these
proceedings be forwarded to the 1st Judge of the Provincial
Court of Circuit in the Eastern Division for his information
and guidance by precept returnable in 5 days from and after its receipt

(Sent following Precept No 1546.

Read

E. 4

29th October 1838.

Read the Criminal Returns for the
month of September 1838 submitted by the Acting Joint
Criminal Judge at Trincomalee —

(Here enter No 2045)

From the Statement which accompanied
these Returns, the Court of Enquiry observe that per acct
the Extra Coil Guards employed during the months of
September consisted of
6. Duffadars
7. Peons — and
117. Peons —

The Acting Joint Criminal Judge is
accordingly required to submit an explanation of the
employment of one Peon per each of the extra
establishment —

Ordered, that Extract from these
proceedings be forwarded to the Acting Joint Criminal
Judge at Trincomalee for his information and
guidance by precept returnable in 5 days from and
after its receipt —

(Sent following Precept No 1547)

Read letter dated the 24th Ultimo from
the 2d Judge on Circuit in the Eastern Division with
copies of the Jail Calendars for the 2d Sessions of
1838 —

(Here enter No 1944 of 1838)

Read letter dated the 18th instant from
the

the Acting 3d Judge on Circuit in the Southern Division reporting that he has fixed the 19th of December next for opening the Sessions at Salem.

(Here enter No. 2062 of 1838)

Read return dated the 16th instant from the 2d Judge on Circuit in the Western Division to the precept of the Tongdaree Udalut under date the 8th October 1838, stating that the necessary communication has been made to the Magistrate, and submitting a further explanation of the grounds of the acquittal of the Prisoner in Case No. 1 of the 2d Additional Calendar of the current year.

(Here enter No. 2066 of 1838)

Read letter, dated the 20th instant from the 2d Judge on Circuit in the Western Division reporting his intention of opening the Sessions at Hansi on the 12th November next.

(Here enter No. 2079 of 1838)

No. 11.

At a Court of the Tongdaree

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 31st October 1838. Thomas Alexr Oakes Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the month of September 1838.

(Here enter No. 2049)

The above Reports do not appear to call for any remarks from the Court of Tongdaree Udalut.

Ordered therefore that Extract from those proceedings be sent to the Criminal Judge of Rajahmundry for his information.

(Sent in No. 1550)

Read letter dated the 20th September 1838 from the Acting 1st Judge of the Provincial Court late on Circuit in the Centre Division transmitting for the consideration and final sentence of the Court of Tongdaree Udalut the record in Case No. 5. of the Cuddapah Calendar of the 1st Sessions of 1838.

(Here enter No. 1901)

The

the Acting 3d Judge on Circuit in the Southern Division
reporting that he has fixed the 19th of November next
for opening the Sessions at Salem.

(Here enter No. 2062 of 1838).

Read return dated the 16th instant
from the 2d Judge on Circuit in the Western Division
to the precept of the Foujdaree Adawlut under date the 8th
October 1838, stating that the necessary communication has been
made to the Magistrate, and submitting a further
explanation of the grounds of the acquittal of the Prisoner
in Case No. 1 of the 2d Additional Calendar of the current
year.

(Here enter No. 2066 of 1838)

Read letter, dated the 20th instant
from the 2d Judge on Circuit in the Western Division,
reporting his intention of opening the Sessions at Tanna
on the 12th November next.

(Here enter No. 2079 of 1838)

F. U.

At a Court of the Foujdaree

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 31st October 1838. Thomas Alexr Oakes Esqre — Act. 2nd Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the Month of September 1838.

(Here enter No. 2049)

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

Ordered therefore that Extract from the proceedings be sent to the Criminal Judge of Rajahmundry for his information.

(Sent in No. 1550)

Read letter dated the 20th September 1838 from the Acting 1st Judge of the Provincial Court late on Circuit in the Centre Division transmitting for the consideration and final sentence of the Court of Foujdaree Udalut the record in Case No. 5. of the Cuddapah Calendar of the 1st Sessions of 1838.

(Here enter No. 1901)

The

the Acting 3d Judge on Circuit in the Southern Division reporting that he had fixed the 19th of November next for opening the Sessions at Salem.

(Here enter No. 2062 of 1838).

Read return dated the 16th instant from the 2d Judge on Circuit in the Western Division to the Precept of the Tondiarpet Pentadut under date the 8th October 1838, stating that the necessary communication has been made to the Magistrate, and submitting a further explanation of the grounds of the acquittal of the Prisoner in Case No. 1 of the 2d Additional Calendar of the current year.

(Here enter No. 2066 of 1838)

Read letter, dated the 20th instant from the 2d Judge on Circuit in the Western Division reporting his intention of opening the Sessions at Vizagapatam on the 12th November next.

(Here enter No. 2079 of 1838)

F. C.

At a Court of the Fouzdaree

Present:

John Bird Esqre ——— 1st Puisne Judge

Wednesday. Thomas Alexr Oakes Esqre — 2d Puisne Judge

31st October 1838. Alexr Duncan Campbell Esqre — 3d Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the Months of September 1838.

(Here enter No. 2049)

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 Criminal Judge of Rajahmundry for his information.

(Sent in No. 1550)

Read letter dated the 20th September 1838 from the Acting 1st Judge of the Provincial Court late on Circuit in the Centre Division transmitting for the consideration and final sentence of the Court of Fouzdaree Udalut the record in Case No. 5. of the Cuddapah Calendar of the 1st Sessions of 1838.

(Here enter No. 1901)

The

29th October 1838.

1st Oakes

and

Mr Campbell

The Court of Sunjdarew Udalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat, and Mooftees of the Sunjdarew Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, so far as it acquits the prisoners

5th Boonoorgaudoo

6th Yatoom Naigadoo

and

7th Yatoory Venkata[illegible]

but considering that strong suspicion, tho' not amounting to conviction, attaches to the prisoner

5th Noonoorgaudoo

they, under Clause Sixth, Section II, Regulation XV of 1803, direct 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; or in default thereof that he be detained for three years in confinement, and they direct that the prisoner

6th Yatoory Naugadoo

and

7th Yatoory Venkatapah

be not released, being convicted and sentenced in Case No 7. on the Calendar.

The Court being further of opinion that

31st October 1838.

that the proof against the prisoners

1st Yanoogala Baula Vencatah

2nd Gootoor a Mullareddy

3rd Panyasempilly Vencataramoodoo

and

4th Mydoorregaudoo

is sufficient to convict them of the crime of robbery, by open violence, attended with aggravating circumstances, do, under the authority with which they are vested, by Clause first, Section II, Regulation I of 1818 convict them thereof, and under the provisions of Clause Second, Section IV, Regulation XII of 1803, sentence the said prisoners to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of their natural lives.

L.S.

Certificate of Pardon.

To

The 1st Witness Eddoola Paupegadoo

Whereas under dates the 19th May and 6th July 1837 the Court of Sunjdarew Udalut were pleased to authorize the Officiating Magistrate

and

31st October 1830.

and Criminal Judge of Cuddalore to tender an offer of pardon to Eddoola Pauprogadoo on condition of his making a full disclosure of every circumstance within his Knowledge relative to the Gang Robbery by open violence which occurred on the 11th May 1829 in the Village of Ranjenpettah of the Chittawail Talook in the Zillah of Cuddalore.—

And whereas the Court of Sungdaree Adalut are of opinion that the conditions of the said Grant of pardon have been sufficiently fulfilled.—

Now these are to certify and declare that in consideration thereof, the Court of Sungdaree Adalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm the pardon unconditionally tendered as aforesaid to the said Eddoola Pauprogadoo so far as regards the act herein referred to.—

And the Court do hereby confirm the said pardon accordingly.—

Given under my hand and the seal of the Court this 31st day of October in the Year of Our Lord 1830.—

(Signed) T. Clarke
Actg Asst to the Regr

(Sent following letter No 1551

1. The Court of Sungdaree Adalut concur with the Judge late on Circuit in the conviction of the

31st October 1830.

the 1st 2nd and 3d Prisoners, but they are of opinion that the charge is also substantiated against the 4th Prisoner. The established Police confession of this Prisoner, confirmed by his declaration before the Criminal Court is in the opinion of the Court corroborated by the discovery of the cloth which was identified by the 1st Prosecutor as his property, and which was included in the original list of stolen property, and under this view they have awarded him the same punishment to which the first 3 prisoners in this case have been sentenced. Against the remaining prisoners the Court consider the evidence incomplete and unsatisfactory but they have not deemed it safe to permit the 5th prisoner to be unconditionally at large, and they have therefore required him to find bail. The 6th and 7th Prisoners the Court have, in No 7 of the Calendar, sentenced to transportation.—

2. With reference to the 25th Para. of Mr Cadamajee's letter the Court of Sungdaree Adalut are of opinion that the 2nd Prisoner has fully proved his right in the cloths therein alluded to, which are numbered in the list as 68. 69. and 70, and they accordingly direct that these Articles be restored to his Family.—

3. The Court having had occasion to refer to the warrant under which the persons

Inspector

that it is quite clear that the death of the deceased was occasioned by the blow struck by the prisoner and that the stroke was not accidental - The Court, however, can no where discover that the prisoner had premeditated the death of the unfortunate deceased - The fatal blow appears to have been inflicted suddenly, after mutual wrestling, in the heat of blood, by an instrument which the prisoner habitually carried on his person, and which he wore, in accordance with the custom of the country of which he was an inhabitant. Under this view the Court have been induced to mitigate the punishment due to the crime of the prisoner and have sentenced him to transportation for life -

Ordered, that Extract from these proceedings be forwarded to M. Lewin Esqre Acting 2nd Judge on Circuit in the Centre Division for his information -

(Sent following letter No. 1554)

Read the Cumbum and Cuddapah Criminal Reports for the month of September 1838 -

(Here enter No. 2050.)

Cumbum Report 1
Case No. 38.

With reference to Case No. 38 of the Cumbum Criminal Report, the Criminal Judge of Cuddapah is directed to ascertain from the Criminal Judge of Nellore whether there is any truth in the allegation that the 1st prisoner effected

3

31st October 1838.

effected his escape from the Jail at Nellore -

Cuddapah Report 2
Case No. 153.

The Court of Foujdaree Udalut desire that the Magistrate of Cuddapah be requested to report direct to this Court the cause of the detention of the prisoner, Sunkoola Vencatah in the Jail of that from the 13th of August to the 6th of September last, and if the explanation of the Head of Police was not considered by the Magistrate satisfactory, they desire to be informed of the manner in which the Jemadar's conduct was noticed -

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Cuddapah for his information & guidance by precept, returnable in 5. days from and after its receipt -

(Sent following precept No. 1555)

Read letter dated the 24th Instant from the 3rd Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the 4th Quarterly Sessions of 1838 -

(Here enter No. 2097.)

Read letter dated the 23rd Instant from the 2nd Judge on Circuit in the Western Division, submitting the original death Warrant of the 1st and 4th Prisoners in Case No. 5. on the

Calcia

2d Court

31st October 1838.

Cutcherry Calendar of the 2d Sessions of 1838.

(Here enter No. 2102.)

Read return dated the 25th Instant from the Criminal Judge of Bellary, to the precept of the Tongdarree Udalut under date the 1st October 1838, directing him to explain the cause of the arrears in Criminal business in the month of August.

(Here Enter No. 2103.)

Read return dated the 27th Instant from the Magistrate of Cuddapah, to the precept of the Tongdarree Udalut under date the 8th October 1838 directing him to report what steps had been taken of the ill usage complained of by the Native Christians, as sustained from Buntha Cotapah.

(Here Enter No. 2104.)

WS

LHO

WS

End Ct.

Court of the Tongdaree Udalut.

Present:

Saturday 3d November, 1838

John Bird Esqr. 1st Puisne Judge,

Thomas Alexr. Oakes Esqr. acting 2d Puisne Judge,

JH

Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

Record letter dated the 11th Octr.

LHO

from the 2d Judge on Circuit in the Western Division,

WS

transmitting the record in Case No. 1 on the Bangalore Calendar for the 2d Sessions of 1838.

(Here enter No. 2073 of 1838)

Mr. Bird, and Mr. Oakes,

The Court of Tongdaree Sudder Udalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftee of the Tongdaree Sudder Udalut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the prisoner

Cossiekul Pootia,

of the crime of Treason and Rebellion, and awarding to execution, and under the provisions of Section 3 Act III, Regulation I of 1834, sentence the said prisoner to be imprisoned and kept to hard labor in iron on the public roads, or other public works, for, and during the space of seven (7) years.

The Court of Tongdaree Sudder Udalut direct that this sentence on the trial No. 1 on the Bangalore Calendar

3d. December 1838.

Extract of the 2d. Sessions of 1838, 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. 1569)

Read letter dated the 23d. Octobr. from the Magistrate of Rajahmundry submitting the explanation called for in the Proceedings of the Tondarie Udalut under date the 1st. October 1838 relative to the ill-treatment sustained by Valeetty Atchootaramoodoo Prisoner in Case No. 50 in the Rajahmundry Criminal file.

(Here enter No. 2165 of 1838)

End 4th.

W5

L.M.O.

W5

F.H.

At a Court of the Tondarie Udalut

Present,

Monday, 5th. November, 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 25th. Ultimo, submitted by the Criminal Judge of Chingleput to this Court's precept of the 22nd. calling for a report on the services of Krishnama Naick, late a Peon in the Jail at Chingleput, and the Criminal Judge's opinion as to the expediency of restoring him to the situation from which he was recently dismissed.

(Here enter No. 2089 of 1838)

Read again Miscellaneous Petition presented on the 8th. Ultimo by Krishnama Naick.

(Here enter M. P. No. 135 of 1838)

Under the foregoing explanation from the Criminal Judge, of the grounds on which he considers it would be inadvisable to restore the Petitioner Krishnama Naickan to the situation he lately held in the Jail at Chingleput, the Judges of the Tondaree Udalut resolve to decline any further interference on behalf of that individual.

Ordered that Extract from these Proceedings be transmitted to the Criminal Judge of Chingleput.

Chinglepet for his information—

/ Sent in a Nº. 1384 /

Ordered that Extract from these Proceedings be furnished on application to the Petitioner—

Read Miscellaneous Petition presented on the 22nd October 1838 by Ammanee Ammal of the Tillai of Cuddalore

/ Here enter M. P. Nº. 143 of 1838. /

Read also Counter Petition presented on the same date by Ramanoojum Pillay inhabitant of Pattoocottay of the Tillai of Tanjore—

/ Here enter M. P. Nº. 142 of 1838. /

1 In the former of these petitions the petitioner represents that her Son the 4th Prisoner in Cases Nos. 4, 5, and 8. of the Cuddalore Calendar of 1st Sessions 1838 was illegally apprehended at the instigation of the 1st Prisoner by the Police entrusted with a warrant for the apprehension of the individuals concerned in the robberies of which he was falsely accused though his name was not inserted in the warrant— She further complains that he has been unjustly condemned by the Circuit Judge and sentenced to 14 years imprisonment though acquitted by the fiat of the Law Officers, and She concludes by praying the Court will issue orders for her Son to be released after they have considered his case—

2 In the Counter Petition the Petitioner after

after much irrelevant matter represents that Iyyacannan (in whose behalf petition Nº. 143 is presented) is leagued with a gang of notorious robbers— and prays the Court will not countenance his release She further prays to be furnished with copy of the Sentence passed against the Prisoners in Cases Nos. 4, 5, 6, 7, and 8. of the Cuddalore Calendar for the 1st Sessions of 1838—

3 The Court of Foujdaree Udalut after an attentive consideration of the circumstances of the Case as set forth in the Calendar See no reason to question the Justice of the conviction of the Prisoner Iyyacannan, or the propriety of the Sentence passed upon him, and they decline therefore interfering in his behalf—

4 The Court do not deem it proper to Comply with the requisition of Ramanoojum to be provided with a copy of the Sentence passed on the Prisoners in Cases Nos. 4, 5, 6, 7, and 8. of the Cuddalore Calendar, the prayer of whose petition is accordingly rejected—

Ordered that Extract from these Proceedings be furnished to the Petitioners severally on their application—

Read letter dated the 9th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Centre Division transmitting the record in Case Nº. 1 on the Petition 5th Supplemental Calendar for the 3rd Quarter Sessions of 1838—

/ Here enter Nº. 2008. /

The

Chinglepet for his information—

/ Sent in Nº 1564 /

Ordered also that Extract from these Proceedings be furnished on application to the Petitioner—

Read Miscellaneous Petition presented on the 22nd October 1838 by Ammanee Ammal of the Tillah of Cuddalore

/ Here enter the P. of Nº 143 of 1838. /

Read also Counter petition presented on the same date by Ramanoojum Pillay inhabitant of Pattoocottay of the Tillah of Tanjore—

/ Here enter M. P. Nº 142 of 1838. /

1 In the former Petition the petitioner represents that her Son the 4th Prisoner in Cases Nos 4, 5, and 8. of the Cuddalore Calendar of 1st Sessions 1838 was illegally apprehended at the instigation of the 1st Prisoner by the Peon entrusted with a warrant for the apprehension of the individuals concerned in the robberies of which he was falsely accused though his name was not inserted in the warrant— She further complains that he has been unjustly condemned by the Circuit Judge and sentenced to 7th years imprisonment though acquitted by the fiat of the Law Officers, and she concludes by praying the Court will issue orders for her Son to be released after they have considered his case—

2 In the Counter petition the petitioner

after

after much irrelevant matter represents that Iyyacannan (in whose behalf petition Nº 143 is presented) is leagued with a gang of notorious robbers— and prays the Court will not countenance his release She further prays to be furnished with copy of the Sentence passed against the Prisoners in Cases Nos 4. 5. 6. 7. and 8. of the Cuddalore Calendar for the 1st Sessions of 1838—

3 The Court of Foujdaree Udalut after an attentive consideration of the circumstances of the Case as set forth in the Calendar see no reason to question the Justice of the conviction of the Prisoner Iyyacannan, or the propriety of the Sentence passed upon him, and they decline therefore interfering on his behalf—

4 The Court do not deem it proper to comply with the requisition of Ramanoojum to be provided with a copy of the Sentence passed on the Prisoners in Cases Nos 4. 5. 6. 7. and 8. of the Cuddalore Calendar, the Prayer of whose petition is accordingly rejected—

Ordered that Extract from these Proceedings be furnished to the Petitioners Severally on their application—

Read letter dated the 9th Ultimo from the 3rd Judge of the Provincial Court of Circuit on the Centre Division transmitting the record in Case Nº 1 on the Chittoor 5th Supplemental Calendar for the 3rd Quarter Sessions of 1838—

/ Here enter Nº 2008 /

838

222

5th November 1838.

Mr. Oakes.

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Judge presiding at the Quarterly Sessions; the fuhwa of the Provincial Law Officer, and the fuhwa of the Cazee-ool-cozat and Mooftees of the Foujdaree Udalut, confirm the said fuhwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoner

"Bodergontah Upreganda"

of the crime of Robbery by open violence, attended with aggravating circumstances, and under the provisions of Clause first Section V. Regulation VIII of 1831 and clause second Section III Regulation XI of 1803 sentence the said prisoner to be transported beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of his natural life.

/ Sent in No. 1565 /

Read return dated the 25th October 1838. from the 3d Judge of the Provincial Court of Circuit in the Centre Division in receipt of the Foujdaree Udalut under date the 24th September last calling for an English translation of the record in Case No. 1 of the Chittoor 7th Supplemental Calendar for the 3rd Quarter Sessions of 1838.

/ Here enter No. 2099 /

The Court of Foujdaree Udalut having attentively considered the record of this Case see no reason to

F.H.

5th November 1838.

to doubt the propriety of the acquittal recorded by the Court of Circuit, for tho' there is much room to believe that the deceased Jorambee were drowned by the Mootuars who stood charged with her murder, yet it was impossible to convict them on the Evidence produced at the Trial.—

It is much to be lamented that the perpetrators of this Murder have not been brought to justice, but the circumstances of the Case are so Extraordinary and unaccountable, that the Court of Foujdaree Udalut do not perceive what further measures could be adopted with any prospect of a Satisfactory result.—

Ordered, that Extract from these Proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Centre Division late presiding at the 3rd Quarterly Sessions for his information.—

/ Sent in No. 1566 /

Read letter dated the 20th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Centre Division soliciting orders regarding the final disposal of 5 persons confined in the Jail at Chittoor as Lunatics.—

/ Here enter No. 2074 /

All the persons referred to in the Correspondence which accompanied the 3rd Judge's Communication, save one, (viz. the person whose name is unknown), forwarded to the Jail on the 5th of February 1838

As

are subject to the orders of the Criminal Judge who should accordingly be directed by the 3rd Judge to Exercise the discretion vested in him by para: 3 of the Circular Order of the 1st of June 1829.—

2. The remaining person, viz: the person whose name is unknown, forwarded to the Jail by the Magistrate of Chittoor on the 5th of February 1838, is subject to the orders of the Judge presiding at the Quarterly Sessions who should proceed respecting him as directed in para: 4 of the Circular Order of the 1st of June 1829.

3. It is directed however that a copy of the orders that may be passed by the Criminal Judge and the Judge presiding at the Quarterly Sessions respecting these insane persons, be forwarded to the Court of Fouzdaree Adalut for their information.—

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

/ Sent in No. 1567 /

Read return dated the 25th Ultimo submitted by the Joint Criminal Judge of Tellicherry to this Courts Precept of the 15th Ultimo conveying their observations and orders on the Tellicherry Criminal Reports for the Month of September last.—

/ Here enter No. 2110 of 1838. /

On

On a consideration of the Joint Criminal Judge's explanation of the grounds on which his Sentence was passed on the Prisoner in No. 107 the Judge of the Fouzdaree Adalut see no reason to doubt its propriety and correctness, and accordingly resolve that it shall not be disturbed.—

Ordered that Extract from these Proceedings be transmitted to the Joint Criminal Judge of Tellicherry for his information and guidance.—

/ Sent in No. 1568 /

Read return dated the 31st Ultimo submitted by the Criminal Judge of Salem to this Courts Precept of the 25th Ultimo conveying their orders and observations on the Salem Criminal Reports for the Month of September last.—

/ Here enter No. 2126 of 1838 /

Under the explanations submitted by the Criminal Judge, the Court of Fouzdaree Adalut will not disturb the order requiring Security from the Prisoner in No. 181. and as it is stated by that Officer that the Security required from the Prisoner in No. 183 was demanded in consequence of certain Police confessions, which were "duly attested" they further determine to confirm the Sentence recorded by the Assistant Criminal Judge in that number.—

Ordered that Extract from these Proceedings

5th November 1838.

WS proceedings be transmitted to the Criminal Judge
ZHO. of Salem for his information and guidance.
Ent 7th WS / Sent pa Nº 1569 /

F. Ua.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge.

Thursday Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge
8th November 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge

WS Read letter dated the 9th Ultimo
ZHO. from the Second Judge on Circuit in the Western
Division, transmitting the record in Case Nº 3.
WS on the Mangalore Calendar 2nd Sessions of 1838.
(Here enter Nº 2071.)

Mr Bird. The Court of Foujdaree Udalut
having maturely considered the Proceedings held
Mr Campbell. before the Judge on Circuit, the futwa of the
Provincial Law Officer and the futwa of the
Cazee-ool-Cozat and Mooftee of the Foujdaree
Udalut, confirm such part of the said futwa
of the Cazee-ool-Cozat and Mooftee aforesaid
as convicts the prisoner

5th Pejewalluttay Sunkara,

of being an accessory to the crimes of robbery by
open violence, attended with murder, and awards
On Koobut, and under the provisions of Clauses first
and fifth Section IV. Regulation XV of 1803
sentence the said prisoner to be imprisoned and
kept to hard labor in irons, for, and during the
period

period of Eight years. and being of opinion that the proof against the prisoners

1st Kinneana

2nd Sunkra

3rd Muddoonhy

and

4th Kittoo

is sufficient to convict them of the crime of robbery by open violence, attended with murder, &c. under the authority with which they are vested by Clause first Section II Regulation I. of 1818 convict them thereof, and under the provisions of Clauses first and fifth Section IV Regulation XV. of 1803. sentence them severally to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, for and during the period of their natural lives.—

(Sent following letter a/c No. 1573)

Read return dated the 30th Ultimo submitted by the Acting Criminal Judge of Chicacole, to this Courts precept of the 22nd Ultimo, conveying their observations and orders on the Chicacole Criminal Reports for the month of September last.—

(Here Enter No. 2137.)

In

1. In the Acting Criminal Judges explanation of the grounds on which sentence was passed on the 1st Prisoner in Case No. 95, it has not been stated, (neither does it appear from that Officers observations) that any evidence had been adduced to shew that the Prosecutor had actually been robbed of the articles found in the Prisoners profession.—

2. The Judges of the Sonjdaree Ada. but are therefore of opinion that the Acting Assistant Criminal Judges Sentence on the case was not justifiable; and if the imprisonment awarded had not already expired, they would have annulled the Sentence recorded, and issued orders for the immediate release of the Prisoner adverted to.—

Ordered, that Extract from these proceedings be transmitted to the Acting Criminal Judge of Chicacole for his information and guidance.—

(Sent in a/c No. 1574)

Read letter dated the 23rd Ultimo from the First Judge on Circuit in the Northern Division, reporting his intention of opening the Sessions at Chicacole on the 10th November 1838.—

(Here enter No. 2114.)

Read

8th November 1838.

Read letter dated the 29th Ultimo from the Criminal Judge of Bellary, reporting the result of the offer of a conditional pardon to the 6th Prisoner in Cadr No. 181 of 1837, with reference to the authority conveyed in this Court's proceedings of the 22nd Ultimo.—

(Here enter No. 2135.)

Read return, dated the 1st Instant from the Criminal Judge of Bellary to the precept of the Sunjdaree Udalut under date the 6th September 1838, conveying their remarks and orders on the Bellary Criminal Reports for the Months of July 1838.—

(Here enter No. 2136.)

Read return, dated the 3rd Instant from the Acting Criminal Judge of Madura to the precept of the Sunjdaree Udalut dated the 25th October 1838, conveying their remarks and orders on the Madura Criminal Reports for the Month of September last.—

(Here enter No. 2146.)

19th Dec. 1838

No. 10.

At a Court of the Sunjdaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge

Monday, 12th November 1838. Thomas Alexander Oakes Esqre 2nd Puisne Judge

Alexander Duncan Campbell Esqre 3rd Puisne Judge

Read Miscellaneous Petition presented on the 29th of October 1838 by Gopala Naick late a Sail Peon on the Establishment of the Criminal Court of Chingleput.—

(Here enter No. 1144 of 1838.)

The Petitioner (one of those who presented the petition on the 1st Ultimo) enumerates in this address the services of his father, late a Delayet in the Tillah Court of Chingleput, and in support of his assertions produces certain testimonials granted to his late father.—

He represents his dismissal to have been unjust, and again prays that orders may be issued directing his restoration to the situation of Sail Peon.—

The Court of Sunjdaree Udalut see no reason to modify their order of the 5th Ultimo, to which the Petitioner is referred, and which he is informed is final.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application and that the documents which accompanied it be returned to him.—

Read

9th November 1838.

Read letter dated the 29th Ultimo from the Criminal Judge of Bellary, reporting the result of the offer of a conditional pardon to the Prisoner in Case No. 181 of 1837, with reference to the authority conveyed in this Courts proceedings of the 22nd Ultimo.—

(Here Enter No. 2135.)

Read return, dated the 1st Instant from the Criminal Judge of Bellary to the precept of the Tongdarre Udalut under date the 6th September 1838, conveying their remarks and orders on the Bellary Criminal Reports for the Months of July 1838.—

(Here Enter No. 2130.)

Read return, dated the 3rd Instant from the Acting Criminal Judge of Madura, to the precept of the Tongdarre Udalut dated the 25th October 1838 Conveying their remarks and orders on the Madura Criminal Reports for the Month of September last.—

(Here Enter No. 2146.)

JW

At a Court of the Tongdarre Udalut.

Present

Monday, 12th November 1838. John Bird Esqre ——— 1st Puisne Judge
Thomas Alexander Oakes Esqre 2nd Puisne Judge
Alexander Duncan Campbell Esqre 3rd Puisne Judge

Read Miscellaneous Petition presented on the 29th of October 1838 by Gopala Naick late a Sail Peon on the Establishment of the Criminal Court of Chingleput.—

(Here enter No. 1144 of 1838.)

The Petitioner (one of those who presented the petition on the 1st Ultimo) enumerates in this address the services of his father, late a Deloyt in the Tillah Court of Chingleput, and in support of his assertions produces certain testimonials granted to his late father. He represents his dismissal to have been unjust, and again prays that orders may be issued directing his restoration to the situation of Sail Peon.—

The Court of Tongdarre Udalut see no reason to modify their order of the 3rd Ultimo, to which the Petitioner is referred, and which he is informed is final.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application and that the documents which accompanied it be returned to him.—

Read

8th &c

12th November 1838.

Read letter dated the 29th Ultimo from the 2nd Judge on Circuit in the Western Division, requesting the opinion of the Court of Foujdaree Udalut on the question whether an approver is liable to a prosecution for Perjury under Regulation III of 1826, for two contradictory depositions on oath, given under a promise of pardon, one of the conditions of such pardon, offered in the terms of the Circular Order of the 3rd April 1828, being to the effect that the "confessions and depositions" of such approver, made in consequence of the "promise of pardon, shall not be received in Evidence against" him, "nor shall" he "suffer any punishment unless" proved guilty by other evidence."

(Perusal. No. 2156.)

The Conditions quoted above, viz. that the approver's confessions and depositions shall not be received in evidence against him, regard to the crime under investigation, and the proviso that he shall not suffer any punishment unless he shall be proved guilty by other evidence, also refers to the proof of, and punishment for, the crime charged; and accordingly the Court of Foujdaree Udalut concur in opinion with the 2nd Judge on Circuit, that the promise of pardon for the part the approver may have taken in the crime to be investigated, is no bar to his being indicted for Perjury, if he should, under such promise of pardon, give two contradictory depositions on oath, on matters of fact material to the judicial enquiry.

In the present instance however the Court think that as the witness was not warned, and as the Officer who alone was competent to commit him for trial, released him from the liability he had incurred, he should not be brought to trial.

Ordered, that a Transcript from these proceedings be forwarded for the information and guidance of the 2nd Judge on Circuit in the Western Division.

(Sent in 8th 1838)

Read petition dated the 31st Ultimo, submitted by the Joint Criminal Judge of Vizagapatam to this Court's Precept of the 15th Ultimo, conveying the observations and orders on the Vizagapatam Criminal Reports for the month of August last.

(Sent Extract No. 2162 of 1838)

The Joint Criminal Judge's explanation contained in the foregoing Communication of the Circumstances which led to the entertainment of 4 Peons during the months of August last, in excess of the number allowed by existing rules for Convicts worked outside the Jail, should have been appended in the form of a note, to the Statement of Additional Peons which accompanies the usual monthly Criminal Reports in conformity with this Court's standing orders to that effect.

Mr Dowdeswell's attention was accordingly requested to the observance of the rule in question

question on all future occasions of the Kind.—

Ordered, that Extract from these Proceedings be transmitted to the Joint Criminal Judge of Vizagapatam for his information and guidance.—

/ Sent in No. 1584 /

Read return dated the 31st Ultimo submitted by the Principal Sudr Ameen of Honore to this Court's Precept of the 22nd Ultimo conveying their observations and orders on the Honore Criminal reports for the month of September last.—

/ Here enter No. 2143 of 1838. /

1. The Principal Sudr Ameen's Explanation of the Entertainment of nine Extra Peons during part of the month of September last, which is contained in the foregoing return, should have been appended in the form of a note to the Statement of Extra Peons which accompanied the usual Criminal Reports, in conformity with this Court's standing Orders to that effect.—

2. The attention of the Principal Sudr Ameen is accordingly requested to the future observance of the rule adverted to.—

Ordered that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Honore for his information and guidance.—

/ Sent in No. 1585 /

Read the Criminal Reports for the month

of September 1838 submitted by the Criminal Judge of Bellary.—

/ Here enter No. 2084. /

Case No. 122. 1. The Court of Foujdaree Adalut resolve to direct the acting 2nd Judge on Circuit in the Centre Division to call for, and to peruse the proceedings of the Criminal Court in Case No. 122, and if it should appear to him that the case has not been sufficiently investigated, and that a further Enquiry is practicable and requisite for the Ends of Justice, he will direct such additional Enquiry to be made, the result to be communicated to the Court of Circuit collectively for their orders.—

Case No. 143. 2. The Court of Foujdaree Adalut will not now disturb the Sentence that has been passed in Case No. 143, but, for the information and future guidance of the Criminal Judge, they would record their opinion that the prisoner merited a severer punishment than imprisonment for 1 year.—

Case No. 148. 3. The opinion of the Court of Foujdaree Adalut the Criminal Judge erred in unconditionally releasing the prisoner in Case No. 148 as ample grounds existed for a requisition of Security, if not for the Commitment of the prisoner.—

4. Without imputing any want of personal exertion to Mr. Paternoster, the Court of Foujdaree Adalut cannot pass over without remark the delay

her

here observable in the disposal of the Criminal business before the Zillah Court of Bellary during the month under review the Criminal Judge disposed of 23 Cases containing 40 prisoners, a very sufficient number. But the assistant Criminal Judge disposed of only 2 Cases in both of which the same prisoner was concerned; and the Moofty Sudr Ameen disposed of only 1 Case containing 2 prisoners, leaving 18 Cases and 37 prisoners not disposed of.

