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2nd January 1838.

F. U.

At a Court of the Fouzdaree Udalut

Present,

Wednesday 2nd January 1839. — John Bird Esqr. 1st Puisne Judge
Thomas Hearsey Oakes Esqr. 2d Puisne Judge
Alexander Duncan Campbell Esqr. 3d Puisne Judge

Read the Sudder Criminal Reports for the month of November 1838. submitted through the Provincial Court of Circuit in the Western Division.

Vide rules No. 2413.

Adverting to the remarks recorded by the Principal Sudr Ameen on Case No. 60, the Court of Fouzdaree Udalut desire that the Provincial Court of Circuit in the Western Division will ascertain and report, whether any measures have been adopted in view to the apprehension of the person named "Shivoo", implicated by the prisoner Syed Ahoojeem in the murder of the prosecutor's wife, "Kempy".

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance and with instructions to communicate to the Principal Sudr Ameen of Jessor, that the Reports submitted by him for the month of November last do not appear to call for further remark from the Court of Fouzdaree

80

2nd January 1839.

Read the Reports for the month of November 1838 submitted by the Acting Joint Criminal Judge at Coimbatore —

/Here enter No. 2356./

The prisoners concerned in Case No. 192.

1. No. 192 having been identified each by two of the complainants, it does not appear why the evidence was not considered sufficient to justify commitment for Trial —

The Court of Foujdaree Adalut are desirous that a copy of the remarks recorded by the Joint Criminal Judge on Case No. 205. be communicated to the Magistrate of the District, in order that the Police Officer may be advised not to send up cases in future —

Case No. 205.

2.

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 the receipt —

/Sent following Precept No. 3/

Read the Criminal Reports for the month of November 1838 submitted by the Criminal Judge of Salem —

/Here enter No. 2372/

The Court of Foujdaree Adalut are of opinion that the prisoners concerned in Cases No. 132 & 173 should not be longer detained in confinement on

Case Nos. 132 & 173

2nd January 1839.

trial, and they accordingly direct the Criminal Judge to proceed to dispose of those cases upon the evidence already before the Criminal Court.

Case No. 189.

2. The remarks recorded on Case No. 189. should be communicated by the Criminal Judge to the Magistrate of the District, in order the Police Officer being advised of the irregularity of sending up such case to the Criminal Court —

Case No. 220.

3. The Court of Foujdaree Adalut will not now disturb the order passed by the Broacher Judge requiring the prisoners in Case No. 220 to give Security for 6. months, but adverting to the facts recorded that the prisoners confessed the crime before the Police and that the fragments of the Sheep were found in the prisoners houses, the evidence would appear to have been sufficient for the conviction of the prisoners —

4. The Criminal Judge is directed to explain the circumstances which brought Case No. 232 within the provisions of Clause 4th Section IIth Regulation VII. of 1822. from the abstract of the evidence it would appear that the prisoners was convicted of a fraud —

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 the receipt —

/Sent following Precept No. 4/

F. 66.

At a Court of the Tonjdarre Adalat.

Present,

Friday, 4th January 1839 — John Bird Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Actg 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

175
F.66

Read again letter dated the 22nd August 1838, from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the Record in Case No. 1 on the Caddapah Calendar for the 2nd Sessions of 1838.

/ Here enter No. 1739 of 1838. /

Read again return dated the 15th October 1838, from the Acting 2nd Judge on Circuit in the Centre Division, to the precept of the Tonjdarre Adalat of the 11th September 1838. returning the Record in Case No. 1 on the Caddapah Calendar for the 2nd Sessions of 1838.

/ Here enter No. 2055 of 1838. /

Read Supplemental return dated the 22nd November 1838 from the Acting 2nd Judge on Circuit in the Centre Division, to the precept of the Tonjdarre Adalat under date the 11th September 1838, returning the Record in Case No. 1 on the Caddapah Calendar for the 2nd Sessions of 1838.

/ Here enter No. 2231 of 1838. /

Read

Read also Supplemental return dated the 7th December 1838 from the Acting 2nd Judge on Circuit in the Centre Division, to the precept of the Tondaree Adalut dated the 11th September 1838 returning the Record in Case No 21 on the Cuddapah Calendar for the 2nd Sessions of 1838.

/ Vide enter'd No 2338 of 1838. /

Mr Bird
Mr Oakes
and
Mr Campbell

The Court of Tondaree Adalut on a deliberate consideration of the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner

"Mandiga Venkatagaudee"

is sufficient to convict him of the Crime charged, do under the authority with which they are vested by Clause first Section II Regulation I of 1816 convict him thereof and sentence him to be transported to such place or places beyond Seas, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the term of his natural life.

/ Sent in No 6 /

Read letter from the Magistrate of Ganjam, dated the 13th Ultimo, on the subject of the remarks by this Court contained in the proceedings of the 22nd October last, regarding case No 92 of the Criminal Court at Chicacole.

/ Vide enter'd No 2302 of 1838 /

1. The Magistrate in the foregoing communication observes, that on a perusal of the Record of the Case in question he does not find nothing to justify the inference drawn by the Acting Assistant Criminal Judge that the alleged confessions of the Prisoners "if ever given could have been taken by force or some other improper means"

2. The Judges of the Tondaree Adalut considering the imputation cast on the Police of the Tekaly Division by the remark quoted by Mr Bannerman, to call for further explanation, under the opinion Expressed by that Officer, resolve to require the Acting Assistant Criminal Judge to specify the grounds on which he was induced to record the opinions adverted to by the Magistrate of Ganjam, and request he will at the same time report whether the individuals who attested the Prisoners declarations were examined by him with a view to ascertaining whether the confessions had or had not been voluntarily given.

3. In the event of the evidence of these persons not having been taken in the Criminal Court, Mr Berry will explain why their attendance was not required.

Ordered, that Extract from these proceedings be transmitted to the Criminal Judge of Chicacole by Precept returnable within 2 days from and after its receipt.

/ Sent following Precept No 7 /

7th January 1839.

Read also Supplemental return dated the 7th December 1838 from the Acting 2nd Judge of Circuit in the Centre Division, to the precept of the Tonjdaree Adalut dated the 11th September 1838 returning the Record in Case No 321 on the Calendar for the 2nd Division of 1838.

/ Vide inter alia No 2335 of 1838. /

Mr Bird
Mr Oakes
and
Mr Campbell

The Court of Tonjdaree Adalut after a deliberate consideration of the circumstances of the Case in Evidence before them, being of opinion that the proof against the Prisoner

"Mandeya Cheatagaundee"

is sufficient to convict him of the Crime charged, to wit under the Authority with which they are vested by the Clause first Section IX Regulation I of 1818 order that the said Prisoner be transported to such place or places beyond Seas, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or other public works for and during the period of his natural life.

/ Sent in Ser. 6

Read letter from the Magistrate of Ganjam, dated the 13th Ultimo, on the subject of the remarks by this Court contained in their proceedings of the 22nd October last, regarding one of the Criminal Courts at Chicacole.

/ Vide inter alia No 2302 of 1838 /

7th January 1839.

1. The Magistrate in the foregoing communication observes, that on a perusal of the Record of the Case in question he does not find nothing to justify the inference drawn by the Acting Assistant Criminal Judge that the alleged Confessions of the Prisoners if ever given could have been taken by force or some other improper means.

2. The Judges of the Tonjdaree Adalut considering the imputation cast on the Police of the Tukaly Division by the remark noted by the Commissioner, to call for further explanation, and as the opinion expressed by that Officer, resolve to require the Acting Assistant Criminal Judge to specify the grounds on which he was induced to record the opinions adverted to by the Magistrate of Ganjam, and request he will at the same time report whether the individuals who attended the Prisoners declarations were examined by him with a view to ascertaining whether the Confessions had or had not been voluntarily given.

3. In the event of the evidence of these persons not having been taken in the Criminal Court, Mr Story will explain why their attendance was not required.

Ordered, that an Extract from these proceedings be transmitted to the Criminal Judge of Chicacole by Precept returnable within 5 days from and after the date hereof.

/ Sent following Precept Ser. /

4th January 1839.

Read letter dated the 28th Ultimo from the 2nd Judge on Circuit in the Western Division forwarding the original death warrant passed on the 1st Prisoner in Case No. 1. on the Mangalore 2nd Additional Calendar for the 2nd Sessions of 1838.

/ Here enter No. 2. /

Read letter dated the 1st Instant, from the Chief Magistrate and Superintendent of Police at Madras, forwarding a report of Sentences passed on Smugglers under Act XXI of 1837 during the last Month.

/ Here enter No. 4. /

For Mr Douglas

F. C.

At a Court of the Fouzdaree Udalut.

Present,

Saturday 5th January 1839.

John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexander Oakes Esqr. 2nd Puisne Judge
Hewit Duncan Campbell Esqr. 3rd Puisne Judge

Read perusal dated the 22nd of December 1838 from the Provincial Court of Circuit in the Centre Division to the proceedings of the Court of Fouzdaree Udalut under date the 21st of November last directing the transmission of the English translation of Bellary Calendar for the case No. 3 of the 1st Sessions of 1837, in which the prisoner Lingadoo was convicted and of the depositions given by that individual in his Case on the Criminal file of the Bellary Court as also the Sentence passed against him by the Judge on Circuit at the Sessions in question.

/ Here enter F. C. No. 2129 of 1838 /

Read again perusal dated the 6th of August last received from the Criminal Judge of Bellary to the Precept of the Court of Fouzdaree Udalut of the 30th of July calling on that Officer with reference to the remark on Case No. 53 entered in the Supplemental Criminal Report for the month of July 1836 and the proceedings of the Court of Fouzdaree Udalut under date the 5th February 1837 to state whether the Lingadoo

thereon

therein referred to was sent back to the Magistrate of Bellary for retransmission to the Criminal Court, or of not, to specify the grounds which led to the arraignment of that individual before the Court of Circuit.

/Here enters No 163 of 1838./

1. The prisoner Lingadoo was charged before the Court of Circuit with having in Conspiracy with some other persons on the 8th of March 1836, about 12 oClock at night proceeded with forcible weapons viz to the Prosecutors House broke the door of it with violence entered in and stole Gold and Silver ornaments from the persons of his Mother and his Younger brother, viz Gold and Silver Ornaments ready to hang Rattles plates &c from his House all of the value of Pagodas 283.

2. In the letter of the 16th of November 18 from the Court of Fouzdaree Adalut the Magistrate of Bellary was authorized to tender in certain cases before him a conditional pardon to "Boya Lingadoo" and his evidence was accordingly taken by the Head assistant Magistrate on the 23d of the same Month, and he was afterwards examined on oath by the Criminal Judge of Bellary in Cases Nos 130 and 131 of the Criminal file of 1837.

3. The evidence of the said Lingadoo was by the Criminal Judge considered to contradictory that no reliance could be placed upon it and in that

letter

letter of the 16th of January 1837 he referred to this Court for instructions relative to the Cases in question, and as to the manner in which the said Lingadoo should be disposed of in respect to the Cases in which he is deeply involved by his own admission"

4. In the letter dated the 6th of February 1837 the "Fouzdaree Adalut directed that "if there is no "sufficient evidence to justify the Commitment of the "Prisoners referred to this must be released and that "of B. Lingadoo has not performed the Condition "of the proposed pardon he must be sent back to the "Magistrate in order that if there is sufficient evidence "against him he may be proceeded against as a "Prisoner"

5. It is shown, the Court of Fouzdaree Adalut observe in the return of the present Criminal Judge under date the 6th of August last, and it appears also upon the face of the trial now under review, not only that the orders of the 6th of February 1837 were not attended to by the late Criminal Judge, but that the Prisoner Lingadoo was committed for trial in Case No 23 of the said Calendar, without having been present "when the "evidence on which he was committed was taken, and "it does not appear that he was confronted with the "Prosecutor or witnesses on his reapprehension and previous "to his commitment"

Hence

5th January 1839

6.

These irregularities, the Court consi-
-der sufficient in themselves to justify the release of the
prisoner, but it further appears, on a reference to the
translation of the depositions given by Singadoo before the
Criminal Court in Cases Nos 130 and 131 of 1837, and upon
comparing them with the depositions previously given by
him before the Head Assistant Magistrate, that he, the
said Singadoo, did not fail to perform the conditions of
his pardon; for although there certainly were discrepancies
and inconsistencies between the depositions given before
the two Officers, there were no failure in respect to the
material points of the evidence given by him, and there-
-fore the Court are entitled to consider the
Commitment of the Prisoner Singadoo as out of jus-
-tice and accordingly so far as he is concerned they
direct that the Sentence be set aside and the pri-
-soner

Done Singadoo

be released.

Ordered, that Extract from these
proceedings be transmitted to the Court of Circuit
in the Centre Division for their information and
guidance by precept returnable in 30 days from and
after its receipt and that they be also directed to for-
-ward the Joint Magistrate of Pillaiyar in charge
with a copy of the Sentence for his information.

/ And following Precept No 12 /

J. H.

5th January 1839

Read the Criminal Proceed-
-ings for the month of November 1838 submitted by the
Acting Joint Criminal Judge at Tinnevelly.

/ Here enter No 2384 of 1838. /

The Joint Criminal Judge not
being competent to bind over parties to keep the peace,
the Sentences passed by him in Cases Nos 103 and 104
must be amended.

Security to keep the peace can be
demanded only by the Magistrate.

Ordered, that Extract from these
proceedings be forwarded to the Acting Joint Cri-
-minal Judge at Tinnevelly for his information and
guidance, by Precept returnable in 5 days from and
after its receipt.

Ent 7th / And following Precept No 13 /

For Mr Douglas

J. H.

1/5
2/6
1/6

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Monday 7th January 1839 — Thomas Alexr. Oakes Esqr. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. ——— 3rd Puisne Judge

Read petition presented on the 20th of November 1838 by Mahalingagan of the Zillah of Combaconum —

(Vide enter. M. P. No. 158 of 1838.)

Read also petition presented on the 3rd December 1838 by Mootoosamy Pillay of the Zillah of Combaconum —

(Vide enter. M. P. No. 164 of 1838.)

1. The petitioners represent themselves to be the brothers of the 5th and 6th prisoners respectively in Case No. 21. for the 3rd Sessions of 1838. to be were tried and convicted on a charge of forgery and sentenced to 6 years' imprisonment with labor —

2. They pray the Court will call for the proceedings held in the trial and issue orders for the release of their petitioners —

3. The Court of Fouzdaree Udalut have referred to the Calendar and see no reason to question either the propriety of the conviction of the prisoners or the justice of the sentence passed upon them —

Ordered

7th January 1839.

Ordered accordingly that the petition be rejected, and that copy of these proceedings be annexed to the petitioners petition.

Read Miscellaneous Petition presented on the 26th December last by Modagy Valuhangapoe of Ambalangoda.

(Forwarded No. Pr. 159 of 1838.)

1. The purport of the foregoing annexed Petition No. 108 of the current year, and which was ordered a copy and which were ordered on this day's proceedings of the 8th Oct. last.

2. The Petitioner was informed that the record of the trial at Bar of the Ambalangoda Calendar 2nd September of 1838 was not yet returned and the further sentence ordered by them to be passed, have been under the deliberate and attentive consideration of the Judges of the Supreme Court, by whom he has been committed and whose intentions it is to sentence the Prisoner in question to be transported.

Ordered, that Ordered from these proceedings be granted on application to the Petitioner.

Read return dated the 28th ultimo from the Criminal Judge of Chingleput to the post of the Court of Requests Madras under date the 24th

7th January 1839.

24th December 1838, directing him to report the grounds of the transfer of the Prisoner Moonegan to be employed on the Great Western Road.

(Forwarded No. 2448.)

Read again Petition presented on the 10th December 1838 by Sylvanay of Chingleput, representing that her son Moonegan late a prisoner in the Chingleput Jail has lost the use of his limbs in consequence of a paralytic stroke and has been declared incurable by the Jillah Surgeon, but that notwithstanding he has been transferred to the Great Western Road, and praying therefore that the Court will issue orders for the release of her son or for his removal to the Hospital of the Jillah Jail.

(Forwarded No. Pr. 167 of 1838.)

1. With reference to the correspondence submitted by the late Acting 2nd Judge on Circuit in the Centre Division under date the 14th February 1837 in which that Officer brought to the notice of the Court of Requests Madras the state of extreme bodily infirmity to which the Prisoner Moonegan had been reduced by two successive attacks of paralysis, the Court of Requests Madras deem it advisable before passing a final order on this petition to call on the Criminal Judge to report the circumstances of the transfer of the Prisoner in

7th January 1839.

in question to be employed on the Great Western Road.—

2. Statements from the returns transmitted by the Criminal Judges that since his discharge from the Hospital on the 30th November Bhaneegaon has never been employed from that date and from his discharge on the 30th November from the Hospital until which he had been on the previous 19th December for both until 23rd September 1838 when he was sent to be employed on the Great Western Road, he has never been on Hospital, and has been constantly employed either in making fascines on the road between that and the Sail, the nature of which he is perfectly acquainted and that the use of his hands, and limbs are not impeded and is able bodied a man as any in the Zillah.—

3. Under these circumstances the Court of Sudder Adawlut decline to interfere in the manner prayed for.—

Ordered that the petition be rejected and that a copy of these proceedings be furnished to petitioner on his application.—

Read returns dated the 15th November last from the Provincial Court of Circuit in the Northern Division to the Register of the Sudder

5.86.

7th January 1839.

Adawlut dated the 22nd October 1838 enclosing in the Northern Provincial Court of Circuit to ascertain and report with reference to a petition presented to the Higher Court on behalf of one Appatachetty of Vellore, whether any cause of Action has arisen which has not been disposed of under the decree of the Zillah Court of Vellore in Appeal Suit No. 35 of 1835.—

(Here enter No. 2204.)

Read also Supplemental returns to the Precept of the foregoing Adawlut dated the 22nd October 1838 from the Provincial Court of Circuit in the Northern Division submitting a transcript of a communication from the Criminal Judge of Vellore reporting that the Ryot of the Rungapuram Tee Pettah Cazeba at that station was delivered to the Respondent in the suit referred to in this Court's proceedings in question, not under the terms of the Decree passed by the Zillah Judge in the action adverted to therein, but in consideration of a subsequent enquiry instituted by the Magistrate of the Zillah Court on whose report however, no order appears to have been issued by the Zillah authorities.—

(Here enter No. 2315.)

Read also returns from the Provincial Court of Circuit in the Northern Division

to

7th January 1839.

to this Court in pursuance of the 28th November last transmitting the original Petition and the proceedings of the Court of Enquiry held at Appalachicola together with the several Documents alluded to for their consideration, when submitting thereon and report required in the Proceedings of the Enquiry held at the [illegible]

(Here insert No 2 of 1839)

Read a Letter from Messrs Hanson Dillon & Co dated the 10th ultimo forwarding a Petition from Messrs Hanson Dillon & Co dated the 10th ultimo praying for the renewal of a Retail Spirit License

(Here insert No 3 of 1839)

Read a Letter from Messrs Hanson Dillon & Co presented on the 17th ultimo by C Auchmuty Esq on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 4 of 1839)

Read a Letter from C Auchmuty Esq presented on the 17th ultimo by himself on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 5 of 1839)

Read a Letter from Messrs Hanson Dillon & Co presented on the 17th ultimo by C Auchmuty Esq on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 6 of 1839)

Read a Letter from C Auchmuty Esq presented on the 17th ultimo by himself on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 7 of 1839)

Read a Letter from Messrs Hanson Dillon & Co presented on the 17th ultimo by C Auchmuty Esq on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 8 of 1839)

Read a Letter from C Auchmuty Esq presented on the 17th ultimo by himself on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 9 of 1839)

Read a Letter from Messrs Hanson Dillon & Co presented on the 17th ultimo by C Auchmuty Esq on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 10 of 1839)

Read a Letter from C Auchmuty Esq presented on the 17th ultimo by himself on behalf of the Memorialists praying for the renewal of a Retail Spirit License

(Here insert No 11 of 1839)

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(Here insert No 12 of 1839)

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(Here insert No 13 of 1839)

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(Here insert No 15 of 1839)

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(Here insert No 18 of 1839)

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(Here insert No 19 of 1839)

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(Here insert No 20 of 1839)

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(Here insert No 21 of 1839)

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(Here insert No 22 of 1839)

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(Here insert No 23 of 1839)

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(Here insert No 41 of 1839)

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7th January 1839.

4. Under this opinion the Court of Tanjore Ordered that direct the Provincial Court of Circuit will cause the Magistrate of Nellore to procure from Samardanee Ramaswamy the Keys of the Pagoda in question, and order them to be immediately returned to the Petitioner alias Appalacharlu, who will of course be liable to any action the adverse party may think fit to institute against him.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept for. returnable within one Month, from and after its receipt.—

(Sent following precept No. 15.)

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

Read petition presented on the 24th December 1838 by Immanuel Arnold of the Zillah of Combaconum.—

(Here enter M. P. No. 174 of 1838.)

The Petitioner adverting to the order of this Court of the 19th of November permitting her to take attested copies of certain documents required by her on praying for the value of the Stamp paper necessary to engross the same, prays that in consideration of her poverty and of the documents required by her being of a criminal nature, she may be furnished

7th January 1839.

furnished with copies on unstamped paper.—

Ordered, that the petitioner be furnished with the authenticated copies of the documents required by her on unstamped paper, and that copy of these proceedings be also furnished her on her application.—

Read petition presented on the 24th December 1838 by Veerudoo of Chittoor.—

(Here enter M. P. No. 175 of 1838.)

1. The purport of this petition is to obtain the release of the 5th prisoner in Case No. 1 from the Chittoor 10th and 15th Supplemental Calendars for the 2nd Quarterly Sessions of 1838 who was sentenced by the Court of Tanjore Adalut to 5 Years imprisonment.—

2. The Court of Tanjore Adalut direct the petitioner be informed that the prayer of this petition is inadmissible the sentence was passed by the Court of Tanjore Adalut on the prisoner after mature consideration of the record of the case.—

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 November 1838 submitted by the Criminal Judge of Bellary.—

(Here enter No. 39.)

thereon

7th January 1839

These Reports do not appear to call
for any remark from the Court of Magistrates Ordered
Ordered that Extract from
these proceedings be forwarded to the Criminal
Judge of Ballarat for his information —
(Sent in No 16)

Read letter, dated the 2nd Instant
from the Acting Magistrate of Fairhaven forty, sub-
mitting the information called for in the Court's
proceedings of the 3rd December last, regarding
the conduct of the Police Officer in delaying to
forward to the Criminal Court, Case No 407 of 1838
(Forwarded No 15 of 1839)

Read letter dated the 3rd Instant
from the Acting Judge in Command in the Northern
Division, forwarding the Returns of the 4th Quarter
of 1838 — to Hand —
(Forwarded No 10 of 1839)

Read letter dated the 3rd Instant
from the 3rd Judge in Command in the Western
Division, forwarding the Statement required by
the Circular Order No 6 of 1838
(Forwarded No 19 of 1839).

Read Statement dated the 3rd Instant
from the 3rd Judge of the Criminal Court Re-
quired in the Eastern Division required by

7th January 1839

the Circular Order No 1 of 1838 —

(Here enter No 21 of 1839)
For Mr Douglas

Ent'd

WB

Z.A.C.

125

At a Court of the Fougdarre Udalath

Present

John Bird Esqre _____ 1st Puisne Judge

Tuesday 8th January 1839. Thomas Alexr Oakes Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

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

(Here entered No 2363 of 1838.)

Order No 2333. The Court of Fougdarre Udalath seeing grounds to doubt whether the evidence adduced on the Order noted in the margin was sufficient to justify the conviction of the prisoners, they resolve to direct the Provincial Court of Circuit in the Centre Division to call for the record of the case, and to pass such orders thereon as may to them appear proper.

Order No 2351. 2. The Court of Fougdarre Udalath cannot gather from the sentence in Order No 2351 whether the prisoner was convicted of a theft or merely of having stolen property in his possession. The Criminal Judge is directed to explain this point, and also to submit a fuller explanation of the nature of the evidence against the prisoner and at the same time to state what he knows the

prisoner

January 1839

Code No 255.

prisoner made—

3.

Resolved to the Sentence passed on the prisoners in Code No 255, the Council of Ceylon Ordain that the Assistant Criminal Judge be advised of the illegality of this Sentence direct-ing that the fine inflicted against the Prisoners if not paid, be collected from their estate—

4.

The Sentence passed upon the Prisoners described in Code No 244 to be carried into effect—

Code No 244.

5.

The Governor to be informed that Sentence should not have been passed for the respective charges against the Prisoners in Code No 190 but that the Punishment ordered in Code No 190 was sufficient—

Ordered that a Extract from the proceedings be forwarded to the Honble the Chief Justice for his information and guidance by the next Despatch—

(Sent following Despatch No 149)

Ordered also, that Extract of the proceedings be forwarded for the information and guidance of the Provincial Court of Batticaloa—

(Sent in Code No 20)

From the Magistrate of Jaffna forwarding Letter

8th January 1839

translations of certain proceedings before the Head Assistant Magistrate of that District, in an investigation made regarding the murder of Cadiravy Appuchi late Head Seristadar of Vingapatam, and soliciting the permission of this Court to offer a pardon to five [5] persons concerned therein as principals and accessaries—

(Vide intra No 3 of 1839)

1.

Under the circumstances stated in the foregoing Communication from the Magistrate of Vingapatam, and on a deliberate consideration of the papers by which it is accompanied, the Judges of the Supreme Court under the provisions of Section XII Regulation XIII of 1833 are pleased to authorize the offer of a Conditional pardon being made to the five individuals whom the Magistrate has specified, viz: Ganiga Atchiah, Regina Gerreroolee, Tangapa Vennumah, Regina Summadoo and Muttan regina Dorasinhe

2.

Request the same time request it may be intimated to the Head Assistant Magistrate, that the depositions given by the approvers in question should not have been taken on oath, and it appears desirable that the case should be despatched, by the examination of the prisoners witnesses or attendants of the accused, as to how far

for they may be able to corroborate the assertions—

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

(Entered in No. 21)

Read letter dated the 22d Ultimo from the Criminal Judge of Bellary submitting a list of the convicts furnished by Gooty-Jail, who were transferred to the charge of Lieutenant Pringle, and explaining the circumstances under which the transfer took place—

(Here enter No. 3440 of 1838)

Circular Order

No. 100

Sultaun Saheb having come to the notice of the Court of Fouzdaree Adaulut of Cuddapah in charge of Jail-keeping, when ordered to transfer Convicts to a neighbouring District, for the purpose of their being employed on some public work, detained Prisoners specially banished, during the pleasure of Government, to the particular Jail in which they are situated, the Judges are to be prohibit any such removal taking place without the special order of the Court of Fouzdaree Adaulut

(Entered No. 22823)—

Forbidden Exception

W.B.

J.H.C.

No.

F. U.

At a Court of the Fouzdaree Adaulut

Present

John Bird Esqre. ——— 1st Puisne Judge

Thursday — Thomas Alexr. Parker Esqre. — 2d Puisne Judge

10th January 1839 — Alexr. Duncan Campbell Esqre. — 3d Puisne Judge

Read letter dated the 28th of November

W.B. 1838 from the Acting 2d Judge on Circuit in the

J.H.C. Centre Division, referring for the consideration and

No. final Sentence of the Court of Fouzdaree Adaulut the record of the trial on Case No. 29 on the Bellary Calendar for the 3d Sessions of 1838—

(Here enter No. 22271 of 1838.)

Mr. Parker and Mr. Campbell

The Court of Fouzdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Law Officers and the futwa of the Cazee-ool-Cozat and a Moofteer of the Fouzdaree Adaulut confirming the above futwa of the Cazee-ool-Cozat and a Moofteer aforesaid convicting the prisoner Ballee

of murder and awarding Retaliation and sentence the said prisoner to be transported to such place or places beyond Sea, as the Governor in Council shall especially direct to be imprisoned and kept to labor suitable to her sex on the public roads or other public

over Page

worthy, for and during the period of his natural life.—

The Court of Foujdaree Udalut observe that the prisoner in this case has been fully convicted of the murder of her female infant, the offspring of an adulterous intercourse carried on with one Abdulla, who is the father and is in every respect amenable to the extreme penalty of the Law for this crime. The presiding Judge in consideration of the peculiar features of the case and the little sympathy which would be excited among the people by the spectacle of another suffering death for her own offspring, has recommended that the prisoner be sentenced to five years imprisonment with labor within the Jail.—

After an anxious and attentive consideration of every circumstance which can be urged in palliation of the crime committed by the prisoner the Court have been unable to accede to the recommendation of the Judge presiding at the trial. They are of opinion that there is nothing in this case that would justify a reduction of the punishment of the law further than to that point in degree to what the Law attaches to the crime, and they have accordingly sentenced her to transportation for life.

Ordered, that a Circular from this Court be issued to the Sudder Foujdaree Adawlut in the Northern Division for the information and guidance of—

(Circular No. 26)

Read letter dated the 3rd Instant from the 3rd Judge on Circuit in the Western Division, reporting his having opened the first Sessions of 1839 in the Zillah of Malabar.

(Perusal No. 26 of 1839.)

Read return, dated the 3rd Instant from the Criminal Judge of Canara, to the 2nd precept of the Foujdaree Udalut under date the 31st December, comprising their Remarks and orders on the Canara Criminal Reports for the month of November last.

(Perusal No. 28 of 1839.)

J. H. Douglas

At a Court of the Fouzdaree Udalut

Present

John Bird Esqr. ——— Acg. Puisne Judge

Friday 11th January 1839. — Thomas Alexr. Oakes Esqr. — Acg. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. — 3d Puisne Judge

Read the Criminal Reports for the Months of November 1838 submitted by the Criminal Judge of Cawnpore.—

(Vide entry No. 2425.)

Case No. 336 — In Case No. 336 there does not appear to be sufficient evidence to justify a requisition of Security from the Prisoners, and the Criminal Judge will accordingly direct their unconditional release.—The Security however demanded from the 1st Prisoner in the following Case, No. 337, it is not the intention of the Court of Fouzdaree Udalut to disturb.—

Nos. 397 & 405 Case No. 414 — 2d. The Court of Fouzdaree Udalut are of opinion that sufficient grounds did not exist for the requisition of Security made from the Prisoners concerned in Case No. 397 from the 2d Prisoner concerned in Case No. 405, and from the 5th, 6th, 7th and 8th Prisoners concerned in Case No. 414, and the Criminal Judge will accordingly issue orders for the unconditional re-

Release

relative of these persons when—

Code No. 425. 3. The Criminal Judge is directed to request the Magistrates of Tipperary to ascertain and to report direct to this Court, why the Head of Police of Thurles subsequent to the forwarded Code No. 425 to the Criminal Court, was "unable to ascertain the date of the apprehension "of the prisoners"—

Code No. 454. 4. The Head of Police of Rathmacbut who conducted the preliminary Enquiry into Code No. 454 detained the prisoners in the Lockup from the 23rd and 30th of October to the 21st of the following month, in order to procure a Character "about the prisoners conduct from the Clonakilty "of 20 Villages" the Criminal Judge will communicate to the Magistrate of Enquiry that in opinion of the Court of Enquiry that such ground is not good and sufficient for the detention of prisoners, and that they request he will provide and forward to the Head of Police according

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Cavan for his information and guidance by first post returning the same to this Office for future reference

(Sent following Extract No. 228)

(Read the Constabulary and Crumlin

Criminal Reports for the month of November 1838.

(Acre entered No. 23374.)

Code No. 136. 1. The Criminal Judge is instructed to communicate a copy of the remarks recorded by him on Code No. 136 to the Magistrates of the District, in view to proceedings being instituted against any persons against whom there may be evidence to prove conspiracy; and the Criminal Judge will report whether grounds exist for putting the Prosecutors and their witnesses on their Trial for Perjury—

Code No. 186. 2. The Criminal Judge of Cuddalore is directed to amend the sentence passed upon the prisoner in Code No. 186 (a female) who has been ordered to be confined and to be put to labour on irons—

Crumlin Code No. 354. 3. The Court of Enquiry Calcutta having into consideration the nature of the theft and the value of the property stolen in Code No. 354 of the Crumlin Criminal Report, resolve to commit the punishment of stripes awarded by the Principal Sudr Ameen, and to reduce the period of imprisonment to 6 months, as the theft does not appear to have been accompanied by "breaking

Code No. 355. 4. The Court of Enquiry Calcutta being of opinion that no sufficient grounds exist for the apprehension of security from the 22 prisoners

in

11th January 1839.

in Case No. 55, they direct that he be immediately
released from confinement &c.

Cases Nos. 49. 5. And the Authority for the sentence passed
and 56. by him in Cases Nos. 49. and 56 the Principal
Sudr Ameen should have quoted Section XII.
Regulation I of 1812.

Case No. 57. 6. The Section and Regulation quoted
by the Principal Sudr Ameen in justification
of the sentence passed by him in Case No. 57 is not
applicable, and the Principal Sudr Ameen is
required to explain upon what grounds he sentenced
the prisoner to 9 years imprisonment for simple
theft of property of the value of Rupees 3
7. The with reference to Case No. 58 the
Criminal Judge will point out to the Principal Sudr
Ameen that he had no original jurisdiction in
a case in which there is only a charge against Bhoomeej
the Gomashta of the Company Mocurrerry Court &
should be forwarded to the Magistrate or to the
Local Police Officer for investigation and the proceed-
Ordered, that a Circular from these pro-
ceedings be forwarded to the Criminal Judge of Cud-
dapah for his information and guidance by the
instructions to communicate to the Principal Sudr
at Cuddapah for his information and guidance such
of these proceedings as may refer to cases contained in
the Cuddapah Criminal Report &c.

(Sent following Precept of 14th)

No. 16.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— Acting Puisne Judge.

Monday 14th January 1839. Thomas Alexr Oakes Esqre — Acting 2d Puisne Judge.

Alexr Duncan Campbell Esqre — 3d Puisne Judge.

Read letter dated the 2d Instant from the Acting 2d Judge on Circuit in the Cuddapah Division, bringing to the notice of the Court of Foujdaree Udalut the illegality of the sentence confirmed by the Sudr Ameen attached to the Auxiliary Court at Cuddalore, in Case No. 118 of the Criminal File for 1838, and suggesting that orders may be issued for the release of the prisoners concerned.

(Here enter No. 17.)

1. The Court of Foujdaree Udalut having referred to the Cuddalore Criminal Report for September 1838 in which the case proceedings were entered, perceive that the 11 prisoners "Ramasawmy" "Vullatumbee," "Lutchmanen" and "Annamalay" were charged with a crime cognizable only by the Court of Circuit and which the Acting 2d Criminal Judge accordingly erred in referring to the Sudr Ameen for trial.

The

14th January 1839.

2. The 3 first prisoners named above having been thereon shown to have been sentenced by an authority not legally competent to take cognizance of the offence, the Court of Tinjelvelly Addalut decree that the prisoners be released.

Ordered, that Extract from these proceedings be forwarded to the Acting 2d Judge for information and guidance.

(Sent in Ab. 33)

Read return dated the 29th Ultimo from the Acting Criminal Judge of Madura, in pursuance of the Tinjelvelly Addalut order dated the 8th December 1838, conveying their remarks and orders on the Madura Criminal Report for the Month of October 1838.

(Here entered No. 44.)

Read return dated the 7th Instant from the Acting 3d Judge on Deputation to the Southern Division, to the precept of the Tinjelvelly Addalut under date the 31st December 1838, conveying their remarks and orders on the Coimbatore Criminal Calendar for the 2d Session of 1838.

(Here entered No. 45.)

Read return dated the 8th Instant

14th January 1839

from the Acting Joint Criminal Judge of Coimbatore, to the precept of the Tinjelvore Addalut under date the 3d January 1839, conveying their remarks and orders on the Coimbatore Criminal Reports for the Month of November last.

(Here entered No. 45.)

115

1840

B

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esq^re ——— 1^st Puisne Judge

Tuesday 15^th January 1839 — Thomas Alex^r Oakes Esq^re 2^d Puisne Judge

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

Read petition presented on the 7^th January 1839 by Chintalapatee Rama Mudhun

(See entry U. Pet^n 5^th 1839.)

The petitioner complains of the ill treatment he has received from one Bhutta probo chubbeypoy the Comandar of Pongamanoo & evidence of Jugannadhum Rukoo and alleges that all he brought the same to the notice of the Magistrate of Chingleput he has been able to obtain no redress for—

2. Has prayer the Court will interfere in his behalf and order the proceedings held in that cutcherry by the Magistrate in view to restoring to such person as they may deem right—

3. The Court declines to interfere in the manner prayed for, and direct the petitioner be informed that if he has any grounds of complaint respecting the acts of the Magistrate, he should apply to the Judge on Circuit—

Ordered, that the petition be rejected

and

and that a copy of these proceedings be furnished to the petitioner on his application —

Read letter dated the 12th November 1838 from the 2d Judge of the Provincial Court of Circuit in the Northern Division enclosing a English and a Persian Translation of Cause No 23 of the Primary Calendar for the 3d Quarter Sessions of 1838 —

(Here enclose No 314.)

1.

The Judges of the Court of Circuit having taken into consideration the note of their Chief Secretary dated the 3d April 1838 in this Case noticed in the margin, and the proceedings instituted against the Zemindar of Ellore, which accompanied the same, have come to the following decision thereon —

Letter from the Magistrate of Masulipatam to the Chief Secretary to Government dated the 3d April 1838.

From the Magistrate of Guntoor dated the 4th April 1838.

From Do — Do dated 22 May 1838.

Return dated the 15th August 1838 made by the Provincial Court &c. Northern Division to the precept of the 5th of the 6th August 1838.

2.

The 2d Judge who presided at the Trial is of opinion that the Zemindar should be committed to take his trial at the ensuing Session of the Court of Circuit for the Northern Division on the charge of having instigated the murder of Pujah Narrah Appa Row the Zemindar of Ellore, which is fully established by the evidence of the approvers, and that the other evidence for the prosecution, and the testimony on behalf of the prisoners, should be left to the consideration of the Petty Jury.

3d Quarter Sessions

3. The 3d Judge who presided at the Trial of the Zemindar of Ellore, is of opinion that the case against the Zemindar is not sufficiently established by the evidence of the approvers, which is contradicted in many material points by the other witnesses for the prosecution, and that the Zemindar should be discharged.

institution

of the Zemindar and for the ~~investigation~~ of proceedings against him —

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

(Draft following precept No 335)

Read letter dated the 12th Instant from the Second Judge on Circuit in the Northern Division, reporting the opening of the late Session of the Court of Circuit for 1839 at Guntoor on the 5th Instant —

935
936.
937

(Here enclose No 119.)

B

No. 11

At a Court of the Foujdaree Udalut.