5. That more can be accomplished in a Zillah Court by good method and Zealous exertions, the Judges need only instance the performances in the Zillah Court of Combaconum, in which, though the business both Civil and Criminal is extremely

	Cases	Prisoners
Criminal Judge disposed of	27.	38.
Assistt. Crimal. Judge	18.	29.
Moofty Sudr Ameen	7.	10.
Pundit	10.	20
Total Cases	62.	97.

6. The Criminal Judge of Bellary is directed in future to refer more cases to the assistant Criminal Judge, and to avail himself more largely of the services of the Sudr Ameens in the Criminal Department.

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. 1586. /

Read letter dated the 27th Ultimo, from the 2nd Judge on Circuit in the Western Division, submitting Statement of batta paid to the Prosecutors and Witnesses in attendance at the Calicut 2nd Sessions of 1838. and also explaining the cause of the increase observable in the Expenditure on this head during the present and past Sessions.

/ Here enter No. 2124. /

Read return dated the 1st Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Fouzdaree Adalut under date 25th October 1838. requiring them to make full and complete return to the Precept of the Fouzdaree Adalut of the 24th September last, by submitting without further delay an English Translation of the record in case No. 1 of the 7th Supplemental Calendar for 3rd Quarter Sessions held at Chittoor in 1838.

/ Here enter No. 2125. /

Read letter dated the 30th Ultimo, from the Magistrate of Salem, submitting the Explanation called for in the Proceedings of the Fouzdaree Adalut under date 31st August, relative to the delay in transmitting cases No. 120. and 139. on the Salem Monthly Calendar, to the Criminal Court.

/ Here enter No. 2127. /

Read letter dated the 2nd Instant, from the Magistrate of Masulipatam, submitting the Explanation called for in the Proceedings of the Fouzdaree Adalut under

under date 1st October, directing him to report what notice he may have taken of the conduct of the Police Officers who conducted the preliminary Enquiry in Case No. 51 of the Rajahmundry Criminal Report for the month of August last—

/ Here enter No. 2139 /

Read return dated the 5th Instant, from the Acting 1st Judge late on Circuit in the Centre Division to the Precept of the Foujdaree Adalut under date 31st October, conveying their remarks and orders on Case No. 5 of the Cuddapah Calendar for the 1st Sessions of 1838.

/ Here enter No. 2141 /

T. Ch.

At a Court of the Foujdaree Adalut—

Present

Wednesday, 14th November 1838.

John Bird Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read a "preliminary return" dated the 1st Instant Submitted by the Acting 2nd Judge on Circuit in the Centre Division, to this Courts Precept of the 29th Ultimo, conveying their orders and observations on the Bellary Calendar for the 2nd Sessions of the Current Year—

/ Here enter T. R. No. 2134 of 1838. /

Under the Acting 2nd Judges explanation of the circumstances which induced the postponement of Case No. 13 of the Bellary Calendar, the adoption of that course of proceeding appears to have been unavoidable, and the trial must lie over for the decision of the Judge who may preside at the 1st Sessions of the ensuing year—

Ordered that Extracts from these proceedings be transmitted to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance—

/ Sent pa No. 1588 /

Read Letter dated the 6th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, forwarding a Copy of the Cuttack 1st Supplemental Calendar for the 4th Quarterly Sessions of 1838—

/ Here enter No. 2148 /

Read

14th November 1838.

Read letter dated the 5th Instant from the Acting 2d Judge in Circuit in the Centre Division, forwarding the Original Death warrant in Case of No. 4 on the Bellary Calendar for the 2nd Sessions of 1838.

(Here enter No. 2149.)

Read letter dated the 2nd Instant from the Magistrate of Salem, submitting the explanation called for in the Proceedings of the Zoujdaree Adalut under date the 29th September relative to the delay in transmitting the Minutes in Cases of Nos. 156 and 157 to the Criminal Court.

(Here enter No. 2152.)

Read return dated the 3rd Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division to the precept of the Zoujdaree Adalut under date the 27th October 1838 relative to the Prisoner Kaveil Coonhanny stated on the Prisoner Kaveil Coonhanny.

(Here enter No. 2155.)

Ent. Th.

L.A.O.

W.S.

W.S.

W.S

328. 3.

As no explanation of the detention of the Prisoners in the Cutcherry Custody from the 20th to the 27th of August was offered by the Head of Police in sending up the Case, it should have been called for by the Criminal Judges.—

332. 4.

The Judges of the Conjeveram Tribunal do not understand why the 1st Prisoner was detained by the Moniagar and Village Monsiff in the orders were issued directing his transmission to the office of the Head of Police and accordingly desire that the circumstance may be explained.—

336. 5.

The Judges of the Conjeveram Tribunal direct the detention until the 17th and 30th August of the three Prisoners in this Case who appear to have been apprehended on the 28th July and the 3rd and 8th August respectively, by the Peon deputed to bring them before the Police officer.—

343. 6.

The alleged inability of the Head of Police to ascertain the date of the apprehension of the Prisoners cannot be admitted to form an excuse for that information being withheld, as it was his obvious duty to have made the necessary application to the Police authorities in Conjeveram before the Judges of the Conjeveram Tribunal directed.—

357. 7.

From the 28th August until the 17th the detention of the Prisoners is

was forwarded to the Magistrate has not, in the opinion of the Conjeveram Tribunal, been satisfactorily accounted for.—

8. The Judges of the Conjeveram Tribunal view with much satisfaction the result of the labors of the Criminal Judge of Combaconum and his Assistant in the Criminal department of the Court during the month embraced in the report under review and consider that the number of cases which have been disposed of by those officers in that period is highly creditable to the exertions of Mr. E. M. Lewin and Mr. J. L. Cotton.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Combaconum who will be pleased to forward the Magistrates of Cuyiam and Trichinopoly respectively with copies of such part as may concern them, with instructions to make the necessary communications direct to this Court.—

(Sent in No. 1589

Read the monthly Criminal reports submitted by the Acting Joint Criminal Judge of Cochin for the Months of October last.—

(Here enter Cir. No. 2149 of 1838)

1. Adverting to Cole No. 25 the Acting Joint Criminal Judge of Cochin is informed that a succinct statement of the grounds of the release of Bail

14th 15th December 1838.

all Prisoners sent up to the Criminal Court, should be invariably entered in the Column of the report intended to exhibit that information.—

2. The report of the disposal of Case No 23 in which sentence had not been passed at the close of the Months of September, should have been transmitted as a Supplementary report annexed to those of the month of October. The Acting Joint Criminal Judge is accordingly requested to observe this rule in future.—

3. It is remarked that at the close of the Months of September, 29 Convicts and one Prisoner sentenced to simple security, were reported to be in confinement in the Jail at Cochin. During the Months of October 3 Prisoners were sentenced to punishment and one was released, from which it would seem that an error had occurred in the preparation of the report of Prisoners in Jail on the 31st ultimo, which shows that 16 Convicts and 9 security Prisoners were then under restraint.—

4. The Acting Joint Criminal Judge will be pleased to explain this discrepancy and transmit a Statement amended with reference to these observations.—

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Cochin by Sircar for his information and guidance after its receipt.—

(Sent following Receipt No 1590

E.C.

15th December 1838.

Read the Criminal Reports submitted by the Criminal Judge of Canara for the Months of October last.—

(Here enter No 2162)

The above Reports do not appear to call for any remark from the Court of Sudr Adawlut.—

Ordered therefore that Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information.—

(Sent in No 1591

E.C.

15

E.A.C.

Read the Criminal Reports submitted by the Criminal Judge of Canara for the Months of October last.—

(Here enter No 2162)

The above Reports do not appear to call for any remark from the Court of Sudr Adawlut.—

Ordered therefore that Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information.—

(Sent in No 1591

Fol. 6.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge

Saturday 17th November 1838. Thomas Alexr Oakes Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 23rd Ulto

from the Second Judge on Circuit in the Western

Division, transmitting the records in Cases Nos 4.

and 7 on the Mangalore Calendar for the 2nd

Sessions of 1838.

(Here enter No 2122.)

Mr Bird and Mr Campbell.

The Court of Foujdaree 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 Coozat and Mooftee of the Foujdaree Udalut,

confirm the said fatwa of the Cazee ool Coozat and

Mooftee aforesaid, convicting the prisoner

Soobbaya

of the crime of Treason and Rebellion, and award-

ing Satroobut, 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

14th

End 4th

No. 116.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Saturday 17th November 1838. Thomas Alexr Oakes Esqre. 2nd Puisne Judge

Alexr Duncan Campbell Esqre. 3rd Puisne Judge

Read letter dated the 23rd Ultimo

from the Second Judge on Circuit in the Western

Division, transmitting the record in Cases Nos 4.

and 5. on the Mangalore Calendar for the 2nd

Sessions of 1838.

(Here enter No. 2132.)

The Court of Foujdaree Udalut

having attentively considered the proceedings held

before the Judge on Circuit, the Futwa of the

Provincial Law Officer, and the Futwa of the Cazee

ool. Coozat and Mooftees of the Foujdaree Udalut,

confirm the said futwa of the Cazee ool. Coozat and

Mooftees aforesaid, convicting the prisoner

Soobbaya

of the crimes of Treason and Rebellion, and award-

ing Retribution, 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

L.P.C.

Vide

Mr. Bird

and

Mr. Campbell

17th November 1838.

and during the period of Seven Years.—

The Court direct that their sentence on the trials Nos. 4 and 7 on the Mangalore Calendar of the 2nd Sessions of 1838, 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. 1594)

Read return, dated the 8th Instant

113 from the Joint Criminal Judge at Vizagapatam,
End. No. 1. J.A.C. to the precept of the Foujdaree Udalut under date
115 the 29th October 1838, conveying their remarks and orders on the Vizagapatam Criminal Reports for the month of September last.—

(Here Enter No. 2174)

Sup.d

F.H.

At a Court of the Foujdaree Udalut

Present

Monday 19th November 1838.

John Bird Esqre. ——— 1st Puisne Judge

Thomas Alexr. Oakes Esqre. Actg. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

JS

F.H.C.

115

Read returns dated respectively the 20th and 23rd of October 1838, made by J. Paternoster Esqre. late Judge of Cuddapah, and F.H. Stromboom Esqre. the present Criminal Judge of Cuddapah, to the precept of the Foujdaree Udalut dated 31st August 1838, directing that para: 2 of the Extract from the Minutes of Consultation under date 17th August 1838, together with copy of para. 12 of this Court's Letter to Government of the 23rd July 1838, and of para: 52 and 53 of Mr. Dickinson's Report, be forwarded to Mr. Paternoster, the late Judge of Cuddapah, and to Mr. Stromboom, the present Judge at that Station, with instructions to Mr. Paternoster to state with reference thereto, every thing that passed between himself and the Head Writer Parthasarathy; and Mr. Stromboom the Criminal Judge of Cuddapah was directed to examine the said Parthasarathy with reference to the original Papers therewith submitted, and to take the depositions of Rajah Row and Venkataraday, and eventually, if there should be sufficient grounds for considering that the charge preferred against the late Mr. Bushby was the result of

of a Conspiracy, to institute proceedings before the Magis-
=trate of Cuddapah, against those concerned therein.

/ Here enter Nos. 2077 and 2087 of 1838. /

All that is to be gathered from Mr. Pater-
=noster's return, is, that the Head Writer upon being interrogated
by him, as to "how he came to have any thing to do with
"the case, and to be called as a witness," "mentioned the
"circumstances, but which the late Judge of Cuddapah
"does not distinctly recollect now, and he also mentioned that
"he had been required by Mr. Angelo to state on oath that
"he would not divulge the name of some person who had
"given information" that Mr. Paternoster having forgotten
the name, and wishing to know more of the circumstances,
and not having an opportunity of speaking to the Head Writer,
put the questions in writing, and obtained the written
answers sent up by Mr. Dickenson.

In the return to the Precept of the
Foujdaree Adalut dated the 31st of August, made by Mr.
Strombom, that Officer reports that he has taken the
Examinations of the Head Writer Parthasarathy of Rajah
Row, and of Vencatareddy, the former on oath, the other
without, and he forwards the deposition of the former and
translations of the depositions of the latter of those persons,
remarking that "there being no clue by which the Criminal
"Judge could procure sufficient evidence to prove a charge
"of conspiracy, he has not instituted any proceedings before
the

"the Magistrate."

The deposition given by the Head Writer
contains the following information.

That upon Mr. Paternoster asking him prior
subsequently to Mr. Dickenson's enquiry, what he knows
about the matter he told Mr. Paternoster that he delivered
his information respecting the bribery from Venkyah that
he had mentioned to Mr. Paternoster, that Soonacooty
Row was "the Contriver of the whole charge," and that he had
done so upon the grounds, that once when he went to Mr.
Angelo, that Gentleman told him that Soonacooty Row was, and
"procuring the evidence required," and because "he often
"met him at Mr. Angelo's" that he never had any conversa-
=tion himself with Soonacooty Row respecting the charge
and never saw that person and Venkyah conversing together,
Excepting once in the Court, when he did not know what they
said, that he was not the first person who informed Mr.
Angelo, that there was a report that a bribe had been given,
and that he knows nothing more of the matter.

The above examination is most insuffi-
=cient; and the Court of Foujdaree Adalut views with sur-
=prize and displeasure the little anxiety evinced by Mr.
Strombom to carry into Execution the orders issued to him
under date the 31st of August last. The Court accord-
=ingly deem it their duty to warn Mr. Strombom, that if
the further investigation, hereunder ordered to be held, is

not

19th November 1838.

not conducted with more Zeal, and in a manner evincing a more hearty desire to ascertain the truth, as to whether or not any conspiracy actually existed, he will assuredly draw down upon himself the severe displeasure of his Superiors.-

The Examination is insufficient in the following points.— No enquiry has been made as to when and where the alleged oath was administered. who were present at the time, what was its object, and what occurred besides on the occasion. It has not been Explained upon what occasion Mr Angelo told the Deponent that Tommacooty Row was procuring the Evidence required, and what occurred when, as he alleges, he often met Tommacooty Row at Mr Angelo's. He should be examined particularly with reference to Mr Angelo's Statements respecting him in that Gentleman's answers to questions Nos. 14. 15. 16, in his deposition dated the 2nd of May, and should be required to reconcile his assertion that he was not the first person who informed Mr Angelo respecting the giving of a bribe, with the Statement contained in the latter part of his answer to the 3d question in his deposition before the Commissioner.-

In respect to Rajah Row and Venkata Reddy they have not yet been examined at all, for the unimportant and useless questions put to those Persons by the Tillah Judge cannot be called Examinations.-

Rajah

F.U.

19th November 1838.

Rajah Row should be required to Explain whether he did or did not visit Mr Bushby on Sunday the 16th of July- if he did visit him on that day- whether he went on foot, or in a Palankeen, by what road, who accompanied him- in what room he saw Mr Bushby, who were present and what passed- and the Inquiry should be pursued by Sending for and Examining any persons referred to by Rajah Row, as having then been present.

If he did not visit Mr Bushby on that day, he should be required to State where he was, and witnesses as to that fact should be Examined.

But if it is admitted that Rajah Row proceeded on Sunday the 16th July to visit Mr Bushby at Mr Pleigh's garden in a Palankeen, the bearers should be examined as to whom they saw and as to all that took place at Rajah Row's visit on that day to Mr Bushby.-

Rajah Row should also be Examined as to his having received visits from Crentgoo Narrain Reddy and Venkata Reddy on the day of his visit to Mr Bushby.-

As Rajah Row affirms that he did not give any bribe of money to Mr Bushby he should be asked if he can account why Cuttayah, Lutchacheltum and Lutcharry have deposed that they witnessed the delivery of two bags of money by him to Mr Bushby, likewise as to whether

whether he had any knowledge of these persons, and whether he in any way corroborates or denies their Statements. Similar questions should be put to Venkatareddy with reference to this part of the transaction.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Cuddapah for his information and guidance by precept returnable in 20 days from and after its receipt and that the papers which accompanied the precept of the Faujdaree Adawlut of the 31st of August last be returned to the Criminal Judge to enable him to complete the enquiry ordered in these proceedings.

(Sent following Precept No. 1599)

Minute of the 3rd Puisne Judge

I think that, with reference to Mr. Murray's Statement, "that the Reddy paid altogether Rupees 3,000 for his release, and am now making Enquiries to "whom the Sums were paid", it is desirable to ascertain upon oath from Mr. Murray the precise Source of this information, as well as the date of it, and the result of his Enquiries, so far only as these points are connected with the Conspiracy supposed by the Commissioner; for it is no part of Mr. Strombom's duty to go into the charge disposed of by that Officer.—

In addition to the above, it appears to me of the first consequence to notice the highly objectionable proceeding

proceeding of Mr. Strombom, in shutting the lips of Rajah Row and Venkata Reddy at the very outset of his examination of them, and his tutoring them as to their Evidence by closing his first question to each, in these words "Have you "not admit" and "you dont admit it" for however unlikely may have been their confession of implication in the alleged bribery, supposed to have been the fruit of a Conspiracy. Such leading questions, at all times objectionable, because doubly so, to persons stated to have been implicated, who should have been exhorted and encouraged to reveal the truth, though cautioned that they were not bound to criminate themselves. Any pre-judgement of their Evidence by the Examining Judge was improper. but the communication of it, by him, to them, before they had opened their lips, was so highly and obviously objectionable, that I do not think I shall do my duty as a Judge of this Court, in passing over in silence such a proceeding, directly calculated to influence their forthcoming testimony.—

(Signed) A. D. Campbell

Read a Miscellaneous Petition presented on the 5th Instant by Swaganny Ammanul of Cuddalore

(Vide enter M. P. No. 145 of 1838.)

Adverting to her former address No. 100 of the present year and to this Court's proceedings of the 22nd Ultimo on the application therein contained, the Petitioner prays

Observing from the foregoing letter that transcript of para: 1. of the Extract of proceedings of this Court, under date the 31st ultimo has been forwarded by the Criminal Judge to the Principal Sudr Ameen at Cumbum, with a view to the latter Officer obtaining the necessary information; on the point therein adverted to, from the Criminal Judge of Nellore; The Judges of the Fouzdaree Adalut resolve to call Mr. Stronborn's attention to the wording of the para: in question, from which he will observe that the required communication to the Criminal Judge of Nellore should have been made by himself, and they accordingly request that course of proceeding may be now adopted, if a reply from the Criminal Judge at Nellore has not already been received.

Ordered that Extract from these Proceedings be transmitted to the Criminal Judge of Cuddapah by Precept returnable within 15 days from and after its receipt

/ Sent following Precept No. 1600 /

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division dated the 1st Instt, submitted with reference to the orders of the Court of Fouzdaree Adalut of the 18th Ultimo and containing the opinion of the Collective Court of Circuit regarding the expediency of the Committal for trial of the Prisoners in No. 187 on the file of the Criminal Court at Cuddapah.

/ Here enter No. 2173 of 1838. /

As it appears from the foregoing communication that the course of proceeding recommended by the Acting 2nd Judge on Circuit, in respect of the case in question, will not be resorted to, and that the Prisoners therein concerned will be retained in security in order that any evidence hereafter procurable may be rendered available for their future conviction, the Judges of the Fouzdaree Adalut resolve to request the Provincial Court of Circuit will be pleased to issue instructions to the Magistrate of Cuddapah to use his utmost endeavours to procure such further proof as may be obtainable.

Ordered that Extract from these Proceedings be transmitted to the Provincial Court of Circuit in the Centre Division for their information and guidance.

/ Sent in No. 1801 /

Read the Criminal Reports for the month of October 1838 submitted by the Criminal Judge of Chingleput.

/ Here enter No. 2161 /

Case No. 58.

The Court of Fouzdaree Adalut having reason to doubt whether sufficient grounds existed for the conviction of the Prisoner concerned in Case No. 58 resolved to direct the Judge on Circuit in the Centre Division, and now at Chingleput, to look into the proceedings of the Criminal Court and to pass such orders thereon as may appear to him proper and consistent with the Regulations

19th November 1838.

Regulations.—

Ordered that Extract from these Proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division and to the Criminal Judge of Chingleput for their information and guidance respectively.—

/ Sent in Nos 1602 & 1603 /

W.S.
L.A.C.
E.T.H.

S. No

At a Court of the Sowdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Tuesday 20th November 1838. Thomas Alexr Oakes Esqre — Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre — 3rd Puisne Judge.

Read letter dated the 5th Instant from the Acting Second Judge on Circuit in the Centre Division, transmitting the Record in Case No. on the Bellary Calendar for the 2nd Sessions of 1838.—

(Here enter No 2150)

The Court of Sowdaree Udalut having

Mr Oakes

Mr Campbell

maturely considered the Proceedings held before the Judge on Circuit, the futwah of the Provincial Law Officer, and the futwah of the Cazee-ool-Coozat and Mooftees of the Sowdaree Udalut, confirm the said futwah of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoner

Auvoolagaudoo

of the crimes charged, and awarding Othoobut, 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 1606)—

W.S.
L.A.C.
E.T.H.

Fo. U.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Wednesday
21st November 1838. Thomas Alexr Oakes Esqre. 4th 2nd & Puisne Judge

Alexr Duncan Campbell Esqre. 3rd & Puisne Judge

Read return dated the 3rd Instant

W
D&C
15 submitted by the Magistrate of Bellary to this Court
Precpt of the 30th July last conveying their remarks
on the then state of the Harpanhully Talook; their
observations on the committal and final punishment
of Lingadoo an admitted approver, and their conditional
sanction on behalf of Ramjee a Prisoner before the
Joint Magistrate of Bellary —

(Here Enter No. 3156)

Read again return dated the 6th
August last received from the Criminal Judge of
Bellary to the precept of the Court of Foujdaree
Udalut of the previous 30th July, calling on that
Officer with reference to the remarks in Case No. 53.
Entered in the Supplemental Criminal Report
for the Month of July 1836, and the proceedings
of this Court under date the 6th February 1837, to
state whether the "Lingadoo," therein adverted to, was
sent back to the Magistrate of Bellary for re-
transmission to the Criminal Court; or if not, to

Specify

specify the grounds which led to the arraignment of the
individual before the Court of Circuit.—

(Vide Letter No. 1834)

1. Under the circumstances brought to
notice in the communication from Mr. Petty, the
Magistrate of Bellary, dated the 13th September last
accompanied the foregoing return from the Magistrate
that District, and in consideration of the propriety
the commitment of the Prisoner Lingadoo by the Criminal
and Judge of Bellary, who it appears, on the return
from the Criminal Judge recorded above, to have
self directed the individual in question to be arraigned
and placed upon his trial in Criminal Case No. 130
of 1836, a course of proceeding with the orders of this Court
issued to the late Criminal Judge on the 6th Febry
1837, and inasmuch as the Court see reason to doubt
the legality of our Mr. the justice, of the trial of
the Prisoner in question they are pleased to direct
that a translation of the record of the trial (hereto
Case No. 3. 1st Sessions 1837) in which Lingadoo was
subsequently sentenced by the Court of Circuit for
the 1st Sessions of 1837 to 10 years imprisonment
be transmitted for their consideration and final orders
and that in the meantime the sentence passed upon
the said Lingadoo be suspended.—

2. They further desire to be furnished with
translations

translations of the depositions on oath given by Lingadoo
before the Criminal Court of Bellary in Case No. 130
and 131 of 1836 in which that individual was ad-
mitted an approver, and which it is stated were sent by
the Criminal Judge of Bellary to the Court of Cir-
Circuit.—

3. As regards the recommendation con-
tained in the Return from the Magistrate of Bellary
under remark, that the amount of the two rewards
offered by the Joint Magistrates Messrs. Blane and
Petty should be now paid to Sarcherum Seyd Mahomed
and others whose zealous exertions on several occasions
are favorably noticed by himself and the Subordinate
Magistrate the Judges of the Sunpleme Adalut
regret their inability to sanction the course) of
proceeding suggested by Mr. Robertson for adopt-
The rewards in question under Section 22 Regula-
tion 9 of 1816, cannot be paid to the parties entitle
to them, until after the trial of the offenders adju-
dged, and by order of the Court of Circuit, as they
were not proclaimed by name, and did not therefo
come within the provisions of Section VI Regula
I 1818.—

4. The Judges of this Court are pleased
to learn that the measures adopted by the Magistrat
of Bellary for the better protection of the Harpanhu
Talook have been attended by so satisfactory a result
the

19th c

21st November 1838

that reported in Mr. Robertson's communication under notice.—

Ordered, that Transcript of para 1 and 2 of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable within One Month from and after its receipt.—

(Sent following Precept No. 1807)

Ordered also, that Extract from these proceedings be transmitted to the Magistrate of Bellary for his information and for communication to the Joint Magistrate of his District.—

(Sent in No. 1808)

Read the Criminal Reports for October 1838 submitted by the Principal Sudr. Ameen at Honore.—

(Here enter No. 2179.)

Case No. 67.— With reference to the reasons assigned for the delay in forwarding the prisoners concerned in Case No. 67 to the Court at Honore, the Court of Foujdaree Udalut desire that the Joint Magistrate of Canara be advised of the irregularity of returning to a Native Police Officer, an accused party once forwarded to him for Examination. Such Cases should be forwarded by the Magistracy direct to the Criminal Court.—

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

2. J. U.

21st November 1838.

Ameen at Honore with instructions to furnish a copy thereof to the Joint Magistrate of Canara.

(Sent in No. 1809)

Read the Criminal Reports submitted by the Criminal Judge of Salem for the Month of October 1838.—

(Here enter No. 2180.)

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 forwarded to the Criminal Judge of Salem for his information.—

(Sent in No. 1810)

Read return dated the 11th Instant from the Acting Joint Criminal Judge at Masulipatam to the precept of the Foujdaree Udalut dated the 29th October 1838 stating that the employment of a Navy read an error which will be rectified in the next instant.—

Ent. J.W. (Here Enter No. 2196.)

Read return dated the 3d Instant from the Magistrate of Bellary to the precept of the Foujdaree Udalut under date the 26th October 1838, directing him to make immediate return to

21st November 1838.

to their prescpt of the 30th July and to submit an explanation of the cause of the delay in conforming thereto—

WS
F.P.C.
WS

(Here enter No. 2157.) vs. [illegible]

No. 116.

At a Court of the Foujdaree Adalut—

Present

Friday, 23rd November 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2d Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read the Criminal Reports for the month of October 1838 Submitted by the Acting Joint Criminal Judge at Cuddalore—

WS
F.P.C.
WS

(Here enter No. 2188.)

Case No. 127.

It would appear from the Explanation given in Case No. 127, that though the Evidence adduced was not sufficient to prove the charge of "Housebreaking" preferred against the Prisoner — "Arroonun," yet that that Person had rendered himself liable to Punishment either under Clause 5th Section IV Regulation VI of 1822, or Section IX Regulation XII of 1832, and if the Evidence produced would justify the conviction of the Prisoner under one or other of the above quoted enactments, the acting Joint Criminal Judge is directed to revise the Sentence of the Lower Ameen.

The Joint Criminal Judge is also

2

directed to request the Magistrate in the Southern Division of Arcot to report, direct to this Court, what notice he may have taken of the Conduct of the Head of Police who forwarded this Case to the Auxiliary

Auxiliary Court, by whom very insufficient reasons have been assigned for the detention of the Prisoner as the Talook from the 29th of September to the 18th of October 1838.

Case No. 136. 3. From the Regulation quoted in Case No. 136 as the authority under which the 1st Prisoner was punished, the Court of Fouzdaree Adalut conclude that the individual in question was convicted of only a simple theft, but if "breaking" was proved, the amount of the property stolen would take the case out of the jurisdiction of the Criminal Court.

Ordered, that Extract from these Proceedings be forwarded to the Acting Judge at Cuddalore for his information and guidance by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1616 /

Read the Criminal Reports submitted by the Criminal Judge of Nellore for the month of October 1838.

/ Here enter No. 2190 /

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

Ordered therefore, that Extract from

from these proceedings be forwarded to the Criminal Judge of Nellore for his information.

/ Sent in No. 1617 /

Read letter dated the 12th Instant from the 3rd Judge on Circuit in the Western Division, reporting the opening of the Sessions at Coimbatore, forwarding the Statement required by Fouzdaree Adalut Circular Order No. 8 of 1834, and stating that there is no probability of an additional Calendar.

/ Here enter No. 2197 / dated

Read Statement to the 31st August 1838 from the Acting 2nd Judge on Circuit in the Centre Division of the batta paid to Prosecutors and Witnesses in attendance on the Court of Circuit at Bellary during the 2nd Sessions of 1838.

/ Here enter No. 2209 /

Read letter dated the 19th Instant, from the Acting 2nd Judge on Circuit in the Centre Division, reporting his having opened the Sessions on the 19th Instant, and the State of the Calendar at Chingleput.

/ Here enter No. 2210 /

Read Supplemental return dated the 19th Instant from the Acting 2nd Judge on Circuit in the Centre Division, to the Precept of the Fouzdaree Adalut under date the 29th October, conveying their observations on the Bellary Criminal Calendar for the

2nd

23d November 1838.

2d Sessions of 1838.

/ Here enter No. 2211 /

Read letter dated the 19th Instant from the Acting 2d Judge on Circuit in the Centre Division, reporting his having signified his intention of opening the Sessions at Cuddalore on the 5th Proximo.

/ Here enter No. 2212 /

Ft 16.

At a Court of the Fouzdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Monday — Thomas Alexr Oakes Esqre — 2d 2d Puisne Judge

26th November 1838 — Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read again Petition presented on the 8th of August 1838 by Gyanamal of Combaconum, praying the Court to call for the proceedings held on the trial of Cases Nos. 21. 22. and 23 of the 1st Sessions of 1838. and reverse the sentence passed by the Court of Circuit on Ujgna Deetchatee, her husband, and prisoner in the cases above recorded.—

(Here enter Mo. Pet. 94 of 1838.)

Read again also petition presented on the 11th September by Gyanamal, praying the Court of Fouzdaree Udalut to call for copies of certain documents referred to in her petition, and which are alleged to be of importance to the right understanding of the merits of the cases in which her husband was tried and convicted.—

(Here enter Mo. Pet. 122 of 1838.)

Read return dated the 22nd October 1838 to the precept of the Fouzdaree Udalut under date the 27th August, directing the Court of Circuit to

in the Southern Division to suspend the further execution of the sentence passed on the prisoners in Cases Nos. 21. 22. and 23. of the Combaconum Calendar for the 1st Sessions of 1838 and calling for an English translation of the record of those Cases.—

(Here Enter No. 3100.)

Read return dated the 22nd of October 1838 to the precept of the Fonjdaree Udalut under date the 1st October, directing the Court of Circuit in the Southern Division to obtain and transmit to this Court, English translations of all the documents specified in the petition of Yegnanaal, petitioner before the Court of Fonjdaree Udalut in Miscellaneous Petition Nos. 94 and 132 of 1838.—

(Here Enter No. 3101.)

Read Miscellaneous Petitions presented by Yegnanaal of Combaconum.—

(Here Enter Mo. P. Nos. 139 and 139 of 1838.)

In the first of these petitions the Petitioner alleges that her husband has been most harshly treated by the Criminal Judge, and prays the Court to issue orders for his transfer to the Jail of some other Zillah. In the second she particularizes the contents of the several documents which the Court had in their order of the 1st of October directed the Court of Circuit in the Southern Division to submit.—

Read Miscellaneous Petition presented on

on the 5th Instant by Coparcenal of the Zillah of Combaconum.—

(Here Enter Mo. P. No. 148 of 1838.)

The Petitioner (wife of the deceased appellant in Case No. 31. of the Combaconum Calendar for the 1st Sessions of 1838) represents her husband to be a man of highly respectable character and alleges that he has been falsely and maliciously confounded with a person long since dead, and in support of her allegations she produces a Mahzarnamah signed by 34 inhabitants of the Village of Ogara Ogaram.—

In this trial, the 1st Prisoner was charged with having forged, or caused to be forged, a deed purporting to have been executed by the deceased Ramasadhadeetahatur, in his favor, as his adopted son, stipulating that if his second wife brought forth a male child, the estate should be equally divided between the prisoner and that child; that the 1st and 2nd widows after the demise of the deceased should live with him, the former with an allowance of 100 Pagodas worth of Jewels, and the latter with 100 Rupees in ready money, which the deceased had already given them, and that should they not agree to live with the prisoner, he was to give them certain land for their life expenses at their death, he was to appropriate every thing to himself, as also some other stipulations, and with having uttered the said deed before

in the Southern Division to suspend the further execution of the sentence passed on the prisoners in Cases Nos. 21. 22. and 23. of the Combaconum Calendar for the 1st Sessions of 1838 and calling for an English translation of the record of those Cases.—

(Here Enter No. 2100.)

Read return dated the 22nd of October 1838 to the precept of the Sonjdaree Adalut under date the 1st October, directing the Court of Circuit in the Southern Division to obtain and transmit to this Court, English translations of all the documents specified in the petition of Yegnamal, petitioner before the Court of Sonjdaree Adalut in Miscellaneous Petition Nos. 94 and 132 of 1838.—

(Here Enter No. 2101.)

Read Miscellaneous Petitions presented by Yegnamal of Combaconum.—

(Here Enter Mis. Pe. Nos. 139 and 139 of 1838.)

In the first of these petitions the Petitioner alleges that her husband has been most harshly treated by the Criminal Judge, and prays the Court to issue orders for his transfer to the Jail of some other Zillah. In the second she particularizes the contents of the several documents which the Court had in their order of the 1st of October directed the Court of Circuit in the Southern Division to submit.—

Read Miscellaneous Petition presented on

on the 5th Instant by Cooparmal of the Zillah of Combaconum.—

(Here enter Mis. Pe. No. 148 of 1838.)

The Petitioner (wife of the second convicted prisoner in Case No. 21. of the Combaconum Calendar for the 1st Sessions of 1838) represents her husband to be a man of highly respectable character and alleges that he has been falsely and maliciously confounded with a person long since dead, and in support of her assertions she produces a Mahzarnamah signed by 24 inhabitants of the Village of Agara Ogaru.—

2. On this trial, the 1st Prisoner was charged with having forged, or caused to be forged, a deed purporting to have been executed by the deceased Ramasastha Deekshatur, in his favor, as his adopted son, stipulating that if his second wife brought forth a male child, the Estate should be equally divided between the prisoner and that child, that the 1st and 2nd Widows after the demise of the deceased should live with him, the former with an allowance of 100 Pagodas worth of Jewels, and the latter with 400 Chucks in ready money, which the deceased had already given them, and that should they not agree to live with the prisoner, he was to give them certain land for their life time, and at their death he was to appropriate every thing to himself, as also some other stipulations, and with having uttered the said deed before

before the District Moonsiff of Pouchanassums in Original Suit No. 271 of 1835 with a view thereby to assume a right to the whole of the deceased's estate.—

3. The second prisoner was charged with having aided and abetted the 1st Prisoner by writing and attesting the said deeds.—

4. The Court of Circuit being of opinion that the charge was fully established against the prisoners by the testimony of most respectable witnesses convicted both of the prisoners and sentenced them to 7 years imprisonment with labor in irons, and in consideration of the notoriously bad character of the 2d prisoner, the Court awarded him in addition to receive 100 lashes and to be exposed in the manner denominated Sasheer.—

5. The Court of Foujdaree Udalut entertaining some doubt of the propriety of the conviction of the prisoners in this case, directed the Court of Circuit in the Southern Division, by precept under date the 27th of August, to prepare and forward for their consideration an English translation of the records in Cases Nos. 21. 22. and 23, and further directed a suspension of punishment on the prisoners in Case No. 21.—

6. The Court of Foujdaree Udalut after a deliberate consideration of all the circumstances of these Cases in evidence before them, being of opinion that

that the deed which formed the ground of these trials is a forgery, see no reason to disturb the sentence passed on the prisoners in the cases in question, and they accordingly direct that the Court of Circuit in the Southern Division do issue orders to the Criminal Judge of Combaconum to carry the same into effect.—

Ordered, that Extract of these proceedings be forwarded to the Court of Circuit in the Southern Division, and that copy be furnished to the Petitioners severally on their applications.—

(Sent in No. 1821)

Read Miscellaneous Petition presented on the 5th Instant by M. Appalacharloo of Nellore.—

(Vide Inter. Mis. Pet. No. 146 of 1838.)

1. The Petitioner, adverting to his former addresses and to the proceedings of this Court regarding them, points out that the custody of the keys of the Pagoda at Kalline, from which the Magistrate of that District has reported, in his return to the Court of Circuit, that the Petitioner had been dismissed by the Dharmakhartas, is inseparably connected with his Hereditary Office as Archaka of that institution, although the point was not noticed in the Decree of the Zillah Court declaring Petitioner to possess an hereditary right to

to the situation. That under these circumstances, it is incumbent on the Court to ascertain the particular means by which the "Ramsawmy" adverted to in his former Petitions, became possessed of the said Keys, with a view to it's being shown whether they were not in truth and in fact handed over to that individual by the Magistrates of Nellore, and not by the Durma-Karta, which latter inference is derivable from the Magistrates' communications to the Court of Circuit; and whether also the Petitioner was not in reality deprived of his Office by the Magistrate without reference to any act of the Durmakarta.—

2. The subject of this application having been referred for the report of the Court of Circuit, the Petitioner prays that his original Petitions, and the several documents by which they were accompanied, may be transmitted to that authority or returned to him, that he may be enabled to produce them there in person.—

3. In compliance with the foregoing request, the Judges of the Foujdaree Adalut direct that the documents alluded to in the foregoing para: be copied of such translations as may have been prepared in this Office with a translation of his present Petition be forwarded to the Provincial Court of Circuit in the Northern Division, in order that they may be brought under consideration by the Judges of that Court when submitting

submitting the information and report required in the proceedings of the Foujdaree Adalut dated the 22nd Ultimo, the said papers to be returned therewith.—

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Northern Division by precept returnable within 5. days from and after it's receipt.—

(Sent following precept No. 1622)

Read a Miscellaneous Petition presented on the 5th Instant by C. Soobbanah of Masulipatam.—

(Here Enter M.P. No. 147 of 1838.)

1. The Petitioner represents that intending to address the Provincial Court of Circuit in the Northern Division soliciting their assistance in the matter of a Bond, drawn in his favor, and of the amount of which it had been attempted to defraud him, he presented to that authority Miscellaneous Petition No. 142. of the present year, in which he quoted a Precedent specifying the orders passed by Mr. Parke, 1st Judge of the Court, on Petition No. 282. of 1837 of their file, with a copy of which he prays he might be furnished, with a view of supporting the application he proposed to prefer.— That his prayer was, however, rejected by the Acting Judge, and proceedings passed to that effect on the 19th February last by that Officer, who likewise refused to permit the

the Petitioner to take a certified Extract of this latter order as requested by him in a subsequent Petition of 1111—

2. Under these circumstances the Petitioner solicits the interference of this Court, with a view to the issue of orders directing him to be furnished with transcripts of the proceedings to which he has adverted—

3. Before passing orders on the Petitioner's application, the Judges of the Foujdaree Udalut resolve to call for an explanation of the order stated to have been passed by a single Judge of the Provincial Court of Circuit on Miscellaneous Petition No 442 of the present Year, and of that Officer's subsequent refusal to grant the certified copy of his proceedings, for which a distinct application appears to have been preferred, and to which the Petitioner was entitled in the first instance.—

Ordered, that Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept returnable within 3. days from and after its receipt.—

(Sent following precept No 1823)

Read Petition presented on the 5th of November 1838 by Ramanna Chetty of Cuddapah.

(Here enter M. P. No 150 of 1838.)

1. The Petitioner complains of the sentence passed on the 9th Prisoner in Case No 21 of the Cuddapah Calendar for the 2nd Sessions of 1838, who was convicted of Robbery.—

The

2. The Petitioner alleges that the charge was false and malicious, and prays that orders may be issued for his release from confinement.—

3. The Court of Foujdaree Udalut having referred to the Calendar see no reason to question the propriety of the conviction and sentence in the case in question.—

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

Read Miscellaneous Petition presented on the 13th November 1838 by Chintalap Narappah of Cuddapah.—

(Here enter M. P. No 152 of 1838)

1. The Petitioner states the circumstances connected with certain grievances to which he has been subjected, and with crimes committed by parties to whom he refers by name in the above Petition. He asserts that the Amildar of the Division has been gained over by his opponents by bribes, and that he has been refused redress by the Magistrate.—

2. The declarations of the Petitioner are altogether unsupported, and the Court desire him to be informed that any complaint he may be desirous of making against the Proceedings of the Police or Magistracy, in the case in question, should in the first instance be addressed to the Judge on Circuit.—

Ordered

26th November 1838.

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

Read the Criminal Reports for the month of October 1838 submitted by the Joint Criminal Judge at Tellicherry.—

(Here enter No. 2171.)

Cases Nos. 122 123 and 124.

1. The two first prisoners in Cases Nos. 122. 123. and 124 have been convicted of 3 distinct Burglaries - the property stolen in the first case amounting to Rupees 95-4, that stolen in the second case to Rupees 25-14-5, and the property stolen in the third case to Rupees 38½; the 3rd prisoner is concerned in the two Cases numbered 122. and 123.—

2. The Joint Criminal Judge finally disposed of these cases, "because the wording of Clause "3rd Section II Regulation VI of 1822, seems, "to him "to make committals to the Court of Circuit necessary "only in all such Cases where the Offence may be "that of breaking into a building and stealing "property exceeding Rupees 100 in value, and not to "contemplate the offences of Prisoners who may have "been guilty of stealing to that extent by robbing on "various individuals at different times, and because "the Circular Order of the Faujdaree Adalut of the "27th May 1829 would shew that where several

26th November 1838.

"Charges are brought against the same individuals "the punishment for the crimes of minor degree are "to merge in that awarded for the most serious of "the Offences committed."—

3. The Court of Faujdaree Adalut will not now disturb the Sentence passed in these Cases by the Joint Criminal Judge, but for his information and future guidance, they resolve to point out to him that the disposal of such Cases by the Criminal Court has been ruled by the Faujdaree Adalut to be inconsistent with the Spirit of the Provisions of Regulation VI of 1822, which unquestionably require that a person convicted of two or more distinct burglaries, where the total value of the property stolen may exceed the jurisdiction of the Criminal Court, should be committed for trial before the Court of Circuit, as a person convicted of a repetition of such offences must be regarded as a notoriously bad character, deserving of severer punishment than the Criminal Judge is authorized to inflict.—

Vide paras. 14. of the Pros. of the F.C. of the 31st March 1823. para. 33. of the Pros. of the F.C. of the 7th July 1823.—

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

(Sent in No. 1624)

Read

26th November 1838

Read letter dated the 29th of August 1838 from the late 3rd Judge of the Provincial Court of Circuit in the Northern Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the 2nd Sessions of 1837.—

(Here enter No 1794)

Also read letter dated the 15th September 1838 from the late 3rd Judge of the Provincial Court of Circuit in the Northern Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 on the subject of the Jail deliveries at Rajahmundry and Vizagapatam during the 1st Sessions of 1838.—

(Here enter No 1890)

1. Mr Boileau in the 6th para: of his Report of the 29th of August last alluding to the prevalence of the vice of intoxication amongst the lower orders, in consequence of Liquor being "every where" procurable "with such facility and cheapness" suggests that "some thing might be provided to prevent its recurring into more serious evil."—

2. It will be perceived that the Court of Foujdaree Udalut in the 12th para of their proceedings of the 12th July 1830, and in para: 6 of their proceedings of the 4th of March 1831, suggested that the Tax on Arrack and Toddy should be raised to such a standard as to render the vice of intoxication, not

4. 26th November 1838. No. 66.

not easily within the command of the Lower Classes.—

3. The attention of the Board of Revenue was accordingly called to the great cheapness of Arrack and Toddy, and the above suggestion of the Court of Foujdaree Udalut referred for the consideration of the Board in the Minutes of Consultation of the 7th of September 1830 No. 534, and 25th of March 1831 No. 178.—

4. The subject has been since brought under discussion by the Court of Foujdaree Udalut in para: 72 of their proceedings of the 29th of February 1836, and in para: 9 of their proceedings of the 30th of December 1836, but the Judges have not been informed of the result of the reference made by Government to the Board of Revenue.—

5. A copy of para: 25 of Mr Boileau's Report has been furnished to the Magistrate of Vizagapatam with instructions to report whether the services performed by the Peons "Sheik Ummud" and "Sheik Moheeoddeen," in the apprehension of the Thugs named "Nadar Khan," "Muddoo Khan" and "Nunnee Khan," have been such as entitle them to reward, and if so, to suggest the mode in which the bounty of Government might be best bestowed on them.—

6. In para: 26 of his Report Mr Boileau refers to the privilege allowed to Prisoners of

of calling witnesses to attend on their behalf at their Trial before the Court of Circuit, having been greatly abused in the Zillahs of Rajahmundry, Vizagapatam and Chicacole; but Mr. Boileau's remarks in this respect are too general to be tangible; if an undue latitude of the Privilege has been allowed to Prisoners by the Judicial Officers in the Zillahs specified above, the Circular Order of the 1st of June 1832 requires that the specific "instances" be brought to notice by the Judge on Circuit, and without such information it would be obviously unjust for the Court of Sunjdaree Udalut indiscriminately to censure the several Judicial Officers in the Zillahs of Rajahmundry, Vizagapatam and Chicacole, who, under the Regulations, are competent to commit a Prisoner to take his trial before the Court of Circuit, but adverting to the observations contained in the 27th and 28th paras of Mr. Boileau's report, the Court of Sunjdaree Udalut would remark that tho' the Criminal Judges are authorized by Regulation II of 1822 to limit the number of witnesses named by a Prisoner for his defence, yet it is pointed out in the Circular Orders of the Sunjdaree Udalut dated the 7th of August and 4th of October 1833, that "the discretion thus given to the Criminal Judges "was not, and could not be, meant to deprive the "Prisoner of any just means of defence," and that "if

"if a Prisoner were to name ten witnesses to a fact "clearly material to his defence, the Criminal Judge "would improperly exercise the discretion vested in him, "were he to reduce the number summoned to two or three, "for altho' the ten might not be necessary to prove "the fact, the evidence of the two or three might from "various causes be insufficient to establish it."

7. The discretion vested in the Criminal Courts by Regulation II of 1822, of limiting the number of witnesses for the defence, is explained in the Circular Order of the 14th of November 1836, to be "confined to the rejection of testimony which may ap- "pear irrelevant to the Prisoner's defence, and not meant "to deprive a Prisoner of any just means of defence, "nor to prohibit the Criminal Judge from requir- "ing the attendance before the Court of Circuit of a "material witness, named by a Prisoner, at any "time before the Sessions of the Court of Circuit."

Vide also Section XIV Reg. X of 1816.

8. It cannot be said that the testimony of witnesses named by prisoners to prove "that sick- "ness, or absence, removed them from the immediate "scene of the crime charged, or to speak to character," is "irrelevant" to their defence; and as the witnesses must appear at least once either before the Crimi- nal Judge or the Court of Circuit, the inconvenience to them and the expence to the State, will be nearly one and the same while there would be double inconvenience

inconvenience and double expense when they had to appear, as would frequently be the case, before both tribunals.—

9. The legislature in authorizing the Criminal Judges to take evidence on behalf of the accused had in view merely the prevention of needless commitments, not the taking of evidence by the Committing Officer on the defence, in cases where there may appear a reasonable probability of Conviction. and adverting to the general prevalence of attempts to establish in defence an alibi, supported by perjury, the Court of Tanjore Udalut would, were their opinion that a judicial Officer would not be justified in withholding, as Cadet, on such plea, from the Court of Circuit, if the evidence for the prosecution was full and consistent.—

Vide C. C. 15th July 1833.

10. On the subject of summoning witnesses named by accused persons in their defence, a rule has been prescribed by the Court of Tanjore Udalut in their proceedings of the 21st of October 1833, and the same was circulated for the guidance of the several Criminal authorities on the 13th of February 1836 vide Circular Order No. 61.—

11. A question of the nature proposed by Mr. Boileau in para. 28 to be put by the Police Officer to the prisoner, after the proceedings of the Police had been closed, would be open to the same objection

objection as the Circular Order No. 1 of the 18th of July 1834, which has been cancelled on the ground that it interferes with the freedom of a Prisoner's defence.—

Vide Pro. F. 66. 28th Feby. 1837.

12. In para. 29 to 35. Mr. Boileau suggests that Section VII. Regulation XIII. of 1832 be modified so as to preclude the Criminal, the Joint Criminal and the Native Criminal Judges from punishing any prosecution on the part of witnesses produced in cases not finally adjudicable by themselves.—

13. Mr. Boileau submits that any "gross contradictions" to which a party has "persistingly clung" should be visited with a fine by the Judge "before whom the deposition is last reduced to a "writing", as "the same tests as the English Law explains "are open to all in arriving at either conclusion, viz: "by the manner &c. of the witness".—

14. The Court of Tanjore Udalut are not of opinion that any such modification of the existing Law is required, or would be expedient.—

15 "Gross contradictions" to which a party may have "persistingly clung" in his evidence before the Criminal Court would render the witness liable to a prosecution for Perjury, if such false swearing were upon a point material to the issue of the investigation.—

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16. But gross prevarication or contempt of Court on the part of a witness may arise on the part of the Court from obstinacy or perverseness or from wilfully and obstinately refusing to answer a question in any but an evasive manner, and it is essentially necessary to maintain the authority of a Court that such high contempts should be immediately and summarily suppressed; a power which has been widely conferred on the Courts from the very commencement of the Judicial system, and is in fact an inseparable attendant upon every superior Tribunal. At the same time in cases to be committed for trial the committing Officer should, in general, abstain from fining witnesses for "prevarication" lest he may have taken an erroneous view of the case, and lest the imposition of such fines should influence the testimony to be given before the higher tribunal.—

Vide Sec: XXVIII Reg: VII of 1802.

17. If however by the remarks contained in paras. 32, 33 and 34 of Mr. Boileau's Report it is intended to convey that instances of the abuse of the powers of punishment, vested in the Criminal Courts by Section VII Regulation XIII of 1832, actually came under his notice at the 2d Sessions of 1837, it was his bounden duty to specify the particular cases, and to report the names of the Officers who, judging from Mr. Boileau's remarks, may have exhibited

exhibited such a breach of judicial trust.—

18. It may be observed however that all sentences passed by the Criminal Courts under Section VII Regulation XIII of 1832 are required to be entered in the monthly Criminal Reports which are periodically perused by the Court of Foujdaree Udalut.—

19. With reference to para. 37 and 38. of Mr. Boileau's Report, the Court of Foujdaree Udalut need only to refer to their Circular Order of the 16th of May 1832 in explanation of their not concurring in the suggestion that examination of witnesses before the Criminal Courts should be reduced to writing in the mode in which the preliminary Enquiry and information obtained by Police Officers, in heinous offences, are, by the Circular Order of the 3rd of December 1818, ex authorized to be taken down.—

20. Adverting to para. 10 of Mr. Boileau's Report, the Right Honorable the Governor in Council will observe that the Court of Foujdaree Udalut in para. 10. of their proceedings of the 15th of February 1837, pointed out that the extreme impropriety of allowing the declaration of a party to be taken down in a language other than that in which it was dictated, has been repeatedly denounced and that serious notice is taken of such proceedings

Witness

wherever their occurrence may come to the knowledge of the Court.—

21. With reference to para: 41. of the Report under consideration, the Court of Foujdaree Adalut would explain for the information of Government, that all modifications of the sentences passed by the Sudr Ameens under the powers vested in them by Section II Regulation III of 1833 are exhibited in the Monthly Criminal Reports furnished to the Court of Foujdaree Adalut, but that the Criminal Judges are authorized to over-rule such judgments passed by the Sudr Ameens attached to their Courts as may be contrary to the Regulations and to justice, yet the Law does not require that the sentences of these Officers not open to such objection should be "confirmed" by the Officer presiding in the Court, nor is such measure necessary to ensure the sentences of the Sudr Ameens being "superseded," for all sentences passed by these Officers come monthly under the review of the Court of Foujdaree Adalut.—

22. In para: 42 of his Report Mr. Boileau suggests that as the Court of Foujdaree Adalut in their letter of the 16th of December 1836 have ruled that the Circular Order of the 10th of April 1833 does not refer to cases of wounding adjudicable by the Criminal Court, the Criminal Judge

Judge should mention in his sentence the precise nature of the injury received, so as to enable the Judge holding the Sessions to determine whether the cases have been correctly disposed of.—

23. In their letter addressed to the Provincial Court of Circuit in the Western Division under date the 16th of December 1836, the Court of Foujdaree Adalut ruled that the Circular Order in question was to be considered to have reference only to cases which might come before the Court of Circuit, and in cases which are to be disposed of by the Criminal Judge himself no memorandum can be necessary, the record being required only to assist the Judge on Circuit in deciding as to the disposal of cases of wounding, lest the marks of the injuries sustained become effaced by the time which must necessarily elapse between the infliction of the wounds and the trial of the Case.—

24. In the 43rd para of his Report Mr. Boileau states that "the Criminal Judges individually regret" him "to the additional labor which "their establishment experience in preparing the "petty Calendars in the Native language (instead "of in English as formerly) under the printed Circular "Order of the 20th July 1829, as they had only to "transcribe the Cases as they stood as well as the "Sentences from the Register Book; a Method which they

"they adopt in now transmitting the required Monthly
"Calendars to the Court of Foujdaree Udalut, coherent
"the submission of these to the Court of Circuit the whole
"has to be translated so as to conform to the above rule.
"This" Mr. Boileau observes, "was not intended to be a relief
"as the Criminal Statements were at that time laid
"before the Collective Court who if ever ordered thereon,
"but since then intermediate review has been done away
Mr. Boileau strongly recommends, for the sake of con-
"venience to all parties, that the previous investi-
"gation should be restored, for one object is probably gained
"by their being in the Native language, the Court of
"Circuit Judge has the power of calling for trans-
"lations of any part, and the Criminal Judge in
"that case furnishes him with Extracts from his
"English Register."

25. The Circular Order of the 20th of July 1829 has been virtually superseded since the Monthly Criminal Reports have been sent direct to the Court of Foujdaree Udalut, and as there can be no necessity for the Calendars to be forwarded to the Judge on Circuit being prepared both in the Native and in the English Language, the Court of Foujdaree Udalut resolve to communicate this opinion for the information and future guidance of the several Criminal and Sessions Criminal Judges in the Provinces.—

26. The alterations suggested in the Bill at

at Rajahmundry in paras. 44. to 56. not having been referred for the opinion of the Collective Court, Mr. Boileau's attention is directed to the Circular Order of the 14th of April 1834 and he is desired to conform to the order of Government contained in the Minutes of Consultation under date the 22d of February 1834.—

27. With reference to para. 60 of this Report the Court of Foujdaree Udalut would record their opinion that Mr. Boileau should have submitted the explanation from the Sessions Judge of Vizagapatam of the grounds of his having confined in "neck chains" the two prisoners referred to; the Court of Foujdaree Udalut conclude that the two individuals in question were desperate and determined characters who had made repeated attempts to effect their escape from confinement, and it being in the recollection of the Court that the Jail at Vizagapatam was at one time reported to be in a very insecure state, the Judges are not prepared to record a censure upon the Officer referred to, without further information as to the cause of the two Convicts having been so secured, which information the Provincial Court of Circuit in the Northern Division could procure and submit to this Court without delay.

28. In para: 62 Mr. Boileau suggests that Barbers be employed at the public expense

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in the Jails at Rajahmundry, Vizagapatam and Chicacole, as the persons employed in that capacity in the Jails at those stations are paid by a small deduction from the daily Batta of the prisoners.

29. Adverting to para: 3. of the proceedings of the Tongdaree Udalut under dates the 3d and 20th of February 1837, the Court of Tongdaree Udalut would recommend that a person be employed to shave the prisoners in each of the Jails enumerated above, when there may be no prisoner in confinement competent to perform the task.

30. In para: 64 Mr. Boileau, at the suggestion of the Joint Criminal Judge of Vizagapatam recommends that a reward be bestowed on 3. Gardeners for the assistance they rendered in apprehending certain prisoners who had effected their escape from the Jail on the 2d of October 1837. Mr. Boileau is informed that under Section XXIII Regulation IX of 1816, extended to Criminal Judges by Section X Regulation XIII of 1832, it was competent to the Joint Criminal Judge to reward the meritorious conduct of the individuals referred to.

31. With reference to para: 19. of the Minutes of Consultation under date the 2d of November 1838, the Court of Tongdaree Udalut would point the attention of the Right Honorable the Governor in Council to para: 65. and 66 of Mr. Boileau's Report.

J. H.

26th November 1838.

Report, on the subject of the benefit derived from the employment of European Sailors on the Provinces.

32. In para: 68 to 71 Mr. Boileau refers to the plan of the new Gibbet which under the authority of Government has been ordered to be erected at every station where no proper one was in use.

33. The Government will perceive from this Courts letter of the 8th of April 1837, that the Gibbet lately introduced has been constructed after the model of the one in use at Mangalore which "from its simplicity, strength and despatch was found to answer most completely."

34. From a letter addressed to the Court of Tongdaree Udalut by the Acting Joint Criminal Judge at Guntoor, of which a copy accompanies these proceedings, it would appear that the construction of a Gallows and drop at that Station has been delayed, by desire of Mr. Boileau, pending the determination of Government as to the adoption of the new plan of a Gibbet suggested in this Report, but as no objection has been raised in any other quarter to a Gibbet on the principle of the one at Mangalore, the Court of Tongdaree Udalut would not feel themselves justified on the representation of an individual Judge in recommending the abandonment of a Gibbet constructed on a plan which appears equally good and

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last appendix.—

35. It was in contemplation to paint the scaffold of the proposed Gibbet at Gunton new necessarily and dangerously high; the commission of such an error can be easily avoided, and all danger of a "resolute condemned convict" avenging "the approaching forfeiture of his own life by violently "thrusting over either side, one or more of those "engaged in his execution;" (an event however on the part of a bound convict of not very probable occurrence) might be altogether obviated by the substitution of a standard Ladder of the description drawn in the margin, the platform of which might, if deemed necessary, be made 4 feet square; and to prevent the Drop, when let fall, from striking "with such im- "petus against one of the Stanchions of the Gibbet" as to "render it" "very shortly" "unserviceable," loose straw should be laid at the foot of the stanchion as shown in the drawing circulated in the Provinces.—

36. The subject discussed by Mr. Boileau in paras. 72. 73. and 74 will be taken into consideration by the Court of Foujdaree Udalut when replying to the suggestion made in the order of Government of the 6th of January and 22nd of February 1838, in Nos. 31. and 314, that convicts be required to wear some provincial description of clothing, during their con- finement in Jail.—

Paras.

37. Paras. 76. to 105. do not appear to call for remark from the Court of Foujdaree Udalut; and the subjects treated of in paras. 106 to 115. inclusive, would be more fitly introduced in the proceedings of the Provincial Court of Circuit on the annual Police Reports submitted by the Several Magistrates in the Provinces.—

38. The Court of Foujdaree Udalut give Mr. Boileau every credit for zeal in the discharge of his duties, but having in this Report, and in his Official correspondence generally, disregarded the injunctions of Government conveyed to him in para. 1. of the Minutes of Consultation under date the 21st of April 1837, to be less prolix in his observations; and to avoid the discussion of subjects which have been frequently considered in all their bearings, the Court of Foujdaree Udalut cannot accord to him further praise.—

39. With regard to the second Report recorded at the commencement of these proceedings, viz: the Circuit Report for the 1st Sessions of 1838, the first fifteen paras. would not appear to call for any remark from the Court of Foujdaree Udalut.

40. With reference to para. 20. the Court would record their concurrence in the opinion expressed by Mr. Boileau, that under Act XXXV of 1837 the period limited for appealing from the judgment of

of a Court must be calculated from the date on which the Decree is formally signed and sealed; the date on which the appealable period will expire is more over to be proclaimed in Court, and the same certified on the copy of the Decree or abstract thereof furnished to the party.—

41. A copy of the above para: the Court desire may be furnished to the Assistant Judge at Vizagapatam for his information and future guidance.

42. The irregularity observable in the proceedings of the Joint and of the Assistant Magistrate of Vizagapatam, referred to in para: 22. of Mr. Boileau's Report, having at the time of their occurrence been duly noticed to those Officers by the Magistrate of the District, any further reference to the matter in his Circuit Report was unnecessary.—

43. With reference to para: 23. and 24. of the Report and adverting to the returns of the Magistrate of Vizagapatam referred to therein, it would appear that the state of the Shodawarum Talook requires some extraordinary interference on the part of the Magistracy to prevent the commission of outrages, which were reported to be of constant occurrence, and had then recently been the scene of the murder of the Head Sheristadar of the District within 100 yards of the Collector's Tent.

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44. The requisition of the Sunnud as it has been called, from the individual named by Sayamaikooloo was not strictly justifiable, but no penalty was attached to the breach of it, and the document itself had no legal force; and the demand of Security, referred to by Mr. Boileau, it appears from the Magistrate's explanation was never enforced.—

para: 25 and 26. 45. The Court of Fouzdaree Udalut do not understand with what view a detailed notice has been made of the 4 instances of escape effected by Convicts from the Jails at Guntoor and Vizagapatam since, as shewn by Mr. Boileau himself in para: 27 of his Report, the whole matter has passed under the review and been finally disposed of by the Court of Fouzdaree Udalut.—

46. The question discussed in para: 30 of the Report has already been decided by the Court of Fouzdaree Udalut as shewn in para: 50 of the proceedings of this Court, submitted to Government under date the 15th of August 1836.

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. 1625)

Agreed

F.H.

At a Court of the Foujdaree Udalut—

Present,

Wednesday 28th November 1838. John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

WB

ZHO.

Read again [illegible] dated the 11th October 1838 from the 2nd Judge on Circuit in the Western Division, transmitting the Record in Case No. 1. on the Mangalore Calendar 2nd Sessions of 1838—

/ Here enter No. 2073 /

Read also Extract from the Minutes of Consultation under date the 24th Instant, confirming the Sentence passed by the Court of Foujdaree Udalut in Case No. 1. Mangalore Calendar 2nd Sessions of 1838

/ Here enter No. 2253 /

Mr Bird
and
Mr Oakes.

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

Coodaikul Potta

be imprisoned and kept to hard labor in irons on the Public roads, or other Public Works, for, and during the period of Seven (7) years—

The Court likewise direct that Extract from their Proceedings under date the 3d Instant in Case No. 1. be sent for the information and guidance

26th November 1838—

Ordered further, that Extract from these proceedings be forwarded to Wm. Borlase late 3rd Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance, and that copy of para. 24 and 25 of these proceedings be forwarded to the 1st Provincial Courts of Circuit to be by them communicated for the information and guidance of the Assistant Criminal and Joint Criminal Judges in the Provinces.—

(Sentin No. 1626/1627)

WB

LHO

Ordered further, that para: 60 of Mr. Borlase's Report and para. 27. of these Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance—

(Sent in No. 1628)

Ordered further, that a copy of paras. 32. to 35 inclusive of these proceedings be forwarded to the Acting Joint Criminal Judge at Guntoor for his information—and that a copy of paras. 29. and 30 of these proceedings be furnished to the Assistant Judge and Joint Criminal Judge of Vizagapatam for his information and guidance—

(Sent in No. 1629/1630)—

WB

LHO

W.P.S.

28th November 1838.

guidance of the Mangalore Special Commission.

/ Sent following letter No. 1631 /

Read letter dated the 6th Instant from the 1st Judge on Circuit in the Northern Division, forwarding Copies of the Vizagapatam Primary and Supplemental Calendars for the 2nd Sessions of 1838.

/ Here enter No. 2175 /

W.S
L.H.Q

Ex. Mal.

J. W.

At a Court of the Foujdaree Adalut.

Present.

Friday, 30th November 1838. John Bird Esqre. 1st Puisne Judge
Thos. Alexander Oakes Esqre. Actg 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Extract from the Minutes of Consultation under date the 30th of October 1838, communicating an Extract from a letter from the Honorable the Court of Directors dated the 5th of January 1838, No. 1.

W.S
L.H.Q

/ Here enter No. 2130. /

1. Ordered, that para 3. of the above despatch and para: 3 of the Minutes of Consultation under date the 30th Ultimo be communicated to the Provincial Court of Circuit in the Southern Division, with reference to their proceedings of the 22nd June 1835, and with instructions to furnish Mr. Superintending Surgeon Currie with a Copy thereof for his information.

2. Ordered also, that a Copy of para: 17. of the above despatch, together with Copy of para: 11 of the Minutes of Consultation under date the 30th Ultimo be communicated to Mr. Harper for his information.

3. Ordered further, that para: 28 to 38. inclusive of the Honorable Courts Despatch, together with para: 16 of the Minutes of Consultation under date the 30th Ultimo, be communicated to the Provincial Court of

of Circuit in the Southern Division, with instructions to give effect to the orders of Government contained therein by instructing the Magistrate of Tinnevelly immediately to suspend from Office, if still in employ, Ibrahim Khan, formerly the Head Peon on his Establishment, and to institute a strict inquiry into his conduct respecting the conspiracy charged against him by Ram Sing, as directed by the Honorable Court, and to report the result with their own opinion thereon for eventual submission to Government.

4. Paras 34 and 35 of the Honorable Court's despatch has been communicated by the Court of Foujdaree Adalut direct to Mr. Morley for any observations he may desire to offer, with reference to the remarks contained therein on his conduct.—

Ordered, that Extract from these Proceedings (paras 1. and 3.) together with Extract from the papers referred to above be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable in 30. days from and after its receipt.

/ Sent following Precept No. 1633/1634

Read the Criminal Reports submitted by the Criminal Judge at Rajahmundry for the month of October 1838.

/ Here enter No. 2207 /.

Case No. 65. With reference to the Sentence passed upon

upon the 3rd Prisoner in Case No. 65, the Court of Foujdaree Adalut desire that the Criminal Judge will in future record the grounds of his opinion that Suspicion attaches to a Prisoner to an Extent insufficient to justify a requisition of Security.—

Case No. 77. 2. The Sentence passed upon the Prisoner in Case No. 77. for escaping from Custody on the night of the 18th April 1832 should not be enforced until the result of the Examination into the Charges preferred against the same individual in Nos. 76. and 78. may be known if convicted of the graver offence, the punishment to which the Prisoner has rendered himself liable for the minor offence of escape may probably be found unnecessary.—

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

/ Sent following Precept No. 1635 /

No return having been received from the 3rd Judge late on Circuit in the Southern Division to the Precept of the Foujdaree Adalut of the 17th August 1838, directing him to dispose of Cases Nos. 48. 51. 52. and 53. on the Tinnevelly Criminal Reports for July 1838.

Ordered, that the retiring 3rd Judge on Circuit in the Southern Division be required by Precept Returnable

29th November 1838.

returnable in 10 days from and after its receipt to shew what may have been done in pursuance of the instructions issued by the Court of Foujdaree Udalut under date the 17th August 1838, and that he be required to make a return to the precept aforesaid without further delay:

Inde letter addressed by the Court of F. U. under date the 8th September last to the 3d Judge on Circuit in the Southern Division.

Sent following Precept No. 1636

Read letter dated the 10th Instant from the Acting Joint Criminal Judge of Guntoor, forwarding the Criminal Reports for the month of October 1838.