Present

John Bird Esqr. ——— 1st Puisne Judge

Wednesday Thomas Alexr. Oakes Esqr. Actg 2nd Puisne Judge

16th January 1839. Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 7th September

1838 from the Hon. W. R. Taylor late Acting 2nd Judge

J.A.G. of the Southern Division submitting the Report prescribed by Section XXVII

Regulation VII of 1803 for the Madura 2nd

Sessions of 1837.—

(Vide relative Nos 1808 of 1837.)

Also read letter dated the 16th

October last from the Hon. H. Dorin Esqr. 1st Judge

of the Southern Division submitting the Report prescribed by Section 37.

Regulation 7 of 1802 on the Civil deliveries of

Zemindaree, Cumbacum, Salem and Coimbatore

during the 2nd Sessions of 1837.

(Vide relative No 3059 of 1838.)

The observations contained in the

foregoing communication from the Hon. W. R. Taylor

appear to call for no particular remark

from the Court of Foujdaree Udalut. The Judges

trust that the exercise of authority adverted to in

para

Para: 7 of the report from the late Meeting of Judges has been effectually remedied by the arrangement suggested by him for submission to the Magistracy of Madura, of the last on questions was framed by the extent suspended by Mr Stanley—

2.

In para: 8 of his report he Mr Dickenson proposes that all persons to whom proofs are brought to be made should be required to give information of the circumstances to the Police and that in the event of their failing to do so they should be liable to suffer the punishment provided for the crime of buying or receiving property obtained by theft or robbery by persons unknown notwithstanding that it might not be proved that at the time of making the said purchase they were aware they had been obtained by theft or robbery—

3.

The measure suggested by the Mr Judge could be legalized only by the enactment of a new law, the operation of which the Judges of the Zillah Courts consider would be very limited. They also think it would be difficult to enforce it, and particularly as applicable and unlike the provisions of Section IX Regulation XIII of 1816 it appears to be framed by mere presumption. On the whole opinion they are disinclined to recommend any

specific legislation on the subject—

4. Mr Dickenson's proposal in para: 8 that individuals desirous of offering rewards for the apprehension of thieves, robbers or other depredators should be allowed to make application to that effect to the Magistrate who should cause them to be proclaimed after satisfying himself that the amount of the proposed reward would be forthcoming appears to the Judges of this Court to be free from objection and if approved by Government they will direct the several Magistrates to give it effect—

5. The remarks by Mr Dickenson contained in paras: from 18 to 22 refer to an act of the Zillah Court which has for some time been in operation. The Judges see no reason to suspect that it was passed without due consideration by the Court of Zillah, the Act, as compared at the period of its promulgation and in their opinion they are not disposed to impugn the propriety of the restriction under discussion—

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

(Sent pr. No 39)

Ordered

16th January 1838

Ordered also, that Extract from the
proceedings and report of the Inspectors be entered
they desire be transmitted to the Chief Secretary
to Government.

(Sentence No 110)

Read the Criminal Report transmitted by the Joint Commissioners Judge Advocate
Statement for the month of November last.

No 89. 1. The remarks recorded in the Statement
passed by the Sheriff Assessors in No 89 are considered unintelligible, and that Officer having first heard
that the Prisoner was not permitted to offer his
defence and subsequently alluded to statements
made by witnesses summoned to support the ex-
planation.

No 92. 2. A perusal of the testimony recorded
by the same functionary in No 92 does not satisfy
the Judges of the Supreme Court of the sufficiency of the evidence thereon adduced, for the
conviction of the Prisoner, unless it shall have been
shown that he produced on the trial compared
by that brother the Prisoner in No 88 of 1838
and absconded when the willingness was to
apprehend him.

3. On the report of these circumstances

F 16.

16th January 1838

not having been clearly established, the Prisoner
Chanamniory Parramye is ordered to be forthwith
set at liberty.

No 94. 4. The perpetration of security under which
the Prisoner in No 94 has been released by the
Sheriff Assessors, in the opinion of the Court of
Suprême Court, is not warranted by the evidence
stated to have been brought forward. They are
accordingly annulled the sentence passed unless for a more
satisfactory explanation of the grounds can be
supplied.

No 104. 5. From the abstract of the evidence
adduced in Case No 104 there can be no doubt that
the Prisoner therein, drove away the Bullock
the act accused of having stolen under the pre-
supposition that it belonged to Primodeff and in
this opinion the Judges direct that he be
unconditionally released.

No 114. 6. The period of 18 months imprison-
ment awarded to the Prisoner in No 114 seems
to be an unduly severe punishment under the
circumstances which have been stated to have induced
him to take possession of the article he is
accused of having stolen from his master Hondee.

The Judges must accordingly wish to have
before them an explanation of the grounds
of the Sheriff Assessors sentence in this case.

The

16th January 1839.

7. The Saint Criminal Judges are requested to bear in mind that petitions presented by or under Orders in Criminal Cases are to be dealt with under Regulation 3 of 1833 do not require the special confirmation of the Officer presiding in the Court in which they are to be heard.

8. The Judges have not yet decided the question of Criminal Jurisdiction to be exercised by the Saint Criminal Judges during the months under review.

Ordered, that a Copy of these proceedings be forwarded to the Saint Criminal Judges of Pinang for their information.

By order of the Court
within 10 days from and after the receipt of the
(Sent following proceedings)

A. B.

F. C.

Criminal Court of the Fouzdaree Adalat.

Present.

John Bird Esqre ——— 1st Puisne Judge

Thursday 17th January 1839. Thomas Alexr Oakes Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read returns and supplemental returns dated the 8th of October and the 14th December respectively to the precept of the Fouzdaree Adalat under date the 17th September 1838, calling on the Pinang Criminal Court of Oyer & Terminer to prepare and transmit an English translation of the record in Case No. 11 of the Registrar's Calendar for the 4th Session of 1838.

(Here enter Nos. 2031 and 2399 of 1838.)

Read again petition presented on the 11th September by Voyagammah of the Zillah of Rajahmundry.

(Here enter M. P. No. 118 of 1838.)

1. That Petitioner prays the Court in this petition to order the release of her son the 2d prisoner in Case No. 11 of the Rajahmundry Calendar 4th Session 1838 on the grounds that the charge brought against him was trumped up at the instigation of the Complainant Zemindar

Tumindao who have known the Prosecutor, and that the evidence of these witnesses was shewn to have recognized him [illegible] among the robbers was [illegible]

2. On reference to the Calendar, the Court of Tungdaree Ellah [illegible] stating some further the propriety of the conviction of the prisoners Cada Kell above mentioned, [illegible] the Northern Provincial Court of Circuit on the 3rd January [illegible] proceedings under date the 17th September 1838 to transmit for their consideration an English [illegible] tion of the record of the trial.

3. The prosecutor who is the chief [illegible] petitioner Yellapragadah Sangaraz [illegible] others (the most having died) were indicted for robbery. The principal prisoner [illegible] acquitted and the 3 others were sentenced in the first instance to 14 years imprisonment by the Judge presiding at the trial, which sentence was afterwards reduced to five years by the Court of Circuit by whom the case was decided.

4. The Court have carefully examined the record of the trial and it appears to them the evidence adduced was sufficient to convict the 3 prisoners in question of the crime with which they were charged.

5. The night was dark; the charge was framed against the 4th prisoner chiefly, who was acquitted. The eye witness [illegible] he pretended to have recognized the other prisoners were some of them intoxicated, others asleep when the property was under removal, and others did not arrive until the act was concluded. Their testimony is inconsistent and full of improbability, and the Court under these circumstances are of opinion that it is absolutely necessary for the ends of justice that their conviction should be quashed, and the prisoners forthwith set at liberty; they therefore resolve to direct the Provincial Court of Circuit in the Northern Division to issue the requisite instructions to the Criminal Judge of Rajahmundry accordingly:—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable in 30 days.

(Sent following precept No. 46)

Read return dated the 9th instant from the Acting Joint Criminal Judge at Rajahmundry, to the precept of the Fouzdaree Adawlut dated the 5th January 1839, conveying their determinations and decree in the Criminal Trials

× 3. Chulla Jogiah.
4. Cheruka Venkatah.
8. Yellahpragadah Sangaraz.

17th January 1839

Reports for the Month of December 1838.

(Here enter No 62)

Read Returns dated the 9th Instt
from the Acting Criminal Judge of Mannar
the precepts of the Jaffna Vakeel dated the
24th December 1838 ordering Criminal Causes
of 1838 to the Assizes of Jaffna &c.

(Here enter No 63)

Read letter dated the 3d Instt
from the First Judge on Circuit in the Southern
Division forwarding Statement of Cases tried
& Prosecutions commenced during the 3d
Sessions of 1838 at Chilaw.

(Here enter No 64)

Read letter dated the 4th Instt
from the Second Judge of the Criminal Court
Circuit in the Western Division forwarding Ab-
stract of Cases tried & Prosecutions commenced
during the 4th Quarterly Sessions of 1838 at
Jaffnapatam.

(Here enter No 65)

Read Returns dated the 7th Instt
from the Acting Second Judge on Circuit in the
Division of Batticaloa for the Prosecutions &
the 4th Quarterly Sessions of 1838 at Batticaloa.

(Here enter No 66)

F. 66.

At a Court of the Tongidarce Vedahat.

Present

John Bird Esqre _____ 1st Puisne Judge

Friday
18th January 1839.

Thomas Alexr Oakes Esqre — Actg 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read letter dated the 23d Ultimo
from the Acting 3d Judge on Circuit in the
Southern Division, submitting copy of the Jaffna
Calendar for the 3d Sessions of 1838.—

(Here enter No 2342 of 1838)

Order No 3. 1. Adverting to the Remarks recorded by the Presiding Judge on Order No 3 of this Calendar, the Court of Tongidarce Vedahat resolve to direct that the Prisoner "Aureamoregum" be remanded to the Jail at Mantotte, there to undergo the Sentence of imprisonment passed upon him by the Court of Circuit; and the Acting 3d Judge will accordingly issue the necessary orders to the Criminal Judge of Salem and to the Joint Criminal Judge at Mantotte.

Order No 8. 2. There appears to have been some irregularity in the Jury panel by the Court of Circuit of Order No 8 on this Calendar.—

3 If the Prisoner were convicted by the Law Officer of the Crown and Acting and the

the Acting 3d Judge did not approve as to the conviction of the latter crime, it was competent to the presiding Judge to pass sentence on the prisoners

4.

If however the prisoners were convicted of the latter crime only, the record should probably upon a second question being put to the Law Officer, have been declared void to Mark, and an application for mitigation of the punishment would then have to be

5.

The Acting 3d Judge will accordingly submit an explanation of his sentence

Case No 14.

6.

In Case No 14 three prisoners were convicted of the crime of Highway Robbery, but in consideration of the youth of the 2d prisoner the presiding Judge recommended that a sentence of 1 year imprisonment with hard labor should be passed upon them

7.

The Court of Inquiry having taken the circumstances of the case into their consideration, resolved, under the authority vested in them by Clause 3d Section 8th Act 5 of 1835, to accede to the recommendation of the presiding Judge, and to mitigate the punishment to six months imprisonment with hard labor

"Chairman recorded"

but in future the Acting 3d Judge will be pleased

the precise age of the Convict, when a mitigation of punishment is proposed on the ground of his Youth

Ordered, that Extract from the proceedings be forwarded to the Acting 3d Judge late on Circuit in the Southern Division for his information and guidance by precept returnable in 7 days from and after its receipt

(Sent following precept No 48)

Read letter dated the 29th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Centre Division, submitting a copy of the Chilton 3d Supplemental Calendar for the 4th Quarterly Sessions of 1838

(Above entered No 2452 of 1838)

1.

The two prisoners concerned in Case No 4 of this Calendar were charged with the crime of Gang Robbery of the property stolen amounting to the value of Rupees 46 and Annas 11

2.

The 1st prisoner was fully convicted by the Court of Circuit of the crime charged against him, but the presiding Judge submits that this prisoner is not an old offender, and as the Robbery was not attended with any personal violence, and as it may be inferred that he was probably seduced to the crime thro' the ill

persuasion

18th January 1839.

W/ perchaunt of the offenders not appearhended the ends of justice will be defeated by a mitigation of the prescribed punishment to 5. years imprisonment with hard labor in irons.

3. Adverting to the frequency of the crime of Gang Robbery in the District of the Court of Sessions Utkul do not deem it proper to sanction a mitigation of the punishment prescribed by the Regulations for this offence and according to the Law must be referred to the Court.—

W/3 Under proceedings to be forwarded to the 3rd
L.R.C. late practicing at the Station of Purulia
Y/5 Sessions of 1838 for the requisite orders and guidance.—

E.M.L.

(Sentence of Lr. Hay)

Copy
Ry Hay

J.M.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Monday Thomas Alexr. Baker Esqr. 2nd Puisne Judge

21st January 1839. Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read petition presented on the 7th

W/3 January 1839 by Uncatanund of the Zillah of
L.R.C. Chunglepoot.
165 (Referred to Regn. 4 of 1839.)

The purport of this petition is to induce the Court to modify the order passed by them on the 25th December last and to issue instructions for the release of the Petitioners brother.

2. The Court see no reason to modify the order in question which the Petitioner is informed is final.—

Ordered, that the petition be rejected and that Extract from these proceedings be granted to the petitioner on his application.—

C. Lushington Esqr. Magistrate of Chunglepoot & H. Shakespear Esqr. Officiating Magistrate of Hooghly

Returns the Enclosures in Miscellaneous Petitions Nos. 119, 126 and 171 of 1838.—

Ordered accordingly.—

Rajah's letter dated the 4th instant from

21st January 1839.

from the 1st Judge of the Criminal Court of
in the Western Division, reporting that the pa
"Ranatilly Pekar" and "Ranatilly Hayun
whom a pardon was offered under the Ro
consigned to the 2nd Criminal Judge
in the proceedings of the Court held
the 16th of August 1838, have forfeited th
conditions thereof, and requesting thereup
the pardon be cancelled from the time of the offence
to Section XX Regulation VIII of 1802.

(True Extract dated 4th Dec.)

(Attested) Illegible
Secretary to the Government

Ranatilly Pekar
and
Ranatilly Hayun

Certificate of Pardon
to
Ranatilly Pekar
and
Ranatilly Hayun.

21st January 1839.

L.S.

Certificate of Pardon
to
Ranatilly Pekar
and
Ranatilly Hayun.

Whereas under date the 16th August
1838, the Court of Singhalese Adalat were pleased
to authorize the Joint Criminal Judge at Kelle
chooey to tender an offer of pardon to Rana tilly
Pekar and Ranatilly Hayun, on condition of
their making a full disclosure of every circumstance
within their knowledge relative to the Gang
Robbery by open violence which occurred on the
3rd May 1838 above the Ghauts in Hignaad in
the Zillah of Kalutara.

And whereas the Court of Singhalese
Adalat 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 Singhalese
Adalat have been pleased under the provisions
of Section XX Regulation VIII of 1802 to cancel
and annul the pardon conditionally tendered as
aforesaid to the said Ranatilly Pekar and
Ranatilly Hayun so far as regards the said

and

2nd January 1839.

dismiss it under the provisions of Section VII Regulation X of 1816, unless the prisoner should appear to be deserving of severer punishment than he is authorized to inflict under that Regulation in which case it will be necessary that the prisoner be committed for trial before the Court of Circuit.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Sylhet for his information and guidance by precept returnable in 10 days from and after its receipt.

(Sent following precept at p. 81)

Read petition presented on the 17th December 1838 by Lingaram & Naicktas and Hingaram of the Zillah of Backergunge

(Here enter the Petition of 1838)

The Petitioners complain that

1.

they for their prisoner in Cases Nos 2 and 3 on the Backergunge Calendar for the 2d Sessions of 1838, had been unjustly accused of forgery and forgery and sentenced to 5 years imprisonment, and they pray the Court will in consideration of their great age (80) take their case into their consideration and order their release.—

2.

The Court of Sudder Dewanny Adawlut have no power to give directions the proprietor of the conviction

2nd January 1839.

act having passed two

thus the Court do hereby suspend the said Sentence pending

Order under the hand and the Seal of the Court this 21st day of January in the year of Our Lord 1839.—

Sd/- J. H. Reynolds

Regr

(Section No. 30)

Read returned letter from the Criminal Judge of Sylhet, to the Register of the Sudder Dewanny Adawlut dated the 22nd containing three annual Returns and Schedules of the Criminal Returns for the months of January

(Here enter No. 30)

1.

In the letter above quoted the Criminal Judge states in regard to Case that he regrets to find that the murderer has cited the evidence of the Jailor to shew that the Jailor had the Jailor's wife criminal under Mahomedan Law.—

3.

The Court of Sudder Dewanny Adawlut observe that the Jailor's wife prisoner Palam Biswas is certainly guilty and is therefore punishable under the Law.

3.

The Criminal Judge will

21st January 1834

of the Prisoner on questions on the finding of the Sentence passed on him but with reference to the alleged irregularity of the said proceedings, they Resolved before proceeding further in this petition to call on the 3d Judge late on Circuit to submit a report of the proceedings

Ordered, that the Register do transmit the proceedings to be forwarded to the 3d Judge late on Circuit in the Southern Division for his information and guidance by first post which is to leave Colombo on the 10th proximo and that the Petitioner be informed thereof

(Sent for Mining from fol. 47)

WB
Z.R.C.
to

Ordered also, that the Register do transmit the proceedings to be forwarded to the Fiscal on their application

M. Rep.

At a Court of the Faujdaree Adalut

Present

John Bird Esqre ——— 1st Puisne Judge

Tuesday Thomas Alexr Oakes Esqre ——— 2d Puisne Judge

22d January 1834. Alexr Duncan Campbell Esqre ——— 3d Puisne Judge

Read a letter dated the 26th Ultimo

WB
Z.R.C.
to

from the 1st Judge on Circuit in the Northern Division submitting Extracts from the proceedings of the Court of Circuit dated the 31st and 24th August last and of the returns thereto from the Acting Magistrate and Magistrate of Jaffna on the subject of a petition addressed to the 1st Judge on Circuit by one Paulpareddy Pedda Thambyah, appearing against an order passed by the Magistrate on a complaint preferred by the said Petitioner

(Here enter fo. 10.)

The 1st Judge late on Circuit at Jaffna passes for the consideration of this Court whether in the matter of a complaint preferred to a Magisterial authority by a cultivating Renter of Lands alleging that he has been molested in the enjoyment of certain ground by persons laying claim to the proprietary right thereof, it was competent to the Magistrate, under Chapter III Section 1st Regulations XI of 1816,

to

to order that the complaining party the Lessee or Pl[illegible]
of the disputed land for forty (40) years the
cultivation of that land for that term commenced in [illegible]
after that period must depend upon the con[illegible]
of the Zemindar or Proprietor thereof and [illegible]
individual Ryots that may be at liberty

2.

To the 4th Judge on Circuit stating
that the two parties to the Mangalore Sub
reference only to the fact of the complainants
of lands in dispute, as known on the ancient
the pottah of complainant of the lands
been decided upon and under which
that Officer decided in favor of the
complainant to the prejudice of the plaintiff

3.