Have entered No. 2170.

Read letter dated the 6th Instant from the Acting Criminal Judge of Chicacole, transmitting the Reports prescribed by Section XXXV Regulation X of 1816, for the month of October 1838.

Have entered No. 2176.

Read return dated the 21st Instant from the Acting 3d Judge on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut under date the 13th October 1838, conveying their remarks and observations on the Case No. 12 on the Criminal Calendar.

Have entered No. 2227.

L. W. Dowker

F. U.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre ——— 1st Puisne Judge

Friday. Thomas Alexr Oakes Esqre — Actg 2nd Puisne Judge

30th November 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read the Criminal Reports for the month of October 1838 submitted by the Criminal Judge of Malabar.

(Have entered No. 2200.)

Case No. 192.

1. From the remarks in the Calendar it would appear that the only circumstance established against the 1st and 2nd prisoners in Case No. 193 was the fact that certain of the property, stolen from the prosecutor, was found "in or with neam" to their "house".

2. It is obvious to remark that such circumstance, standing alone, is insufficient to justify the commitment of the 1st and 2nd prisoners, and the Criminal Judge is accordingly called upon for an explanation of his proceedings in this case, with reference to the provisions of Section II Regulation XIII of 1832.

3. He will report further whether every endeavour has been made by the Court, and by the

the Magistracy to procure further evidence in this Case.—

Case No. 197. 4.

In Case No. 197. the Court of Forfeiture Adalut observe that the 2nd prisoner has been held to security in the sum of 50 Rupees for 1 Year on the ground that he "is said to have made a confession before the Aumeen" and because the 1st and 2nd Criminal Defendants who contradicted "themselves in some very material Statements," "have considerable suspicion upon them."—

5.

Such grounds being altogether insufficient to justify a demand of security, the Criminal Judge is directed to release the prisoner unconditionally from confinement, unless he has any explanation to afford.—

Ordered, that Extract from these proceedings be furnished 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. 1644)

Read the Sunder Criminal Reports for the month of October 1838. received thro' the Provincial Court of Circuit in the Western Division.

(Here enter No. 2223)

Case No. 197

The Court of Forfeiture Adalut being of

of opinion that the sentence passed by the Principal Sudr Ameen for the escape proved against the prisoner in Case No. 47. is too severe—they desire that the Provincial Court of Circuit in the Western Division will instruct the Principal Sudr Ameen to reduce the punishment to one Months imprisonment in addition to the punishment awarded against the same prisoner in Case No. 46.—

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 Tanore.—

(Sent in No. 1642)

Read letter dated the 2nd Instant from the 1st Judge on Circuit in the Northern Division, representing that a petition was presented to him by one Paundrungy Daulesparb, complaining that when released from confinement by Captain Vallancy, the Joint Magistrate of Vizagapatam on the completion of his period of imprisonment, he was not furnished with the prescribed diet money to enable him to return to his village, that under the impression that the Prisoners employed under the superintendence of the Joint Magistrate were under the charge of the Magistrate of Vizagapatam he

he, the 1st Judge, requested that Officer to cause the said individual to be supplied with the usual diet money but having been informed in reply that the party of Convicts under Captain Vallancy were transferred to that Officer's charge at the application of the military authorities, he (Mr. Paske) addressed the Joint Magistrate direct, requesting him to supply the Petitioner with the usual allowance, but Captain Vallancy having declined to make the advance on the ground that the Convicts employed under his superintendence were transferred upon the application of the Officer Commanding the Northern Division, and were under the authority of the Quarter Master General of the Army, Mr. Paske refers the matter for the consideration and orders of the Court of Foujdaree Udalut, adding that under the circumstances detailed above, he does not consider himself authorized to inspect the party of prisoners here referred to.—

(Here enter No. 2164.)

Also read letter dated the 16th Instant from Captain Vallancy, the Joint Magistrate of Vizagapatam, requesting that the Court of Foujdaree Udalut will cause the number of Convicts under his charge, to be increased to 120, in order to his employing under the Rules of the 9th of June 1837, published in the Official Gazette of that Year, a Jailor and a Gomastah; intimating also that "owing to the Difficulties

"and

"and several of the Prisoners having fallen sick, and "perceiving the turbulent and unruly conduct of many "of the Convicts, and being aware that many of them "are dangerous characters," he "place a European Serjeant in charge of the Gang, and entertained a Peon "and a Peon"—that these people however have not as "yet received any pay," but that he trusts, "whether "sanctioned or not for the future, they may be remunerated for the service they have already performed," adding that he "should not have taken upon" himself "to make this addition had not" his "application to the Revenue Board, and afterwards "to the Military Board, to which" he "was referred, been returned to" him, "and thereby left" him "uncertain under whose orders the Convicts were placed."—

(Here enter No. 2314.)

1. The Convicts employed at Vizagapatam in extending the parade ground of the 34th Regiment N.I. were, under the instructions of the Court of Foujdaree Udalut, transferred to Captain Vallancey under the rules laid down in the order of Government of the 9th of June 1837, published at page 433 of the Official Gazette of 1837, but as the Board of Revenue in the Department of Public Works would appear to doubt their having power to exercise control over the party employed under Captain Vallancey, the Court of Foujdaree Udalut

resolve

resolve to solicit the orders of the Right Honorable the Governor in Council on the subject. It appears however to the Court that, under whatever authority the prisoners may be placed, one uniform rule should be observed with regard to the payment of the actual diet money, when they are released; as provided in the Circular Order of the Sinjdaree Udalut No. 98.

2. Adverting however to the remarks recorded by the Honorable the Court of Directors in para: 22. of their Despatch of the 5th January 1838, No. 1, a copy of which has been furnished to the Court of Sinjdaree Udalut for their information and guidance, the Judges are doubtful whether under any circumstances, but more particularly upon the grounds urged for the augmentation of the party at Virapan patam, they would be justified in recommending the transfer of any further number of Convicts to the charge of Captain Vallancey.—

Vide para: 11 of the Minutes of Consultation under date 30th October 1838.

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

(Sent in No. 1843)

Read the Criminal Reports for the Month of October 1838 submitted by the Acting Criminal Judge of Madura.—

(Here enter No. 2220)

The

Cade No. 101. 1. The Court of Sinjdaree Udalut desire that the Acting Criminal Judge will submit a full explanation of the delay that has occurred in disposing of Cade No. 101 of the Criminal file.—

Cade No. 163. 2. From the remarks given in the abstract of this Cade, the Court of Sinjdaree Udalut are unable to judge of the propriety of the orders issued by the Acting Criminal Judge respecting the 15 prisoners concerned in No. 163, and they desire therefore a further and full explanation of the grounds on which all the prisoners concerned were held to security.— They desire also to be furnished with a copy of the letter addressed to the Magistrate wherein "the circumstances of the case" are said to be "fully detailed."—

Cades Nos. 164. 167. and 172. 3. The Court of Sinjdaree Udalut desire to be informed of the nature of the evidence adduced against the prisoners concerned in the cases specified in the Margin, who it appears have been irregularly included in the Cade No. 163. the not originally forwarded to the Criminal Court in that number.—

Cade No. 187. 4. In Cade No. 187 two prisoners were charged with Highway Robbery, and also with having effected their escape from custody when on their way to the Criminal Court.—

5. The Acting Criminal Judge has omitted

omitted to report the result of the investigation into the charge of Highway Robbery and with reference to the remarks of the Court in recording the sentence, it would appear that the prisoners only attempted to escape, an act not punishable under Clause 3rd Section V. Regulation VI of 1822, if the attempt was not accompanied with violence—

Case No 198— 6.

From the remarks by the Acting Criminal Judge in Case No 198, it would not appear that any sufficient evidence had been adduced to justify the commitment of the prisoners from 1 to 7. If their alleged confession in the Talook was the sole ground of their commitment, the Court of Faujdaree Udalut will be prepared to order their release, but upon this point the Acting Criminal Judge is directed to submit an explanation—

Cases Nos 204. and 205. 7.

The Acting Criminal Judge will furnish the Magistrate of Madura with a copy of the explanation of the Head of Police of the Tallymahtum Talook, of the delay in forwarding the prisoners in Cases Nos 204 and 205 to the Criminal Court, and request he will explain direct to the Court of Faujdaree Udalut upon what grounds the prisoners in the Talook from the 31st of August to the 26th of September neither the prosecutors nor the witnesses having appeared against them before the Police during that period—

The

F.U.

30th November 1838—

Case No 211. 8.

The Acting Criminal Judge is directed to explain the specific "act of criminality" of which the 3rd 4th and 5th prisoners in Case No 211. are strongly suspected, and for which they have been held to security for their future good behaviour and appearance; from the remarks in the report the Court of Faujdaree Udalut are led to believe that security has been demanded from them on insufficient grounds—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge at Madura for his information and guidance by precept returnable in 5 days from and after its receipt—

(Sent following precept No 1644)

A return having been received from the Acting 2nd Judge on Circuit in the Centre Division to the precept of the Faujdaree Udalut under date the 12th October last, returning for further evidence the record in Case No 1 on the Cumbum Calendar for the 2nd Sessions of 1838—

Ordered, that the Acting 2nd Judge on Circuit in the Centre Division be required by precept returnable in 5 days from and after its receipt to shew what may have been done in pursuance of the instructions issued to him under date the

the 12th October last, and that he be required to make return to the precept aforesaid without further delay.—

(Sent following precept No 1645)

Read the Criminal Reports for the Month of October 1838 submitted by the Officiating Joint Criminal Judge at Tinnevelly.—

(Here enter No 2189.)

Case No 67. 1. The Court of Foujdaree Udalut doubt whether the evidence adduced against the prisoner in Case No 67. is sufficient to convict him of the theft of the ready money and Jewels from the house of the prosecutor, and accordingly they resolve to direct the Provincial Court of Circuit to call for the proceedings in the Case and to pass such orders thereon as may appear to them proper, reporting the same to the Court of Foujdaree Udalut for their information.—

Case No 86. 2. From the prisoner "Cottegan" having been sentenced to punishment under Section VIII. Regulation X of 1816, the Court of Foujdaree Udalut conclude that the charge of breaking into the Prosecutors bazer, was not proved against that individual on the trial of the Case, but under the Circular Order of the Foujdaree Udalut of the 4th July 1826 that circumstance should have been explained by the Acting Joint Criminal Judge in the Calendar exhibiting the punishment.—

3. The Officiating Joint Criminal Judge will communicate to the Magistrate & Sincerely that the Head of Police in the Poneha maul Taluk has not in the opinion of the Court of Foujdaree Udalut assigned a satisfactory reason for the detention of the prisoners, concerned in Case No 96, in the Taluk, from the 20th to the 30th October last.—

Ordered, that Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge at Sincerely for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No 1646)

Ordered also, that a copy of paras. of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

(Sent in No 1647.)

Read letter dated the 22nd Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, submitting the Chittoor 2nd Supplemental Calendar for the 4th Quarter Sessions of 1838.—

(Here enter No 2232.)

Read letter dated the 17th Instant from the 3rd Judge on Circuit in the Western Division

Reporting

reporting his having on the 17th Instant closed the Sessions at Honore.—

(Here enter No. 2233.)

Read letter dated the 19th Instant from the 1st Judge on Circuit in the Northern Division, forwarding the original death Warrant issued in Case No. 3 of the Gaol Calendar for the 2nd Sessions of 1838.—

(Here enter No. 2244.)

Read returns dated the 24th Instant from the Criminal Judge of Nellore to the precept of the Foujdaree Adalut dated the 29th October 1838, directing him to use every endeavour to procure further evidence in respect of the Murder of the Prosecutor's daughter in Case No. 6 in the Criminal Reports for September 1838.—

(Here enter No. 2252.)

Read letter dated the 24th Instant from the Second Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to the prosecutors and witnesses in attendance at the Honore Sessions during the 2nd Sessions of 1838.—

(Here enter No. 2265.)

Read Extract from the Minutes of Consultation under date the 22nd Instant communicating the orders of Government on the subject of a letter received from Captain Callaway relative to the prisoner placed under his charge for the purpose of extending the parade ground of the 44th Regiment.

(Here enter No. 2238.)

At a Court of the Foujdaree Adalut

Present

Monday 3rd December 1838. John Bird Esqr. ——— 1st Puisne Judge
Thomas Hart Baker Esqr. ——— Acting 2nd Puisne Judge
Hon. Duncan Campbell Esqr. ——— 3rd Puisne Judge

Read Miscellaneous Petition presented on the 26th of November 1838 by Bavanasi Naick of the Zillah of Chittoor.—

(Here enter Rec. No. 4-160.—1838)

The Petitioner represents himself to be the father of the 1st Prisoner in Case No. 1 of the 12th Supplemental Calendar for the Chittoor 3rd Quarterly Sessions of 1838.—

The Petitioner alleges that by the orders of the Assistant General Superintendent in the Chingleput Department of Police he was extorted from his son, in which he admitted having murdered a traveller by administering poisonous drugs, and praying that the Court will, after considering the record of the trial, issue order for his release.—

The Court of Foujdaree Adalut direct the Petitioner be informed, that his son has been acquitted by the Court of Foujdaree Adalut.—

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

Read the Criminal Reports submitted by

by the Acting Joint Criminal Judge of Coimbatore for the Month of October 1838.—

(Here enter A. 2224)

The above Reports do not appear to call for any remarks from the Court of Conjivaram Ordered therefore, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Coimbatore for his information.—

(Entered in A. 1650

Read again Miscellaneous Petition of Parasoorama Annual, Muttoorayen, Catchique and Inampandy of Chinglepute, praying the Court of Conjivaram to call for the Proceedings held in Trial Case A. 1 on the Chinglepute Trial in view to the release of their several relations, the four first prisoners in the above case convicted of Robbery and sentenced to 14 years imprisonment

(Here enter Dis. A. 112. 113. 114 and 115. of 1838)

Read Return dated the 5th September 1838 from the Provincial Court of Circuit in the Centre Division to the precept of the Conjivaram Cutchairy of the 8th September, directing them to forward a copy of the finding in the Chinglepute Calendar 1st Sessions of 1838.—

(Here enter A. 1805)

Read also Return and Supplemental Return dated the 24th October and 28th November 1838 from the Provincial Court of Circuit in the Centre Division to

3d. December 1838.

to the precept of the Court of Conjivaram Cutchairy under date the 17th September, calling for an English translation of the record of Case A. 1 on the Chinglepute Calendar for the 1st Sessions of 1838, and forwarding copy of a Mazarnamah with instructions to the Court to ascertain and report whether that document is genuine and whether the allegations therein set forth are correct.—

(Here enter R. G. of A. 2086 and 2274)

* * * Read also letter dated the 5th October 1838 from the Provincial Court of Circuit in the Centre Division, submitting English translation of the Record of Case A. 1 on the Chinglepute Calendar 1st Sessions of 1838, called for under date the 17th September last.

(Here enter A. 2124)

* * *

The prisoners in this case in question were tried on a charge of having on a certain night last prior to the thatch of the 4th Prosecutor's hut broke them and some others with stones, and stolen from their hut property to the amount of Rs. 330-8 in money, and the 8 first with having also sold arrack to certain tank diggers, at a distance of 3 miles from their shops, in order to deprive the prosecutor of their assistance, and the prisoners having been convicted were sentenced to 14 (fourteen) years imprisonment.—

2. In the Mazarnamah filed with the petition, it was asserted, that the Coravers, who were also convicted in the case, were apprehended on the information of several of the relations of the Prosecutor, and that it was admitted by the Prosecutors before

the

the alleged Parties to the Mageremanak, that altho' the charge against the 4 first prisoners was utterly false the Prosecution was continued in and supported by false witnesses subborned for the occasion thro' dread of the consequences.—

3. The Court considering it unaccountable that the 4 first prisoners should have been charged with the robbery which was afterwards traced to the other prisoners, who were Convicts, and who as far as appeared had not implicated the 4 first prisoners, and entertaining some doubts of the propriety of their conviction, resolved to call on the Circuit Court to prepare and transmit the English translation of the record of the trial, and also to furnish them with a copy of the Mageremanak, with direction to ascertain whether that document was genuine, and whether the allegations it contained were correct.

4. The Court of Circuit in return to the latter part of those instructions report that the conclusion arrived at by them after a consideration of the depositions relating to the Mageremanak taken by the Criminal Judge, is, that the Mageremanak is a "document of very doubtful creat".—

5. The Court of Enquiry adjourned having maturely considered the Proceedings in this case, and the evidence against the 1st, 2d, 3d and 4th Prisoners inconsistent and in some respects contradictory and liable therefore to great suspicion.—

6. It appears that these prisoners were persons of good character and well known, and it is therefore extraordinary if they were concerned in the robbery, that out of so many persons present at the robbery, they should have been recognized only by the Prosecutor Accolo Gandon, his brother and his sister.—

7. It is established to the satisfaction of the Court, that the 2d Prisoner was at the threshing floor at the commencement of the attack; the last place it is likely he would have been found in, had he been concerned in the robbery.—

8. It is further proved that excepting the said Prosecutor and his two relations, no one discovered other than Convicts in the gang, and the Court observe that the greater part of none of the stolen property having been found in the Houses of the said

said Prisoners, altho' they were searched, is another cir=
=cumstance strongly in their favor.—

9. Upon the whole therefore, the Court consider the evidence to prove that the 1st, 2d, 3d and 4th Prisoners were not with the robbers in more entitled to credit than that by which they have been convicted, and they accordingly resolve to overrule the sentence passed on these Prisoners, and to direct that the Prisoners

Rimonegandoo,
Pongavanum,
Kunay,
and
Moonagam,

be set at liberty.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable in 5 days from and after its receipt, and with instructions to issue the usual warrant to the Criminal Judge in the Zillah of Chingleput.—

(Sent following Circular No. 1851

Ordered also, that the above be communicated

communicated to the Petitioners, and that they be furnished with a copy thereof on their application.—

Read the Criminal Reports for the Month of October 1838. submitted by the Criminal Judge of Combaconum.—

(Here enter No. 2 of)

Case No. 375. 1. The Court of Sessions Dewanny Adawlut observe to be informed of the age of the 2d and 3d prisoners in Case No. 375. who "being Minors" are stated to have been "admonished and released"—

Case No. 407. 2. The reasons assigned by the Head of Police of Tattoocotty for the delay of a Month in forwarding the prisoners concerned in Case No. 407. to the Criminal Court are unsatisfactory and insufficient, if the Prosecutor and his witnesses did not appear to substantiate his Complaint within a reasonable period after it had been preferred, the party accused should have been set at liberty, and not again taken into custody until the arrival of the Prosecutor.— The Criminal Judge will communicate these remarks to the Magistrate of Tuticorin and request him to report direct to the Court of Sessions Dewanny Adawlut the nature of the orders he may in consequence

consequence issue to the Head of Police of Vizagapatam

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Combaconum for his information and guidance by Sheriff's precept returnable in 6 days from and after its receipt.—

(Sent following Sheriff's No 1652

Read again Miscellaneous Petition presented by Dantalu Rungaraiah of the Village of Rajahmundry praying for the release of her brother convicted of robbery and sentenced to 14 years' imprisonment with Labor in Case No 4 of the Rajahmundry Calendar for the 1st Sessions of 1838.—

(Here enter Mr. P. No. 1074 of 1838)

Read return from the Northern Provincial Court of Circuit dated the 5th September, to the precept of the Sudder Adawlut under date the 3d September, directing the Judges of the Northern Provincial Court of Circuit to transmit a translation in English of the record of Case No 4 of the Rajahmundry Calendar for the 1st Sessions of 1838.—

(Here enter Mr. P. No. 1972)

Read also Supplemental Return from the Northern Provincial Court of Circuit dated 7th November to the precept above recited, transmitting the record called

3d December 1838.

called for on the 3d of September 1838.—

(Here enter Mr. P. No. 2206)

1. The Prisoner in this case was tried and convicted on a charge of having on the night of the 16th February 1836. with 50 others burglariously entered the House of the Prosecutor and stolen therefrom property and jewels valued at Rupees 2,584-12-0, and sentenced to 14 years' imprisonment.—

2. The Court of Sudder Adawlut entertaining some doubts of the justice of the sentence passed on the Prisoner, directed the Northern Provincial Court of Circuit to procure and transmit an English translation of the record of the Trial.—

3. The Court of Sudder Adawlut after a deliberate consideration of the circumstances of the Case in Evidence before them, see no reason to overturn the sentence of the Court of Circuit, to which effect must accordingly be given.—

Ordered, that extract from these Proceedings be transmitted to the Court of Circuit in the Northern Division for their information and guidance, and that copy also be furnished to the Petitioner on her application.—

(Sent in No 1653

Recd

Read letter dated the 13th November 1838
from the 3d Judge of Circuit in the Centre Division, transmitting
the record in Case A°. 1 on the 12th Supplimentary Calendar
for the Circuit 3d Quarterly Sessions of 1838 for the confirmation
and final sentence of the Court of Sujjawa Adawlut in

(See enter F. L. A°. 2/86)

Mr. Bird
and
Mr. Cooke,

The Court of Sujjawa Adawlut having
maturely considered the Proceedings held before the Judge at
Presidency at the Quarterly Sessions, the Letters of the Provincial
Law officer and the Futwas of the Cazee and Cozzats and
Moofties of the Sujjawa Adawlut, being of opinion that the
prisoners

1st Nurrumanthy
and
2d Mallaramuthy

are not convicted on presumptive proofs or on the evidence of
credible witnesses, or on their own confession, notwithstanding the
Futwas of their Law Officers, do under the provisions of
Clause seventh Section II Regulation XV of 1803 direct that the
said prisoners be set at liberty, as far as regards this case.—

(Sent following letter A°. 1834

It appears from the evidence on record
in this case that the alleged confessions before Mr. Birch,
the Assistant General Superintendent in the Chuggee
Department, were taken down in Persian, a language
unknown to the Prisoners, and their confessions therefore
cannot

cannot be received as evidence against them.—

2. The remaining evidence is in proof
of the 1st Prisoner having pointed out a spot as that
in which the body of the man alleged to have been
murdered was buried, and of certain bones having been
found in that spot, but the evidence for the defence
affords strong grounds for believing that the discovered
bones were those of the 1st Prisoner's brother in Law.—

3. This is all the evidence that has been
produced against the Prisoners, and being altogether
insufficient for their conviction, the Court of Sujjawa
Adawlut have been left no alternative but to record
an acquittal.—

4. The Circular Order A°. 96. dated the 26th
November 1837- requires in Cases of Murder by Chuggee,
whenever sufficient ground exists, therefor, independent
of the charge for murder, a Separate Count charging the
Prisoners with the distinct offence described in Act
A°. XXX of 1836.—

5. In the Case now under consideration, it
is presumed that evidence might have been produced
for the addition of such a Count, and, in that the
Prisoners concerned in this Trial were not charged with
the distinct offence of having belonged to a Gang of

of Kings, both the Criminal Judge, and 3d Judge who presided at the Trial, are blameable: the former for the neglect of the Circular Order in question, and the latter for not causing the omission to be supplied before proceeding to the trial of the prisoners.—

6. But while the prisoners are thus shown not to have been even charged with having belonged to a Gang of Kings, the 3d Judge, to the surprise of the Court of Enjedaree Adawlut has proceeded to sentence them to punishment, for that very offence, recommending moreover a mitigation of the prescribed punishment, with reference to the doubts he entertains whether the bones, produced before the Court, are not those of the 1st prisoner's relation - a point, it will be observed, not in the remotest degree connected with the offence for which he considered them liable to punishment.—

7. The Court of Enjedaree Adawlut would have been glad if their remarks on this case could have terminated here. But they cannot pass over, without observation, the unaccountable miscomception of the rules of evidence which, from para: 20 of his letter, the Court see reason to believe the 3d Judge labours

labours under.—

8. It consists in his having noticed the three confessions - the 1st made before the Superintendant of Police at Madras - the 2d before Lieut. Birch, and the 3d before the Criminal Judge at Chittoor, as affording proof of the guilt of the 1st prisoner.—

9. One of these confessions was not proved, nor, as far as appears, even read at the trial - another was given on oath and accordingly not available as evidence against the Prisoner, and the 3d was recorded in a language which was unknown to the deponent, and, as far as can be judged from the evidence, the confession was not altogether "voluntarily" given.—

10. And adverting to the evidence relating to the confession last referred to, the Court of Enjedaree Adawlut desire that the 3d Judge will furnish Lieut. Birch with a copy of the depositions of the 1st, 3d, 6th and 8th witnesses, and at the same time call upon him for an explanation relative to those parts of his depositions which allege that he caused the 1st Prisoner to be beaten, in order to compel him to confess, and that the said Prisoner was rewarded for confession.—

&c.

3d. December 1838.

11

ette Birch should further be directed to explain why he suffered the confessions of the Prisoners to be recorded in Persian, a language which it would appear they did not understand, and the requisite precaution should now be adopted for bringing the Prisoners to trial for the distinct offence provided for in Act XXX of 1836 supposing that the necessary evidence is forthcoming.

Ordered, that Extracts from these Proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable in 15. days from and after its receipt.—

(Sent following Precept No 1855)

The Register lays before the Court the following Statements, drawn up from the returns received from the Subordinate Authorities exhibiting the operations of the Village and District Police, and the Magistracy of the Criminal Courts and of the Circuit Courts respectively also, an abstract of the operations of this Court from the 1st of January to the 30th of June 1838 according to the forms approved by Government.—

Statements

3d. December 1838.

Statements Nos 1 and 2.

Village Police.

1. The decrease in the Cases brought before the Village Police between the present and the previous half year is considerable. In the preceding half year 3582 persons were accused before them, whereas during the half year under review only 2280 cases have been investigated. In the Southern Division, where were 612. persons brought before the Village Police of Madura, 270 before the same authorities in Tinnevelly, 191. in Combaconum, and 106 in Tinnevelly, but in Coimbatore only 29 persons were brought before the Village Police total 1210, or more than one half of the whole number in all the Divisions. The Statements of the Western Division shew that 865 persons were brought before the Village Police of Malabar and 223 before the same authorities in Canara. total 588. or about one fourth of the whole number. In the Northern Division, as on former occasions, the Court observe that the Cases before the Village Police are scanty (only 156 Cases) and the Masulipatam return is blank. In the Centre Division only 303. Cases seem to have been investigated by the Village Police.—

In

2.

In Madras the decrease in the number of persons punished by the Village Police has been from 7[illegible] to 612, or nearly one seventh. In Trichinopoly from 680 to 5[illegible] persons or nearly three fifths. In Canara from 616 to 223, or nearly two thirds. On the other hand the increase in Tinnevelly is nearly three fourths.

3.

In the last statement it was observed that the operation of the Village Police was confined to the Districts of Chittoor, Rajahmundry and Salem; the variation in the present report is but trifling, the total number as they stood in the last and present reports are respectively.

	Last Report Cases	Present Statement Cases
Chittoor	8	7.
Rajahmundry	11	15.
Salem	22	23.

4.

In Tanjore the number has fallen from 43. to 1. and in Vizagapatam 57. to 1. Cases

5.

The proportion of convictions in the Cases brought before the Village Police in the 1st half of the year 1838 is nearly $\frac{2}{3}$ of the whole number apprehended. The total number of persons convicted and punished by the Village Police was 1360; of whom 844 were punished for

F.W.

3d. December 1838.

for petty assaults or affrays, and 676 for petty theft. The number of acquittals amount to 868, and 552 Cases were compromised; nearly the whole of the acquittals were recorded in Cases of petty assaults or affrays. Of the whole number of persons (546) brought before the Village Police for petty theft, no less than 376. were convicted. 216. being punished by confinement in the Village Choultry, and 300 in the stocks; only 30 were acquitted.

District Police. 6. With regard to the District Police it appears from the present returns that the number of Persons brought before the District Police in Cases punishable by them was decreased by 1117.

7. During the first year under review 16684 persons were brought before the District Police and 792. were included in Cases not disposed of at the date of the last report, forming a total of 17476. the acquittals were 11636 or less than one third, in 334 of these acquittals the accusations appeared to be wilfully false and malicious; the convictions were 12792 (more than one fourth of the whole), 11605 without reference to the Magistrate, and 587 after reference to that authority; and 1382 persons remained under examination; the compromises were as usual high viz: 19026.

8. The number of persons punished by the District Police by fines were 8209, and by confinement

confinement in the Village Choultry (with or without labor) 3669, 214 persons were confined in the stocks, and 100 were flogged by order of the Magistracy.—

9.

There is a slight proportional decrease in the number of false charges preferred before the District Police compared with the previous six months. During the half year under review the number of false charges of petty assaults was 294, and of petty thefts 40 total 334. In the previous half year the total of such charges was 358.—

10.

The present statement shows that the false charges preferred before the District Police was most numerous in the District of Chittoor,* the Districts of Tinnivelly and Madura are the next largest in the scale.— In Coimbatore the number of false charges before the District Police has decreased from 55 to 3. and in Malabar from 23. to 12.—

11.

Salem appears in the statements under review as the District in which the largest number of persons (1444.) were brought before the District Police for Petty Offences, and it is remarkable that of these persons not a single individual is stated to have been falsely accused.— The number of persons convicted however before the District Police in Salem was only 1206, little more than one fourth of the whole number charged

* 214 last half of 1837.—
147. first half of 1838.—

charged.—

12.

	charges	convictions
1	1742	803.
2	2910	826.
3	2187	1268.
4	4447	1206.
5	2184	900.
6	277	820.

Cuddalore.—

Districts	charges	employed = minus.	Convicted with or without reference	/3
Canara	2813	1028	660.	
Cuddapah	2739	1180	647.	
Guntoor	3058	1660	267.	
Malabar	346	1240	696.	
Masulipatam	3527	1937	339.	
Salem	3775	2208	427.	
Rajahmundry	3041	1400	306.	
Vizagapatam	2400	1598	532.	

The convictions by the District Police without reference to the Magistracy were most frequent in the Districts of Chingleput,[1] Combaconum,[2] Madura,[3] Salem,[4] Tinnivelly[5] Poly and Cuddalore.[6]—

In the Districts noted in the margin the number of Cases compromised before the District Police bears a very large proportion to the number of persons convicted.—

14.

In the Western Division there has been only a single instance during the half year under review of corporal punishment having been inflicted by the District Police, and that case occurred in the District of Malabar.— In the Centre Division 10. persons, in the Northern Division 16. persons, and in the Southern Division 73. persons were punished by the District Police with stripes; but in these instances the punishment was of course inflicted under the orders of the Magistrate.—

15.

The amount of the fines realized by the District Police during the period under review was

Magistrates.

was Rupees 7609-9-4.—

16.

There has been a decrease in the number of persons brought before the Magistracy during the period under review.— Including those left under examination at the close of the last report the number has fallen from 4484 to 3566. the acquittals were 1677- the compromises 504- and the convictions 1352- and there were 385 persons left under examination on the 1st July 1838.—

17.

The number of persons convicted before the Magistracy of Petty thefts was 263-783 were convicted of Petty assaults or affrays; 109 of using false weights and measures; 64 of "litigious, vexatious or groundless complaints; 39 of "abuse of authority by Police officers" and 37 of "Resistance to the process of the Magistrate, but without aggravating circumstances."—

18.

The Statement from Combaconum shews that of the 377 persons examined before the Magistracy 57 were considered to have been falsely and maliciously accused. Of those examined by the Magistracy of Chittoor only 13 persons were considered to have been falsely and maliciously accused; in Trichinopoly only 8 instances are stated to have occurred; in Dindigul 5, and in Coimbatore only 1.—

The

E.M.

3d December 1838.

19.

	Charges	convictions
Cuddalore	678	148.
Combaconum	517	200.
Nellore	339	119.

The largest number of Cases were brought before the Magistrates of Cuddalore (Southern Division of Arcot) Tanjore and Nellore.—

20.

Cuddalore 232.
Nellore 105.

The largest number of compromises occurred before the Magistracy in the Districts of Cuddalore and Nellore.—

21.

The total number of persons brought before the Magistrates in Cases punishable by them was 3566, and of these 1677 or about ½, were acquitted; the proportion of acquittals in the different Districts was as follows.— In Tanjore exactly ½, in Tinnevelly nearly ½; in Chittoor, Combaconum, Coimbatore, Ganjam, Masulipatam, Rajahmundry, Salem and Trichinopoly more than ½; in Bellary, Cuddapah, Malabar, Nellore, Dindigul and Cuddalore more than 1/3d; in Canara more than ¼; and in Chingleput and Vizagapatam more than ⅛ were acquitted.—

22.

With reference to this large proportion of acquittals the Court of Sudder Adawlut resolve to direct the Provincial Court of Circuit to point the attention of the Magistrates of Chittoor, Combaconum, Coimbatore, Ganjam, Tanjore, Madura, Masulipatam, Rajahmundry, Salem, Trichinopoly, Bellary, Cuddapah, Malabar, Nellore, Dindigul and Cuddalore to the provisions

provisions of Sections XIV and XV of Regulation IX
1816.—

Crimes and Misdemeanors.

23.

During the half year under review there were 2,155 cases including 6,138 persons brought before the District Police charged with Crimes and Misdemeanors of these 2,672 persons, or more than 1/3d of the whole, were discharged.

24.

Of 325 persons charged with Murder, Robbery and Murder 34 were released, or nearly 1/4 — of 72. charged with Robbery and Murder 34 were released, or nearly 1/2 — of 939. persons charged with Gang Robbery 189 were released, or more than 1/2 — of 1,120 persons charged with Theft, 540 were released, or nearly 1/2 — of 134 charged with Arson 84. were released, or more than 1/2 —

25.