On reference to the Pleadings
accompanying the above communication from
Judge stated that the Pottah
Complainant and Ryots stating that the Pottah
have been made by the Sheristadar of the Mangalore
from the lands in dispute, and being dissatisfied
by that Officer in favor of the right of
plaintiff thereof in favor of complainant
and R. Pottah Sheristadar [illegible]
proved only by the Judicial Officer

Ordered that Extract from
proceedings be forwarded to the 4th Judge

Circuit in the Northern Division for his in-
formation and guidance —

(Sent in No. 54)

Read return dated the 11th Instant
from the Criminal Judge of Chittoor to the
precepts of the Foujdaree Adalut dated the 8th
January 1839 enclosing their orders and observa-
tions on the Chittoor Criminal Reports for
the month of September last —

(Here enter No. 70)

Read letter dated the 11th Instant
from the Third Judge on Circuit in the Centre
Division, reporting his Sessions on the 11th
Instant and forwarding the Depositions & Cuddapah

(Here enter No. 76)

Read letter dated the 16th Instant
from the Acting Second Judge late on Circuit
in the Centre Division, reporting his having
examined the proceedings of the Criminal Court
at Cuddapah No. 130 on the Bellary Criminal file,
and communicating his opinion of the propriety
of the judgment passed thereon by the Criminal
Judge —

(Here enter No. 84)

Read return dated the 19th Instant
from the Criminal Judge of Cuddapah, to the
precepts of the Foujdaree Adalut under date
the

23rd January 1839.

the 11th January 1839 conveying their observations on the Calendar for the Court of Criminal Jurisdiction for the month of November last.

(Here entered at p. 99.)

Read petition dated the 17th December from the Criminal Court of Cuttack, praying the grant of the Sanguinee Udalut's decree of 11th January 1839 conveying their observations on the Criminal Calendar for the month of November last.

(Here entered at p. 107.)

Read letter dated the 17th December from the Provincial Court of Cuttack transmitting the orders of the Court of Sudder Dewanny Adawlut in their proceedings of the 28th November 1838 on the opinions and proceedings of that Court in the case of Cudra Ali by profession a Cook charged with Murder

(Here entered at p. 108 for

Thursday 24th January 1839.

P. 46.

P. 46.

At a Court of the Sanguinee Udalut.

Present

John Bird Esqr. ——— 1st Puisne Judge

Thomas Alexr Parker Esqr. ——— Acting 2nd Puisne Judge

Alexr Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 26th December 1838 from the Acting 2nd Judge on Circuit in the Cuttack Division, preferring for the consideration and final sentence of the Court of Sanguinee Udalut the record in Case No. 2 on the Criminal Calendar for the 2nd Sessions of 1838.

(Here entered at No. 2 p. 46 of 1838.)

Mr. Parker and Mr. Campbell.

The Court of Sanguinee Udalut after deliberate consideration of the circumstances of the case as recorded before them, being of opinion that the proof against the Prisoner

Cudra Ali by profession a Cook

is sufficient to convict him of the crime of Culpable Homicide under the authority with which they are vested by Clause 2nd Section II Regulation I of 1818 convict him thereof, and under the provisions of Clause 2nd of the same Section and Regulation, direct their Law Officers to declare by a second reference the orders which the Prisoner would have been liable under the Mahommedan Law

Law if the Prisoner be convicted by full legal evidence

Answer

As the conduct of the Prisoner being convicted by full legal evidence he will be liable to Retribution in proportion to the magnitude of the crime charged against him.—

Under the finding of Retribution declared in the foregoing Section, and under the provisions of Clause Third Section VIII Regulation XV of 1803, the Court of Sunjelaree (Malabar) have the power

Recognizance

to take sufficient and Responsible Security for the Prisoner's appearance on the public roads or other public works for and during the period of five years.—

With reference to the 8th Question the Letter above referred to recommends the Court to direct the Prisoner in inflicting the punishment of death to kill the Criminal at once, as it may prevent the attempt of Prisoners to escape.

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information.—

(Sent following letter No. 59)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Coimbatore for the month of December 1833.—

(Vide entry No. 31)

The above Reports do not appear to call for any remarks from the Court of Sunjelaree (Malabar).—

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

(Sent in No. 60)

Read the Criminal Reports submitted by the Criminal Judge of Canara for the month of December 1833.—

(Vide entry No. 54)

The above Reports do not appear to call for any remarks from the Court of Sunjelaree (Malabar).—

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

(Sent in No. 61)

N. Rep.

F. U.

At a Court of the Fouzdaree Adalut

Present.

John Bird Esq^re ——— 1^st Puisne Judge.

Friday 25^th January 1839. Thomas Alex^r Oakes Esq^re 2^d Puisne Judge

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

Read the Criminal Reports submitted by the Assistant Criminal Judge of Cachar for the Months of December last.—

(Here enter No 55.)

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 forwarded to the Assistant Criminal Judge of Cachar for his information.—

(Section No 67)

Read letter dated the 10^th Instant from the Criminal Judge of Cuttack, forwarding copy of a letter from the Assistant Surgeon in charge of the Jail Hospital, recommending the transfer of a Sick Convict named "Paneeban" to the Jail at Trichinopoly, and requesting that he may receive the Sanction of the Fouzdaree Adalut for the adoption of the

Vide Circ

25th January 1839.

measure.—

(Here Enter No 69)

Read the Criminal Reports
submitted by the Criminal Judge of Malabar
for the month of December 1838.—

(Here Enter No 97)

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

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

(Sent in No 70)—

25th January 1839.

Read the Criminal Reports
submitted by the Criminal Judge of Malabar
for the month of December 1838.—

(Here Enter No 97)

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

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

(Sent in No 70)—

F.16.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Monday Thomas Alexr. Oakes Esqr. 2nd Puisne Judge.

28th January 1839 Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read return dated the 10th October last submitted by the 1st Judge on Circuit in the Northern Division, to this Court's precept of the previous 3rd September, directing that Officer to enquire into the allegations contained in a Petition presented to the Foujdaree Udalut by certain Ryots lately dismissed from the establishment of the Auxiliary Court at Vizagapatam.—

(Here enter No. 306 of 1838.)

Read also further return from the same Officer dated the 7th Instant, submitting his opinion in respect of the assertions made in the Petition referred to in the communication recorded above, together with the transcripts of a return received from the Joint Criminal Judge at Vizagapatam to the precept issued to him on the subject thereof.—

(Here enter No. 61 of 1839.)

As the irregularities stated to have been

28th January 1839

30th January 1839

returnable in 20 days from and after it's precipt

(Sent following precept at p. 74)

175

Ordered also, that Extract from

L.P.D.

these proceedings be granted to the Petitioners on

their application.—

185

C. P. Reg.

been produced in the Court of Session on the
the suspension of the late Sentence and Judge
thereupon were Answers to the Petitions in Sing
Ordinary Petition No 95 of 1838 at the Instance
their mournal and complaint bringing the matter
any of these Parties the Lord Judge in Ordinary
respective Petitions recommend that
they be ordered to be printed to the effect
which they have been desired by the Parties
Printing Act 1 Vict. c.

2.

The Lords of the Session
concur with the Lord Judge in Ordinary
to interpose in behalf of the Petitioners, and
the circumstances which lead to their present
passing orders for their protection in the
3.

The Lords consider it
incumbent on them to guard their Interlocutor
of the system of soliciting and disseminating
Petitions which is reported to exist in the Parish
said accordingly appoint the roll annexed
Report which is to be printed
and in the List of Subscribers to the Petition
authority in question.—

Ordered, that Extract from
proceedings be forwarded to the Lord Judge
Provost and Petitioners Solicitors

At a Court of the Tongataree Udalut

Present

John Bird Esqre — 1st Puisne Judge

Tuesday Thomas Alexr Cakes Esqre — 2d Puisne Judge

29th January 1839. Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read letter dated the 10th Instant from the Acting 3d Judge on Circuit in the Southern Districts, transmitting the Record in Case No. 16 on the Salem Calendar for the 2d Sessions of 1838.—

(Vide page No. 82.)

Mr Bird. Mr Campbell. The Court of Tongataree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the Sentence of the Provincial Court Officer and the Sentence of the Cazee ool Cozat and Mooftee of the Tongataree Udalut, confirm the said Sentence of the Cazee ool Cozat and Mooftee aforesaid, convicting the Prisoner

Sultan

of the crime of Murder and awarding Qisaas, 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.—

(Vide following Letter No. 76)

Read

29th January 1839.

Read the Petition dated the 8th
from the 1st Judge of Circuit in the North
Division praying that from the present
of the Court of Circuit dated the 15th Octo
the 5th December last and the 15th Instant
with a view of the purpose therein stated
regarding a complaint preferred by and Ag
Esqr. Assistant Magistrate of Police

(Here endorsed 1:7:0)

1.

That Requisitions from the foregoing
the Court of Circuit that the Evidence
Larger have respectively subscribed on the Petition
order of the Head Assistant Magistrate
for their attendance this forenoon
Police Report in order to witness
it has been alleged by the Petitioners
summarily on Petition to the Head
Magistrate that the Petitioners
Names of the persons that signatures of
for the purpose of preferring
Petition containing
specifications

2.

That the 1st Judge on
specific charge against the

29th January 1839.

but merely sets forth that he was framing
intrigues to cause false complaints to be preferred
against the Head of Police - And did not specify had
either the nature of the complaints thus adverted
to or that any such had been actually presented

3.

That no mention was made in the Arzee from
the Head of Police of the papers intended for
the Petitions stated to be under preparation, and
also reports that references is made in the Evidence
of two witnesses to their verbal examination by
Mr. Maclean on the night previous to their
examination on oath - The 1st Judge observes that
it is difficult to imagine on what principle
of justice the Head Assistant Magistrate could
think he held a verbal examination of persons who
were subsequently to appear before him in their
capacity of witnesses -

4.

The Judges of the Fouzdaree Adalut
concur with the 1st Judge in considering the
conduct of the Head Assistant Magistrate
in this respect to have been highly injudicious

5

They also agree in the opinion
which the 1st Judge on Circuit has recorded in
his proceedings of the 15th Instant regarding the
very objectionable nature of the kind of conduct
adopted by the Head Assistant Magistrate
in

29th January 1839.

in the matter of the Appeal from the Sheriff of
of Savannah-la-Mar now under consideration —

6. The complaint of the Officer
of a Provost Marshal against Proceedings of
it shall be lawful for such Provost Marshal to
summon to his assistance

7. With reference to the
nature of the complaint, it is clear that neither
the superintendence of the conduct can be given
power by Parish Laws, nor can be the
consideration of the conduct of Magistrates
Judges must, if necessary, be
and punished, and liable to account
could primary to impose on Officers of Militia
by getting up false charges against them
more especially as Provost Marshal
empowered to call upon Magistrates
from time to time, and to
must place before him the
Evidence against them
he did not actually

8.

The proceedings of the Sheriff must be
in the event of the parish
Jamaica Act, 1st
appointing that Mr. Hosten
assessors. They according

29th January 1839.

their sentiments be communicated to him, and that
he be cautioned against a repetition of similar
injustice —

Ordered, that Extract from these
proceedings be forwarded to the 1st Judge on
Circuit in the Northern Division for communi-
cation to the Acting Assistant, through the Mayor
Custos of Vere for the time —

(Sent in a/c 77)

Read the Criminal Reports
for the month of November 1838 submitted
by the Acting Criminal Judge of Madder

(Sent enter a/c 2660)

Cadet Nos 204 & 205. 1. With reference to the reasons assigned
for the delay in disposing of the Cadet noted in the
Margin, the Acting Criminal Judge will
remember and report why the attendance of the
witnesses for the prosecution and for the defence
could not be procured in all November —

Cadet No 216. 2. The Acting Criminal Judge is
required to explain upon what evidence the 15th
prisoner in Cadet No 216 was committed to take
his trial before the Court of Circuit —

Cadet No 218. 3. Adverting to the remarks recorded
by the Acting Criminal Judge on Cadet No 218
the Court of Jamaica did not doubt whether
sufficient grounds existed to justify the dismis-

4

29th January 1839.

of security from the prisoner "Ramdayal," and accordingly they require the Acting Criminal Judge to submit a further explanation of the sentence in this Case, and referring to the amount of the fine imposed on the 3d prisoner in the Case passed for amendment and confirmation of the Court of Sunjalaur Udalut, the Court desire to be informed whether the amount of the fine was fixed with reference to the circumstances in which of the property or what it was imposed.—

Case No 322. 4. The grounds recorded in Case No 322 are, in the opinion of the Court of Sunjalaur Udalut totally insufficient to justify the demand of security made from the 2d, 3d, 4th, 5th and 6th prisoners, and accordingly they direct that immediate and unconditional release from confinement.—

Case No 323. 5. The prisoner in Case No 323 sentenced to punishment the nature charged against him having been fully proved, the Court of Sunjalaur Udalut deem it unnecessary to enter into the reasons adduced at the investigation should be stated in the Criminal Report, and the Acting Criminal Judge will observe this caution in future.—

29th January 1839.

Case No 324. 6. The Court of Sunjalaur Udalut cannot approve of the Acting Criminal Judge's modification of the sentence passed by the Pundit & Sudr Ameen on the prisoner Chinnaya, and accordingly security must be demanded from that individual according to the terms of the original requisition; and for the information and future guidance of the Acting Criminal Judge the Court of Sunjalaur Udalut request to point out that Section II Regulation III of 1833 does not intend the alteration of a sentence passed by a Sudr Ameen, of punishment, except it be extensive or altogether insufficient to satisfy the ends of justice.—

Case No 326. 7. The Court of Sunjalaur Udalut desire to be informed of the grounds of the commitment of the prisoners concerned in Case No 326.—

Case No 327. 8. If the amount of the property stolen in Case No 327 was proved to exceed the sum of Rupees 300, that circumstance alone would take the Case out of the jurisdiction of the Criminal Judge, and accordingly the Court of Sunjalaur Udalut desire an explanation of the Acting Criminal Judge's sentence in this

Vide Section IX Regulation IV 1795.

29th January 1839

this case —

Case № 229. 9. If the prisoner in Case № 229 not convicted of any offence to affect his sentence for confinement the punishment awarded by the Acting Criminal Judge must be remitted, as such "intent" is not provided for under the Regulations —

10. The Court of Sungtaree doubt also the legality of the sentence passed upon the prisoner in Case № 230, and they desire that the Acting Criminal Judge will explain whether the prisoner actually suffered his sentence or merely remaining three months in confinement, and also whether the Sudr Ameen of Sehaulee —

Case № 231. 11. The Court of Sungtaree direct that the Principal Sudr Ameen be required to submit an explanation of his sentence in the Case № 231, as from it not appear that he proceeded according to the punishment awarded for theft and Criminal Judge of the sentence passed by the Sudr Ameen, the Court of Sungtaree desire to be informed of these men from the prisoners [illegible] to the [illegible] prosecutor —

12. A Copy of the

Sel 16.

29th January 1839 —

evidence delivered at the investigation before the Criminal Court should have been given in this case also —

Case № 231. 13. In former part of these proceedings the Court of Sungtaree observed that Section II Regulation III of 1833 does not authorize the modification of a Sudr Ameen's sentence when not contrary to Regulation as respects the extent of punishment, and in the case quoted in the margin the Acting Criminal Judge was directed to record the grounds on which he proceeded to disturb the Sudr Ameen's sentence in the present instance, accordingly he will submit a full explanation on this point for the information and orders of the Court of Sungtaree dated —

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Muttra for his information and guidance by precept returnable in 5 days from and after the receipt thereof (Next following precept № 78) —

Sd/ [illegible]

J. Ho.

At a Court of the Faujdaree Udalut

Present

Wednesday 30th January 1839 — John Bird Esqr. ——— 1st Puisne Judge
Thos. Alexander Dorkes Esqr. 2d Puisne Judge
Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated the 7th Instant from the Acting 3d Judge late on Circuit in the Southern Division, transmitting the record in Case No. 48 on the Calendar 2d Sessions of 1838.

(Here enter J. Ho. No. 39)

The Court of Faujdaree Udalut having minutely considered the proceedings held before the Circuit Court, the future of the Provincial Law Officers, Judges on Circuit, the future of the Cazee and Mooftee of the Faujdaree Udalut, confirm the said future of the Cazee and Mooftee aforesaid, so far as it respects the finding of the fact that the prisoner

Sashiapien

killed the deceased

Jaugeea Immul

But considering that the prisoner was in a state of insanity at the time he committed the fatal act of which he stands charged by the evidence, it is ordered by the Court of Faujdaree Udalut that he be delivered over to the charge of the Surgeon of the Zillah of Cuttack, under charge of the Surgeon of the Jail, with a view to his eventual confinement in the Lunatic

24 30th January 1839

Lunatic Asylum at Madras, under the rules framed by the Circular Order of the 1st June 1839, and that he be on no account released without the order of the Court

(Acct for Cloathing Ditto No 79

Read letter from the Acting 2nd Judge of Circuit on the Cuddapah Division, informing that the trial and sentence of the Court of Fryday Adalut the record of the trial in Case No 1 on the Circuit Calendar for the 2nd Sessions of 1838

(Records Ditto No 6945)

Read letter dated the 10th December 1838 from the Acting 2nd Judge Circuit Court on the Cuddapah Division, with the proceedings of the Fryday Adalut held the 12th October last, exhibiting the English and Persian translations of the Record in Case No 1 of the Circuit Calendar for the 2nd Sessions of 1838, and directing the Circuit Judge to allow such further indulgence of Interpreter

(Records Ditto No 2612)

Read letter dated the 16th January 1839 from the Acting 2nd Judge Circuit Court on the Cuddapah Division, transmitting the proceedings of the Court of Fryday Adalut held the 29th December last, trying [illegible] the Court of Fryday Adalut held

16th January 1839

record of the trial in Case No 1 on the Circuit Calendar for the 2nd Sessions of 1838 in the event of the further enquiry and search stated to have been instituted by the Joint Magistrate of Cuddapah proving unsuccessful

(Records Ditto No 83.)

Mr Bird and Mr Oakes

The Court of Fryday Adalut having maturely considered the proceedings held before the Acting Judge on Circuit, the futwa of the Principal Law Officer and the futwas of the Cazee ool Cozat and Mooftee of the Fryday Adalut, confirm the said futwas of the Cazee ool Cozat and Mooftees aforesaid, acquitting the prisoner

1st Gulla Tuppeereguddoo

of the crime charged, but being of opinion that strong suspicion, tho' not amounting to conviction attaches to him, they under Clause 2nd Section IV Regulation XV of 1803, find that he be required to find two securities in 50 fifty Rupees each surety for his good behaviour and appearance when required within two years, or in default thereof that he be detained for two years in confinement.

The Court being of opinion that the evidence against the prisoner in this case was sufficient for his conviction decreed, on the 5th Paragraph of their proceedings of the 12th October last the Acting

2

30th January 1839

2nd Judge to issue orders to the Criminal Judge
Caldecott to impanel the evidence of the 2 persons
in this case who had been acquitted and staffed
from the return dated the 4th January instant
the acting 2nd Judge that the result established
the joint Magistrate of Chittagong to impanel the
two persons examined, the Court have therefore
compelled to dispose of the case with the evidence
before them.

2.

The Court of Sessions Chittagong
observe that there is no finding that the prisoners
in company of the accused on the night they
murder is there any finding expressly or impliedly
having existed between the prisoners and the
deceased.

3

The evidence of Wm Thomas
Lee Jones on the 2nd page of the proceedings
mentions a quarrel on the 5th of the month
between the prisoners and the deceased all the circumstances
connected with the prisoners in this police report
which the Court consider insufficient to

4.

The Court have therefore
directed by to record the prisoners further
examination

Fr 46.