Canara, Cuddapah, Ganjam, Rajahmundry, Salem and Chingleput appear to be the districts in which more than 1/2 of the number accused were released; in Chittoor and Madura nearly 1/2 were discharged; in Coimbatore and Madura more than 1/3; in Chingleput, Masulipatam and Trichinopoly more than 1/4 were discharged.—

26.

Of the 1,069 persons brought before the Magistracy in 311. Cases not punishable by them. 145 Cases,

Cases, including 416 persons, were sent to the Criminal Court, and 7. Cases including 27. persons were not disposed of at the close of the report: 826 persons were released by the Magistracy in Cases not punishable by them, and of the charges in these instances 65 appeared wilfully false and malicious.—

27.

In Ganjam the whole number of persons (58) sent up to the Magistrate for crimes and Misdemeanors were released — In Coimbatore, Cuddapah, Madura, Nellore, Rajahmundry, Salem and Trichinopoly the Statement in the Table shews that nearly the whole number was released — In Chittoor, Madura, Cuddalore more than 1/2, and in Canara nearly about 1/2 of the number accused were released — In Canara and Vizagapatam more than 1/3d in Masulipatam about 1/3d were released — It is to be remarked however that only 2, out of 117 persons accused, were released by the Magistrate of Bellary — Of the 826 persons released by the Magistracy about 1/4 were charged with Gang or Robbery, about 1/8th with Theft.—

	Nos of persons brought	Nos persons released
Coimbatore	59	50.
Cuddapah	46	41.
Madura	19	15.
Nellore	21	17.
Rajahmundry	92	82.
Salem	38	29
Trichinopoly	112	109.

28.

The results exhibited in the preceding para: require the Court of Sudder Adalut to call the attention of the Magistrates of Ganjam, Coimbatore, Cuddapah

Cuddapah, Madura, Salem, Rajahmundry, Chingleput, Vizagapatam and Masulipatam to the Circular Order of the 21st May 1823.—

29. The Court observe that there is a great discrepancy between the total number of cases ascertained to have occurred, and the completed offenders reported for the preceding half year. This discrepancy is observable principally in the crimes of Housebreaking by Night and Theft. In 1886 cases of the 4076 ascertained to have occurred, no one party concerned has been apprehended and the computed number of offenders in those cases amounts to 8014.—

	Cases.	Persons.
2nd half 1837	4661	16853.
1st half 1838	4078	16336.

30. With reference to the very large number of persons charged with serious crimes who have escaped apprehension, the Court of Sudder Adawlut request the Provincial Courts of Circuit to enjoin the particular attention of the Magistrates of Cuddapah, Salem, Coimbatore, Bellary, Ganjam, Chittoor, Chingleput, Masulipatam, Guntoor, Rajahmundry and Cuddalore to the Circular Order of the 30th May 1831.—

Statements Nos. 5 and 6.

Criminal Courts. 31. In the last half year of 1837, 2292 Cases including 4931 persons were brought before the Criminal Courts. It is satisfactory to observe that during the half year

year under review there were only 4917 Cases including 4115. Prisoners brought before the Criminal Courts.—

32. The Courts before which the greatest number of Cases were brought in the half year under review are Combaconum (226—371) Chittoor (168—327) and Madura (146—340).—

33. Out of the 4031 persons brought before the Criminal Courts, 4115 persons were examined, and of these 914 persons (in Cases punishable by the Criminal Courts) were unconditionally released, and 599 were unconditionally released in Cases adjudicable only by the Higher Courts. total unconditionally released 1513. of the 1513. acquittals, 60 persons were considered to have been brought forward on charges wilfully false and malicious.—

34. Of the persons (1138) punished by the Criminal Courts 362 were imprisoned, 290 fined, 15. flogged, 56 both imprisoned and fined and 213 both imprisoned and flogged.—

Statements Nos. 7 and 8.—

Circuit Courts.

35. In the last half year of 1837. 442 Cases including 1316 persons were brought before the Courts of Circuit. It is satisfactory to observe that during

during the half year under review this number has fallen to 323 Cases and 805 Prisoners.—

36. Ninety (90) persons were committed for murder and of these 36, or more than 1/3, were unconditionally released; 32 were committed for Robbery and Murder, and of these 10, or nearly 1/3, were unconditionally released — 377 were committed for Gang Robbery and of these 98 were unconditionally released, or more than 1/4 of those committed for House breaking by night 22 out of 68, or nearly 1/3 were unconditionally released; in arson 11 out of 14, or more than 3/4; in Perjury 8 out of 18; or less than 1/2; and in Forgery 20 out of 32, or about 2/3 were unconditionally released.—

37. Of the total number of persons committed (805) - 240 were released unconditionally, being more than 1/3; but against 3. of these the accusations appeared to be wilfully false and malicious; 73 were ordered to be released on security.—

38. The number convicted and punished by the Courts of Circuit was 335, or more than 1/3, of whom 13. were flogged and imprisoned for a term exceeding 7 years. 10 sentenced to similar punishment for a term not exceeding 7 years, 158 imprisoned for 7 years and upwards without flogging

flogging, and 154 for 7 years and under, also without flogging. there were 42 trials including 91 persons ordered to be referred to the Conjadores Ecclesiastic during this period, in 36 of which the Fiscals were concerned in by the Courts of Circuit, but the nature of the offences made the trials of necessity referrible, and the remaining 6 were referred because the Courts of Circuit did not approve of the Fiscals; and 16 Cases including 18 prisoners were postponed by the Courts of Circuit to the next Sessions; 23 persons were returned to the Criminal Courts to be disposed of by them, 30 persons were discharged without trial, and 11 persons died before trial.—

39. The Statements from the several divisions shew that before the Court of Circuit in the Centre Division there were brought 111 Cases including 298 prisoners, of whom ninety five were released unconditionally, and 2 on security, 109. were convicted and sentenced to punishment, in 16 cases containing 45 persons the trials were ordered to be referred to the Conjadores Ecclesiastic, 7 Cases containing 9. persons were postponed, and 8 Cases including 18 persons were returned to the Criminal Courts.—

40. Before the Court of Circuit in the Western Division there were brought 83 Cases including 161 persons, of whom 34 were released unconditionally, (against 3 of these the charges appeared to be wilfully false and malicious)

11 were ordered to be released on security; 66 were convicted and sentenced to punishment; 14 trials containing 26 prisoners were referred to the Court of Soujdaree Adalut; one case containing one prisoner was postponed; 8 Cases including 8. prisoners were returned to the Criminal Courts; and 13. persons were discharged without trial.—

41.

Before the Court of Circuit in the Southern Division there were brought 75 cases including 226 prisoners of whom 53 were released unconditionally, 28 were ordered to be released on Security; 133 were convicted and sentenced to punishment; 6. Cases containing 6. prisoners were referred to the Court of Soujdaree Adalut; and 4 Cases containing 6 prisoners were postponed.—

42.

Before the Court of Circuit in the Northern Division there were brought only 54. Cases including 120 persons of these persons, 57 were released unconditionally; 13 were ordered to be released on Security; 27 were convicted and sentenced; 7. Cases containing 14 prisoners were referred to the Court of Soujdaree Adalut; and 2 Cases containing 3. prisoners were postponed.—

Statement No. 9.

Soujdaree Adalut. 43.

The Statement No. 9 exhibits the operations of the Soujdaree Adalut.—

44.

At the date of the last report the number of trials not disposed of by the Court of Soujdaree Adalut amounted to 6. including 8. persons, and

during the half year under review 80 trials more were received, including 190. persons, making together 86 Cases including 198 persons; whereof 20 Cases were trials for Murder, 1. for Murder by Khungee, 6 for Robbery and Murder 41 were trials for Treason and Rebellion and 3. were for Gang Robbery attended with aggravating circumstances.—

45.

Of these trials 79. Cases including 170. persons were disposed of by the Court of Soujdaree Adalut during the half year under review, leaving 6. Cases including 24. persons to be disposed of in the following half year.—

46.

Of the 173. persons whose cases were disposed of by the Soujdaree Adalut within the last half year, 40 were released unconditionally, and 5. were ordered to be released on security.—(Of these 45. persons acquitted or not fully convicted by the Court of Soujdaree Adalut, 8 were considered convicted by the Judge of Circuit) 127 prisoners were convicted and sentenced to punishment, but of these 2 were considered not convicted by the Judge of Circuit.—

Of

47. Of these 127 prisoners 20. were sentenced to suffer death, 18. were transported without flogging, 2. imprisoned for life without flogging, 43. were imprisoned for more than 7. and not more than 14. years without flogging, 1. flogged and imprisoned for 7. years and under, 42. were imprisoned for 7. years and under without flogging, and 1. prisoner was released in consideration of the imprisonment already undergone having been considered sufficient punishment.—

48. The number of trials disposed of under Section II Regulation I of 1818 were 26 including 59 persons in 14 Cases containing 29 persons the fatwahs of acquittal were founded on personal exceptions to the witnesses, and in the remaining 12 Cases containing 30 persons on the insufficiency of the evidence adduced. In these 26 Cases containing 59. persons. 3 were sentenced to death 5 were transported without flogging 36 were imprisoned for more than 7 and not more than 14. years

years without flogging and 16 were imprisoned for 7 years and under without flogging.—

49. The grounds on which the fatwahs were over ruled by the Foujdaree Adalut in the 12 Cases in which the evidence adduced was considered by the Law Officers insufficient will be found detailed in an Appendix to these proceedings.—

50. In conformity to the instructions contained in the 22d. para. of the Extract from the Proceedings of Consultation under date the 8th. August 1834, the Judges beg leave to report that out of the 7 Cases referred to the Foujdaree Adalut in consequence of the Presiding Judge disapproving of the Fatwah of the Law Officer, in 5. Cases the decision of the Judge of Circuit was affirmed by the Foujdaree Adalut.—

51. The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 41st para. of their general Letter under date the 20th. of March 1838, as to the number of Sentences passed by each Judge of the Foujdaree

3d. December 1838.

"Conjd are Indatat whether sitting singly or whether more
"than one Judge be present."

The Honorable C. H. Lushington Esqre. Chief Judge — 3. sing. conjointly
John Bird Esqre. — — — — — — — P. Judge — 2 — 69.
C. A. Oakes Esqre. — — — — Acting 2d. Judge — 1 — 22. Joined the Court 25th February 1836
A. D. Campbell Esqre. — — — — 3d. Judge — 14 — 67.
62.

A Statement is also appended to
shewing "what number of referrible trials have actually
"been referred to the Conjd are Indatat within the period
"under review, and what (at the least) the greatest
"and the average number of days after each trial,
"when the reference was made" as required by the
33d. para. of the general letter from the Honorable
the Court of Directors dated 20th of March 1833.

Ordered, that Extract from
these proceedings together with copies in Triplicate of
all Statements connected therewith be forwarded to
the Chief Secretary to Government for the purpose
of being laid before the Right Honorable the
Governor in Council.

(Sent in Ab. 1656

Appendix

F. H.

3d. December 1838.

Appendix.

The following is an abstract of the grounds of exceptions in the trials referred of by the Court of Conjd are Indatat under the provisions of Section III Regulation I of 1818 from the 1st. January to the 30th. June 1838.—

Case No. 10 Vellore Calendar 1st. Sessions of 1838.—

The prisoner

Koseia Cahil

was charged with having enticed a male child of four years and a half old, to a jungle theatre carried him inside a well taken from his person a silver necklace and armlet of the value of 10 Rupees and eight annas, and with the intent to put him to death, pushed his head against the ground in such a way as that his head was forced into a hole, and then placed three stones on his neck, his loins and his buttocks.—

The Provincial Law officer in his first feature, objected to the evidence of the 8th. 9th. 13th and 14th. witnesses on account of certain special exceptions, and acquitted the Prisoner.—

A second feature having been taken from him in which he was required to state to what specific

a specific punishment the prisoner would have been liable under the Mahomedan Law if no objection had existed to the evidence of the 8. Q. B. and 4th. witnesses. The Law Officer declared that the prisoner would in that case have been convicted of the crime of robbery with attempt to murder, and would have been liable to Lazer and a punishment of imprisonment for life.

The Cazee and Cozzat and Moofties of the Sudder Dewanny Adawlut convicted the prisoner only of taking the boy's ornaments and declared him liable to Lazer.

The Court of Sudder Dewanny Adawlut were of opinion that the guilt of the prisoner was established to the full extent of the charge, and they accordingly sentenced him to transportation for life under Clause Third Section VII Regulation XV of 1825.

Case No. 4. Vizagapatam Calendar 2d Session of 1838.

The Prisoner

Dwitoobooy Setarumey

was charged with having, thro the medium of his Vakeel Brownjy, filed in the Principal Court at Vizagapatam a certain forged document purporting to

be an acquittance from the Balance of the rent due on certain Lands belonging to one Satrasam Chetlo.

The Provincial Law Officer in this Station declared the crime of forgery, or of knowingly uttering a forged document, not proved against the prisoner by the evidence of the 3d witness the accused was in his opinion not free from suspicion of having filed a doubtful document and accordingly he awarded Lazer.

The Judge Presiding at the trial was of opinion that the record of the case contained strong presumptive proof, that the prisoner well knew the document which he directed to be filed in Civil No. 315 of 1835 was not genuine, and that in attempting to set aside by it the original Act Sale granted to his father, and thereby to relieve himself of the balance of the rents, due, owed for, and ultimately granted to the Plaintiff, he was guilty of a fraud.

The Cazee and Cozzat and Moofties of the Sudder Adawlut were of opinion that the prisoner should be set at liberty on the ground that the evidence for the Prosecution was so equally balanced by the evidence for the defence that it was

was impossible to come to a right decision on the subject

The Cazee and Mogat having been required to state by a second futwa to what punishment the prisoner would have been liable under the Mahommedan Law, if he had been convicted on full legal evidence of fraudulently uttering a document which he knew to be forged, declared him liable to Kissas.—

The Court of Sudder Dewanny Adawlut entered with the Judge on Circuit in the view he had taken of the case, and sentenced the prisoner to seven years imprisonment under the provisions of Clause third, Section VII Regulation XV of 1803.—

Cases Nos. 14 and 16 Bellary Calendar 2d Sessions of 1837.

The Prisoners

Lallah

Bussah

and

Coosa Buseshah

were charged in Case No. 14 with having in concert with others gone armed at night, broken the door and entered the houses of the first five complainants

Camakah

Dimmakah, Tergah, Ged Lah, Veergah, and Nagah & plundered therefrom property belonging to the said Complainants of the value of about 320 Rupees, and further inflicted sundry wounds on one Kondah the Uncle of the second Complainant with a Hatchet, and upon one Timmaya Shimmah the Uncle of the fifth Prosecutor with a sword, of which wounds these two persons died.—

In Case No. 16 the same persons were charged with having stopped on the road the first, third and fourth complainants named Kondasee, Busvah and Kenbah beat the first Complainant Kondasee and wounded Shimmah the brother of the second Complainant with a Hatchet so that he died, and further with having robbed from the said Kondasee and Shimmah property to the amount of Rupees 10 and Annas ten.—

In his futwa delivered in Case No. 14 the Provincial Law officer declared the 3 prisoners convicted on strong presumptive evidence of being accomplices in the commission of gang robbery and, In case No. 16 in his first futwah the Law officer objected to the evidence of the Prosecutor but pronounced the 1st and 2d Prisoners convicted of being accomplices to the commission of gang robbery and liable to Kissas. He acquitted the 3d Prisoner.—

The Provincial Law officer having been required to state by a second futwa to what punishment the

the Prisoners would have been liable. Court not the objection recorded in the Juitura against the evidence of the Prosecutors. He declared that had the evidence of the Prisoners been admissible in the Mahommedan Law. the Prisoners could have been convicted of the crime of Robbery and Murder & would have been liable to Ackoubut.—

The Cazee col Cozat and Mooftee of the Conjeare Dedaut in the Juitura delivered by them in Case No 16. & acquitted all the Prisoners in their Juitura in Case No 14. they pronounced only the 1st and 2d Prisoners convicted on their own confessions of gang robbery and liable to Ackoubut. the 3d Prisoner they again acquitted.—

The Court of Conjeare Dedaut were of opinion that the 1st and 2d Prisoners were in both cases convicted on their own confessions of having belonged to the gang by whom the murder had been perpetrated and to have been present aiding and abetting.—

The 1st Prisoner was proved in Case No 16 by the Prosecutor in that case to have been actually concerned and to have cut at him with a hatchet. The Court accordingly sentenced the first Prisoner to be hanged as prescribed by Regulation XV. Clause first section IV. of 1803.

In the absence of all direct proof to show that the second Prisoner had taken an active part in

in the robbery. The Court were pleased to pass on him the mitigated sentence of transportation for life as prescribed by the fifth Clause of the Section and Regulation above quoted.—

The Court of Conjeare Dedaut concurred in the acquittal of the 3d Prisoner.—

Case No 1 Pellichery 2d Additional Calendar 4th Quarterly Sessions of 1837.

The Prisoner

Jean Chemal Sheria Chekone

was charged with having aided in the murder of Poolen Poroth Elampooral Cheeroo Agent of the Prosecutor. and in the robbery of her property.—

The Juitura of the Provincial Court of Appeal declared the Prisoner convicted by the evidence of the crime of robbery and liable to Ackoubut.—

The Cazee col Cozat and Mooftee of the Conjeare Dedaut took a similar view of the case and delivered a like sentence.—

It was proved that the House of the deceased had been robbed and that she had met with a violent death. It was admitted by the Prisoner that he had accompanied the gang who had robbed the House and that he had received a lamp as his share of the plundered property. This confession the Prisoner confirmed before the Head of Police. and the truth of it was strongly corroborated by his producing the lamp from the place where he concealed

confessed the Fact stated to.—

Upon this evidence the Court of Sojdaree Adalut concurred with the Judge presiding at the Trial in the conviction of the Prisoner of the crime charged and sentenced him to transportation for life.—

Case No. 3 Malabar Calendar 1st. Sessions of 1838.—

The Prisoners

Eeam Kuttancherry Tayan,

Ekefoot Comathy,

Chirikal alias Kottikot Eeam Raman

and

Pelian Kad Puthiakel Kundin

stood charged as follows, that having committed together to murder the Husband of the 2d. Prisoner; the said 2d. Prisoner did one night open the door of the house of the deceased and the first, third and fourth Prisoners did then in concert enter the House and murder the deceased in the room where he was sleeping.—

The Provincial Law Officer in his Futwa declared the Prisoners convicted on their confession as well as on the evidence adduced and declared them liable to Abkoobut.—

The Cazee ool Oogut and Mooftee of the Sudder Adalut expressed their opinion that the

1st. and 4th. Prisoners were convicted of murder and the 3d. of stating a part in burying the corpse and that they were liable to Abkoobut in the proportion of their respective crimes. They acquitted the 2d. Prisoner.—

The Court of Sudder Adalut considered all the Prisoners most fully convicted of murder and they accordingly sentenced the 2d. 3d. and 4th. Prisoners to suffer death as prescribed by Section X Regulation VIII of 1802.—

The Court were of opinion that the ends of justice would be met by the capital punishment of the three last Prisoners and in consideration of certain circumstances appearing in the case of the 1st. Prisoner were pleased to extend mercy to him and accordingly sentenced him to be transported for life.—

Case No. 1 Tellicherry 4th. Additional Calendar 1st. Quarter Session 1838.

The Prisoner

Eeam Ameenhatta Eoran

was charged with having quarrelled with the mother of the Prosecutor Cawelan and with having inflicted two mortal wounds on the upper part of his breast of which mortal wounds he died.—

The Provincial Law Officer declared the Prisoner convicted on strong presumptive proof and liable

to

to Acquaint.—

The Cazee and Begut and Inspectors of Coujdaree Adawlut in their first future pronounced the Prisoner to be not free from suspicion of having committed murder and to be liable therefore to Circumstantial punishment as to the Prisoner would be liable to by the Mahomedan Law if he had been convicted of the crime of Culpable Homicide. The Law officers declared that had the Prisoner been convicted of Culpable Homicide on full legal evidence he would have been liable to a Deyut of 1000 Rupees to be paid in three years.—

The Court of Coujdaree Adawlut were satisfied that the deceased had been killed by the Prisoner.—

It was admitted by the Prisoner that he had had a quarrel and had been wrestling with the deceased, at night, in his own (the Prisoners) house, and must on that occasion have had in his waist a Knife—and this admission was corroborated by the evidence of the 2d witness who deposed having heard the deceased and the Prisoner quarrel after dark in the house of the Prisoner. The 1st witness also deposed to having seen the Prisoner leave the house shortly after. It was further established by the evidence

evidence that the deceased was found early next morning in the Prisoners house stabbed to death and that the Prisoner that was found in the house stained with blood.

The Court however found it difficult to decide whether the Prisoner had received any Provocation. It seemed to the Court reasonable to suppose that the Prisoner who had been aggrieved in the distribution of certain ornaments had been followed into his house by the deceased and it appeared possible that he might have received insult from the deceased under this impression the Court were led to convict the Prisoner of the crime of Culpable Homicide and the Prisoner was accordingly in the provisions of Clause Third Section VIII Regulation XV of 1833 sentenced to (14) fourteen years imprisonment.—

Case No 42 Mangalore Special Commission

The Prisoners

1st Byeamkady Ootcassa Beary,
2d Yacoob,
4th Beedy Ahmud,
5th Sheboo,
6th Edimbiry,
7th Bega Jaroo,
8th Bha Kenabay,
9th Boridurie,
10th Abboo,
11th Ighoo Lahab,
12th Cooka,
13th Bounga,
14th Ayther, and
15th Coorta

were charged with rebellion, in that being subjects of the British Government, they did withdraw their allegiance and oppose the authority of the same; and did treasonably and rebelliously declare that the Company's Government was at an end and another Government established and did break into the house of Royapen the first witness, and plunder it of property of the value of 200 Rupees and four annas.—

The Provincial Law officer in this station declared all the prisoners convicted and liable to Lazen.—

The Cazee ool Cozat and Inooftees of the Coujdaree Adaulut expressed their opinion that the prisoners were convicted of gang robbery and liable to Ashtoot.

The Court of Coujdaree Adaulut being of opinion that the charge of Rebellion was fully established against all the prisoners, sentenced the 10 first prisoners to 14 years imprisonment with banishment and the remaining 3 to two years imprisonment as prescribed by Sections II and III Regulation I of 1834 and cause that Section VIII Regulation XV of 1803. the 14th prisoner died before sentence could be passed upon him.—

Case

Case No. 46 Mangalore Special Commission

The prisoners

1st Chinnoo alias Mahomed Shereef

and

2d Sheikh Koosein

were charged with Treason and Rebellion in that they did withdraw their allegiance from the British Govern= =ment and oppose the authority of the same and in concert with some others and armed with clubs did treasonably and rebelliously assault one Anthu Ryda ad threatening language towards him to the effect that the Company's Government was at an end and that the Coorg had given them permission to plunder for three days and did then forcibly enter his house and plunder it of property to the value of fifty four Rupees.—

The Provincial Law officer considered the prisoners convicted and awarded Ashtoot.—

The Cazee ool Cozat and Inooftees of the Coujdaree Adaulut pronounced the prisoners only guilty of Robbery and awarded Ashtoot.—

The Court of Coujdaree Adaulut being of opinion that the prisoners were convicted to the full esotent of the charge sentenced them to fourteen years imprisonment

imprisonment in banishment as prescribed by Sections II and III Regulation I of 1834 and Clause third Section VIII Regulation XV of 1803.—

Case No. 47 Mangalore Special Commission

The prisoner

Cady

was charged with treason and rebellion in declaring the Company's Government to be at an end and another to be established in its place and in concert with some other breaking into the house of the first witness Gompa and plundering therefrom property to the amount of thirty three Rupees and eight annas.—

The finding of the Provincial Law Officer declared the prisoner committed and awarded Rokootoo.—

The Cazee cool Cozat and Mooftee of the Soujdaree Adalut considered the charge of gang robbery alone established against the prisoner.—

The Court of Soujdaree Adalut however being of opinion that the crime of Rebellion was proved against the prisoner sentenced him to 14 years imprisonment in banishment as prescribed by Sections II and III Regulation I of 1834 and Clause third Section VIII Regulation XV of 1803.—

Case

Case No. 48 Mangalore Special Commission.

The prisoners

Syed Ismail

Ebrahim

Cheydallah

and

Cady

were charged with treason and rebellion in wearing armed themselves with swords clubs and other weapons and stopping on the road the first witness with having used threatening language towards him declaring the Government of the Company was established and with having robbed him of property to the amount of Rupees ninety seven and annas twelve.

The Provincial Law Officer convicted the prisoners and awarded Lazer.—

The Cazee cool Cozat and Mooftee of the Soujdaree Adalut pronounced the prisoners guilty of gang robbery and liable to Lazer.—

The Court of Soujdaree Adalut convicted them of Rebellion and sentenced them to 14 years imprisonment in banishment as provided by Sections II and III Regulation I of 1834 and Clause third Section VIII Regulation XV of 1803.—

Case No. 139 Mangalore Special Commission

The prisoner

Coty Cudwalla Bytee

was

was charged with Rebellion in having treasonably and rebellously abandoned his duty to the Circar with having collected men in aid of the Rebel chief Potta Russaphe with having gone to the village Bellange and acted as a leader under the rebel Ruranapahe with having headed the party which entered the House of Potail Ammoo Pundiah and with having plundered it of property valued at about sixty Rupees

The Provincial Law officer declared the Prisoner liable to Prohibition

The Cazee ool Oozat and Mooftee of the Sudder Dewanny Adawlut acquitted the Prisoner

On the opinion of the Court of Conference it was sufficiently proved that the Prisoner having abandoned his duty as a servant of the Government and of having associated with rebels, that they did not consider him convicted of having acted as a leader or of having headed a party of rebels who robbed the house of Potail Ammoo Pundiah nor to have taken an active part in the Rebellion. The Prisoner appeared to have acted more from fear than to have been influenced by inclination, and under this view the Court sentenced the prisoner to six months imprisonment, as prescribed by

by Sections II and III Regulation I of 1834 but recommended his case to the merciful consideration of Government who eventually pardoned him.

Bhavany Dass of the Zillah of Chittoor, moves the Court to return the enclosure in his Miscellaneous Petition No 160 of 1838.

Ordered accordingly.

Read letter dated the 15th August last, from the Provincial Court of Circuit in the Northern Division, transmitting Printed Statements No 1, 2, 3 and 4 for the 1st Half year of 1838.

(Here enter No 1727)

Read letter dated the 17th September last, from the Provincial Court of Circuit in the Western Division, transmitting the Printed Statements for the 1st Half year of 1838.

(Here enter No 1728)

Read letter dated the 17th September last, from the Provincial Court of Circuit in the Centre Division, transmitting Printed Statements No 1, 2, 3 and 4 for the 1st Half year of 1838.

(Here enter No 1888)

Read letter dated the 17th September last, from the Provincial Court of Circuit in the Southern

Southern Division, transmitting Printed Statements for the 1st. Half year of 1838.—

Ent'd. WB
L.R.C.
AB
A/Regr.

(Here enter No. 1902)

No.

At a Court of the Tongdaree Adalut.

Present,

Tuesday, 4th. Decr. 1838.

John Bird Esqre. ——— 1st. Puisne Judge
Thos. Alexr. Oakes Esqre. (Actg.) 2nd. Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge

WB
L.R.C.

Read further return dated the 16th. Ultimo made by the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Tongdaree Adalut under date the 15th. October 1838, directing them to call for and to submit Copies and Translations of the Proceedings of the two Heads of Police of Mungalagerry and of the Magistracy of Guntoor, in respect of the Complaint of Sant Lena Saul against Vencata Krishna Rao, touching the Appropriation by the latter of certain gold and Silver Jewels, Cloths &c. belonging to the Estate of the late Captain Suggunadha Daboo—

(Here enter No. 2243.)

The Provincial Court of Circuit certify in the above return that the Magistrate of Guntoor has forwarded to them the Originals of the whole of the records in the above cases, reporting at the same time his inability to prepare translations of them; and the Provincial Court of Circuit being also unable to have translations thereof prepared in

in their Registrar's Office without interfering with the disposal of the current business of the Court, they solicit the further orders of the Tongdaree Udalut.

Under the circumstances of the case, the Court of Tongdaree Udalut resolve to direct the Provincial Court of Circuit in the Northern Division to transmit to them without delay, the original records of the cases as forwarded to the Provincial Court of Circuit by the Magistrate of Guntoor.

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

/ Sent in No. 1880 /

Read return dated the 28th Ultimo submitted by the Criminal Judge of Bellary to this Court's precept of the 12th of the same month, conveying their orders and observations on the Bellary Criminal Reports for the month of September last.

/ Dire Cutcherry No. 2261 of 1838 /

Adverting to para 1 of the foregoing communication, the Criminal Judge is informed that he is correct in supposing Criminal Case No. 130 and not No. 92 was intended to be referred for the perusal and consideration of the Acting 2d Judge on Circuit. He is accordingly

accordingly requested to make the necessary alteration in the Extract of proceedings which was transmitted to this Office.

2. Under the Criminal Judge's explanation of the grounds on which sentence was passed by him on the Prisoner in Case No. 1143, the Judges of the Tongdaree Udalut see no reason to doubt the propriety of the period of imprisonment which was awarded.

3. The remarks by the Criminal Judge on the proceedings of this Court in respect of that Officer's disposal of case No. 118 are based upon the erroneous assumption, that, under the evidence reported to have been adduced the commitment of the Prisoner was considered by the Judges of the Tongdaree Udalut to be wrong. On further reference to the proceedings in question the Criminal Judge will observe that in the opinion of this Court the Prisoner should have been placed under a recognizance of security, a course of proceeding which was deemed justifiable under the circumstance of the Prosecutor's statement before the Criminal Court having (as appears from the report) been corroborated by the evidence of the 3 witnesses in so much as regards the fact of an attack having been actually made upon himself and the Prosecutor.

4. The Judges request the Criminal Judge will be pleased to specify the number of the Case alluded

4th December 1838.

alluded to in the concluding paras of his return now under remark.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary by precept returnable in 2 days, from and after its receipt.

(Sent following Precept No. 1661)

Ordered also, that Extract of para 1. of this Court's proceedings of the 12th Ultimo on the Bellary Criminal Reports for September last be transmitted to the Acting 2nd Judge on Circuit for this information and guidance.

(Sent in No. 1662)

Read Letter dated the 21st Ultimo from the Acting 3rd Judge on Circuit in the Southern Division, reporting his having opened the 2nd Sessions of 1838 at Salem on the 21st November and the State of the Calendar.

(Here enter No. 2228)

Read Letter dated the 21st Ultimo from the Acting 3rd Judge on Circuit in the Southern Division, reporting his intention of opening the 2nd Sessions of 1838 at Coimbatore on the 1st Proxo.

(Here Enter No. 2229)

J. C.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre — 1st Puisne Judge.

Wednesday 5th December 1838. — Thomas Alexr Oakes Esqre — Actg 3rd Puisne Judge.

Alexr Duncan Campbell Esq. — 3rd Puisne Judge.

No return having been received from the Criminal Judge of Bellary, to the precept of the Court of Foujdaree Udalut of the 25th October 1838, requiring him to shew good and sufficient reason why the precepts of this Court of the 6th September and 1st October 1838, were not executed and returned to this Court within the periods specified therein.—

Ordered, that the Criminal Judge of Bellary be required by precept returnable in 2. days from and after its receipt to submit the required explanation without any further delay.—

(Sent following precept No. 1660)

Read the Criminal Reports for the Month of October 1838, submitted by the Criminal Judge of Chittoor.—

(Here enter No. 2185.)

Cases Nos. 215 and 216.

1. The Court of Foujdaree Udalut see reason to doubt the propriety of the unconditional release of the prisoners concerned in Cases Nos. 214, 215. and 216, and they desire to be informed whether before

before the charge in Case №215 was "dismissed" application was made by the Criminal Judge to the Magistrate to procure the attendance of the witness "Manran," and his wife;- and in Case №216 to procure the attendance of the prosecutrix and also of the persons who are said to have been ill treated by the prisoners.-

Case №230. 2. With reference to the grounds recorded for the release of the prisoner in Case №230, the Court of Foujdaree Udalut desire to be informed of the reason by whom the charge of Forgery was brought against the prisoner "Venkatacharry."-

Cases №s 231. and 232. 3. The Court of Foujdaree Udalut doubt also the propriety of the unconditional release of the prisoners concerned in Cases №s 231. and 232.-

Cases №s 236. and 237. 4. In Case №236 the 1st and 2d prisoners were convicted of housebreaking, the value of the property stolen amounting to Rupees 45 and annas 12, and in Case №237 the same prisoners were convicted of housebreaking, the value of the property stolen amounting to Rupees 55 and annas 12. total amount of the property stolen amounting to Rupees 101 and Annas 8- and the Criminal Judge himself disposed of these Cases by sentencing the prisoners in question to 2. Years imprisonment with hard labor, and the 1st Prisoner also to receive 50. lashes with a cat of nine tails.-

The

5. The Court of Foujdaree Udalut will not now disturb the sentence passed in these Cases, but for the information and future guidance of the Criminal Judge they resolve to point out that the disposal of such Cases by the Criminal Court has been ruled by the Foujdaree Udalut to be inconsistent with the spirit of the provisions of Regulation VI of 1822, which unquestionably require that a person convicted of two or more distinct Burglaries when the total value of the property stolen may exceed the jurisdiction of the Criminal Court, should be committed for Trial before the Court of Circuit; and a person convicted of a repetition of such offences must be regarded as a character deserving of severer punishment than the Criminal Judge is authorized to inflict.-

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.-

(Sent following precept №1867)

Read return, dated the 23d Ultimo from the Acting Joint Criminal Judge at Cochin to the precept of the Foujdaree Udalut dated the 15th November 1838, calling to explain certain discrepancy

5th December 1838.

discrepancy in the Statement of Prisoners for the Month of October last and to transmit an amended Statement.