30th January 1839

him to find bail for his future appearance—

Ordered, that extract from these proceedings be forwarded to the Acting 2nd Judge late on Circuit in the Centre Division for his guidance—

Sent following letter No 80

Read letter, dated the 25th instant, from the 1st Judge on Circuit in the Southern Division, reporting his having opened the 1st Sessions of 1839 at Madura on the 25th January and the state of the Calendar—

(Here enter No 1164)

Read return dated the 26th instant from the Acting 3rd Judge late on Circuit in the Southern Division, to the precept of the Court of Fort St George dated the 18th January 1839, conveying their remarks and orders on the Salem Calendar for the 2nd Sessions of 1838.—

(Here enter No 1161)

Fr 46

Ltr

F. 16.

At a Court of the Tongdaree Udalut

Present

Thursday 31st January 1839

John Bird Esqre. ——— 1st Puisne Judge

Thos. Alexander Oakes Esqre. 2nd Puisne Judge

Alex. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Centre Division, transmitting the opinions of the Acting 1st and 2nd Judges of that Court recorded on a consideration of the proceedings in Case No. 166 of 1838 on the file of the Criminal Court at Bellary, referred to in this Court's Precept of the 10th Ultimo.

(Here enter No. 92 of 1839)

Read also return from the Provincial Court in the Centre Division of the 16th Instant, to this Court's Precept of the 10th Ultimo, directing that authority to call for the proceedings of the Criminal Court at Bellary in Cases Nos. 149 and 166 of 1838 and to stay such orders thereon as appear to be proper.

(Here enter No. 92 of 1839)

From the Enclosures in the letter from the Provincial Court recorded above, it is observed that the Acting 1st Judge concurs entirely in the release of the Prisoner in No. 166 on the file of the Criminal Court at Bellary, whereas the Acting 2nd Judge considers that Suspicion alone short of proof attaches

to

to see for reasons which he has stated at length.

2. Under the explanation of the Bill as afforded in the Minutes prepared by the 1st and 2nd Judges, it is clear that the Judges of the Court that in the final grounds and for the reasons stated fully and under that examination they consider the further continuance of the Inquiry not called for.

3. As regards case No 69 of the first question which arose was whether the 2nd Judges of the Provincial Court have exceeded their powers in entertaining the misconduct of the Police therein complained of. In this opinion they have decided must be acquitted for effecting his apprehension further inquiry by the Magistrate and in order may not be taken at liberty without giving adequate security.

5. Case No 69 The misconduct of a Police Officer who was subsequently in the Court of Quarter Sessions from which it appears that before the Criminal Court they gave a different account of the appearance of the dead body of the Deceased from that entered on the papers transmitted to the Provincial Court to observe that the proceedings

that such persons are punishable under Section III or VII of Regulation XIII of 1832 and on the point thus mooted, they remark that the misconduct of the Reddy who is an Officer of Police was not a Witness and can hardly be held to be of the Kind contemplated by Section III, and that the contradiction of their former testimony by both does not appear punishable under Section VII.

The Judges have no hesitation in declaring that the authorities quoted by the Provincial Court are not applicable to the misconduct of the Reddy, nor to the denial by that individual and the Canarese of their former testimony, supposing them to have given any. Which, however, on reference to para 5. of the proceedings of the Provincial Court under reply appears not to have been the case.

Adverting to para 2 of the Minute of the Acting 2nd Judge, dated the 11th Instant, which accompanies the papers recorded above, in which that Officer expresses an opinion on the competency of the Provincial Courts to exercise the authority vested in the Court of Quarter Sessions by Section 3 Regulation IX of 1832 in respect of dismissing the Police Officer who from unworthy gills it the Judges observe that it has hitherto ruled by the Zillah Courts that the Provincial Courts are not competent to inflict any such order.

Ordered

31st January 1839.

Ordered, that Extract from the proceedings be transmitted to the Provincial Court & Circuit & the Criminal Judge for their information and guidance.

Nos 84 & 85

Read the letter dated the 28th ultimo from the Criminal Judge of Rajahmundry transmitting the Criminal Returns for the month of December 1838.

Nos 84 & 85

1

Noted and observe that the sentence of Death passed by the Criminal Court in the case of Nos 84 & 85 for the December 1838 had not arrived at the Sudr at the Extra month. The Magistrate will be directed to obtain & transmit to this Court the Cowle of that case.

Nos 92

2

The Judges of the Court of Sudr Adalut observe that in the case the Criminal Judge has passed sentence from the circumstances of the case it would appear that perhaps the crime was not theft by robbery & the prisoners do not therefore appear to have incurred the penalty of Clause 2nd Section 4 Regulation XIV of 1816.

3

Ordered that with reference to the above observation the Criminal Judge be requested to state whether the prisoners were apprehended on the spot or pursued & apprehended after the commission of the theft.

Nos 92

4

Noted and observe that in this case the Criminal Judge has passed sentence of Death on the prisoners for the offence of theft by robbery committed on the highway attended with circumstances of cruelty & violence.

Nos 92

5

Ordered that with reference to the above observation the Criminal Judge be requested to state whether the prisoners were apprehended on the spot or pursued & apprehended after the commission of the theft.

F. H.

31st January 1839.

Nos 93

of security) the Judges of the Court of Sudr Adalut will not in this instance disturb the Sentence.

In this case the Judge has held to

Nos 94 & 95

be guilty the 3d, 4th and 5th prisoners; But the Judges of the Court of Sudr Adalut remark that it was his duty to state the grounds of the conviction against them. Also he has omitted to do.

This case likewise calls for a similar remark as concerns the 4th and 5th prisoners.

Nos 99 & 100

6

The Judges of the Sudr Adalut remark that one sentence only ought to have been passed upon these two Cases.

Nos 101

7

The Criminal Judge states that there is no evidence whatever against the prisoners from No 2 to 18. He therefore is requested to call upon the Magistrate to furnish the grounds on which these parties were forwarded to the Criminal Court: the Criminal Judge will accordingly furnish the Magistrate of Rajahmundry with a copy of this case as it stands in the Report and of this Order: with instructions to forward the accompanying explanations direct to this Court.

Nos 104

8

In this Case the Criminal Judge has stated that "there is no evidence against the 1st and 3d prisoners excepting their police confessions." The Court of Sudr Adalut have ruled that Conviction of Theft cannot legally be made on the

Note

31st January 1839

sole ground for a conviction before the Native Police.
The Inquiry is therefore to be adjourned, until the
Criminal Judge has any further explanation to offer

No. 106.

on this case. The Prisoners are ordered to
have delivered the order pending a reference to the
Magistrate before Summons of the Prisoners to the Circuit
Court. But it is not stated what was the object
referring to the Magistrate. Should the attendance of the
Officer in question thereby be avoided to the Circuit
No. 62 dated the 26th February 1838 for which Prisoners the
Criminal Judge will forward a copy of the evidence
stands on the Record and of this Order to the Magis
for his information and guidance
Ordered, that Colonel from the
evidence be forwarded to the Criminal Judge of
Circuit for his information and guidance by Bag
returnable in three days from date of this Order
(Sent following Enclosures No. 55
Read letter dated the 26th
submitted by the Criminal Judge of Cavan to the
Enquiry of the 5 Police Magistrates appointed
Acting Assistant Criminal Judge of that County
grounds on which he has made the above
adverted to, Regarding the evidence given
by the Prisoners in Case No. 7 of 1838 and
him to report whether the Prisoners who had

31st January 1839

Prisoners declarations were examined, or if not why their
attendance was not procured.

(Here enter No. 98 of 1839.)

Read also again letter from the Magis
texts of Opinion dated the 13th Ultimo.

(Here enter No. 2402 of 1838)

The observations contained in the
letter from the Acting Criminal Judge, which accom
panies the foregoing returns, fail, in the opinion of the
Judges of the Enquiry Established, to show that there are
grounds for the suppositions entertained by that Officer
that the conviction of the Prisoners in the Case under
remark were obtained by the Officers of Police, although
there may not have been sufficient evidence for the
conviction of the parties sent up to the Criminal Court.

The Judges further consider the Acting
Criminal Judge to have erred in not examining the con
stables who had attended the Prisoners declarations, and
also it not observed more in attendance at the Criminal
Court during the investigation of the Case.

The attention of the Criminal Judge
is called to the incorrect spelling (by the omission of the
word complainant) apparent in the Returns which are re-
commended above of the proceedings of this Court of the
1st Instant.

Ordered, that Colonel from these pro-
ceedings be sent to the Criminal Judge of Cheneode

31st January 1839

for his information and guidance.

/ Sent in No 86

Ordered also that Extract of proceedings
and 2 of these proceedings be transmitted to the Magistrate of Gampola, with reference to his letter of the
13th Ultimo for his information.

/ Sent in No 87 /

Read letter dated 31st December 1838
from the Criminal Judge of Kalutara, submitting for
consideration of the Court of Requests Kalutara, the Criminal Reports for the month of December 1838.

/ Vide entry Fol No 58 /

Case No 237. 1

With reference to the decision of the Court of Requests
Kalutara in Case No 237 of the Court of Requests
Kalutara I do not observe any sufficient grounds on which
the Assistant Criminal Judge was justified in
directly to these Cases. The order therefore for the
Accused should be at once withdrawn and he should be
discharged. If he be imprisoned on the Sentence based
thereon he should be released.

Case No 216. 2

The explanation of the delay in
many these Cases to the Criminal Court is unfounded
the Magistrate is entitled on demands there in
in the Report which Causes the inability of the
proceedings. The Criminal Judge will therefore
the Magistrate of Kalutara to call the attention
Police Officers concerned to the Circular

Fol.

31st January 1839

Kegalla Kalutara No 62 dated the 26th February 1836.

Case No 215. 3

The Criminal Judge will also call
upon the Magistrate of Kalutara to explain why this Case
was not sent up direct to the Criminal Court, instead
of having been sent to the Assistant Magistrate in the
first instance.

Ordered, that Extract from these
proceedings be forwarded to the Criminal Judge of
Kalutara for his information and guidance by Precept
returnable in 8 days from and after its Receipt.

/ Sent following Precept No 88 /

Read the Criminal Reports submitted
by the Criminal Judge of Chilaw for the month of
December 1838.

/ Vide entry No 86. /

The above reports do not appear to
call for any remarks from the Court of Requests Kalutara.

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

/ Sent in No 89 /

Read letter from the Criminal
Judge of Chilaw, dated the 9th Instant, submitting the
Chilaw Criminal Reports for the month of December
last.

/ Vide entry No 87 of 1839 /

Under

31st January 1839.

Cases Nos 42 43. 1 Under the circumstances which have induced the Joint Criminal Judge to release the Prisoners in these Cases noted in the margin, the Judges of the Sessions Court do therefore direct that each of the Prisoners be immediately released from confinement, unless they be detained on some other charge to be substantiated by the Joint Criminal Judge to the satisfaction and sufficient bail for their appearance when required in the Court of the Joint Criminal Judge.

2 They further direct the said Joint Criminal Judge to report whether he has transmitted a Warrant to the Superintendent of Police requiring the Prisoners to be brought before him for examination at the earliest practicable period.

Case No 53. 3 The apprehension and embezzlement of Statements exhibited in the Court of the Joint Criminal Judge of the Southern Division of Zillah Burdwan, and in the opinion of the Judges of the Court the Prisoner is deserving of the punishment of Imprisonment with hard labour for the term of seven years, and until the Joint Criminal Judge has some further information to appear before the Court, that he be detained in custody.

Case No 55. 4 The Court having perused the Letter from the Magistrate of Zillah Burdwan with the Records of Case No 55 transmitted by the Joint Criminal Judge and his disposal of this case on the mere perusal of the record does quite approve of the neglect and careless investigation of the charge by the Head Police of Dacca Jelalpore, should be brought to the knowledge of the Magistrate of Zillah, to whom the Joint Criminal Judge will be requested to furnish a copy of this and the preceding Paragraph and who is requested to report direct to this Court what notice he may take of the conduct of the Police Officers under observation.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Zillah Burdwan by Circular returnable in 6 days from and after its receipt.

Read Letter dated the 10th January from the Acting 3rd Judge Cuttack on Circuit in the Southern Division submitting copy of the Calendar of the Joint Criminal Judge of Cuttack for the 2nd Sessions of 1838 Superintendent's No 57 of 1839.

In Case No 8 the Prisoner Chandana Nos 5 1 Gordon was convicted of being one of a Gang that committed Burglary. The Judge who presided on Circuit is of opinion that the crime of which the prisoner is convicted is not such as to merit the full punishment of 14 Years imprisonment to which he is liable under clause 3rd Section IV Regulation XV of 1803, and recommends a mitigated sentence of seven

three years imprisonment with hard labour in irons.

2. The Judges of the Supreme Court having taken into consideration the Circumstances of this Case, and the Laws, passed under the authority vested in them by the 3d Section of III Regulation of 1832, do recommend to the Government, in accordance with the recommendation of the Sessions Judge, and to submit to His Lordship the mitigated Sentence prescribed above.

Extract No 27

Sundara Cankia

3. In this case the 2d Prisoner Cankia an old Offender has been subjected to a higher punishment of fourteen years imprisonment with hard labour in irons.

4. But with regards to the first Prisoner Comsa and the 3d Prisoner Namaky the Sessions Judge in Circuit considers the Sentence which they also are liable to be awarded all the circumstances of the Case, particularly the youth of the first Prisoner and the Sessions Judge has therefore recommended the mitigated Sentence to be passed on the former of three years imprisonment with hard labour in irons.

5. The Sentence of the Court on the Prisoners under Clause 2d Section III Regulation of 1832 is the mitigated Sentence recommended by the

the late Acting 3d Judge to issue the necessary warrants to the Criminal Judge of Salem for carrying them into Execution.

Ordered, that Extract from the Proceedings be forwarded to the Acting 3d Judge late in Charge in the Southern Division for his information and guidance, by Draught returnable in seven days from and after its receipt.

/ Next following Draught No 91 /

Read the Criminal Reports submitted by the Assistant Magistrate in charge of the Auxiliary Court at Tellicherry for the Month of December 1838.

/ Vide Letter No 68. /

The nature of the Evidence under which the Prisoners in this were held to Security for the

Ext No 126.

ought to have been stated. The above Reports do not appear to call for any further remark from the Court of Sudder Adawlut.

Ordered therefore, that Extract from these Proceedings be forwarded to the Assistant Magistrate in charge of the Auxiliary Court at Tellicherry for his information.

/ Next No 92 /

Read Letter dated the 4th Instant, from the Criminal Judge of Bellary, submitting the

Criminal

31st January 1839

Criminal Reports for the month of December 1838.

(Here enter No 184 of 1839)

No 184

Under the circumstances detailed in the sentence pronounced by the Criminal Judge in Case No 184, the Judges of the Sungei Ujong Adalat are of opinion that the 4th Sentence described and more severe sentence than that suffered in this Case, the 2nd Prisoner As the latter however is stated to be only 18 or 19 years old the Judges think it advisable to separate the Child from the contaminating influence of the and accordingly direct that he be released thereby with a severe reprimand & reprehension of the Offence for which he has been imprisoned.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malacca by the first Prahu returnable in 21 days from the date of receipt.

Rs 115
Dr 100
Exhibit
Rs —

Note following Receipt Rs 85 for

Sungei Ujong Adalat, 1838

In Court of the Sungei Ujong Adalat

Present

John Bird Esqre — 1st Assistant Resident Judge

Saturday — Thomas Alexr Oakes Esqre — 2nd Assistant Resident Judge

2nd February 1839 — Alexr Duncan Campbell Esqre — 3rd Assistant Resident Judge

Read the Criminal Reports

Rs transmitted by the Criminal Judge of Malacca

Dr for the month of December last.

(Here enter No 69)

The Judges of the Sungei Ujong Adalat observe from the foregoing reports, that although in no single instance, during the month of December last, have rendered available for the disposal of any portion of the Criminal business for before the Court at Chattoon - they consider that before the Criminal Judge will accordingly direct that the Police Officers have not been employed during the period under remark, in the investigation and detection of Criminal Cases.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Malacca by first Prahu returnable in 21 days from

from and after this present date.

(Sent following precept No. 99)

Read the Criminal Reports for the month of December last submitted by the Acting Joint Criminal Judge of Tuticorin

(Annexture No. 79)

Case No. 130

1

The offence charged against the Prisoners in the case noted in the margin appears to the Judges of the Sangam Court to be one of those offences which are punishable by the loss of the property determined in Clause 4th Section 3rd Regulation VII of 1833, and that the 1st Prisoner must accordingly be fined in the sum of Sicca Rupees Two hundred and Fifty, and that the 2nd Prisoner must be fined in the sum of Sicca Rupees One hundred and Twenty five, which sums shall be paid to the complainant in this case.

2.

Adverting to the circumstances which are stated in the Criminal Calendar during the month of December last, the Acting Joint Criminal Judge of Tuticorin will please himself on communication with the Sangam Court to direct the imprisonment of the 1st Prisoner for the space of [illegible] months in default of payment of the fine imposed on him.

3.

The Sangam Court will please to forward the Proceedings in this case to the Acting Joint Criminal Judge of Tuticorin.

to the order of Government dated the 27th July 1838 promulgated in the Official Gazette of the 28th of the same month.

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Tuticorin by precept returnable in 6 days from and after the precept.

(Sent following precept No. 100)

Read the Criminal Reports for the month of December submitted by the Officiating Joint Criminal Judge of Tinnevelly.

(Annexture No. 80)

Case No. 112

1

If the amount of the property the case recorded appears to fall under Clause fourth Section III Regulation VII of 1833, instead of Section VIII Regulation X of 1816 on which the Assistant Criminal Judge has acted in support of his sentence.

Case No. 113

2.

The practice brought to the notice of the Court of Sangam by Clause 1st in the abstract of the evidence given in Case No. 113. of calling on the village Watchmen to make good losses by theft in the event of their not discovering the stolen property has been expressly denounced in Section XV Regulation XI of 1816. The Court of Sangam accordingly direct that copy of

2nd February 1839.

of the cases as it stands on the Report of the Acting Magistrate of Tuscaloosa in order that the attention may be particularly given to the

3.

According to the Returns of Pris
Dauphin Island and 93 Prisoners
at the close of the month
were working on the Shell Road
however only 30 Prisoners
the duty of the Assistant Keeper
to the Prisoners employed

(Shell Road Contract)

proceedings of the Acting Justices
Shell Road Contract for the information
guidance of the Board in the
case referred to in

(Shell Road Contract)

together
with the Report
to the Acting Magistrate of Tuscaloosa for the
information and guidance

(Shell Road Contract)

Read the Criminal Report
by the Acting Assistant Criminal Judge
from Mr Justice Ware to the Acting

2nd February 1839.

Case No 15. 1. The Acting Assistant Criminal Judge will be pleased to submit an explanation of the grounds on which he has commuted the Sentence passed by the Circuit Court on the Case noted in the margin, to corporal punishment to the extent of 150 Lashes with the cat of nine tails.

Case No 82. 2. In Case No 82, the circumstances of the complaint are not sufficiently explained and the nature of the charges preferred against the Prisoners concerned therein, is not apparent under the wording recorded in the Criminal Report. As the Court of the offence imputed to the Prisoners not amounting to theft the sentence passed by the Circuit Court will accordingly be suspended until the receipt of their Communications on the further explanation of the case which he will now be pleased to transmit.