(Here Enter No. 2260.)

Read letter dated the 26th Ultimo from the 2d Judge on Circuit in the Western Division, reporting his having on the 4th resumed his sittings at Mangalore for the trial of the Prisoner in the additional Calendar.

(Here enter No. 2284.)

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Western Division, reporting that he has closed the 2d Sessions of 1838 at Mangalore on the 28th Ultimo.

(Here enter No. 2295.)

Read letter dated the 1st Instant from the Magistrate of Cuddapah, submitting information regarding the detention in the Talook of a Prisoner Suckla Venkatah, as required in this Court's proceedings of the 31st October last.

(Here Enter No. 2300.)

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L.A.Q.

W3

Engd

J.C.

S.D.

In a Court of the Foujdaree Adalut.

Present

Thursday 6th December 1838.

John Bird Esqre — 1st Puisne Judge,
Thomas Alexr Oakes Esqre — Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

Read letter dated the 29th August last

W3 from the 1st Judge on Circuit in the Eastern Division, transmitting the record in Case No. 7. on the Sessions

L.A.Q. Calendar 2d Sessions of 1838.

(Here enter No. 2206)

Mr. Reid.

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Cromwear Law Officer, and the futwa of the Cazee col Cozat and two Moftees of the Foujdaree Adalut, confirm the said futwa of the Cazee col Cozat and two Moftees aforesaid, convicting the prisoner

Bowsay Mangooloo

of being a party to the crime of Robbery by open violence, and under the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section IV Regulation XV of 1803, sentence the said prisoner to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of fourteen (14) years.

(Sent following letter No. 1670.

Read

Read letter from the Provincial Court of Circuit in the Centre Division dated the 19th ultimo submitting copies of returns from the several Criminal Judges, Joint Criminal Judges, Principal Sub Amuns and the Magistrates within the jurisdiction of that Court reporting upon the strolling tribes in pursuit of practice theft and robbery as a profession and enquiring their sentiments on the plan proposed by Sir Thomas Munro with regard to them, in reference to the Extract of Minutes of Consultation dated the 10th January last, together with the returns received from the Magistrates of Chittoor - Chingleput and South Arcot, stating their opinion as to the particular practices or ordinances of Police which are deemed by them to be absolutely necessary for the maintenance of the peace in their Districts as required in the Extract of the Minutes of Consultation dated the 10th October 1837.—

(Here enter No 2218 of 1838)

1. The returns which accompany the foregoing communication have been submitted in an incomplete state, the Judges of the Court are constrained regret to observe in consequence of the failure on the part of the Magistrate of Bellary to reply to the orders contained in the two Precepts issued to him by the Provincial Court of Circuit in the Centre Division under dates the

the 27th June and 27th August last, and of which no notice it is stated by the Provincial Court had been taken by that officer up to the 19th ultimo.—

2. The Judges of this Court would have wished that the omission now noticed should have been earlier reported for their information, but before taking any further steps in the matter, they resolve to require the Magistrate of Bellary to furnish the information called for in the Precepts quoted in the preceding para, without any further delay, direct to the Provincial Court of Circuit, to whom he is likewise requested to submit any observations he may wish to offer regarding the delay which has already occurred.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Bellary by Precept returnable through the Provincial Court of Circuit in the Centre Division within 10 days from and after its receipt.—

(Sent following Precept No 1871

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

(Sent in No 1872.)

At a Court of the Fouzdaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge

Friday Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

7th December 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read again letter dated the 23rd October 1838 from the 2nd Judge on Circuit in the Western Division, transmitting the Record in Cases Nos 4 and 7 on the Mangalore Calendar for the 2nd Sessions of 1838.—

(Here enter No 2122)

Read also Extract from the Minutes of Consultation dated the 30th Ultimo, communicating the Orders of Government on the Proceedings of the Court of Fouzdaree Udalut under date the 17th November 1838, forwarding for the approval and sanction of Government the Sentence of the Court on the prisoners in Cases Nos 4 and 7 of the Mangalore Calendar for the 2nd Sessions of 1838 who were tried and convicted on a charge of rebellion.—

(Here enter No 2283)

Mr Bird and Mr Campbell.

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

Soobbaya

be imprisoned and kept to hard labor in irons,

on

on the public roads or other public works, for and during the period of seven years:—

The Court likewise direct that Extract from their proceedings under date the 17th Ultimo on Cases Nos. 4 and 7 be sent for the information and guidance of the Mangalore Special Commissioner.—

(Sent following letter at No. 1675)

Read letter dated the 27th Ultimo from the Acting 2nd Judge on Circuit in the Centre Division, in reference to the orders of this Court of the 19th of the same month, directing that Officer to look into the proceedings of the Criminal Court at Chingleput held on the trial of Case No. 58 of the Criminal Files and pass such orders thereon as might seem to him to be proper and consistent with the regulations.—

(Here enter No. 2272)

Read also again the Criminal Reports for the months of October last submitted by the Criminal Judge of Chingleput.—

(Here enter No. 2161)

On a perusal of the remarks by the Criminal Judge in the Criminal Report for the month of October and of the observations from the Acting 2nd Judge on Circuit which are contained in the communication recorded above,

it is clear to the Court of Foujdaree Udalut that the Prisoner in the Case in question, has been convicted on inference. They, accordingly, resolve to annul the sentence passed by the Criminal Judge, but, being of opinion, that the evidence elicited on the trial is sufficient to justify a requisition of security from the Prisoner for a period of two years, they direct that he be called upon to furnish it, the amount thereof being fixed at the discretion of the Criminal Judge.—

Ordered, that Extract from these proceedings be transmitted to the Acting 2nd Judge on Circuit, who will issue the necessary orders to the Criminal Judge of Chingleput by precept returnable within 15 days, from and after its receipt.—

(Sent following precept No. 1676.)

Read letter dated the 1st Instant from J. Haig Esqre, 2nd Judge of the Provincial Court of Circuit in the Northern Division, reporting his intention of opening the 1st Session of 1839 at Nellore on the 3rd Proximo.—

(Here enter No. 2303)

F.U.

At a Court of the Tonjdaree Udalut—

Present

Monday, 10th Dec.r 1838. John Bird Esq.re ——— 1st Judge
Thomas Alex.r Oakes Esq.re 2nd Judge
Alex.r Duncan Campbell Esq.re 3rd Judge

113
F.U.C

Read Miscellaneous Petition presented on the 19th November 1838 by Ramanoojam of the Tillah of Combaconum—

/ Here enter No.r 153 of 1838 /

The Petitioner alleges that the orders issued by this Court on the 5th November refusing compliance with the prayer of Ummaiee Amal have been attributed to the representations contained in her counter petition and that he has in consequence been much annoyed— He prays the Court will issue orders directing the interference of the authorities on his behalf, and the restoration to him of some property which he alleges has been stolen from him—

This Courts orders of the 5th November last render any Remark on this Petition unnecessary—

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

Read Miscellaneous Petition presented on the 19th November by Ammalayee of the Tillah of Combaconum—

/ Here enter M. P. No.r 154 of 1838 /

The

The Petitioner (the same person as in Miscellaneous Petition Nos. 129 of 1836 and 36 of 1837) again prays the Court to issue orders for the release of her husband the Prisoner in Case No. 26 on the Cumbaconum Calendar of the 2nd Sessions of 1834.

The Court of Foujdaree Adalut see no reason to modify their order of the 10th of April 1837, to which the Petitioner is referred and which she is informed is final.

Ordered that copy of these Proceedings be furnished to the Petitioner on her application.

Read Miscellaneous Petition presented on the 21st November 1838 by Vencaraghaviah the Vakeel of Varada reddy and Tadma Reddy of Nellore.

(Here enter M. P. No. 156 of 1838)

The Petitioners complain of the Principal Collector of Nellore having confiscated certain Cloths and that the Magistrate fined them in the sum of 100 Rupees and represent that having appealed in vain to the Board of Revenue they brought the circumstances of their case to the notice of Government who were pleased by an indorsement to refer them to the Court of Circuit who rejected their Petition. They accordingly pray the Court of Foujdaree Adalut will after having taken their case under consideration afford them the redress they have hitherto sought in vain.

The Court of Foujdaree Adalut observe that

10th December 1838.

that by the papers which accompany the Petition the confiscation of the Cloths was sanctioned by the Board of Revenue and that as regards the fine, their case has been considered and rejected by the Court of Circuit for the 2nd Sessions of 1837. The Court accordingly decline disturbing their order.

Ordered that the Petition be rejected and that copy of these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 26th November 1838 by Gana Mudha Dreatchetar of the Tillah of Cuddalore.

(Here enter M. P. No. 157 of 1838)

The Petitioner complains of having been sentenced to seven years imprisonment on a false charge maliciously preferred against him by certain inhabitants of Chedumbarum, and whom he charges with having robbed him while under confinement, of property to the amount of 800 Pagodas. The Petitioner adds that having brought the circumstances of the robbery to the notice of the Criminal Judge of Chingleput, a representation was made to the Magistrate who directed the investigation to be held in the matter by the Head Police Officer, but that the Police Officer being influenced by his opponents reported that no robbery had taken place and that the mother of the Petitioner

was

was at the time of the alleged robbery living in the house

2. The Petitioner further alleges that after his release, finding the robbery had really taken place, he Petitioned the Acting 2nd Judge and the 1st Judge on Circuit in the Centre Division consecutively, and was by the latter Officer referred to the Magistrate who has rejected his petition, stating by Endorsement that from the Arzee addressed by the Tahsildar, there did not appear any grounds for the complaint.

3. The Petitioner accordingly prays this Court will issue orders to the Magistrate to investigate his complaint and restore him the property stolen from him &c

The Court of Foujdaree Adalut remark that the Petitioner has produced no documents in support of his assertions; but they would observe that in all cases in which a reference shall have been made by a Judge in Circuit to a Magistrate, the complaint should be investigated either personally by the Magistrate or by one of his European Assistants; and should this course have been omitted in the present instance, the Court direct that the Magistrate in the Southern Division of Arcot will now act therein and will report what he may have done in pursuance of these orders.

Ordered that Extract from these Proceedings be forwarded to the Magistrate in the Southern

Division

Division of Arcot for his information and guidance by Precept returnable in 10. days from and after its receipt, and that copy be furnished to the Petitioner on his application.

/ Sent following Precept No 4th 1888 /.

Petition Read Miscellaneous presented on the 3rd of December 1838 by Munnajee Row late Jail Duffadar of the Tillah of Bellary.

/ Here enter M. P. No 162 of 1838 /

The Petitioner asserts that he has for 36 years filled the situation of Duffadar and now complains of having been removed from the Office by Lieutenant Worster on what he terms insufficient grounds viz incompetency. He prays the Court will issue orders for his restoration.

The Court of Foujdaree Adalut have no control over the Officer in charge of the gangs working on the Great Western Road. The Petitioner should address the Board of Revenue if he has any just grounds of complaint.

Ordered that the petition be rejected and that copy of these proceedings be furnished to the Petitioner on his application.

Read petition presented on the 3rd December 1838 by Ramaswamy Chitty of the Tillah of Madura.

/ Here enter F.H. No 163 of 1838 /

The

The petitioner prays the Court to pass an order on the petition presented by him on the 17th July 1837, and to allow him batta to enable him to return to his village.

The Court desire the Petitioner be informed that an order was passed by them on the 5th September 1838 declining interference on his behalf, and that on his application he will be furnished with a copy thereof. The unusual prayer of the petitioner to be allowed batta is altogether inadmissible.

Ordered that copy of these Proceedings be furnished to the petitioner on his application.

Read letter dated the 26th Ultimo, from the 2nd Judge on Circuit in the Western Division submitting copies of the Honore and Fine Calendars for the 2nd Sessions of 1838.

/ Here enter No. 2281 /

Honore Calendar Case No. 1.

1. The 1st and 4th prisoners concerned in Case No. 1 of the Honore Calendar were charged with having, in the night, gone to the Sayer Coly of the Bunder at Bingy in the Ankola Talook where the Sea-Custom Monegar Rungappah lodged, opened the Tatty door thereof, entered in, ill-treated the said Monegar and others, and plundered therefrom concealed Tobacco Vss the property of Government, valued at Rupees 90. 3. 75; also property of the said Monegar, and jewels on the person of his wife valued at Rupees 67-: the 2d 3rd and 5th prisoners with having been accessaries to the said Robbery by helping the Robbers to carry off the said plundered Tobacco Vss knowing the same to have been plundered.

2. The 2d Judge explains that, as reported to the Court of Foujdaree Adalut by the additional Joint Magistrate of Canara in his letters of the 23rd of May and 4th of June last, the prisoners were employed merely as Coolies to carry away the Bales of Tobacco, and as they had already undergone nearly five months imprisonment when they were brought to trial, the 2d Judge submits that a further imprisonment for one year will be a suitable and sufficient punishment.

3. Under the circumstances of this Case, the Court of Foujdaree Adalut resolve to accede to the recommendation of the presiding Judge, and to authorize him to pass a Sentence of one years imprisonment with labor in irons upon the prisoners

"Ganesha"
"Dowly Vitoba"
"Comarpyke Linglea"
"Comarpyk Jaiy"
and
"Comarpyke Mylee"

Case No. 2.

4. In Case No. 2 of the same Calendar two prisoners stood charged with the crime of Gang Robbery by open violence; the property plundered amounting to the value of Rupees 17.8.-

5. The 2nd Judge concurred with his Law Officer in the Conviction of the prisoners, but as the Robbery was not attended with any aggravating circumstances, and on the Trial the 2nd Judge "Law reasons" to doubt whether the Robbers had any offensive weapon "with them" - that "certainly none appeared to have been "used, nor indeed was any thing that could strictly be "called personal violence offered to the inmates" he submits that imprisonment and hard labour for 3. years will be a suitable and sufficient punishment for the two prisoners.

6. The Robbery in question having been attended with open violence, the Court of Fouzdaree Udalut do not deem it proper to sanction a greater mitigation of punishment than 5. years imprisonment with hard labor in irons, and accordingly the 2nd Judge is authorized to pass such mitigated sentence upon the prisoners

"Muddionda Chicko"

and

"Magowa"

Sirsie Calendar Case No. 2.

7. In Case No. 2 of the Sirsy Calendar, two

two prisoners were convicted of housebreaking property being stolen to the extent of Rupees 138. 8.-

8. The 2d prisoner being an old offender and before convicted of Housebreaking, has been sentenced to imprisonment with hard labor in irons for 7. years; but as the 1st prisoner is a young man and nearly related to the Prosecutor, and was instigated to commit the Theft by a Lotail who was at enmity with the Prosecutor - and as the whole of the Stolen property was recovered upon the 1st prisoner's information, and no part of it had either come, or was likely to have come, into his possession - the 2nd Judge recommends imprisonment for 3 years as a sufficient punishment.

9. The Court of Fouzdaree Udalut having duly considered the circumstances of the Case, resolve under the authority vested in them by Clause 3rd Section III. Regulation 1. of 1825 to accede to the recommendation of the presiding Judge, and accordingly authorize him to pass the mitigated Sentence above indicated upon the prisoner

"Ramanny"

Ordered that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Western Division for his information and guidance by precept returnable in 7. days from and after its receipt.

/ Sent following Precept No. 1839 /

Read

Read the Cuddapah and Cumbum Criminal Reports for the month of October 1838.

/ Here enter No. 2184 /

Cumbum Cases Nos. 41 & 44.

1. The Court of Fouzdaree Udalut being of opinion that no sufficient grounds exist for the requisition of Security made by the Principal Sudr. Ameen of Cumbum from the 1st 2nd and 3rd prisoners in Case No. 41 and from the Prisoner Nundureddy concerned in Case No. 44, they desire that the Bail Bonds if any have been entered into, be cancelled, or if the Prisoners be still in confinement, that they be unconditionally set at liberty.

No. 43. 2. If the Prosecutor swore to the assault in this case, his evidence, with that of the two witness, ought to have convicted the Prisoner.

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Cuddapah for his information, and with instructions to make the necessary communication to the Principal Sudr Ameen at Cumbum, by precept returnable in 5 days from and after its receipt.

/ And following Precept No. 1690 /

Read the Criminal Reports for the month of October 1838, submitted by the Criminal Judge of Bellary.

/ Here enter No. 2185 /

The

No. 149. 1. The Court of Fouzdaree Udalut see strong reason to question the propriety of the unconditional release of the Prisoner concerned in Case No. 149, and they resolve therefore to direct the Provincial Court of Circuit in the Centre Division to call for the proceedings in the case, and to pass such orders thereon as may appear to them proper both with regard to the Prisoner, and to the Reddy and Curnum who are represented to have drawn up a paper after the inquest on the body of the Prisoner's wife was held, certifying that it bore marks of violence, but to have retracted this evidence when examined by the Criminal Court, and to have declared that the body bore "no "marks of violence and that the deceased appeared to "have died of Cholera".

Case No. 165. 2. The Court of Fouzdaree Udalut desire that the Provincial Court of Circuit will at the same time call for the record of the proceedings in Case No. 165. as from the abstract of the Evidence entered in the Criminal Report, the Judges see reason to question the propriety of the unconditional release of the Prisoner in this Case also.

Case No. 172. 3. The Court of Fouzdaree Udalut desire that the Criminal Judge of Bellary will request the Magistrate to report direct to the Court of Fouzdaree Udalut, what notice he may have taken of the delay on the part of the Head of Police of Gudikee

Yadhee in forwarding the prisoner concerned in Case No. 92 to the Criminal Court - a very insufficient and unsatisfactory reason has been assigned by this Police Officer for the detention of the prisoners, a copy of which explanation must have already been communicated to the Magistrate direct from the Talook -

Ordered that Paras 1 and 2 of these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in 15 days from and after its receipt.

/ Sent following Precept No. 1691 /

Ordered further that a copy of these Proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by precept returnable in 3 days from and after its receipt.

/ Sent following Precept No. 1692 /

Read the Criminal Reports for the month of October 1838, submitted by the Joint Criminal Judge at Vizagapatam -

/ Here enter No. 2239 /

Case No. 90. 1. With reference to the modification by the Joint Criminal Judge of the Sentence awarded by the Sudr Ameen to the 2nd prisoner in Case No. 90. the Court of Foujdaree Udalut will again point out to the Joint Criminal Judge that Section II. Regulation III of 1808. does not contemplate the alteration of a Sentence passed by a Sudr Ameen which may not be contrary to

Regulation

Regulation as respects the extent of punishment, excepting in cases where it may appear to be excessive, and where the infliction of the full measure of such punishment might be enforced before the orders of the Court of Foujdaree Udalut, on review of the Calendar, could be received.

2. In the present case the Stripes awarded by the Sudr Ameen could not have been inflicted before the orders of the Court of Foujdaree Udalut on the Criminal Report had been communicated to the Joint Criminal Judge - and if the infliction of corporal punishment was considered improper, or not called for by the circumstances of the case, the same would have been remitted by the Court of Foujdaree Udalut -

3. The order of the Joint Criminal Judge over-ruling this part of the punishment awarded to the 2nd prisoner will not now be disturbed, but for the information and future guidance of that Officer the Court of Foujdaree Udalut resolve to point out that the Law authorizes a heavier punishment for the receiver than the thief - especially if the receiver is one habitually so -

Case No. 91. 4. In the preparation of the indictment to be laid before the Court of Circuit in the case of pending, numbered 91. on the Criminal File, the

Joint

Case

10th

Joint Criminal Judge will observe the rule prescribed in the Circular Order of the 28th of June 1837, No 90.

Case No 92. 5.

The Joint Criminal Judge is instructed to advise the Sudr Ameen of the irregularity of the proceedings in Case No 92 wherein he is represented to have "passed sentence upon the prisoner without "taking evidence for the defence"

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 1693 /

Read the Report of persons apprehended within the Collectorate of Madras for Smuggling, and disposed of by the Chief Magistrate and Superintendent of Police during the month of November last, under the provisions of Act XXII of 1837.

/ Here enter No 2301 /

Case No 1. 1.

With reference to the sentence passed upon the prisoner concerned in Case No 1 of this Calendar by the Court of Fouzdaree Adawlut per Sessions to the Chief Magistrate and Superintendent of Police that the only punishment which can be inflicted on persons not discharging a fine, is, by Clause 2nd Section XVI Regulation III of 1812, prescribed to be imprisonment, with or without hard labor on the public works, according to the situation and circumstances in life of the person convicted: and adverting to the amount of the fine imposed upon the prisoner Chocapah Chitty the Court of Fouzdaree Adawlut are desirous of being informed of the circumstances under which the full penalty authorized by the Regulations was awarded.

2. The particular clause, Section and Regulation, under which each punishment is inflicted, should hereafter be specified in these returns.

Ordered that Extract from these proceedings be forwarded to the Chief Magistrate and Superintendent of Police at Madras for his information and guidance.

/ Sent in No 1694 /

Read Letter dated the 28th Ultimo from the Acting 2nd Judge on Circuit in the Centre Division submitting Copy of the Chingleput Calendar for the 2nd Sessions of 1838.

/ Here enter No 2273 /

Case No 1. 1. In case No 1 of the above Calendar, two prisoners stood charged with having "attacked the "Prosecutrix and her husband the 1st witness, on the "high road while they were going from Tiruvallore to "Madras, beat them and stole from her person gold "and Silver Jewels valued at Rupees 15 8"

2. The Acting 2nd Judge states that the prisoners were drunk at the time, and it is possible under that Stimulus committed the act charged

charged against them, and that as the Robbery was effected in the day time - its amount trifling, as well as the maltreatment - he is of opinion that the act committed by them will be amply atoned for by 5 years imprisonment and labor -

3. The Court of Tongdarae Udalut under the authority vested in them by Clause 3rd Section III. Regulation I of 1825, accede to the recommendation of the Presiding Judge and accordingly authorize that Officer to pass the mitigated Sentence of 5 years imprisonment with labor in irons upon the prisoners

"Wooddenny"

and

"Vencatasen"

Case No. 3. 4. The Trial of the prisoners concerned in Case No. 3. of this Calendar having been postponed owing to the absence of the 2nd principal witness, the Court of Tongdarae Udalut desire that the Acting 2nd Judge will ascertain the Cause of the absence of the 2nd Witness, and if he was regularly bound over to appear to give his evidence before the Court of Circuit, whether his recognizances have been declared forfeited -

Case No. 5. 5. The Court of Tongdarae Udalut desire that the measures which the Acting 2nd Judge may deem it proper eventually to adopt in respect to the

the Conduct of the Police Officer who forwarded Case 5. of this Calendar to the Criminal Court, be reported for the information of the Court of Tongdarae Udalut -

Case No. 6. 6. In Case No. 6. the Prisoner Aureemoottoo (a Talian) has been convicted of Highway Robbery. the property stolen from the person of the Prosecutor amounting to the value of Rupees 1. and Annas 14.

7. The Acting 2nd Judge states that the prisoner in his confession before the Criminal Court and in his defence before the Court of Circuit, alleges that he was induced by one Moneyapa Naik, the Tanadar, (who was tried as Second Prisoner and acquitted by the Criminal Court) to rob the Prosecutor.

8. It appears to have been proved at the Trial that the Tanadar, Moneyapa Naik, on the day of the Robbery called the prisoner Aureemoottoo, the Talian, from his house - that the Prosecutor having reported the Robbery to the Village Mondiff, the 4th witness was sent to the Tannah to make Enquiries, when Moneapa Naik, the Tanadar, said he suspected the prisoner the Talian - his house was accordingly Searched and the Prosecutor's property found in it -

9. The Acting 2nd Judge Explains that the Prosecutor was robbed within a few places of the Tanah, and the Prosecutor relates, that,

when

when he called out, Moonappa Naik came out from the Thanah, and immediately went back to it. The presiding Judge adds, that it does not appear how Moonappa Naik was led to suspect the prisoner, but that the Evidence in the case leads to the conclusion that he was implicated in the Robbery as stated by the prisoner; and under these circumstances the Court of Foujdaree Adawlut remain in opinion with Mr. Lewin that the Criminal Judge of Chingleput grievously erred in unconditionally releasing the said Moonapah Naik. Indeed so impressed are the Judges of the Foujdaree Adawlut with the belief that the Robbery could not have been effected without at least the concurrence of the Tanahdar Moonappa Naik, that if his re-apprehension and commitment, would, in the opinion of the Acting 2nd Judge, lead to any Satisfactory result, Mr. Lewin is requested to direct the adoption of that course of Proceeding - otherwise he will call upon the Magistrate to report whether the said Moonappa Naik is still employed in the Police Department.

10. With regard to the Prisoner Annamootoo the Court of Foujdaree Adawlut concur in opinion with the Acting 2nd Judge, that, in the Case of that individual, the ends of Justice will be Satisfied by a punishment of 7 years imprisonment and labor in irons, which is sentence the presiding Judge is accordingly authorized to pass -

Ordered

10th December 1838.

Ordered that Extract from these Proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 15 days from and after its receipt -

Sent following Precept No. 1695

Ent. 7th W.S. F.C.

W.S.

Read Return dated 30th Ultimo from the Acting Second Judge on Circuit in the Centre Division explaining why he omitted to Submit the Required Return within the Specified period -

(Vide entry A.D. 2320)

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge

Thomas Alexr Oakes Esqre ——— 2nd Puisne Judge

Wednesday 12th December 1838.—

Alexr Duncan Campbell Esqre ——— 3rd Puisne Judge.

No final return having been received from the Provincial Court of Circuit in the Northern Division, to the precept of this Court of the 17th September last, calling for an English translation of the record in Case No. 11. of the Rajahmundry Calendar for the 1st Sessions of 1838.—

Ordered, that the Provincial Court of Circuit in the Northern Division be required by precept returnable in 5. days from and after its receipt, to make a full return to the precept aforesaid without further delay by submitting an English Translation of the Trial in question.—

(Sent following precept to No. 1696).

Read letter dated the 21st Ultimo from the Acting 3rd Judge on Circuit in the Southern Division, submitting a Statement of the batta paid to the Prosecutors and Witnesses in attendance before the Court of Circuit held at Conda-Conum for the 2nd Sessions of 1838.—

(Vide Entry No. 2230).

Read

Read letter dated the 5th Instant from the Acting 2nd Judge or Circuit in the Centre Division, reporting the opening at Cuddalore of the 2nd Sessions of the current year, on the 5th Instant, submitting a description of the cases committed for trial and stating that there is no prospect of a Supplemental Calendar.—

(Vide enter at p. 2319.)

Read Statement, dated the 28th Ultimo from the Acting 2nd Judge on Circuit in the Centre Division, of the Batta paid to Prosecutors and witnesses on attendance on the Court of Circuit at Chingleput during the 2nd Sessions of 1838.—

(Vide Enter at p. 2329.)

Read Return dated the 7th Instant from the Acting 3rd Judge on Circuit in the Southern Division to the precept of the Foujdaree Udalut under date the 17th August 1838, directing him to call for and dispose of Cases at pp. 51. 52. and 53 on the Sessionally Calendar for July 1838. under the provisions of Section XXII Regulation X of 1816.—

(Vide Enter at p. 2332.)

Read Return dated the 7th Instant from the Acting 3rd Judge on Circuit in the Southern Division, to the precept of the Foujdaree Udalut

Udalut under date the 29th November 1838, directing him to shew what may have been done in pursuance of the instructions issued by this Court on the 17th August last.—

(Vide Enter at p. 2333.)

Read letter dated the 4th Instant from the Acting Joint Criminal Judge at Cochin, transmitting the Criminal Reports for the month of November 1838.—

(Vide Enter at p. 2336.)

Read letter dated the 8th Instant from the Acting 2nd Judge on Circuit in the Centre Division, reporting his having addressed the Magistrate on the non attendance of witnesses, in consequence of whose absence the trial was postponed.—

(Vide Enter at p. 2339.)

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Thursday Thomas Alexr Oakes Esqre 2nd Puisne Judge

13th December 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Return dated the 4th Instant

173 Submitted by the Criminal Judge of Cuddapa

L.P.C. to this Court's precept of the 19th Ultimo, forwarding

45 copy of communication from the Assistant Crimi-

nal Judge in charge of the Criminal Court at

Nellore, shewing that Condu Anthere 33 yrs the

Prisoner committed for trial in Criminal Case

No 38 of the Cumbum Report did escape from jail

when in confinement at Nellore—

(Here enter No 2317.)

Under the circumstance reported in

1. the foregoing communication, the Judges of the Fou-

jdaree Udalut desire the Criminal Judge

of Cuddapa will bring the fact of Condu Anthe-

reddy's former escape to the notice of the Officer

who may preside at the next Sessions at that

Station—

2. In the event of Condu Anthereddy

not being convicted of the crime with which he

is now charged, he should be forwarded under a

suitable guard to the Criminal Authorities

at

13th. December 1838.

at Nellore.—

Ordered, that Extract from these Proceedings be transmitted to the Criminal Judge at Cuddapa for his information and guidance.

(Sent in No. 1700.)

Read letter dated the 4th. Instant from the 2nd. Judge on Circuit in the Western Division, transmitting Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit for the 2nd. Sessions of 1838 in the Zillah of Canara.—

(Here enter No. 2351.)

Read letter dated the 5th. Instant from the 3rd. Judge on Circuit in the Western Division, reporting his intention of opening the 1st. Sessions of 1839 at Malabar on the 3rd. Proximo.—

(Here enter No. 2344.)—

For Mr. Douglas

C. B.

Ft. 6.

At a Court of the Foujdaree Udalut.

Present:

John Bird Esqre. ——— 1st. Puisne Judge

Friday, 14th. December 1838.

Thomas Alexr. Oakes Esqre. — Acg. 2nd. Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge

Read letter dated the 22nd. November 1838 from the Acting 3rd. Judge on Circuit in the Southern Division, referring for the consideration and final sentence of the Court of Foujdaree Udalut the records in Case No. 36. on the Combaconum Calendar for the 2nd. Sessions of 1838.—

(Here enter No. 2340.)

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, being of opinion that the prisoner

Mutiveerattelicondan

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law Officers do under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that the said prisoner be set at liberty.—

The Acting 3rd. Judge submits that

Mr. Bird.
Mr. Oakes.
and
Mr. Campbell.

W.B.
L.P.C.
42
Ept. 1
W.B.
L.P.C.
45

that the evidence adduced at the Trial is "quite "sufficient to establish the Prisoners guilt," but the Court of Foujdaree Udalut on the fullest considera=tion are of opinion that the evidence is altogether in=sufficient for his convictions.—

2. The prisoner was charged with having about 5 O'clock on the 5th of April committed a rape on the person of the wife of the Prosecutor, while she was in the Cotton garden and with having robbed her of her cloth and jewels valued at 6 Rupees.— But the Court observe that no mention was made of the alleged offence till the 11th of April, and the charge was not preferred till the 19th of May after the female was dead, while the reasons given for the delay in bringing to notice the conduct of the prisoner are altogether insufficient and in=credible.—

3. The account of the acts charged a=gainst the prisoner given by the two relatives of the prosecutor, Coolen Chetty and Veerapha Chetty to which they profess to have been eye witnesses bear in the opinion of the Court clear marks of fabrication.— That these two men one of whom is stated to be more powerful than the prisoner should calmly stand by and see their female relative violated by a man of inferior caste ap=pears very doubtful, and it is still more unlikely that

that the prisoner should, in the presence of these two witnesses add the crime of robbery to the crime of Rape while the circumstance that the unhappy woman should call on these two witnesses and on a Village watcher to testify to her shame, which she concealed from her father, mother and husband, the Court deem altogether incredible.—

4. The charge therefore resting on such testimony the Court have had no hesitation in acquitting the prisoner, and they have accor=dingly directed that he be set at liberty.—

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance.—

(Sent following letter No. 1701.)

Read return, dated the 6th instant from the Criminal Judge of Rajahmundry to the precept of the Foujdaree Udalut of the 29th November 1838, conveying their orders on the Criminal Reports for the month of October—

(Here inter No. 2350.)

For Mr Dowse

C B

47 J.

113
J. A. C.
62

S.t U.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge

Saturday 15th December 1838. Thomas Alexr. Oakes Esqre. Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

W. T.A.Q. Read letter dated the 3d Ultimo from the 2nd Judge on Circuit in the Western Division, transmitting the record in Case No.1 on the Mangalore Second Additional Calendar for the 2d Sessions of 1838.

(Here enter No.2268)

The Court of Foujdaree Udalut

Mr. Bird and Mr. Oakes having maturely considered the Proceedings held before the Judge on Circuit, the futwah of the Provincial Law Officer and the futwah of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwah of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoner

1st Annoo

of the crime of approf murder and awarding Kisas: and the prisoners

2nd Narrana

3d Gowda Mahalinga

and

4th Appiya.

of aiding and abetting in the crime of Murder,

And

and awarding to Meerbut and under the provisions of Section X Regulation VIII of 1802 sentence the said prisoner

1st. Annoa
to suffer death by being hanged at the usual time and place of execution.—

The Court further sentence the prisoners

2nd. Narrana
3rd. Gowda & Mahalingaa
and
4th. Appiyaa.

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 their natural lives.—

(Sent following letter No. 1705)

Read return dated the 10th Instant from the Acting 2nd Judge on Circuit in the Centre Division to the precept of the Foujdaree Adalut under date the 7th Instant, conveying their observations and orders on Case No. 58 of the Criminal file of Chinglepute.—

(Here enter No. 2351.)

For Mr Douglas
P.C.

At a Court of the Foujdaree Adalut.

Present.

John Bird Esqre ——— 1st Puisne Judge

Monday 17th December 1838.

Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read petitions presented by

Rajagopala Naiken of the Zillah of Chinglepute

(Here enter No. 166 of 1838)

The petitioner prays to be furnished with attested copies of the papers noted in the margins, and of the proceedings passed by this Court under dates the 3rd and 11th September last upon the petitions presented by Ramasawmy Moodely, all of which papers the petitioner states he has occasion to produce before the Judge on Circuit at Cuddalore.—

Ordered, that attested copies be granted to the petitioner on his producing the requisite stampt papers.—

Letter from the Actg Magte of Chinglepute dated 25th Augt 1838.—
This Courts letter to Govt dated 4th Septr 1838.—

For Mr Douglas
P.C.

F. 16.

At a Court of the Fougdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Wednesday, Thomas Alexr Oakes Esqre —— Actg 2nd Puisne Judge,

19th December, 1838. Alexr Duncan Campbell Esqre —— 3rd Puisne Judge.

Read letter dated the 27th November

W.B. 1838, from the 2nd Judge on Circuit in the

L.H.C. Western Division, referring for the consideration

W.B. and final sentence of the Court of Fougdaree

Udalut, the proceedings in Case No 2. on the Cauzeat

3rd Additional Calendar, for the 2nd Sessions

of 1838.—

(Here enter No 2296)

Mr Bird and Mr Campbell. The Court of Fougdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Fougdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, acquitting the prisoner

Pockray,

of the crime charged, but considering that strong suspicion tho' not amounting to conviction attaches to him, the Court direct that, under

Claude

Clause Sixth Section II Regulation XV of 1803 he be required to find two Sureties in 100 Rupees in each Surety for his good behaviour and appearance when required, within three years, or in default thereof that he be detained for three years in confinement.—

The Court of Foujdaree Udalut observe that since Pudhy the father of the Prisoner No 3 at is to be regretted, that he was not examined as a witness in the case at present under consideration, as without her testimony the only Evidence on record, to prove that the discovered jewels had been deposited in his fathers house by the Prisoners is mere hearsay, and consequently insufficient for their conviction.—

Ordered, that Extract from these Proceedings be forwarded to H. B. Anderson Esqre Second Judge on Circuit in the Western Division for his information and guidance.—

(Vide following letter No 1713)

Read letter dated the 8th Instant from the Principal Sudr Ameen at Benares transmitting the Criminal Reports for the month of November 1838.—

(Here enter No 2387)

For Mr Douglas

C A B

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre ——— 1st Puisne Judge

Saturday 22nd December 1838.— Thomas Alexr Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

WB
L.A.Q.
W

Read again Extract from the Minutes of Consultation under date the 25th of April 1838 communicating a copy of a letter and of its Enclosures from the Officiating Secretary to the Government of India dated 12th February 1838 for such suggestions as the Court may think fit to offer with a view to the improvement of the system of employing Convicts upon the Roads in large Gangs at a distance from their native Districts, and requesting the Judges to submit a Statement exhibiting the rate of Mortality which has obtained among the Convicts worked at a distance from their Jails, as well as the proportions of deaths which took place in the Jails from which the Prisoners have been principally drawn during the three years immediately preceding the commencement of the new system.—

(Here enter No 1081)

Also read again Extract from the Minutes

Minutes of Consultation under date the 11th Dec.
1838, No. 695, and 2nd of November 1838, No. 1251
recorded on consideration of the General letters from
the Honorable the Court of Directors, dated the
13th of December 1837 and 5th January 1838 and
desiring the Court of Sanjdara Adalut, with
reference to the observations of the Honorable
Court on the rate of Mortality in the Jails at
Chingleput, Guntoor, Cuddapah, Salem,
Rajahmundry and Cuddalore, as exhibited in
the returns of the Sick in the Civil Departments
ments for the 2nd Half of 1834, to institute an
enquiry into the subject of the Prison discipline
under this Presidency and to report the result
for communication to the Government of India
or the Honorable Court in the 24th Para of
their Despatch referred to above, have stated
their opinion "that the excessive rate of Mortality
"must be attributed entirely to the system under
"which imprisonment is enforced."—

(Here enter Nos. 767 and 2160.)

Also read letters dated respectively
the 20th 21st 22nd 23rd 25th 26th 27th 29th and 30th
June, 2nd 3rd 6th and 12th July, 1st and 3rd of
August and 6th of September 1838 received
from the several Officers in charge of Jails
submitting Statements exhibiting the rate of
Mortality

mortality which has obtained among the Convicts
under their charge during the Years 1835. 1836
and 1837.—

(Here enter Nos. 1319. 1331. 1336. 1344. 1345
1348. 1365. 1366. 1376. 1380. 1381. 1383.
1384. 1398. 1405. 1406. 1427. 1434. 1438. 1474.
1596. 1598. 1835 and 2327.—

Also read letters dated respectively
the 20th June and 5th July 1838 received from
the Joint Magistrate in charge of Canara and
Lieutenant Worster in charge of the High Western
Road submitting Statements exhibiting the
rate of Mortality which has obtained among
the Convicts employed under their orders on
the Meraad and on the Great Western Road—
Observing also the Jails from which the deceased
Convicts were drawn and the disease of which
each individual Convict died.—

(Here enter Nos. 1333 and 1408 of 1838.)

Also read letter dated the 1st
Instant from Lieutenant Worster Superintendent
of the Great Western Road, submitting a revised
Statement of the Mortality and Sickness which
has obtained among the Convicts employed under
his orders.—

(Here enter No. 2128.)

The system of employing Con-
victs on the Roads, in large Gangs, at a distance
from

22nd December 1838.

*Mercara Road commenced on the 13th January 1838.— Western Road commenced on the 1st January 1838.—

from the Jails, has not been sufficiently long in operation within this Presidency to enable the Court of Foujdaree Udalut to form any decided opinion as to the expediency of continuing this mode of employing Convict Labor; but from the Statement of the proportion of Deaths which took place in the Jails from which the Convicts employed on the Mercara and the High Western Road were principally drawn, it would appear that no such distressing circumstances of mortality and suffering, as has been experienced in the Bengal Presidency, have as yet attended the administration of the System on this side of India.—

Vide Statements of Mortality appended to these proceedings A. and B.

2. The Court of Foujdaree Udalut have no official information before them of the mode in which the diet, lodging and general treatment of the Convicts employed on the works specified above, have been regulated, but the System in these respects observed by the Officers employed in Superintending this description of labour will be explained by the Board of Revenue in the Department of Public Works, who have the exclusive control of these Gangs, and to whom it is observed a reference on the subject has been made by Government.—

3. Adverting to the remarks of the Honorable

Fl 6.

22nd December 1838.—

Honorable the Court of Directors in their despatch of the 13th of December 1837 and 5th of January 1838 on the subject of the mortality in the Jails at Chingleput, Guntoor, Potacarnum[illegible], Salem, Rajahmundry and Cuddapah, as exhibited in the returns of the sick in the Civil Department for the 2nd half of 1834, and from which an inference has been deduced unfavourable to the System under which imprisonment is enforced within this Presidency, the Court of Foujdaree Udalut would point out that the Honorable Court of Directors in drawing an average rate of mortality in the Jails under this Government from the Statement of sick for the Year 1834 have proceeded on data upon which no just conclusion can be founded.—

4. During the year 1834 the effects of the famine were still felt, and the state of suffering and disease in which many of the prisoners were received into the Jails left no room for expectation that any exertions of Medical Skill or any attention on the part of the Judicial Officers in whose charge they were placed could succeed in checking the dreadful mortality that followed their admission into Jail.

5. At Rajahmundry the crowded State of the Jail during the year 1834 contributed much

much to the sickness and deaths amongst the
prisoners at that Station, and it will be observed
that the great mortality in this Jail during
the period in question has already formed the
subject of a Special Report to Government.
Vide proceedings Sudr Udalut 31st July 1838.

6. At Salem the serious mortality
which has since the Year 1816 almost unremit-
tingly prevailed amongst the prisoners confined
in the Jail at that Station has formed the
subject of numerous reports to Government, and
the 10th para: of this Courts letter of the 30th of
November 1835 the Judges recommended, as the
only remedy, that as fast as Convicts accumulated
they should be removed to other Districts; and
on referring to this Courts letter to Government
of the 24th of February 1836 it will be observed
that the Judges of the Fouzdaree Udalut on
the occasion of an application for the aid of Con-
victs in clearing the Fort at Salem, declined
recommending that at any season of the year
prisoners from neighbouring Districts should
be transferred to the Jail at Salem.—

7. By observing this rule the Jail at
Salem has of late become more healthy.—

8. Respecting the Convicts employed
at Ootacamund a Special Report was submitted
to Government on the 7th of July 1837, which the
Judges

Vide also Para 8 of Govt Letter of the 24th of Novr 1835 No 901.

Judges conclude was not before the Honorable Court
at the time their Despatch of the 13th of December
1837 was written.—

9. The Court of Fouzdaree Udalut are
not aware upon what principle the Statements
exhibiting the Cases of Sickness &c in the Jails,
periodically submitted to Government by the
Medical Board are prepared, but it appears
sufficient to point out that the late pestilence
and famine was the chief Cause of the sickness
and mortality experienced in the Jails at
Cuddapah and Guntoor during the Year 1833.
this Cause once removed however, the Jails at
those Stations gradually returned to their
usual State of Salubrity, and in 1835 the
deaths in the Jails at Guntoor were 19 - in 1836
only 5 deaths occurred, and in 1837 the number
did not exceed 11.—

10. At Cuddapah the number of
deaths in the Jail in 1835 were 60. but the
number of Convicts in confinement at that
Station averaged that year about 700 and at
one period as many as 950 were in confine-
ment; - in 1836 the number of deaths in this
Jail were only 14, giving an average rate of
mortality of only 3. per Cent; and in 1837 the
number of deaths did not exceed 22.—

11. The Jail at Chingleput is a
peculiarly

peculiarly healthy one, and the accompanying State=ment marked C. (exhibiting the rate of mortality during the years 1835-6 and 7 in the Jails referred to by the Honorable Court) will shew that in 1835 and also in 1836 only 3. deaths occurred among the Convicts in that Jail, and in 1837 the casualties did not exceed 7.—

12. The healthiness of a Jail however in this Country will always depend upon circum=stances. Seasons of Scarcity and great sickness will ever tend to increase the rate of mortality, and Cholera which has swept off hundreds of Pri=soners, is a desease which no Medical Skill can successfully check.—

13. The Court of Fanjdaree Udalut have not the means of ascertaining whether the average rate of mortality in the Jails exceeds the proportions of deaths amongst the same number of persons at large, but the experience of the Judges enables them to state that the Honorable Court are not borne out in their conclusion as to the extent to which in the Jails under this Presidency "the incidental Penalty of death" is "superadded to the awarded Penalty of imprison=ment."—

14. The mortality which occurred among the

Note.

The population returns however of the District of Guntoor furnished to the Board of Revenue shew that the population on the Venkatareddy estate situated in that District is only one half of what it was before the seasons of Fusley 1242 & 1243.

Official Years 1832/33 and 1833/34.

	Population
Fusley 1241	182,272.—
Fusley 1247	89,830.—

the Convicts in the Jails referred to, the Court of Fanjdaree Udalut have endeavoured to shew was not in any way occasioned by the System of imprisonment, and in order to disabuse the minds of the Honorable Court of the opinion that the mortality is so great in the Jails as to justify the "presumption of general mis=management," the Judges have caused a State=ment to be prepared exhibiting the rate of mortality among the Convicts in all the Jails under this Presidency during the Years 1835 1836. and 1837.—

15. In the margin of this Statement the cause of any unusual mortality has been explained, and the Judges would point out for the information of the Honorable the Court of Directors that whenever the Jails become more crowded or unhealthy than usual the Officer in charge of the Jail is required by the Circular Order of the 13th of July 1830 to make an immediate Special Report, in order that no time may be lost in making suitable arrangements for the accommodation of the additional prisoners confined or for the im=proved salubrity of the Jail.—

16. The Rules and Regulations that have been framed for the management of

of the Public

Circular Orders

3rd October _____ 1817.
8th October _____ 1821.
8th March _____ 1825.
25th Jan'y 12th July 27th Oct'r 1830.
19th Jan'y 1st March 2nd 18th and 27th June 25th July and 2nd August _____ 1831.
25th Jan'y 5th June 30th Aug't and 19th November _____ 1832.
16th Feb'y 31st Aug't and 30th Dec'r 1833.

C.O. Nos 11. 14. 16. 17. 18. 19. 27. 31. 32 34. 42. 45. 53. 60. 67. 77. 80. 82. 83. 89 and 92.-

Regulation X of 1832.-

Sails within this Presidency are to be found in the printed Circular Orders noted in the margin and 5 printed copies of these orders the Judges have reason to believe have already been laid before the Supreme Government.-

17. With reference to paras 19 of the Minutes of Consultation under date the 2nd of November last, the Court of Foujdaree Udalut submit a copy of the Report received from the Criminal Judge of Chingleput on the subject of the advantages derived from the employment of Dacherty in the joint capacity of Jailor and Superintendent of the labor of the Prisoners confined in the Jail at that Station.-

Ordered, that Extract from this 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 Ap. 1722)

Read Return dated the 17th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the precept-

Vide also para: 10. of the Proc. of the F.C. of the 18th of Sept'r 1838.-

precept of the Foujdaree Udalut dated the 3rd Instant conveying their instructions in respect of the record in Case Nat. of the Chittoor 12th Supplemental Calendar of the 3rd Quarterly Sessions of the current Year.-

(Vide enter No. 2395.)

For Mr Douglas

End Pt. JJS

F.P.C.

AP

F. C.

At a Court of the Foujdaree Udalut

Present

John Bird Esq^re ——— 1st Puisne Judge

Monday 24th December 1838. Thomas Alex^r Oakes Esq^re Ag 2d Puisne Judge

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

Read return dated the 5th Instant

15 submitted by the Provincial Court of Circuit in

L.T.Q. the Northern Division to the Court's Precept of

425 the 26th Ultimo calling for an explanation of the grounds on which an order was passed by a single Judge on Miscellaneous Petition No 42. of the Current year on the file of the Provincial Court of Circuit and of that officiating subsequent refusal to grant a certified copy of his proceedings on the application in question.—

(Here enter No. 2342.)

— Read also again Miscellaneous Petition presented on the 5th November last by C. Soobbummah.—

(Here enter M. P. No. 147 of 1838.)

1. Under the circumstances stated in the foregoing communication from the Provincial Court of Circuit, the Petitioner C. Soobbummah appears to have been in no manner connected with the individuals concerned or interested in the matter

matter discussed in the proceedings of the Provincial Court of Circuit of which he had requested certified copies might be furnished to him. The Judges of the Tanjore Zillah Adalut are accordingly of opinion that the order passed on this application by the Provincial Court was correct and justifiable; and in this view they direct that the prayer contained in the address recorded above be rejected.

2. The Judges are further of opinion that the circumstance of the order under observation having been recorded by a single Judge, has been satisfactorily explained.—

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

(Sent in Ao. 1729)

Ordered also, that Extract of these proceedings be granted on application to the Petitioner.—

Read Miscellaneous Petition presented on the 3rd. of December 1838 by Veyaval of the Zillah of Combaconum.—

(Here enter M. P. No. 165 of 1838)

1. The Petitioner after admitting the certain points of the evidence on which her husband was convicted by the Court of Circuit at Combaconum at the 1st. Sessions of 1838, again prays the Court to

to order the pleader of her husband. She likewise requests to be furnished with copies of a detailed Sindaree account of the Stamp Agent Rama-chandra Pundit, and of an answer given by the Moonsiff Gnanapata Sastry.—

2. The Petitioner is referred to the order of the Court of the 26th of November last, which she is informed is final.—

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

Read Miscellaneous Petition presented on the 10th Instant by Soobba Naiken of Cuddalore.—

(Here enter M. P. No. 168 of 1838.)

1. The object of the foregoing address is to procure orders from this Court for the restoration of the Petitioner to the situation of village Mahatad Dhar from which he has been dismissed by the present Magistrate of the South Arcot District, Mr. W. Ashton, who has failed to obey an order passed on the subject of the Petitioners re-employment by the late Judge on Circuit on the ground that the Petitioner's dismissal is "not a matter for the Court to interfere in".—

2. The Judges of the Tanjore Zillah Adalut resolve

resolve to intimate to the Petitioner that he is at liberty to take upon unstamped Papers an unauthenticated copy of the case No. 88 of the Cuddalore Criminal Report for September 1836, which will facilitate the consideration and disposal of his case by Government should he think proper to appeal to them.—

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

Read a Miscellaneous Petition presented on the 17th Instant by Hoolsain Khan—

(Here enter M. Petn. No. 173 of 1838.)

1. The Petitioner complains of unjust dismissal from his situation of Peon in charge of Convicts at Streepermatoor by the Magistrate of the South Arcot District, and with reference to his previous services, as which he details, prays the Court of Foujdaree Adalut will issue orders to that Effect directing his restoration thereto.—

2. The Petitioner is informed that he should bring his case to the notice of the Board of Revenue.—

Ordered, that Extract from these proceedings be granted on application to the Petitioner.—

Soobbah Naiken of Cuddalore, moves the Court to return the enclosure in his

Miscellaneous

F. C.
24th December 1838.—

Miscellaneous Petition No. 168 of 1838.—

Ordered accordingly.—

Read again Extract from the Minutes of Consultation under date the 29th of May 1838 communicating to the Court of Foujdaree Adalut a copy of a Minute recorded by the Honorable Mr. Lushington, and requesting that the Judges will state their sentiments on the alterations suggested therein, in the system at present observed in guarding Convicts while at work.—

(Here enter No. 1160.)

Also read again order of Government dated the 22nd of June 1838 directing the Court of Foujdaree Adalut in communication with the Officers in charge of Jails, and working parties of Convicts, to prepare and to submit a Statement shewing the number of Invalid Peons that will be required for the purpose indicated in the 3rd para. of this Court's letter of the 4th June 1838, and the number of Peons whose services can in consequence be dispensed with, as well as the charge at present incurred on account of the latter.—

(Here enter No. 1335.)

Also read letters dated respectively the 20th of August, 27th of September and 12th Ultimo

Letters from the Provincial Courts of Circuit in the Western, Northern, Southern and Central Divisions submitting the opinions of the several Officers in charge of Jails on the subject of the proposed employment of Invalid Sepoys to assist in guarding parties of Convicts working on the Roads or on other Public Works, at a distance from the Jails.

(Here enter Nos. 1754, 1756, 1952 and 2179.)

Also read letters from Lieutenant Worster dated respectively the 26th of July and 28th of August 1838 reporting the number of Invalid Sepoys that will be required for the purpose of guarding the gangs of Convicts located on the Great Western Road.—

(Here enter Nos. 1555 and 1711.)

Western Division. 1.

Opinion of the Court of Circuit.

The Provincial Court of Circuit in the Western Division submit their opinion that the employment "of able bodied men who have been "invalided merely for defects in a Military point "of view would be extremely useful, not only as "tending to promote a better discipline of the "Guards, but by tending to a reduction of Establishment "to the amount of the difference between pay of "Sepoys struck off and such extra allowance as "may induce the invalid Sepoys to accept Staff "Service," but they submit that if these Invalids "were transferred without such advantage they "would

"would be likely to become discontented (and with "some reason as the service is so different from "that for which they enlisted,) and negligent; even "while on the other hand a little addition to their "pay might render the service desirable and "consequently effect some saving as well as more "efficiency;" but they add their decided opinion "that no reduction should be made in the total "number of persons on Guard."—

Criminal Judge of Malabar. 2.

Mr. Cockburn states his opinion "that the employment of Invalid Sepoys as Guards "over the Prisoners whilst at work, would add "nothing to their security"—that he has "seen "them tried in various situations, but never has "known them to be of any use, when vigilance "and activity were required, and the mixing of "two Kinds of Guards would" in his opinion "tend to decrease the efficiency of both, as they "would be apt to rely too much upon each other;" but if it is determined that Invalid Sepoys are to assist the Jail Peons in guarding the Convicts, he submits his opinion "that the number "of Prisoners placed under each Soldier might "be increased to six, instead of four, the present "number."—

Joint Crim. Judge at Tellicherry. 3.

Mr. Strange submits his opinion, that it would be inexpedient to reduce the strength

strength of the Jail Guard at Tellicherry, but that an Invalid Sepoy may be substituted for every Man withdrawn.—

4. The pay of a Jail Peon at Tellicherry is 4. Rupees per mensem.—

Joint Crimal Judge at Cochin.

5. Adverting to the small number of Convicts in confinement at Cochin, Mr. White submits that the employment of Invalid Sepoys is unnecessary at that Station.—

Actg Crimal Judge of Canara.

6. Mr. Dunnerque suggests that 10. Invalid Sepoys be appointed to the Jail at Mangalore and that 15. Jail Peons be reduced: the pay of a Jail Peon at Mangalore is 5. Rupees per mensem.—

Puisne Sudr Ameen at Honore.

7. Mr. Shartley submits that unless the Invalid Sepoys are intended to take up the entire duties and responsibility which now belong to the Peons, no reduction can be made in the number of Jail Peons; and assuming that the proposed Sepoy Guard is intended merely as an Auxiliary to the Peons, he states his opinion "that Six Sepoys would be a sufficient aid to the Peons in Case of a sudden pitching"

Magte & Jt Magte

8.

and Addl Jt Magte of Canara.

Mr. Blair and the Messrs. C. and F. N. Maltby submit their opinion that a small number of Invalid Sepoys of tolerable activity might be advantageously employed in lieu of

Jail

Jail.

24th December 1838.—

Peons but that no reduction, in consequence, could safely be made in the numerical strength of the Guard over working parties.—

9. The Jail Peons employed under the Magistracy in Canara receive 5 Rupees per mensem but whether any and what saving of expense would result from the employment of Invalids, would depend upon the proportion of the pay of the reduced Peons which would be allowed to the Sepoy Guard.—

Northern Divn Opinion of the Court of Circuit

10. The Provincial Court of Circuit in the Northern Division submit their opinion that Invalid Sepoys would be unfit for the very arduous duty of guarding Convicts worked at a distance from the Jails, but that they might be usefully employed as a permanent Guard over the Jail.—

The Crimal Judge of Chicacole and the Jt Crimal Judge at Vizagapatam.—

11. Mr. Steele and Mr. Dowdeswell consider that Invalid Sepoys would be unequal to the duty of Guarding Convicts employed on the Roads &c. but suggest that they be employed as a fixed Guard over the Jail.—

Crimal Judge at Rajahmundry.

12. Mr. James Thomas reports his opinion that for every Gang of 20. Convicts—6 Sepoys and 2. Peons will be required.—

13. This suggestion it is observed will involve a very considerable increase of expense to Government.—

Government;- the present authorized Guard for 2
Convicts is 5. Peons - the aggregate of their pay
25. Rupees per mensem;- the employment of
2. Peons and six Sepoys for the same number
of Convicts will involve a charge of 52 Rupees
per mensem - calculating the pay and allowances
of an Invalid Sepoy under such circumstances,
at only 7. Rupees per mensem -

Joint Cr. Judge at Masulipatam.

14.

Mr. Rohde states that "Sepoys
"of the Line changed daily" would form the only
"efficient Guard;" and as this calculation of the
expence attending such arrangement has been
made with reference to the employment of Regulars
it does not appear necessary to enter the same in
these proceedings -

Joint Crim. Judge at Guntoor.

15.

Mr. Newberry is of opinion that
"a guard of Invalid Sepoys would add very
"much to the efficiency of the present Guards
"over prisoners if they were commanded by a
trustworthy Native Officer - but according to the
calculation of the expence furnished to the Acting
Joint Criminal Judge by the Officer Com-
manding Guntoor (copy of which letter is appended
to these proceedings) it would appear that the
proposed reduction of certain of the Jail Peons
would not cover a third of the additional expence
involved in the employment of Invalid Sepoys

21st December 1838.

Magistrate of Guntoor.

16.

The Magistrate of Guntoor who
has 134 Convicts under his charge, states, that
the employment of two small Guards of 3.
Invalid Sepoys each would be attended with
"great advantage as regards the custody of the
"Convicts," but he adds that the employment of
Invalid Sepoys would "not render it practicable
"to reduce the number of Peons."-

Officer Commanding Samulcottah

17.

The Officer Commanding Samul-
cottah had under his charge a party of 100 Convicts,
and for their safe custody he conceives that a
havildar's party (a havildar, a Naique and 12.
Sepoys) will be sufficient, but that the utmost
reduction in the Jail establishment that could
be made with due regard to the safe Custody
of the Convicts would be seven Peons for every
six Sepoys -

18.

The employment of a Guard of In-
valid Sepoys, would, under these circumstances,
be attended with considerable expence -

Joint Magte of Vizagapatam.

Captain Dallaney states his opinion
that Invalid Sepoys might with great
advantage be substituted for Peons as a guard
over Convicts as long as they are kept at work
in large bodies at one spot and he imagines
that a Naique and 6. Sepoys, with 12. Peons and
a Duffadar, are ample for the protection of 100.
Convicts -

Convicts. He submits however that the Sepoys selected must be the most effective of the Invalids.

Southern Divn
Opinion of the Court of Circuit.

20. The Provincial Court of Circuit are of opinion that Peons will prove more efficient Guards than Invalid Sepoys, unless "stout, able bodied Sepoys," "invalided" for any cause "not affecting their bodily strength" can be transferred for this purpose to the Civil Department.

21. The 1st Judge, Mr Dick Stevenson, states that he "has had some experience regarding the Guards of Invalid Sepoys placed under Officers in the Civil Department and he always found them "a most insubordinate discontented set, giving "more trouble than they were worth."

Crimal Judge of Madura

22. Mr Anstruther the Acting Criminal Judge states that 25 Invalid Sepoys may be at present employed to guard the Convicts at work at a distance from the Jail during the days and that a corresponding number of Peons may be reduced.—

	Rs
25 Peons	125.

23. The difference of expence the Court of Foujdaree Udalut have endeavoured to shew in a Statement in the margin.

Two Havildars' parties of Invalids	
2 Havildars	Rs 10.
2 Naiques	2.
24 Sepoys	168.

Joint Crimal Judge at Tinnevelly.

24. Criminal Judge does "not think that a less number "of Invalid Sepoys than 25 Peons could guard "the Convicts effectually, and that it does not appear

"to him that any obvious advantages would be "obtained by employing Invalid Sepoys "instead of Peons."—

Crimal Judge of Combaconum.

25. Mr Lewin states that the great objection to the employment of Invalid Sepoys is that "they are insubordinate, negligent, and "indifferent to their duty, presuming upon past "services" and therefore they are, in his opinion, inferior to Sail Peons.—

Crimal Judge of Salem.

26. Mr Bannerman adverting to the old and infirm condition of Invalid Sepoys, submits that their employment as a Jail Guard would be inadmissable.—

Joint Crimal Judge at Coimbatore.

Mr Anstruther states that in the event of the employment of Invalids 1. Duffadar 1. Naique and 15 Peons, with Armed Sepoys would probably suffice for the safe custody of a Gang of 100 Convicts—the present authorized Guard is 25 Peons with a Duffadar and Naique.—

Magte of Tinnevelly.

28. Mr Ogilvie states that with reference to infirm and disabled condition of the Invalids he finds it difficult to determine the proportion of Peons that may be reduced on the employment of a Sepoy Guard; but as an experimental measure he suggests that for every Gang of 50 Convicts working outside the Jail a guard of 6 or 8 armed

armed Invalid Sepoys be entertained, the Peons to guard the same being employed in the proportion of 1 to 8 Convicts, instead of 1 Peon to 4 Convicts according to the present system.—

Magistrate of Tanjore

29. Mr. Hindersley states that considerable detachments of Invalid Sepoys were formerly stationed in his District, and from what he has seen of such Sepoys, he submits that he would be very sorry to hasten as regards "physical power, discipline or docility to exchange "Peons for them man for man."—

Magistrate of Salem

30. Mr. Ogilvy has charge of 167 Convicts who are divided into six Gangs, and employed in the repair of the Public Roads. For the safe custody of these Convicts he suggests that a Sergeant's Guard be employed with each of the Gangs, but he is not of opinion that the Services of any of the Peons can in consequence be dispensed with.—

Centre Division. Crim. Judge of Chittoor.

31. Mr. Lascelles states his opinion "that the present system of guarding the Convicts "is the best, and the least expensive to the State."—

Crim. Judge of Cuddapah.

32. Mr. Strembom states that the number of Convicts now employed outside the Jail at Cuddapah is so small as to render the employment of Invalid Sepoys unnecessary at that Station.

Crim. Judge of Bellary.

33. Mr. Paterniester does not think that any

any benefit would be derived from the use of Sepoys at Bellary.— The number of Convicts employed on the Roads and other Public Works at that Station is, at present, he reports, "very small, "and they are employed in detached parties of a few "on public buildings or on Roads about the Station "where the use of a Musket in case of any attempt "to escape might be exceedingly dangerous:" he adds moreover that no "great advantage would "result from the substitution of Invalid "Sepoys for Peons"— that "the Jail Establish- "ments are already sufficiently encumbered with "old men, and there is no occasion to increase the "number."—

Crim. Judge of Chingleput.

34. Mr. Horsley reports that previously to April 1834 a Sepoy Guard was employed in the Jail at Chingleput, and that since their withdrawal only two Convicts have escaped up to the present time, whereas 28 Prisoners escaped during the previous 4 years, or from March 1830 to April 1834.—

35. The difference of expense between the employment of Sepoys and Peons, Mr. Horsley states would be very great, and as a Sepoy considers himself very hard worked, if, like a Peon, he is on duty every day, it will be necessary he concludes to employ two Sepoys in

for

for every one Peon reduced.—

Joint Crim.l Judge. at Cuddalore.

36. Mr. Kaye is also opposed to the employment of Invalid Sepoys in guarding Convicts in lieu of a portion of the present Jail establishment—he states that a few Invalid Sepoys in addition to the present guard might add to their security, but that he could not recommend that any reductions should take place in the present number of Peons, as the substitution of old and infirm men for young and active Peons he considers by no means desirable.—

Opinion of Lieut.t Wooster in charge of the Great West.n Road.—

37. Lieutenant Wooster states that the Convicts under his charge are divided into 15. Gangs varying from 94 to 140 and understanding that the Invalids are much more infirm than he had anticipated, he states that a Guard of 12. Invalids would be desirable for the large Gangs, and 6 or 8 for the small, but that as Peons are only 6. Peons could be reduced in each Gang.—

38. The Court of Foujdaree Udalut have pleasure to know that Lieutenant Wooster has since the date of his report received a Guard of Invalids consisting of 1. Lieutenant 2 Subadars 5. Havildars 2. Naigues and 30. Privates. but the Court of Foujdaree Udalut are not aware whether any corresponding reduction has been made

F.W.

24th December 1838.—

made in the Jail establishment, as all returns respecting the Gangs located on the Great Western Road are made direct to the Board of Revenue.—

39. From the returns recorded above it will be observed that the majority of the Officers in charge of Convicts are of opinion that the proposed employment of Invalid Sepoys will not enable them to effect any reduction in the present authorized strength of the Guard appointed for the safe Custody of Convicts working outside the Jail, while many doubt the expediency of even substituting Sepoys of the Class preferred to for the present description of Jail Peons.—

40. The Court of Foujdaree Udalut concur in opinion with the majority of these Officers that even in the event of the employment of Invalids it will not be practicable to reduce the numerical strength of the Guard at present authorized for a party of Convicts worked outside the Jail, but if the Invalids are carefully selected, their employment in lieu of a corresponding number of Jail Peons, might, at certain Stations, be attended with advantage.—

41. Upon full consideration of the subject the Court of Foujdaree Udalut are of opinion that

that Invalid Sepoys can be advantageously employed at all Stations where Gangs of Convicts exceeding 100 in number, are employed on Public Works, the strength of the Military Guard being in the proportion of 1. Naique and Seven Sepoys for every gang of 100 Convicts;- and if this suggestion meets the approval of the Right Honorable the Governor in Council the Court of Zillah Udalut will call upon the several Officers in charge of Jails to submit a Statement shewing the number of Invalid Sepoys that will be required for this purpose:-

42. It will be observed that in the Govt of Government of the 10th of May 1837. No. 440, provision was made for arming a proportion of the Peons in charge of working Parties of Convicts with fire arms, and the Court of Sudder Udalut passed to direct the 4. Provincial Courts of Circuit to call upon the several Officers in charge of Convicts to report what has been actually done in accordance with the orders for arming a portion of the Peons with Muskets, and where the system has been adopted what has been its effects; and each Judge who has been on Circuit since the promulgation of the Rules which accompanied the Proceedings of the Sudder Udalut of the 22d of May 1837 is hereby called upon to report whether the Rules conformed

to

to the provisions thereof, which require the Circuit Judge to inspect the arms and men when he visits the Jail at each Sessions and to suggest the discharge of Guards apparently inefficient.-

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.-

(Sentence No 1730)

Ordered further, that Extract from these Proceedings be furnished to the 4 Provincial Courts of Circuit with instructions to procure and to submit the information required by Para: 42. with the least practicable delay.-

(Sentence No 1731.-

Read a Petition presented on the 10th December 1838 by Seylammaya of the Zillah of Chingleput.-

(Here enter No. & Petn No 167 of 1838.)