Case No 87 3. In conformity with the Standing Orders of the Court of Magistrates Circuit, the Report of the reference made to the Magistrate by the Board of Police, by whom Case No 87 was transmitted to the Assistant Criminal Court should have been explained in the Assistant Criminal Report. By however the Papers laid does not exhibit the necessary information on the Point on which the Acting

Saint Criminal Judge requesting to furnish
copy of the Jama to the Magistrate of the
Station, who is desired to submit them to the
Court in support of the grounds on which the
reference is submitted to them.—

Cutcherry No 91 4. The Magistrate of the Station
Criminal Judge submits to the ordering of
the Sessions Jama for the 2nd Quarter
Cutcherry No 91 which he returns to the Magistrate
stating that the Jama has been framed by the
Sheristadar who has been directed to be more
careful in future.—

Cutcherry No 193 1. The Court of Sessions
are of opinion that the prisoner
having been three times convicted
of theft, and sentenced to
imprisonment with hard labour for
[illegible]

under the Criminal Judge has any further
explanation to give, they direct that he may
be set at liberty.—

Cutcherry No 202 2. In this Case the prosecutor (con
victim of non attendance) has been fined for
contempt under Section VII Regulation XIII
of 1832, but the Judge of the Tanjore Utha
Court alleges that the Section quoted is not
applicable, this not being a case of prevarication
false or other contempt in open Court— and they
direct that if the fine has been paid it be
returned to the party.—

Cutcherry No 226 3. The Sessions are of opinion that
the witness is not liable to punishment
under the grounds stated by the Hearing Petitioner
that evidence and not prevaricated— They direct
therefore that the fine be returned.—

Cutcherry No 226. 4. The Court are of opinion that
the Judge, under the Section quoted, has no
authority to fine the witness he may have been
liable to commitment for perjury but was
not punishable, under the circumstances of
the case, for prevarication or contempt of
Court— They therefore direct that the fine be
returned.—

Cutcherry
Pine & Sub Assn

5. The Cases in this Calendar

2nd February 1839

not call for remarks —

Ordered that the Clerk do transcribe from the proceedings herein directed to be transmitted to the Office of the Clerk of the Peace at Pietermaritzburg, certain portions thereof as therein mentioned

(Here follow the portions referred to)

Read letter dated the 31st ult. addressed from the 1st Judge of this Court to the Members of the Circuit Court proceeding to the opening of the 1st Sessions of 1839 at Pietermaritzburg

(Here enter a/c No. 113)

Read letter dated the 22nd from the Clerk of the Peace at Pietermaritzburg transmitting the Returns of the Circuit Court held there in December last

(Here enter a/c No. 114)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 115)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 116)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 117)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 118)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 119)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 120)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 121)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 122)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 123)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 124)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 125)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 126)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 127)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 128)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 129)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 130)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 131)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 132)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 133)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 134)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 135)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 136)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 137)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 138)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 139)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 140)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 141)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 142)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 143)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 144)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 145)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 146)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 147)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 148)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 149)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 150)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 151)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 152)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 153)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 154)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 155)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 156)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 157)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 158)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 159)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 160)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 161)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 162)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 163)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 164)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 165)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 166)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 167)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 168)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 169)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 170)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 171)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 172)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 173)

Read letter from the Clerk of the Peace at Pietermaritzburg transmitting the Returns for the Quarter ending the 31st December last

(Here enter a/c No. 174)

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1.

The prisoners Michael Lee the prisoner above named were charged with having possession of part of the property mentioned in the Indictment stolen from the Dwelling house of Thomas Kibble knowing it to be stolen, they were committed by the Judge pending the sitting of the Court and remanded to prison until they should be delivered by due course of law.

2.

The Court of Exchequer Held that it had to deal with the possession of the property mentioned in the 2nd Count of the Indictment and not with the receiving of the 2nd Count, the Court therefore directed the Jury to find the prisoners not guilty, and to inquire further into the case by what means they had come by the property of the stolen goods in the possession of the prisoners.

3.

Subsequently the Jury returned a verdict that the prisoners had not possession of the property mentioned in the 2nd Count of the Indictment but that they were guilty of the felony charged in the 1st Count of the Indictment.

4.

Question whether the Court could consider the evidence of possession of the property mentioned in the 2nd Count as evidence to support the charge in the 1st Count.

Held that the Court could not consider the evidence of possession of the property mentioned in the 2nd Count as evidence to support the charge in the 1st Count.

evidence on record before them.—

5.

It was proved that he had confessed before the Police Officer having received and concealed in his hands part of the property specified in the charge and it was also proved that in consequence of the examination by the 5th Prisoner Ramadoo he produced part of the stolen articles which he had concealed among some bushes in his compound.—

6.

With such evidence the Court did not consider they would be justified in disturbing the sentence passed by the Circuit Judge on the 5th Prisoner.

Sattrokaudy Pranlah

Ghatcorry Venkatasha

The Court do not consider that there is sufficient evidence to convict him of having disposed of the cloth knowing it to be stolen or of having participated in the purchase of the goods discovered in the house of the 5th Prisoner knowing them to have been stolen. Under this view the Court are compelled to annul the sentence passed on him by the Court of Circuit, but as in the judgment of the Court of Exchequer Held

that

4th February 1839

the Prisoner

Yaathoory Veeratasha

is liable to be kept in custody pursuant to the 11th Section of Regulation XI of 1816 that he be required to find two securities in the sum of one hundred and fifty Rupees each to be bound in the sum of three hundred Rupees for his appearance before the Court of Circuit when called upon and in the mean time that he be detained in custody.

8.

The Court of Circuit having perused the proceedings held by the Magistrate of Masulipatam on the 15th and 16th instant for the apprehension of Yaathoory Veeratasha the 5th prisoner and Munsoorgadoo Venkatachellum the 6th prisoner before the Acting Principal Assistant to the Magistrate of Masulipatam on the charge of Gang Robbery and Murder committed in the Talook of Ellore on the night of the 2nd and 3rd instant and it appearing that the said prisoners have been duly committed for trial by the Magistrate for the offence with which they are charged

Ordered, that the said prisoners be committed to the Jail of Masulipatam to take their trial before the Court of Circuit when the Magistrate shall transmit the depositions of the witnesses for the prosecution and the prisoners' examinations taken before him relative to the charge against them.

Ordered also, that the Magistrate of Masulipatam be directed to cause the witnesses for the prosecution to attend the Court of Circuit when the prisoners are brought to trial.

Ordered also, that the Magistrate of Masulipatam be directed to transmit to the Court of Circuit the Roobakaree of the Police Jemadar Mahomed Ghouse Sahib, and the Peons Sheik Ahmed and Sheik Hoossain, who apprehended the prisoners Yaathoory Veeratasha and Munsoorgadoo Venkatachellum, the 5th and 6th prisoners before the Acting Principal Assistant to the Magistrate of Ellore, Mr. Thomas Oades, in the Police Office on the 16th instant, and also the Roobakaree of the Police Jemadar Sheik Ahmed and Peon Sheik Hoossain who apprehended the prisoner Yaathoory Veeratasha before the Acting Principal Assistant to the Magistrate of Ellore on the 15th instant.

Q

The Court of Circuit having perused the proceedings held by the Magistrate of Masulipatam on the 15th and 16th instant for the apprehension of Yaathoory Veeratasha the 5th prisoner and Munsoorgadoo Venkatachellum the 6th prisoner before the Acting Principal Assistant to the Magistrate of Ellore, Mr. Thomas Oades, in the Police Office on the night of the 2nd and 3rd instant and it appearing that the said prisoners have been duly committed for trial by the Magistrate for the offence with which they are charged

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4th February 1839

Circuit Judge to procure the attendance of the witnesses on questions—

Ordered, that Extract from the proceedings be forwarded to the 2d Judge presiding at the 3d Quarterly Sessions of 1839 at Masulipatam, with the direction to issue the necessary warrant to the Joint Magistrate of Masulipatam on the subject of the 6th Prisoner Yaathoory Veeratasha.—

(Section No 110)

Ordered also, that Extract of paragraphs 5th 6th and 7th of the proceedings be furnished to the petitioner Vaaratanta Perrah on his application.—

Read a Petition dated the 28th instant presented on the 15th instant by the Mahajeen of Condapaneni—

(Vide Section No 2 of 1839)

The petitioner addressing to this Court sets forth certain observations on the grounds of the sentence of confinement passed against his brother the 5th Prisoner in Calendar No 31 of the Confinement Calendar for the 2d Sessions of 1838 and prays that the Mahajeen may which accompanies his present petition may be considered together with the record of the trial in the case in question which he prays the Court of Circuit will be pleased to call for and peruse and order his

brother

4th February 1839.

brother to the 4th & 5th Prisoners

Read the Memorial and Petition presented on the 2nd Instant by Mr Mullaney Petty Jury Commissioner

(Memorial No 2 - No 15 of 1839)

1. The Petitioner states he is the brother of the 5th Prisoner in the case referred to in the foregoing petition from Mr Mullaney and has for 15 days left the Province the ordinary Court for the Island of Prince Edward Remaining in Quarantine during that time in Petition No 8 of 1839.

2. To the Petitioner Mr Mullaney by this Court proceedings of the 2nd Instant that the Judge of the Supreme Court should be present without the presence of the Chief Justice of the Province

3. The Petitioner Mr Mullaney concludes his Petition by praying that the proceedings of this Court may be final.

Ordered, that the proceedings of this Court from the 2nd Instant be forwarded to the Petitioner Mr Mullaney

Read the Memorial and Petition of the Petitioner Mr Mullaney

4th February 1839.

1. The petitioner represents herself to be the sister of the 5th prisoner in Case No 1. on the Calendar 10th and 15th Supplementary Calendars for the 2nd Quarter Sessions of 1838, and states that since the time was fixed by and unfortunately terminated by the 5th prisoner in the case in a charge of perjury in consequence of the disagreement between herself and the said 5th prisoner.

2. She prays the Court will take the circumstances detailed in her petition into their consideration, and order her brother to be released from confinement.

3. The Chief Justice of Prince Edward Island being of opinion that the guilt of the prisoner in question, and further punishment to investigate the charge should be left to a jury.

Ordered, that the petition be referred and that Extract of these proceedings be forwarded to the petitioner on her application.

Read letter dated the 18th Instant from the Attorney General Prince Edward Island transmitting the Record in the Queen vs Mullaney from the Supreme Court No 17 on the Calendar for the 2nd Session of 1838.

(Memorial No 16 of 1839)

The Chief Justice of Prince Edward Island

Mr Bird

Mr Clarke

Mr Clarke

1th February 1839.

having duly considered the proceedings had before the Judge in Circuit, the Letter of the Provincial Law Officers, and the Letter of the Circuit Agent and Memorials of the Inspector Constabulary, the Court of Policy of the Colony and the Magistrate of Nickerie, recommending the Prisoner

"Quaconderen"

of the crimes of House breaking and Robbery and under the provisions of Section X Regulation VIII of 1832 do sentence the said Prisoner to suffer death by being hanged at the usual time and place of execution.

(Read letters from the Judge Commissioner in the case of the Prisoners of 1839.)

Case No 6

1.

The two Prisoners in this case James guilty of housebreaking and Robbery committed in the night of the 11th August 1839, whereby the former has on the night mentioned broken open the House and with the Shutter and robbed the same of Rupees 20 - 8 - 0

2.

The two Prisoners are sentenced to the punishment of Rupees 150 each or to

F 86.

4th February 1839.

3.

The Prisoners have in this case been convicted by the Court of Circuit and are liable to fourteen years imprisonment: but as neither robbery nor effected under circumstances of aggravation the Judge on Circuit has recommended a mitigated punishment of ten Years imprisonment hard labour, no distinction being made in the punishment of the two Prisoners.

4.

The Court of Justice do Update on consideration of the mitigating circumstances described by the Circuit Judge with regard to the two Prisoners

Ramgunt

and

Umeat Ramun

respectively, under the authority vested in them by Chapter third Section III Regulation 1 of 1835, to direct that the said Prisoners be imprisoned and kept to hard labour in Irons on the public roads or other public works, for and during the period of Ten Years.

Case No 7

5.

The three Prisoners in this case are charged with House breaking and Robbery Case. Consideration of the circumstances the Circuit Judge has ordered the 3rd Prisoner

Namroop

to pay the amount of Rupees 150 each or to

Remain

4th February 1839.

Section 111 Regulations 1 of 1825 to direct that the said Prisoner

Sheerness

be imprisoned and kept to hard labour in the Gaol for the term of the natural life of the said Prisoner

Code c. 75.

12.

The Prisoner convicted of the Felony aforesaid the Prisoner to be kept to hard labour in the Gaol for the term of Seven Years

13.

The Sheriff and Gaoler of the County of Kent and the Governor of the Gaol of Maidstone

14.

Whereas by Section 111 of the Regulations made by Charles Earl Whitworth Lieutenant General and Governor of the Island of Jersey and its Dependencies bearing date the 1st day of February 1825 it is amongst other things enacted that every Prisoner who shall be convicted of any Felony punishable by Law with Death shall be imprisoned and kept to hard labour in the Gaol of the Island for the term of his natural life unless the Court before which such Prisoner shall be convicted shall direct that such Prisoner shall be imprisoned and kept to hard labour in the Gaol of the Island for the term of Seven Years

Supplementary Cal. Code c. 123. Prisoner Cannagan

15.

Judge to call the attention of the Magistrate to the suggestion that the Prisoner

F. 16.

4th February 1839.

That the proceedings be forwarded to the Acting 2nd Judge to be on Record in the Centre Division by Precept returnable within twenty four days from and after its receipt.

(Sent following Precept to p. 112)

Read the Criminal Reports submitted by the Criminal Judges of Districts for the month of December last.

(Here Index p. 73 of 1839.)

Code c. 115

1.

In the event of the Record received from the Police Officer in the case noted in the margin, furnishing no further proof against the Prisoner therein, than that elicited by the investigation before the Assistant Criminal Judge, the Judges of the Inquisitorial District to whom a copy of this Paper and of Code c. 115 will be sent, are in the Original Report to be furnished to the Magistrate of Guernsey who will explain by communication direct with that Court, why the Case in question was not forwarded to the Criminal Authorities by the Board of Police of Northport and what notice has been or may be taken of that Officer's conduct.

Code c. 116

2.

The contents of the two letters addressed to the Magistrate regarding Code c. 116 should have been specified for the information of the Court of Inquisitorial District and should be more be

Superseded

reported by the Criminal Judge who will ascertain and report the Status of the Prisoner at the period of the commission of the offence the evidence and proceedings in the former

Cause No 123 3 Whether the fourteen months imprisonment which he has undergone in consequence of the conviction against the Prisoner in Cause No 122 the day of the Prisoner be considered that the offence charged and the punishment awarded

Causes Nos 120 123 124 and 128 4 That with a view to the ascertainment of the Status of the Prisoners in the causes set down for trial at the present Session of the Court the Criminal Judge do call upon the Magistrates of Georgetown to furnish him with a statement of the number of days which each of the Prisoners has been in confinement previous to the commencement of the present Session of the Court

5 That the Acting Assistant Criminal Judge do call upon the Magistrates of Georgetown to furnish him with a statement of the number of days which each of the Prisoners has been in confinement previous to the commencement of the present Session of the Court

Circular Order referred to in the column of Remarks appended to Cause No 123 of the Criminal Report under observation, for which purpose the Criminal Judge will furnish to the Magistrates of Georgetown transcripts of that cause and of Nos 120 124 and 128 as they stand in the report together with copy of this and the preceding proceedings

Cause No 125. 6 In Cause No 125 it is observed that no sentence has been pronounced against the 3rd Prisoner an omission which the Acting Assistant Criminal Judge will be pleased to supply

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Demerara by first packet returnable in 6 days from and after the receipt hereof

(Sent following packet No 113)

Read petition presented on the 7th January 1839 by Solicitor of the Fiscal of Stipulations

(Secretary's Office 4th February 1839)

The Petitioner represents that his brother having been convicted and fined against him in the Fiscal's Court of Vendutiekaltem by the Mr Wright, fined the amount decreed but that being apprehended of the circumstance on being called on by the Wright during the illness of the brother to satisfy the decree he appealed to have

appeared to have been fully investigated in the Civil Courts—

4. The petitioner again appeared to the Circuit Court and would not appear by Mr Walcot's reference a second time to the Magistrate, who after examining the witnesses dismissed the complaint preferred by the petitioner—

5. The petitioner states he appealed from this order to the Court of Circuit and would instead by them to completion to the Court of Requests Colombo—

6. The petitioner also asserts that during the investigation of his complaint by the Magistrate of Arrenmatteo and Uncenadeo Vine and his wife, he accordingly prayed the Court to take that cause into their consideration and afford him redress for—

The Court of Requests Colombo state in the petitioner be informed that his cause appeared to have received full consideration from the Provincial Court and to have been finally disposed of by them, and that there is not any thing in the petition and annexed to address of the petitioner which can to justify the Court in interfering in the manner prayed for—

Colombo accordingly that the petition

petitions be rejected and that copy of these proceedings be furnished to the petitioner in his application.

Read letter dated the 19th Ultimo from the Criminal Judge of Canara, transmitting a translation of the proceedings held before the Police authorities in a case of homicide which was perpetrated six years ago and that only recently been discovered and stating the authority of the Court to offer a conditional pardon to a person named Venkoo Mogha on the best known principle of the Criminal Courts of this Country on the evidence on the case in question.

(Abstract No. 113 of 1839)

Order consideration of the above letter in the proceedings recommending that the Criminal Judge of Canara the Judges of the Sessions Circuit Courts the Magistrates of the Zillah Regulation VIII of 1809 and Section XII Regulation XII of 1833 and the Superintendent of Police be informed that the Court do not approve of the offer of a conditional pardon to the prisoner Venkoo Mogha as the best known principle of the Criminal Courts of this Country on the subject is that the 1st 2nd and 3rd Prisoners in a charge of murder should be tried first and if convicted and the 4th prisoner should be admitted as an approver against the rest.

Criminal Judge—

Ordered, that an Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information and guidance, together with the original translation which accompanied his letter of the 19th Ultimo—

(Section No. 114)

Read the Criminal Reports for the month of December 1838 submitted by the Acting Criminal Judge of Madura—

(Abstract No. 128)

Order No. 204 dated 1st

From the remarks by the Acting Criminal Judge in Case No. 204 it would not appear that any sufficient evidence had been adduced to justify the sentence passed on the prisoners therein convicted. The Court of Sessions Circuit accordingly direct that a copy of the order at present standing in the Report with Extract from these proceedings be laid before the 1st Judge on Circuit in the Southern Division who will be pleased to look into the case and pass or pass such orders as he may deem necessary with reference to the provisions of Section XVIII Regulation X of 1816 and report the same for the information of the Court of Sessions Circuit—

Order No. 206. 2nd

Ordered, that in conformity to the opinion of the

in the abstract of this case the Court of Sanjidarree Adawlut are unable to judge of the propriety of the orders passed by the Acting Criminal Judge in passing the sentence and they therefore direct that further enquiry be made touching the grounds on which the same was founded.—

Circular No. 221.

3.

The Court of Sanjidarree Adawlut observe that there are frequently found in the records of trials transmitted for the confirmation of the Sessions Judge, depositions of witnesses which have been taken by the Police Darogah, but which do not appear to have been subsequently taken in the presence of the prisoner, and they direct that in future no such depositions be transmitted with the records of trials.

Circulars No. 228 & 232. 235 and 236.

4.

The Court of Sanjidarree Adawlut observe that the confessions of the prisoners in the case of the Sessions Judge having omitted to specify the grounds on which the same were rejected as directed in the Regulations,

5.

the Court of Sanjidarree Adawlut desire that the Acting Sessions Judge will in future specify the grounds on which the confessions of prisoners are rejected.

Circular No. 230.

6. The Court of Sanjidarree Adawlut

4th February 1839.

Circular No. 238.