The Petitioner represents that her
1. Son Moongen late a Prisoner in the Chingleput Jail, was deprived of the use of several of his limbs by a Paralytic Stroke, and the declared incurable by the Zillah Surgeon, was transferred to the Great Western Road.-

2. She prays the Court of Sudder Udalut will to

will issue orders for the release of her son or for his removal to the Hospital of the Zillah Said.—

3. The Court of Fouzdaree Udalut observe that in a letter dated 11th February 1837 received from the Acting 2nd Judge on Circuit in the Centre Division Mr. Bailey recommended the release of a convict named Bhoompoo on the ground that he had been reduced to such a state of extreme bodily infirmity as to be no longer an object of punishment it also appears from the report of the Medical Officer to which accompanied the communication above referred to that in the opinion of Dr. Onslow Bloomfield could never completely recover his health or be able to perform hard labor again.—

4. Under these circumstances the Court of Fouzdaree Udalut deems it right to require the Criminal Judge of Chingleput to submit a report of the cause of the transfer of the Prisoner in question to be employed in hard labour in the Great Western Road.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance by precept returnable in 10 days from and after its receipt.—

(Sent following precept No. 1732)

Read.

24th December 1838.

Read the Criminal Reports for the month of November last submitted by the Criminal Judge of Canara.—

(Here enter No. 2345.)

Case No. 127. 1. The Court of Fouzdaree Udalut being of opinion that under the circumstances of the case the sentence passed by the Pundit Sudr. Ameen on the Prisoner "Asanaray" is too severe, they resolve to direct that the punishment awarded be reduced to imprisonment for 2. Months in addition to the sentence of imprisonment the said Asanaray was undergoing at the time of his effecting his escape.—

2. They also desire that it may be explained under what authority the Prisoner in question was detained on requisition of Security at the Thanah of Munjeshwar.—

Case No. 131. 3. The Court of Fouzdaree Udalut expect that every exertion will be made by the Magistracy of Canara to ascertain the perpetrators of the murder charged in Case No. 131. and with this view the Criminal Judge will communicate to the Magistrate the facts of the case as elicited in the examinations taken before the Criminal Court.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information and guidance by precept returnable in 5. days from and after its receipt.

(Sent following precept No. 1733)

Read

Read letter dated the 10th Instant from the 2nd Judge on Circuit in the Western Division forwarding Canara Calendar for the 2nd Sessions of 1838.—

(Here enter No. 2378.)

The above Calendar does not appear to call for any remark from the Court of Foujdaree Adalut.— Ordered therefore that Extract from these proceedings be forwarded for the information of the 2nd Judge on Circuit in the Western Division.—

(Sent in No. 1734)

Read letter dated the 10th Instant submitting by the Criminal Judge of Calicut to this Court's Precept of the 30th Ultimo, conveying their observations and orders on the Calicut Criminal Reports for the Month of October last.—

(Here enter No. 2385.)

Under the explanations regarding the Commitment for trial of the Prisoners in Cadre No. 1893 and of the grounds on which a requisition of Security was made from the 2nd Prisoner in Cadre No. 1971 which is contained in the foregoing communication from the Criminal Judge, the Judges of the Foujdaree Adalut will not interfere with the disposal of those Cases as exhibited in the Criminal Reports for October last.—

Ordered, that Extract from these proceedings

24th December 1838.—

proceedings be forwarded to the Criminal Judge of Calicut for his information and guidance.—

(Sent in No. 1735)

Read the Masulipatam Criminal Reports submitted by the Acting Joint Criminal Judge for the Months of November last.—

(Here enter No. 2393.)

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

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

(Sent in No. 1736)

Read the Rajahmundry Criminal Reports for the Month of November last.—

(Here enter No. 2434.)

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 Rajahmundry for his information.—

(Sent in No. 1737)

Read Miscellaneous Petition presented on the 10th of December 1838 by Venkataiah of Chingleput.—

(Here enter M. P. No. 169 of 1838.)

The

24th December 1838.

1.

The Petitioner stating that she has been prevented by the torture to which she had been subjected by the Police Peons from making an earlier application to the Court of Foujdaree Udalut, to explain the circumstances connected with the apprehension of her husband a Narraidee on a charge of Robbery and with his subsequent commitment and sentence by the Court of Circuit to 14 years imprisonment with hard labor in irons.—

2.

She prays the Court will, after reference to the record of the case No. 9 of the Chingleput Calendar 1st Sessions of 1838, order the release of her son.—

3.

The Court of Foujdaree Udalut direct that the petitioner be informed that the record of the trial has already passed under their consideration and the Court of Foujdaree Udalut have no power to interfere with the sentence passed on the prisoner Narraidee.—

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

HB
L.H.D
W.H.

For Mr Dougall
C B

Read

7. F.86.

24th December 1838.

Read return (without date) submitted by the Acting Criminal Judge of Madura, to this Court's precept of the 30th Ultimo, conveying their orders and observations on the Madura Criminal Reports for the month of October last.

(Here enter No. 2394.)

The observations of the Acting Criminal Judge in respect of the grounds on which the 3rd, 4th and 5th Prisoners in Case No. 211 were "strangely suspected" do not convey a very clear elucidation of the facts of the charge or of the degree of criminality which in the opinion of that Officer attaches to them respectively and entirely fail to show the particular circumstances which induced the Acting Criminal Judge to place them under a requisition of security.—

The Judges of the Foujdaree Udalut accordingly desire that they be forthwith released, and if any security bonds have been taken from them that they be cancelled.—

In respect of the Acting Criminal Judge's observations regarding Case No. 163, this is to be regretted that copies of the correspondence which have passed between the several authorities whose communications the Acting Criminal Judge has forwarded, should have been transmitted to this Office. It would have been more conclusive to

to the despatch of the business in the Zillah Court if the Acting Criminal Judge had confined himself to laying before the Judges of the Foujdaree Adaulut a brief statement of what had occurred since the transmission of No. 163 to the Criminal Court.

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance by precept returnable within 3 days from and after its receipt.

(Sent following precept No. 1738)

Read Supplemental return from the Acting Criminal Judge of Madura dated the 18th Instant forwarding copy of a communication to his address from the Acting Magistrate of Tinnevelly explanatory of the delay in despatching of Case No. 101 of 1838 on the Criminal files of the Madura Court.

(Here enter No. 2422.)

The Case in question was only partially investigated by the Assistant Criminal Judge lately in charge of the Madura Court in consequence of that Officer's deeming it necessary to await the result of an inquiry then in progress before the Revenue authorities of the Tinnevelly District, for the purpose of ascertaining in which Pergunnah certain lands were, and by whom they had been last cultivated; and pending the receipt of the necessary information on the point in question, the Prisoners charged in

No. 101.

No. 101 of 1838 were released upon Bail.

The Acting Magistrate of Tinnevelly

2.

having now intimated to the Acting Criminal Judge, that he is unwilling, for the reasons specified in his communication, to pass an opinion on a matter which, in all probability, will hereafter become the subject of a Civil Action, the Judges of the Foujdaree Adaulut desire that Criminal Case No. 101 be forthwith disposed of.

Ordered, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Madura by Precept returnable within 10 days from and after its receipt.

(Sent following precept No. 1739)

H.
T.P.C.

&c &c

To

Read letter dated the 20th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division transmitting copies of the thirteen fifth and fourth Supplemental Calendars for the 4th Quarterly Sessions of 1838.

(Here Enter No. 2419.)

At a Court of the Executive Council

Present,

Thursday 27th December 1838. John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Cooper Esqre ——— Acting 2nd Puisne Judge
Alexr Duncan Campbell Esqre ——— 3rd Puisne Judge,

Read return dated the 14th instant

J.B
J.A.C
D.C

submitted by the Criminal Judge of Bellary, to this Court's Precept of the 11th instant, conveying their further orders on the Bellary Criminal reports for the months of September last and affording the information therein required —

(Here enter No. 2391 of 1838)

In the foregoing communication, the

1. Criminal Judge has specified the number of the case to which allusion was made by him in para: 5 of his return dated the 23d ultimo, explaining the grounds on which the Prisoner in No. 148 of the file of the Criminal Court had been unconditionally released by him —

On reference thereto, the Judges of the

2. Council Estate observe that the two cases in question are by no means similar. In that of which the disposal by the Judge on Circuit has been quoted by Mr. Paternoster in justification of the release by him of the Prisoner in No. 148, it is seen that of the individuals charged, one "proved a most clear alibi"; a circumstance which sufficiently

sufficiently shews that the apology is incomplete, and that Mr. Entwistle's argument has been based on error.—

Ordered, That Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.—

(Cent in No. 1740

Read again Return dated the 10th instant submitted by the Criminal Judge of Tanjore, to this Court's Precept of the 30th ultimo, conveying his observations and Orders on the Tanjore Criminal Reports for the month of October last.—

(Here enter No. 2385 of 1838)

The explanation afforded by the Assistant Criminal Judge in respect of his disposal of Case No. 197 is considered to be satisfactory by the Judges of the Court who, accordingly, will not interfere with the sentence recorded by that officer.—

Ordered, That Extract from these proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance.—

WB
Ejectt. 2 H.C.
WB

(Cent in No. 1741

For Mr Douglas

27th December 1838.

Read Return dated the 17th Instant from the Pro Court of Circuit in the Northern Division to this Court's precept of the 12th Instant intimating that in Conformity with the tenor thereof the translation of Case No. 11 of the Rajahmundry Calendar for the 4th Sessions of 1838 had been despatched on the 15th Inst. with a final Return to the Precept of the 5th Ult. of the 17th September last.—

(Here enter No. 2427)

At a Court of the Conjdaree Udalut

Present

Saturday 29th December 1838 John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Oakes Esqre ——— acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre ——— 3d Puisne Judge,

Read again returns dated respectively the 20th and 23d of October 1838 made by C. Patterson Esqre late Judge of Cuddapah and D. H. Thomson Esqre the present Criminal Judge of Cuddapah, to the precept of the Conjdaree Udalut dated the 31st of August 1838, communicating to Mr. Patterson the late Judge of Cuddapah and to Mr. Thomson the present Judge at that station a copy of para: 12 of this Court's letter to Government of the 23d of July 1838, of paras 52 and 53 of Mr. Dickinsons Report, and of para: 2 of the Minutes of Consultation under date the 17th of August 1838, and instructing Mr. Patterson to state with reference thereto every thing that passed between himself and the Head Native Parthasarady; and directing Mr. Thomson the Criminal Judge of Cuddapah to examine the said Parthasarady with reference to the original papers therewith transmitted to him, and to take the depositions of Rajah Row and Venkataredy, and eventually should there be sufficient

sufficient grounds for considering that the charge preferred against the late Mr. Cosby was the result of a conspiracy to institute proceedings before the Magistrate of Queenspark against those concerned therein.—

(Here enter Nos. 2077 and 2087 of 1838)

This second return dated the 10th instant made by the Criminal Judge of Queenspark to the precepts of the Conjoint Edict of the [illegible] December 1838 commenting on the very insufficient examination entered upon by Mr. Strombom in execution of the orders issued to him by the Conjoint Edict under date the 31st of August last, and directing him to make a more full and complete enquiry with the view to ascertain the truth whether or not any conspiracy actually existed.—

(Here enter No. 2368)

1.

With the above return the Criminal Judge of Queenspark transmits the originals and translations of the further examinations made by him in conformity to the orders of the Conjoint Edict of the 19th of November last, and submits his deliberate "opinion that there is nothing in them sufficient to confirm the belief that the charges were the result of a conspiracy; and adverting to the inconsistencies in the evidence for the prosecution pointed out by the

the Commissioner, Mr. Strombom considers "it proper that the Court of Conjoint Edict should be made "acquainted with the fact that one of the inconsistencies "or improbabilities in the evidence noticed by Mr. "Dickenson and on which the Criminal Judge "Dickenson" had reason to believe" Mr. Dickinson "says considerable stress" had actually no existence at all".

Mr. Strombom refers to that part

2.

of Mr. Dickinson's Report wherein he inforis that the witness who swore to having seen thro' the open door work what passed within the Police in front of the door at which the bribe is said to have been delivered into Mr. Bushby's hands spoke falsely.

Mr. Strombom does show the mistake,

3.

"for a mistake it most certainly is, on Mr. Dickenson's "part, could have originated, the Criminal Judge "does not know, but having heard the fact mentioned "by other Gentlemen, he with the present Collector Mr. "Blane, who now occupies the house, carefully examined "the place, and it appears evident that a person "standing outside, not only at the distance of two "feet, but at the distance of 8 or 10 feet could easily "see what passed inside the room near the door, "and indeed much farther back into the room, than the

"the witnesses describe Mr. Bushly to have been standing
"at the time"; — and adverting to para: 28 of Mr. Dickenson's
Report in which he argues upon the improbability of such
a circumstance having occured in the house of a
Principal Collector surrounded by a large Establishment
of Peons, Mr. Stronbom states that such "remark does
"not apply in the present instance" because "he has
"heard from the best authority that Mr. Lyell,
"the then Principal Collector, never allowed a Peon
"to remain near his house, but had a shed or building
"erected purposely for them behind some trees in
"the compound, at some distance from the Bungalow
"in which he lived". —

4. The Court of Conjeveram Redant concurs
in opinion with Mr. Stronbom that there is nothing
in the examinations taken before him to justify
any charge of conspiracy, but adverting to para: 7 and
8 of Mr. Stronbom's return the Court of Conjeveram Redant
would point out that the enquiries of Mr. Bushly
by Mr. Dickinson was independant of the circumstances
noticed therein.

Ordered, that extract from these
proceedings together with copy of the returns recorded
above and of the proceedings of the Conjeveram Redant
of the 19th. of November last with an intimation

that

Exhibit.

29th. December 1838.

that the 3d. Judge recorded a minute on those proceedings be forwarded, together with the translations of the examinations taken before the Criminal Judge of Cuddapah, to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council. —

(Sent in No. 1744)

Read return dated the 15th. instant submitted by the Joint Magistrate of Bellary to this Court Precept of the 6th. instant which directed the Magistrate of that District to transmit to the Criminal Court of Circuit in the Central Division within a period of ten (10) days the information called for in the two Precepts issued by that authority to the Magistrate under dates the 27th. June and 27th. August last. —

(Here enter No. 2407 of 1838)

It is explained in the foregoing communication from Mr. Daly, the Joint Magistrate of Bellary, that the sudden and dangerous illness of the Magistrate prevented the latter officer from conforming to this Court orders of the 6th. instant and that he had in consequence been induced to make return to the Precept in which they were conveyed. —

The

The Judges of the Conjeeveram Adalut approve the step taken by the Joint Magistrate: As, however, it would appear that the necessary returns had not been forwarded to the Provincial Court of Circuit they request Mr. Bayley will now supply the information required from the late Magistrate in the Precept from that authority adverted to in the proceedings of the Conjeeveram Adalut dated the 6th. instant.

Ordered, that Extract from these proceedings be forwarded to the Joint Magistrate of Bellary in charge by precept returnable this the Provincial Court of Circuit in the Centre Division within one month from and after its receipt.—

(Extract following Precept No. 1745

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

(Court no. 1746.)

For Mr. Dougles

C. C. C.

Read return dated the 18th. instant submitted by the Acting 2d. Judge on Circuit in the Centre Division to the Centre Precept of the 12th. October last conveying their orders on Case No. 1 of the Cumbum Calendar of the 2d. Sessions of 1838 which were therewith returned, that the evidence of one Ranjaboo might be taken in respect of the Prisoner's conduct at the

the time of the murder.—

(Here enter No. 2412 of 1838)

The Acting 2d. Judge has recommended, in the foregoing communication, that the disposal of the case in question should be delayed until the attendance of the witness Ranjadoo can be procured. The Judges of the Conjeeveram Adalut, however, are of opinion that the result of the further enquiry and search stated to have been instituted by the Joint Magistrate of Cuddapah should be reported to the Acting 2d. Judge and in the event of their proving unsuccessful that the record of the trial should be again forwarded to the Court of Conjeeveram Adalut in order that it may be finally disposed of in its present state.—

Ordered that Extract from these proceedings be transmitted to the Acting 2d. Judge on Circuit in the Centre Division by precept returnable in 15 days from and after its receipt.—

(Extract following Precept No. 1747

Read Criminal Reports dated the 31st. Ultimo from the Joint Criminal Judge at Cuddapah for the Month of November 1838.—

(Here enter No. 2846)

Read return dated the 11th. instant from the Criminal Judge of Chittoor to the Precept of the

the Conjeeveram Detachment of the 8th instant, conveying their observations and orders on the Chittoor Criminal Reports for the months of October last.—

(Here enter No. 2365)

Read return dated the 11th instant from the Provincial Court of Circuit in the Centre Division to the precept of the Conjeeveram Detachment under date the 3d December 1838 directing them to order the release of the 6 female prisoners in Case No. 9 on the Chingleput Calendar for the 1st Sessions of 1838.—

(Here enter No. 2366)

Read letter dated the 14th instant from the Chief Magistrate and Superintendant of Police at Madras submitting the explanation called for in the Proceedings of the Court of Conjeeveram Detachment under date the 10th December relative to the fine of 100 Rupees imposed on Chocapah Chetty in Case No. 4 for the Madras Police Report for the months of November.—

(Here enter No. 2367)

Read return dated the 18th instant from the Acting 2d Judge on Circuit in the Centre Division to the precept of the Conjeeveram Detachment under date the 10th of December 1838 conveying their remarks and orders on the Chingleput Calendar for the 2d Sessions of 1838.—

(Here enter No. 2368)

Read

Read letter dated the 5th instant from the Acting Criminal Judge of Chicacole transmitting the Reports prescribed by Section XXXV Regulation X of 1816 for the month of December 1838.—

(Here enter No. 2376)

Read return dated the 10th instant from the officiating Joint Criminal Judge at Vizagapatam to the precept of the Conjeeveram Detachment under date the 30th ultimo conveying their observations and orders on the Vizagapatam Criminal Reports for the months of October last.—

(Here enter No. 2380)

Read letter dated the 15th instant from the 2d Judge of the Provincial Court of Circuit in the Centre Division reporting his intention to open the 1st Sessions of 1839 at Cuddapah on the 7th Proximo.—

(Here enter No. 2381)

Read letter dated the 13th instant from the Acting Joint Criminal Judge at Cuddalore submitting Criminal Reports for the months of November last.—

(Here enter No. 2383)

Read letter dated the 11th instant from the Magistrate of Cuddalore with reference to the Proceedings of the Conjeeveram Detachment dated the 23d October submitting information as to the notice taken of the conduct of the Head of Police of Vridachellum in obtaining a Recovery in

in the Calcoke from the 29th September until the 18th October last.—

(Here enter No. 2386)

Read letter dated the 15th instant from the Provincial Court of Circuit in the Centre Division forwarding the accompanying precept addressed by the Conjeveram Tahsildar to the Magistrate of Bellary with return made by the Joint Magistrate of Bellary reporting the Robertsons dangerous indisposition.—

(Here enter No. 2403)

Read letter dated the 15th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division forwarding copies of the orders passed by himself and by the Criminal Judge of Chittoor regarding the insane Prisoners referred to in Para: 3 of this Courts proceedings of the 5th ultimo: as also of the correspondence which has passed on the subject of them; and stating that a further report will be submitted in due time regarding two of the individuals in question.—

(Here enter No. 2404)

Read return dated the 17th instant from the Criminal Judge of Bellary to the precept of the Conjeveram Tahsildar under date the 10th instant certifying that the instructions therein contained have been duly attended to.—

(Here enter No. 2411)

Read

Read letter dated the 17th instant from the acting 3d Judge on Circuit in the Southern Division reporting the opening of the 2d Sessions of 1838 at Coimbatore on the 17th instant, and stating that there is no prospect of a supplemental Calendar being submitted to him.—

(Here enter No. 2414)

Read letter dated the 20th instant from H. Dickinson Esqre Judge of the Provincial Court of Circuit in the Southern Division now at Madura reporting that the 1st Sessions 1839 will commence at Madura on the 4th Proximo.—

(Here enter No. 2416)

Read return dated the 18th instant from the Criminal Judge of Combaconum to the Precept of the Conjeveram Tahsildar dated the 3d instant reporting that the instructions contained have been duly attended to.—

(Here enter No. 2418)

Read letter dated the 18th instant from the acting Magistrate of Cuddapah with reference to this Courts proceedings of the 15th ultimo submitting an explanation of the delay in forwarding from the Talooks the Criminal cases therein adverted to.—

(Here enter No. 2423)

Read

29th December 1838.

Read letter dated the 27th instant from the Acting 3d Judge on Circuit in the Southern Division transmitting the statement of Batta paid to the Prosecutors and witnesses in attendance before the Court of Circuit for the 2d Sessions of 1838 at Calpe.

Here enter No. 2426.

Read return dated the 18th instant from the Provincial Court of Circuit in the Western Division to the precept of the Tonjdaree Udalut dated the 10th December 1838 stating that the usual Warrants have been issued for the enforcement of the sentences ordered by the Tonjdaree Udalut in Cases Nos. 1 and 2 on the Honey Calendar and in Case No. 2 on the Sircy Calendar for the 2d Sessions of 1838.

(Here enter No. 2430)

Read letter dated the 26th ultimo, from the 1st Judge on Circuit in the Western Division submitting a statement of the batta paid to the Prosecutors and witnesses in attendance on the Court of Circuit held at Hijellee during the 2d Sessions of 1838.

(Here enter No. 2307).

Read return stated the 3d Instant from the Acting Joint Criminal Judge at Cuttack, to the precept of the Tonjdaree Udalut under date the 28th November 1838, conveying their remarks and orders on the Cuttack Criminal Reports for the Months of October last.

(Here enter No. 2308).

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E. H. S.

F 16.

At a Court of the Tonjdaree Udalut.

Present,

Monday 31st December 1838. John Bird Esqre ——— 1st Puisne Judge
Thomas Alexr Oakes Esqre Offg 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 5th Instant from the Acting 3rd Judge on Circuit in the Southern Division, submitting Copy of the Combaconum Calendar for the 2nd Sessions of 1838.

Here enter No. 2330.

In Case No. 14 the Prisoner "Sockalinga pilly" has been convicted on a charge of having fraudulently obtained two blank "Collection accounts" bearing the Signature of the Assistant Pulla Mongar and fabricating upon one of them, a receipt for Rupees 15-0-0.

The presiding Judge submits

2. that the Offence of which the Prisoner has been convicted is not sufficiently heinous to merit the full extent of punishment to which he has rendered himself liable, and recommends therefore that his punishment may be mitigated to 2 years imprisonment with hard labor in irons.

The Court of Tonjdaree Udalut

3. resolve to accede to the Recommendation of the presiding

presiding Judge, and under the authority vested in them by Clause 3rd Section III. Regulation I of 1825, to authorize the Acting 3d Judge on Circuit to pass the mitigated Sentence indicated above on the Prisoner

"Sockalingapilly"-

Case No. 31. 4. The Court of Fouzdaree Adalut having reason to doubt whether the Evidence adduced in Case No. 31. was sufficient for the Conviction of all the Prisoners, they resolve to direct the Acting 3d Judge on Circuit in the Southern Division to prepare and to submit without delay an English translation of the Record of the trial, and in the mean time the Sentence passed upon the Prisoners must be suspended -

Case No. 45. 5. In Case No. 45. Seventeen Prisoners were charged with the crime of Gang Robbery, and with the exception of the 9th 10th and 11th, all the Prisoners were fully convicted before the Court of Circuit, but as the 2nd and 3rd Prisoners "are very young, and it does "not appear that they took an active part in the Robbery, the Acting 3rd Judge recommends "that their "punishment "may be mitigated to 5 years imprisonment with hard labor in irons."

6. Upon the grounds of the alleged

Cadrune youth of the two Prisoners

"Parathian"

and

and

"Sengon"

the Court of Fouzdaree Adalut authorize the Acting 3rd Judge to pass upon them the mitigated Sentences indicated above, but on future occasions, the Acting 3rd Judge will be careful to specify the precise age of the parties, which youth may be urged in mitigation of punishment -

Cases Nos. 50 & 51. 7. Adverting to the grounds urged by the Criminal Judge of Combaconum for the commitment of the Prisoners concerned in Cases Nos. 50. and 51, the Court of Fouzdaree Adalut do not deem it proper to sanction any mitigation of the punishment to which the 1st Prisoner has rendered himself liable, and accordingly the Law must be allowed to take its course -

Ordered, that Extract from these proceedings be forwarded to the Acting 3rd Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 1748)

Read letter dated the 18th instant from the Provincial Court in the Northern Division, forwarding copy of a communication from the late Acting Joint Criminal Judge of Vizagapatam, containing the information

information required by para. 87 of this Court's proceedings on the report of the late 3rd Judge for the 1st Sessions of 1837 and for the 2nd Sessions of 1838.

(Here enter Nº 2428 of 1838.)

1. In explanation of the reasons which induced him to confine two Prisoners at Vizagapatam in "neck chains," Mr. Rhode refers to that one of the convicts in question had, he believes, escaped more than once, and that he adopted that method of securing them, because it was the only one he had found to be effectual. Mr. Rhode at the same time remarks, that he is not prepared to deny that it was as much for example as for security.

2. The late Acting 3rd Criminal Judge, from his own showing, has to a certain extent exceeded the power vested in him by the rules for the management of Public Jails, but as the object he had in view by so doing is praiseworthy, the Judges of the Fouzdaree Adalut, under that Officer's observations, consider it unnecessary to notice the irregularity of this proceeding, further than to direct it may be pointed out to him that without the Sessions sanction of the higher Court, it was incompetent to him, for the reasons he has assigned, to order Prisoners to be shackled with neck chains.

3. The Court would further draw the attention

F. H.
31st December 1838.

attention of the Provincial Court of Circuit to the irregularity of their communicating with this Office by letter on a Subject which had been brought to their notice by an Extract from the proceedings of the Court of Fouzdaree Adalut.

Ordered, that Extract of paras 1 and 2 from these proceedings be transmitted to the Chief Secretary to Government, with reference to para 27 of the Proceedings of the Fouzdaree Adalut of the 26th November 1838. (Sent in Nº 1749.)

Ordered also, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance, and for communication to Mr. Rhode. (Sent in Nº 1750.)

Read letter dated the 17th Instant from the Principal Sudr Ameen at Honore, reporting that the re-apprehended Security Prisoner referred to in para: 2 of his communication under date the 10th October last, has been sentenced by the Acting Superintendent of the Nuggur Division to seven years hard labor in irons for robberies committed since his escape from the Jail at Honore.

(Here enter Nº 2434 of 1838.)

Under the circumstances stated in the foregoing communication, the Judges of the Fouzdaree Adalut authorize the Principal Sudr Ameen

Anicut to transfer the Prisoner Soobraya Oodoopa to the charge of the authority by whom the Sentence of Seven years hard labor has been recorded against him; for the purpose of its being carried into effect.

Ordered, that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Honore for his information and guidance.

/ Sent in No. 1751 /

Read letter from the Acting Criminal Judge of Madura dated the 22nd Instant, reporting the escape of three Prisoners from the Jail at that Station, and the subsequent reapprehension of two of them.

/ Ameen No. 2436 of 1838 /

1. It is stated in the foregoing communication, that the three Prisoners in question effected their escape from the Lillah Jail by breaking open a part of the compound wall of that building during the night of the 19th Instant; but the Acting Criminal Judge, Mr. Elliott, has not explained whether they had been previously secured in a cell, or whether the wall through which they were supposed to have escaped was the only obstacle they had to surmount on the night adverted to.

2. The Judges of the Fouzdaree Adalut accordingly desire the Acting Criminal Judge will report

report whether the usual precaution of locking up the prisoners in a ward or cell had been observed on the night of the 19th Instant.

3. The Judges at the same time deem it necessary to call the attention of the Acting Criminal Judge to the Circular Order of the 19th November 1832, requiring him to transmit to this Office, the depositions on oath of all persons who may have been witnesses to the affair.

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1762 /

Read Supplemental return dated the 22nd Instant, submitted by the Acting 2nd Judge on Circuit in the Centre Division, to this Court's Precept of the 10th Instant, conveying their remarks and orders on the Chingleput Calendar for the 2nd Sessions of 1838.

/ Ware enter No. 2461 of 1838. /

The Judges of the Fouzdaree Adalut desire to be made acquainted with the result of the enquiries ordered to be made by the Acting Magistrate of Chingleput into the conduct of the Police in Case No. 5 of the Chingleput Calendar of the 2nd Sessions of the Current Year.

Ordered, that Extract from the Proceedings

proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information.

/ Sent in No. 1753. /

Read letter dated the 17th Instant from the Acting 2nd Judge on Circuit in the Centre Division, soliciting the opinion of this Court whether with reference to Section ~~XXXII~~ Regulation IX of 1816 it is competent to a Magistrate to award imprisonment, at his option, except in the case of a non fulfilment of a sentence of fine.

/ Here enter No. 2397 of 1838. /

In the foregoing address the Acting 2nd Judge adverts to petty misdemeanors, and doubts whether in cases of abusive language and petty assaults, where immediate incarceration may not be necessary to preserve the peace and where the character of the parties and their acts do not bespeak any thing disgraceful, it is competent to a Magistrate to adjudge a punishment capable of making both appear &c, i, e, to award imprisonment except in the case of the non fulfilment of a sentence of fine.

2. Section XXXII Regulation IX of 1816 unquestionably vests in the Magistrates a discretionary authority to dispose of cases falling under the provisions of that enactment either by imprisonment or by fine, and those Officers are consequently competent to award either mode of punishment.

But

F.R.

31st December 1838.

But instances in which it may appear that a sound discretion in this respect has not been exercised by the Magistracy may be commented on by the Judge on Circuit.

Ordered, that Extracts from these proceedings be transmitted to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance.

/ Sent in No. 1754. /

Read letter dated the 15th Instant from the Criminal Judge of Chittoor, submitting copy of correspondence with the Magistrate of Chittoor, connected with the Confinement in his Jail of two Persons, natives of Turkey, forwarding the translation of a Statement made in open Court by the Prisoner Mahomed Meerad, which he has requested might be forwarded to Superior authority; and as the Jailor has reported to the Criminal Judge that the said Prisoners have refused to Eat, if they are not allowed to Smoke in the Jail, requesting instructions from the Higher Court, and intimating that the Prisoners have been placed in the Civil Debtors ward.

/ Here enter No. 2389 /

It does not appear from the Magistrate's

Magistrate's letter to the Criminal Judge of the 13th Instant, a copy of which accompanies the above communication, that the two prisoners referred to have been detained under Clause 1st Section III. Regulation II of 1822, and Clause 1st Section VII. Regulation VI of 1827, nor does it appear from the Minutes of Consultation of the 11th of December 1838, that they have been confined as State prisoners, because the order of Government is not in the form prescribed by Regulation II of 1819.

2 The confinement of these prisoners therefore does not appear to have been ordered in conformity to any Regulation, and the Court of Sonjdaree Udalut accordingly resolve to suggest to Government, that if it is not intended that the persons referred to should be confined as State Prisoners or under the provisions of Act 33. Geo: III. Cap: 52. Sections 45. and 46, the Magistrate of Chittoor should proceed against them upon Evidence, and if necessary, direct their confinement in Conformity to Clause 1st Section VII. Regulation VI. of 1827.

3 In the mean time the Court of Sonjdaree Udalut direct that the Criminal Judge

of Chittoor be instructed to allow the prisoners the privilege of Smoking.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance, and that a copy thereof, and of the papers referred to above, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

Sent in &c.

Read letter dated the 11th Instant, from the Acting Joint Criminal Judge of Guntoor, forwarding the Criminal Reports for the month of November 1838.

/ Here enter No. 2365. /

Read letter dated the 13th Instant from the Criminal Judge of Chingleput, forwarding the Criminal Reports for the month of November 1838.

/ Here enter No. 2370. /

Read letter dated the 14th Instant from the Criminal Judge of Malabar at Calicut, &c. transmitting the Criminal Reports for the month of November 1838.

/ Here enter No. 2372. /

Read

when he called out, Moonappa Naik came out from the Thanah, and immediately went back to it. The presiding Judge adds, that it does not appear how Moonappa Naik was led to suspect the prisoner, but that the Evidence in the case leads to the conclusion that he was implicated in the Robbery as stated by the prisoner; and under these circumstances the Court of Foujdaree Adawlut remain in opinion with Mr. Lewin that the Criminal Judge of Chingleput grievously erred in unconditionally releasing the said Moonapah Naik. Indeed so impressed are the Judges of the Foujdaree Adawlut with the belief that the Robbery could not have been effected without at least the concurrence of the Tanahdar Moonappa Naik, that if his re-apprehension and commitment, would, in the opinion of the Acting 2nd Judge, lead to any Satisfactory result, Mr. Lewin is requested to direct the adoption of that course of Proceeding - otherwise he will call upon the Magistrate to report whether the said Moonappa Naik is still employed in the Police Department.

10. With regard to the Prisoner Annamootoo the Court of Foujdaree Adawlut concur in opinion with the Acting 2nd Judge, that, in the Case of that individual, the ends of Justice will be Satisfied by a punishment of 7 years imprisonment and labor in irons, which is sentence the presiding Judge is accordingly authorized to pass -

Ordered

10th December 1838.

Ordered that Extract from these Proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 15 days from and after its receipt -

Sent following Precept No. 1695

Ent. 7th W.S. F.C.

W.S.

Read Return dated 30th Ultimo from the Acting Second Judge on Circuit in the Centre Division explaining why he omitted to Submit the Required Return within the Specified period -

(Vide entry A.D. 2320)

14 December 1838.

Read letter dated the 15th Instant from the Assistant Criminal Judge in charge of the Zillah Court of Nellore, forwarding the Criminal Reports &c for the month of November 1838.

(Here enter No. 2398.)

Read return dated the 26th Instant from the Joint Criminal Judge of Vizagapatam to this Court's Precept of the 10th Instant, conveying their orders and observations on the Vizagapatam Criminal Reports for October last.

(Here enter No. 2453.)

Three & half Pds weight