6. With reference to the remark appended to the Abstract of this case by the Acting Criminal Judge, that the prisoner attended the Court as a witness on the 27th November 1838 the Acting Criminal Judge is requested to explain whether the prisoner had been put on his trial without a preliminary examination having been held by the Magistracy or Police in this case as required by Section VIII Regulation X of 1816 should it that irregular course have been adopted. The Court of Sanjidarree Adawlut direct that the trial be immediately quashed and the prisoner be forwarded to the Magistrate to proceed as he may deem fit.—

Circular No. 254.

7. In Circular No. 254 the prisoner was charged with torch light robbery and also with having effected their escape from the Police. The Court of Sanjidarree Adawlut observe that this sentence should not have been passed and cannot be carried into effect until the charge of gang robbery brought against the prisoners has been disposed of.—

8. According to the Statement of Facts submitted by the Acting Criminal Judge it appears that the Defendants Jan Sirgeer and Bhyro Sing were sixty years of age at the date of their

trial

called for in a letter to the Magistrate dated 8th of December had not appeared in the Criminal Court before the end of that month.—

The Judges of the Court of Sunjdarree Adalut therefore direct that the Magistrate be called upon to explain the cause of delay in this instance.—

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

(Sentence No 117)

month.— Of the 170 prisoners mentioned in the Said only 43 appear to have been released within that period.— It will be the duty of the Criminal Judge to make an enquiry into the cause of this unnecessary number of Cases.—

Ordered that Extracts from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.—

(Sentence No 118)

Ordered that a copy of these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.—

(Sentence No 119)

Ordered that a copy of these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.—

(Sentence No 120)

Case No 113.

At a Court of the Comissioners Ecclesiastic

Present,

Comissioners
5th February, 1839. Lewis Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Archer Esqre ——— Actng 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

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145

Read Supplemental Return dated 24th January 1839 from the Criminal Judge of Cuttack, to the precepts of the Court of Comissioners Ecclesiast under date the 11th January, conveying their remarks and orders on the Sentences and Cumdum Criminal Reports for the months of December last.—

(Here enter No 143.)

1. The Court of Comissioners Ecclesiastic observe that the Proceedings under Section of Cumdum have neglected in this letter to explain the grounds upon which the portion Section IX Regulation I of 1825 as the authority for sentencing the prisoner in Case No 57 on the Cumdum Criminal file to 9 months imprisonment for an offence which is clearly known to be a simple theft of property of the value of Rupees 36 — 9 — 3.—

2. The Court accordingly direct that the Judge first Assistant be instructed by the Criminal Judge of Cuttack to reduce the period of imprisonment

6th February 1839.

2

imprisonment not exceeding 6 months as provided by Section VI of

X of 1816 for offences of the nature specified in

Ordered, that Patrick Shaw the pe-

-titioner be removed by the Criminal Sheriff of

Cumberland for the purpose of undergoing the

sentence of 15 days imprisonment

Ordered that the Crown Counsel appear

for the Petitioner on the

Provincial Court

Case No 205.

C. H.

At a Court of the Vice Admiralty
Present,

Wednesday 6th February, 1830. John Bird Esqr. ——— Puisne Judge
Thomas Alexr Parker Esqr. ——— acting 2d Puisne Judge
Alexr Duncan Campbell Esqr. 3d Puisne Judge

1/5 Read letter from the acting 2d Judge
1.9.0 sitting on Circuit in the Centre Division, dated the 28th
ultimo, submitting for the consideration of this Court
a copy of a communication from the Acting Chief
Criminal Judge of Grenada, and of the precepts
to which it refers, on the conviction of two Black prisoners
in the Gaol at that Station and recommending
their release:—

(Here enter No. 157 of 1830)

Before disposing of the recommendation
contained in the foregoing communication from the
Acting 2d Judge sitting on Circuit, the Judges of this Vice
Admiralty request the Acting Chief Criminal Judge
at Grenada may be directed to apply to the Criminal
Judges of Grenada, in order to ascertain what may
have been the character of the Prisoner Remanded among
Papers pursuing to the commitment:—

Ordered further that the Acting Chief
Criminal

2

6th February 1809.

6th February 1809.

if the crime was bailable, to admit him to bail or release him from restraint.—

Ordered, that a transcript from the proceedings be sent to the Acting Criminal Judge of Chicacole for his information and guidance for communication to the Magistrate of that District.

(Sent in No. 187)

Read a letter dated the 5th Feby 1839 from the Acting Judge of the Criminal Court of Circars in the Northern Division, transmitting the Calendar for the 2d Sessions of 1838.

(Sent with No. 18 of 1839)

No. 19.

In this case it appears that the Judge on Circuit ordered the prisoner to be released on the evidence adduced on the trial being insufficient for his conviction. Under the circumstances of the case the Judges of the Court of Sudder Adawlut deem it proper that the prisoner in question might be detained in the first instance on the charge

Ordered, that a transcript from the proceedings be forwarded to the Acting Criminal Court of Circars in the Northern

S. R.
6th February 1839.
WB
T. A. C.
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Division for his information, and for that of the Acting Criminal Judge of Chicacole.—

(Sent in No. 178 & 179)

C. R.
A. Dy Regr

F. 116.

At a Court of the Faujdaree Adalut

Present.

John Bird Esq^re ——— 1st Puisne Judge

Thomas. Alex^r Cahill Esq^re 2d Puisne Judge

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

Thursday 7th February 1839

Read letter dated the 23d Ultimo from the Acting 3d Judge late on Circuit in the Southern Division transmitting the proceedings in Case No. 3 on the Circuit Calendar for the 2d Sessions of 1838.—

(Here enter a Ref. 33.)

Mr Cahill

and deliberate consideration of the circumstances of the case in reference to the charge being of a similar nature to the proof against the Prisoner

"Mahomed Hoosenan"

sufficient to convict him of the crime charged and under the authority with which the Court are invested by Section V Regulation VIII of 1831 and Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Clause third of the same Section and Regulation require their Law Officer to declare what punishment is by the Mahomedan Law

Law

7th February 1839

Law of the land have convicted by full legal evidence

Sentence

It is the court's sentence that the prisoner having been convicted of the crime charged by full legal evidence the court doth order & adjudge the said Edward Hayes according to the magnitude of his crimes

That the finding of Edward Hayes on the foregoing Indictment on an Indictment under the provisions of Clause third Section VII Regulation XV of 1803, the Court of Sessions doth sentence the said prisoner to be imprisoned and kept to hard labour in the Gaol of Calcutta for the term of the natural life of the said Edward Hayes

(Sentence following the case at folio 130)

Read letter dated the 25th Ultimo from the Acting Commissioner of Police of Moorshedabad enclosing an application from Ramchand Chuckerbutty for permission to resign his office and requesting that he may be permitted to appoint his son to succeed him in his office

(Here enter at folio 150)

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Western Division reporting the result of his Sessions

(Here enter at folio 150)

7th February 1839

Read letter dated the 31st Ultimo from the 3d Judge of the Provincial Court of Circuit in the Northern Division reporting the opening of the 4th Quarterly Sessions of 1839

(Here enter at folio 196)

At a Court of the Tongdarew Udalut

Present

John Bird Esq^re ——— 1st Puisne judge

Friday Thomas Alex^r Cattos Esq^re 2nd Puisne judge

8th February 1839 Alex^r Duncan Campbell Esq^re 3rd Puisne judge

Read the Criminal Reports for

the month of December 1838 submitted by the

Criminal Judge of Cuttack.—

(Appendix f. 10b.)

Ordered The remarks upon this case do

not clearly set forth the grounds of the Sirdar agains

the Prisoners Acquittal & Pillaroo & the

Criminal Judge is therefore requested to explain

the same

Ordered Referring to the heavy fine of

Rupees 50 imposed upon Madhungunt the 1st

witness for the prosecution for contradicting and

prevaricating the Court of Tongdarew Udalut

desires to be informed whether the recognizance

filed on the appearance of the witnesses in behal

of the party mentioned it was inserted—

Ordered The amount of the great delay which

has taken place previous to the commencement of this

trial by the Criminal Court has not been ex-

plained by explaining the Court of Tongdarew

Udalut

Ordered that the Sheriff of the said Island
do cause the Proceedings of the said Court
in the Prosecution of these Orders be laid
before the Criminal Judge for his information
and that he do forward the same
with his opinion thereon to the Secretary
of State for the Colonies.

Case No. 163

4. Ordered that a Copy of the Statement
in Case No. 162 of this year be sent to the
Sovereign Island Court for the Criminal Judge
to report to the Governor and Council
on the Case and to state whether there are
grounds for granting the application
and if so whether the Commutation of the Sentence
to Imprisonment for one month will be sufficient
punishment for the offence

Case No. 164

5. That the Court of Sovereign Island
direct the Criminal Judge to forward a copy of
this case with observations thereon to the Secretary
of State for Colonies that he may be informed
whether the Petitioner should be pardoned
Petitioner Discharged

Case No. 165

6. That the Governor be requested to
move the Court of Sovereign Island
to make such Rules as may be deemed necessary
for the regulation of the Practice of the Court
in Criminal Cases

Ordered, that Extract from these
Proceedings be forwarded to the Criminal Judge
of Confederation for his information and guidance
in the Cases of Petitioners in 5 Days from and
after its receipt.

(Text following Proceedings of 8th Feb. No. 136)

Read order of Government dated
the 4th Instant, communicating the sentiments
of Government on the Proceedings of the Court
of Sovereign Island under date the 3rd Dec.
ember 1838, submitting a report on the half
yearly Criminal Statements submitted by
the Subordinate Judicial Officers.—

(Here Entered No. 203)

Read petition dated the 1st Instant
from the Acting 3rd Judge stationed
the Southern Division to the precept of the
Sovereign Island dated the 31st January
1839, containing their observations and orders
in the Criminal Calendar for the 2d Sessions
of 1838.—

(Here Entered No. 205.)

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2.4.0
40 —

H. Reg.

At a Court of the Fouzdaree Adalut

Present.

John Bird Esqre _____ 1st Puisne Judge

Saturday 9th February 1839 — Thomas Alexr Oakes Esqre 4th 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 19th January 1839 from the 3d Judge on Circuit in the Western Division, referring for the consideration and final sentence of the Court of Fouzdaree Adalut the Record of the trial in Case No 5 on the Primary Calendar for the 1st Sessions of 1839.—

113 / 240 / 165

(Here enter No 132.)

It is observed that the 3d Judge has omitted to examine the witnesses to the finding of the remains of the deceased. After perusal of the Court of Fouzdaree Adalut being unable to proceed to judgment on the present defective state of the Record, direct that the Persian and English Records of this Case be returned to the 3d Judge on Circuit in the Western Division, with instructions to issue a precept to the Criminal Judge of Mahabuddee requiring him to ensure the attendance of Dyoorees Sheekaree and Parra Kole Nagan, the 2d and 3d witnesses cited in Case No 5 on the Calendar of the Zillah of Mahabuddee for the 2d Sessions of 1838, and in the presence of the Prisoners to take their examination on oath

and the regarding the finding of the Jury above referred to and any further depositions the Prisoner may desire to offer—

2. That the Judge will transmit an official and plain translation of the additional evidence taken to the record and will return it to the Court for the consideration and final orders of this Court

Ordered, That a Extract from these proceedings be forwarded to the 3rd Judge of Circuit in the Western Division for his information and guidance by the first opportunity and that he be required to make his return to the same within 15 days from the receipt thereof—

(Short following precept to 139)

Read the Criminal Returns for the month of January by the Court of Sessions held at Singapore under date the 25th October and 5th December 1838 wherein it is ordered that the Prisoner be remanded immediately to conform to the rules contained in the Regulations of the Straits Settlements to have the matter enquired into by the Grand Jury at the first opportunity the precept required to issue returnable to this Court within the first and first days thereof

Ordered, That a Extract from the proceedings be forwarded to the Criminal Judge of Singapore for his information and guidance by the first opportunity

(Short following precept to

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 29th November 1838 communicating paras 23. to 33 inclusive of the Honorable Court's Despatch together with the paras 15. of the Minutes of Consultation under date the 30th October 1838 regarding the immediate suspension of Ibrahim Khan formerly the Head Peon on the establishment of the Magistrate of Singapore—

Ordered, That the Provincial Court of Circuit in the Southern Division be required by precept returnable in ten days, plane and after the precept to state what may have been done in pursuance of the instructions issued to them under date the 29th November 1838, and that they be required to make return to the precept aforesaid without further delay—

(Short following precept to 141)

Read the Criminal Returns for the month of December 1838 submitted by the Acting Criminal Judge at Singapore—

(Here Entered precept)

(With reference to the very considerable and satisfactory evidence brought forward at the trial noted in the margin, the Court of Judicature thinks it right to express its

Circuit Court

9th February 1839.

paragraph of the Circular No 116 as entered in the Criminal Report to be furnished to the Magistrate of Vizagapatam, who will explain to the Court the Case in question was forwarded to the Criminal Court by the Head of the Police, and that no further proceedings can be taken in the matter.

Circular No 119 2. The prisoner in this case may be charged with stealing grain and sentenced to 3 months imprisonment in addition to the punishment for the original offence as provided in Circular No 118. Ordered that the Court of Sessions be informed accordingly.

Circular No 118 3. It is observed in the Abstract of the evidence given in this case that the depositions of the witnesses were taken before the Police Court of Chicacole and not before the Criminal Court. The Court of Sessions will direct the attendance of the witnesses on the part of the Crown before the Criminal Court, and accordingly direct that the Criminal Judge will in future cause the witnesses to attend before the Court of Sessions.

9th February 1839.

Case No 16. 4. The Joint Criminal Judge is directed to ascertain and explain why the evidence required in this case could not be procured between the 20th November 1838 and the 31st December of the same year.—

Circular No 119 5. In this case the 1st and 2nd prisoners were charged with stealing grain and were sentenced by the Sessions Court the 1st prisoner to 12 months imprisonment in irons and 100 lashes and the 2nd prisoner to six months imprisonment. From the remarks given in the abstract of the case the Court of Sessions observe that the conduct of the 1st prisoner, as far as regards that part of the sentence which he imposed on himself, cannot be commended, and that the term of imprisonment must be reduced in the case of the 1st prisoner. Change the Chowdary to 6 months imprisonment, and that in the case of the second prisoner Gottala Simmapah to three months imprisonment.

Circular No 120 6. In Circular No 120 the Court also direct that the sentence be commuted to 4 months imprisonment.

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judge at Vizagapatam for his information and guidance by first opportunity.

from

from and after the said sum of £—

(See following from fo. 142)

Read letter from the Criminal Judge of Connaught dated the 28th ultimo, submitting transcript of the depositions taken before Robert Cummin Esq. Crown Solicitor and Prosecuting Clerk in a case of murder and recommending that a Free and Unconditional Pardon be extended to the Prisoner therein convicted—

(See entry fo. 144)

Crown Solicitor's certificate of the conviction at Mullingar Spring Assizes 1838 of the murder of Patrick Lynch and of the Prisoner Patrick Lynch alias Lynch alias Lynch for the murder of the said

J. Ms.

At a Court of the Tonjadaree Adalut

Present

Monday 11th February 1839 — John Bird Esq.re ——— 1st Puisne Judge
Thomas Hodgs Oakes Esq.re 2nd Puisne Judge
Hon.ble Duncan Campbell Esq.re 3rd Puisne Judge

J/5
2.P.C.
45

Read returns dated the 26th Ultimo from the Acting 3rd Judge late on Circuit in the Southern Division to this Court's Precept of the 21st Ultimo requiring a report of the probable age of the Prisoner in Cases Nos 2 and 3 on the Cumbaconum Calendar for the 2nd Sessions for 1838.

(Vide enter No. 156. of 1839.)

Read also again Meeter Manson & Pillai presented on the 19th December last by Linganna Naicken and Ragunad of Cumbaconum —

(Vide enter M. C. No. 772 of 1838.)

The Acting 3rd Judge has Reported that on his trial, the Prisoner adverted to, stated his age to be 81, and that he saw no reason to doubt the correctness of the Statement.

Upon consideration of the grounds on which the Sentence passed against the Prisoner is shown to have been Reduced, the Judges of the Tonjadaree Adalut see nothing to justify their interference in the case and accordingly direct that it be intimated to

the

the Petitioners that their prayer cannot be granted

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

Read Miscellaneous Petition of the Petitioner dated on the 15th January 1839 by Moosa Goundan of Coimbatore -

/ Vide order No. 8 of 1839 /

The Petitioner represents himself to be the relative of the 5 first prisoners in Case No. 9. on the Coimbatore Calendar for the 2nd Sessions of 1838. and complains of the Sentence passed upon them on a charge of robbery -

The Petitioner states that the charge was false and vexatious and trumped up by the Prosecutors, in consequence of the prisoners having threatened to make the Conduct of the Prosecutors' corps a subject of complaint to the Police authorities. and prays the Court will after calling for the Proceedings held on the trial, order the release of the prisoners in question -

The Court of Sudder Adalut not being ready to doubt whether the evidence adduced in the case above recorded were sufficient for the conviction of the prisoners, resolve to direct the Acting 3rd Judge to be present in the Southern Division to peruse and submit without delay an English translation of the Record of the trial and in the meantime the sentence passed upon the prisoners must be suspended.

Ordered, that Extract from these proceedings

proceedings be forwarded to the Criminal Court of
Circuit in the Northern Division for their infor-
mation and guidance by Straight returnable in 8 D
from and after its receipt and that copy be also
furnished to the Petitioner on his application.

(Sent Letter of Transmit No 186)

Read petition of Ramaya dated
presented on the 10th January 1839 from Caddapah
of Chingleput

(Here enter Petn No 10 of 1839)

The Petitioner complains of the
detention of her daughter a married woman
about 18 years of age by violence
brought the Criminal Courts of the District
Magistrate and the Covenanted Servants of the Court
to Madras. The Judge the Court must interpose
behalf and order the restoration of the daughter
Native parents.

The Court of Sudder Adaw
Petition from the husband which accompanied
Petition, that the Court of the petitioner that
full consideration from the Criminal Court
may be taken to interpose on her behalf
Cannot being done for this Judge

Ordered that the petition

rejected, and that Copy of these proceedings be
furnished to the Petitioner on her application.

Read a Miscellaneous Petition presented
on the 25th January 1839 by Vobolorgadee of the Tillage of
Caddapah

(Here enter Petn No 15 of 1839)

The Petitioner in this address seeks
a modification of the order of this Court of the 7th January
and to obtain the release of the 1st Prisoner in Case
No 1 of the Caddapah Calendar for the 2nd Sessions of 1838.

The Court of Sudder Adalut decline
the petitioner be informed, that the prayer is inadmissible,
and further that they have no power to modify the order in
question to which he is referred as final.

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

Read returns dated the 26th Ultimo,
submitted by the Joint Criminal Judge of Vizagapatam
to this Court's Circuit of the Provinces 16th Comprising their
observations and orders on the Vizagapatam Criminal
Report for the month of November last.

(Here enter No 173 of 1839)

From the Joint Criminal Judge's
explanation regarding the sentence passed in the Case
noted in the margin, the Judge observes that the
remark

remarks recorded by them on their proceedings of the
Illness would have been a matter of great satisfaction
had been given to the general Observation of the Jurors
of the Criminal Reports.

Case No. 92. 2.

Further the Joint Criminal Judges
further remarks regarding the Sentence passed in
Case No. 92, the Judges are satisfied that the
of the Prisoner were premeditated, and therefore
permit it to stand.

Case No. 114. 3.

Being of opinion that the Sentence
Case No. 114 have been already sufficiently punished by
the Offence imputed to them, the Judges are pleased
direct that

4.

With reference to the question stated by
the Joint Criminal Judge with reference to Clause 7 of
proceedings of the Sessions held at [illegible] on the 11th
which accompanied the Record under report, the
to be informed that he manifestly intends to introduce
the words "confessed" or in any other manner that
whatever proved in Criminal Cases by the
have been effected by these Rules, the Joint Criminal Judge
the Joint Criminal Judge view favourably the
of the Sessions enacted in Clause 7 of
Regulation III of 1828 to overrule the
preceded by the Sessions of an Assistant
should refer in the Criminal Report to the

of the grounds of such proceeding, but in Cases which
do not appear to the Joint Criminal Judge to call for
his interference he remarks whatever is required.

5. Adverting to the very unsatisfactory
manner in which the Proceedings of the Sudr Ameen or
the Principal Sudr of the Courts are observed to have
been conducted, the Judges desire it may be intimated
to that Officer that his strange decisions have not
escaped the notice of this Court, and that he be distinctly
informed that if his future Proceedings continue
to exhibit such want of knowledge of his duty as he
has hitherto shown the Judges will be under the ne-
cessity of

6. The Joint Criminal Judge will re-
state whether the deficiency of knowledge in the Sudr
Ameen is to be attributed to ignorance of Telugu or of
the Regulations or to what other cause.

Ordered, that Extracts from these
Proceedings be forwarded to the Joint Criminal Judge
of Vizagapatam for his information and guidance.

(Sent on 13th Feb. 1839)

Read again letter dated the 6th
November last from the Joint Judge at Guntoor in the North
Circuit, submitting copies of the Primary and Supplemental
Calendars for the 2nd Sessions of 1838 at Vizagapatam.

(Sent to the Sessions Judge)

From

11th February 1839

Case No. 8.

1. From the proceedings of the Court of Cassation in the Case specified in the margin, it is clear that the crime charged against the Prisoner was not committed within the limits of the Jurisdiction of the Joint Criminal Court of Negapatam.

2. The 1st Judge in Council has, under these circumstances, intimated to the Officer in charge of the Gunsilary Court that with reference to the provisions of Regulation 2 of 1827, the Special authority of the Governor in Council should have been obtained, previous to his directing the Commitment of the accused, but that he has dispensed with the publication of an Act under the Government of the Supreme Government, the Proposed draft of which appeared in the Official Gazette of the 23rd of last page 582, with a view to the determination by Parliament after the publication of the said Gazette.

3. The Judges of the Sessions approve of the mode of proceeding thus suggested & adopted by the 1st Judge in Council, but they observe that some misdemeanor has been committed by the Prisoner within the limits of the Sessions Jurisdiction, & that the Joint Criminal Judge at Negapatam may be invested by the Law, the Power to try the Prisoner for such offence, during the sitting of the Sessions

T. M.

11th February 1839

4. The foregoing observations and instructions should, likewise, be considered applicable to Cases Nos. 11, 12, 13. and 14 of the Primary, and to Cases Nos. 1 and 2 of the Supplemental Calendars now under review, in order that a similar course may be followed in this respect by the Joint Criminal Judge.

5. With further reference to Case No. 12. and to the remarks by the 1st Judge regarding the indispensable Evidence likely to be required, the Court of Sessions Gladstone would observe, that from a translation of the deposition given by Govindapa, the owner of the treasure referred to in the charge, before the Magistrate of Cuddalore, a copy of which has been transmitted to this Office by the latter Officer, it does not appear that the deponent can clearly identify the two weapons which have been found in the tank, where the dead bodies of the servants were discovered. Therefore, the fact of the finding of the bodies can be established by the evidence of the King deponent, the Judges think the Witness whose attendance has been called for by the 1st Judge, should not be subjected to the inconvenience of performing a journey of a thousand miles, provided their attendance or testimony can, without injustice to the accused, be possibly dispensed with.

Ordered, that Extract from these proceedings be sent to the 1st Judge in Council in the Northern

11th February 1839.

Northern Division for communication to the Assistant Criminal Judge of Cayuga Eastern.

Writ of Error No 148

Read letter from the Provincial Secretary of Canada East dated the 1st instant forwarding copies of the Minutes taken by the Deputy Clerk of the Crown and Pleas [illegible] and Record of the Court of the Queen's Bench at Montreal, the Record of the Provincial Court proceedings to which a writ of Error has been issued from the Queen's Bench at Montreal, with a view to the opinion of the Court as to what objections might be taken to the Record

Ordered that the Minutes be forwarded to the Assistant Judge of the Eastern Division for communication to the Provincial Court of Canada East

Read letter from the Assistant Judge of the Eastern Division dated the 2nd instant stating that he had personally inspected the Minutes of the proceedings in the case of Regina vs Daniel Sullivan and that the evidence adduced there appeared to justify the conviction of the said Daniel Sullivan by the Provincial Court

Ordered that the Minutes be forwarded to the Provincial Court of Canada East

11th February 1839.

Adulet who, under all the circumstances of the case, as stated in the Minutes under remark, and with reference to the difference of opinion shown to exist between the two Judges of the Provincial Court who have perused the Record of the trial, hesitate to overrule the conviction and to order the Prisoner to be called on to furnish security, in default of which to be imprisoned for such time as will not exceed the period specified in the Sentence of the Assistant Criminal Judge as originally pronounced

Ordered that Extract from the Minutes be forwarded to the Provincial Court of Canada East in the Eastern Division for communication to the Criminal Judge at Chicoutimi by Precept returnable in 12 days from and after the 15th instant

Precept following Precept No 149

Read return dated the 21st January 1839 from the Acting 3rd Judge late on Circuit in the Eastern Division to the precept of the Court of Tenders dated of the 31st December last directing the transmission of an English translation of the Record in Case No 21 on the Canadian Calendar for the 2nd September of 1838

Filed Writ of Error No 129 of 1839

In the Case above recorded the three persons Prisoners were charged with forgery and the 3rd with aiding and abetting therein and being convicted

convicted by the Judge presiding at the trial was sentenced each to 5 years imprisonment in Irons.

2. The Court of Sessions Adalat for the abstract given on the Calendar, having reason to doubt whether the Evidence adduced in the Case is sufficient to convict all the prisoners, directed the Acting 3rd Judge in their proceedings of the 4th December 1838 to transmit for their consideration an English translation of the Record of the trial.

3. From the Record submitted and the 3rd Judge's return of the 21st January the Court of Sessions Adalat observe that the 1st and 2nd Prisoners on this Case have previously been convicted of forgery in question and that though their confessions are admissible against the Prisoners making them cannot be received as proof of the guilt of the 1st 2nd and 3rd prisoners in particular to whom the Court do not see the Evidence to Record altogether sufficient to establish the Crime charged.

4. The Court of Sessions Adalat accordingly direct that the Sentence passed by the Judge on Consult in regard to the prisoners

1st Pallanee Pandelly
2nd Vannee alias Ramalinga Pandelly
3rd Sangiah alias Muniandy

be annulled, and the 1st they be immediately released

F. 16.
11th Febmary 1839.

liberty.

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 Sheriff returnable in 5 days from and after the receipt. Receipt dated 8th 1450-

Read return dated the 8th Instant from the Criminal Judge of Chittoor, to the Sheriff of the Tanjore Adalut under date the 2nd February 1839 conveying their remarks and orders on the Criminal Reports for the month of December 1838.

Here enter No. 214.

Read return, dated the 6th Instant from the Officiating Joint Criminal Judge at Tinnevelly to the Sheriff of the Tanjore Adalut dated the 2nd February 1839 conveying their remarks and orders on the Tinnevelly Criminal Reports for the Month of December 1838.

Here enter No. 215.

Read return, dated the 9th Instant from the Acting Joint Criminal Judge at Cuddalore, to the Sheriff of the Tanjore Adalut dated the 2nd February 1839 conveying their remarks and orders on the Criminal Reports for the month of December 1838.

Here enter No. 228.

113
F.R.C.

F. 86.

Mr Court of the Foujdaree Adalut

Present

Tuesday 12th February 1839

Seton Bird Esqre ——— 1st Puisne Judge

Thomas Alexr Baker Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 22d Ultimo

from the Principal Sudr Ameen at Sumeral

submitting copy of communication from the

Provincial Court of Circuit in the Western Divi-

sion addressed to the Principal Sudr Ameen

dated the 16th Ultimo intimating to that

Officer that he should have been furnished

by the District Moonsiff of Seerpark

on charges preferred against the Principal Sudr Ameen at Sumeral with

a view to his the posting of the charge under

the powers delegated to Principal Sudrs

Annexed by Act. No XXIII of 1833.—

(Here enter No 136.)

In the expectation of the transmission of the amended proceedings referred to in the foregoing communication, for the purpose of being laid before the Court under this charge, there being no proceedings in the Court under this charge, the Principal Sudr Ameen at Sumeral has not reported

reported that he had not been invested with the
powers of commitment referred to in Act. No. 23
of 1837 and under the circumstances he urged
that this Court should be pleased, either to take
further the proceedings pending or otherwise direct
the disposing of the case, as that Court might
be pleased to see proper.—

2. The case having been brought to
their notice, the Judges of the Supreme Court
deem it necessary to state that for the satisfac-
tion of the Criminal Court of Quarter Ses-
sions of the Western Division, that under Act. No. 23 of 1837
it will not be competent to the Magis-
trates to commit to the charge
of the jury on questions which may arise that they
alone are to find the final decision of the Court
that the Officer should proceed. They would further
remark that opinion that with reference to the
spirit and to the actual enactments of Acts XXII
of 1837 and XXVI of 1838, it is competent to the
Principal Sheriff's Officer of the Court to appoint the
same persons to execute the writs of Capias
as are appointed by the Criminal Judges and
to found such appointments that the Sheriff
before the Court of Quarter Sessions
and on all the other occasions

3. The case having been brought

Under Amins at Honore, Sharg and Cumbum
may be duly and legally empowered to dispose
of cases of perjury existing within the jurisdic-
tion of their Courts which may, hereafter, be
transmitted to them by the Subordinate Judicial
functionaries under them, the Judges of the
Sudder Adalut resolve to forward to the Go-
vernment an Extract of these proceedings with
their recommendations that under Act. No. 23. of
1837 these Officers be now invested with the
powers of commitment appointed by Criminal
Judges under Section 3. Regulation 8 of 1829
of the Madras Code.—

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. 156.

Ordered also, that Extract from
these proceedings be forwarded to the Provincial
Court of Circuit for the Western Division for
communication to the Criminal Judge of
Canara and the Principal Sudder Ameens at
Honore and Sharg.—

(Sentence No. 156.)—

F. 11.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Thursday Thomas Alexr. Oakes Esqr. ——— 2d Puisne Judge

4th February 1834. Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge

Read letter dated the 22d Ulto.

115
248
120

from Captain Gallaway, Assistant General Superintendant for the Suppression of Shugger and Head Magistrate of Vizagapatam —

(Here enter p. 240)

Together with the foregoing communication, Captain Gallaway has submitted copy of a letter from the authorities at Aryacotah, on which it is explained, that on account of the great distance, the Resident is disinclined to order the appearance before the Criminal Court at Vizagapatam of certain inhabitants of the Zemindaree of Aryacotah on the charge of murder by Shugger that have been sent for by them with a requisition from the Judge Sub Dan Vizagapatam —

Captain Gallaway states that

he has

hitherto a certificate, or Punchayetnamah, drawn up and signed by some of the head people of a village near which the remains of bodies of persons murdered by Thugs are discovered, that from unrebutted sufficient evidence of that fact, when taken with the testimony of such of the party as are attached to the Thug Office, without requiring the attendance of the villagers who could not find the Punchayetnamah.

3. Adverting to the difficulty which must sometimes attend the examination of the Residents of the vicinity of the commission of the Murders when the residence of the villagers is far distant from the station where the murder is tried, but to the inconvenience stated in the address from the Office of the Resident at Hyderabad, Captain Sleeman has submitted the Accused to this Court in respect of the time necessarily to be occupied by him in

4. Cases of Murder committed by Thugs, the Sessions Judge may direct the examination of the witnesses to be taken by the Officer attached to the Thug Office

by the production in the Criminal and Circuit Courts, of a "Punchayetnama" of the nature of that described by Captain Sleeman, if proved to be authentic by the testimony of such of the party as are attached to the Thug Department who attested it or saw it written; and to that effect the Judges particularly issue a Circular Order.

Ordered, that Extract from these proceedings be forwarded to Captain Sleeman, Assistant General Superintendent for the Suppression of Thuggee and Joint Magistrate of Nurgaporeetam for his information and guidance.

(Section No 162)

Circular Order

No 102.

The difficulty and great inconvenience to individuals of procuring the attendance of persons as witnesses before the Criminal Courts, who were present at the examination of the remains of the bodies of persons murdered and buried by Thugs in places far distant from the Station of the

Courts

14th February 1839.

Courts before which the perpetrators of the crime may be brought to trial, having been represented to the Court of Singapore. That the Judges resolved to declare, that the fact of the actual finding of bamboos, under such circumstances, may be sufficient presumptive evidence, by the production of a written statement thereof made out and attested by the Officers of the village present at the time of the discovery of the body or bodies; and it is proposed to be enacted, by the Legislature of India, that such statement shall be received in evidence as prima facie proof of the fact stated therein.

(Section No. 183 & 184)

Read a letter from the 3rd Judge on Circuit in the Northern Division dated the 30th Ultimo submitting an extract of the Proceedings and Sentence passed by the Court of Session of 24 Pergunnahs on the 1st February 1839 in the case of

Primary Cause No. 1 — Chearing [illegible] Cooly No. 1.

sentence passed in the case mentioned in the margin by the Court of Session of 24 Pergunnahs, and stating that

2. F. 11.

14th February 1839.

there is other evidence corroborative of the fact of these two Prisoners having belonged to the gang who committed the robbery charged, the Court of Singapore would not request the 3rd Judge on Circuit will submit an explanation of the grounds on which he concurred in the Sentence given by the Law Officer.—

Cause No. 3 — 2. In Case No. 3, the Prisoners were charged with having gone forth at night armed with sticks, & attacked and assaulted the Prosecutor and another person on the highway and robbed from them property valued at Rs. 6-10-0.

The 2nd Judge [illegible] concurred in the Sentence given by the Law Officer convicting the Prisoners of the offence charged and accordingly sentenced them to be imprisoned with hard labor in irons for a period of 14 years; but on account of their youth, the trifling value of the property robbed and the absence of any aggravating circumstances, he therefore recommended that the Sentence passed may be mitigated to [illegible] years.

The 3rd Judge was of opinion that the Prisoners are fully convicted of the offence charged, but considering their youth, and the trifling amount of property robbed, he would recommend that the Sentence passed upon them be reduced to [illegible] years imprisonment with hard labor in irons, and that

the

the circumstance of them having divided with each
part of their booty, & began using some of
them had the chief inducement to the commission
of the crime —

5 The Court & Assessors Unanimously
agree with the Judge in considering the
circumstances stated by him, to be such as would
form mitigated sentence and upon Motion &
deliberation of the whole are of opinion that the
Sentence will be fully met by awarding the
Prisoner

Wednesday Thursday Friday Saturday

to be imprisoned with hard labour for a period
of (6) six years to which effect they sentence
the prisoner accordingly —

Cause No 4. 6. Upon reference to the Statement
of the evidence adduced in Cause No 3 which
is to be considered in the consideration of the present
case, the Court of Assessors Unanimously
resolve to believe that the circumstances of the
case justify the sentence of the Court
of Sessions, and they accordingly confirm
the same. The Judge pronouncing the
Sentence to be, that the prisoner be
kept to hard labour in the Gaol of
Singapore for the period of Seven years
from the date of his conviction —

Cause No 3. 5 The Judges of the Singapore Court
on a perusal of Cause No 3, as it stands in the
Calendar, are not impressed with the necessity
of subjecting the Prisoner charged, to the full
penalty to which he has rendered himself
liable, and would suggest to the Assessors
Circuit the propriety of submitting to them an
application for permission to pass on the cul-
in question a modified sentence of Four & Years
imprisonment with hard labour, instead of the
greater period to which he has been convicted

Cause No 4. 6 That sentence of 7 Years imprisonment
with hard labour which stood passed on
Seven Malay Convicts the 1st Prisoner in Cause No 4
appears to the Judges of the Singapore Court
to be amply borne with reference to the nature
of the offence charged against him, and they
therefore authorize the 2d Judge to provide for

Cause No 2. 9 That Prisoner in Cause No 2 stood
charged with stealing from the person of a child
seven years of age a Dollar & 50 Cents and that
he was sentenced to Seven (7) Years imprisonment
with hard labour in irons, by the Judge presiding

10 That offence, it appears, is punished
by Penang that the corporal punishment to
which he was sentenced not be inflicted, in
consequence of the evil known to the child

from

14th February 1839.

from whom he pocketed the Silver Bowl.

11. The Judges of the Supreme Court approve the punishment of Whipping but are unable to reconcile the provisions of this Act with those contained in the Acts in force at the time it was enacted by the Council into effect, which Acts is required for the ends of justice, and which it is proper to inflict upon the Prisoner, under the circumstances of aggravation in the present case. They accordingly recommend the punishment of Transportation.

Code p. 257 12. The Prisoner in Code p. 257 was charged with having stolen from the Prosecutor and the Information in the Supreme Court was framed accordingly (Vide p. 10.)

13. The 2d Judge presiding at the Circuit in the Port Louis Office on considering the Provisions of the 11th Geo. 4th Cap. 11 Sec. 4 which limits the punishment of Transportation to the Term of 14 Years or Imprisonment with hard labor for any Term not exceeding 7 Years, is of opinion that on account of the "gravity of the Prisoner's offence in stealing a sum of money the property of his Master and the aggravating circumstances by which it was accompanied the punishment of Transportation for the Term of 14 Years is not adequate to the offence committed by the Prisoner.

14. That in future the 2d Judge shall not exceed the power vested in him by the 11th Geo. 4th Cap. 11 Sec. 4 by the Court

F. 16.

14th February 1839.

intimated that "from the aggravating circumstances attending the robbery" he is precluded from recommending a more lenient mitigated sentence than 8 Years imprisonment with labor which he accordingly prescribes for sanction.

15. The Judges of the Supreme Court do not be unable to reconcile such apparent inconsistency in the description of the crime charged against the Prisoner and would therefore wish to have before them an explanation of the 2d Judge's meaning.

16. They would also draw the 2d Judge's attention to the non observance of the rule for passing sentence in Code of Criminal Procedure recommended, and clearly laid down in the Supreme Court Circular Order of the 20th March 1834 page 260 Printed Book, which Code p. 257 prohibits and desire that the mode of proceeding therein laid down in all future occasions be strictly adhered to.

17. Under all the circumstances of the case and in consideration of the 2d Judge's recommendation the Court of Supreme Court do after due deliberation, are pleased to authorize a mitigated sentence to be passed as stated by the 2d Judge upon the Prisoner.

14th Februar 1839

Prisoners

Mandeyagra Paradesa

and

Mandeyagra Nindagahalan

Information that the prisoners be kept in Custody for a period of 5 days to afford time for the demands of justice and to the end that they may answer the 2d Indictment

Ordered, That Extract from the proceedings be forwarded to the Criminal Judge of Dillong for his information and guidance by precept returnable in 5 days from and after the date of receipt

(Vide following precept No 165)

Head Police Station dated the 1st 1839, from the Criminal Judge of Dillong to the Resident of the District of Sindanglaut under date the 31st January last enclosing the Depositions and other documents in the Case of Prisoners for the month of December

(Vide Precept No 304)

The Criminal Judge of Dillong having reported that the Prisoners in Case No 184 of the Criminal File be released under the charge of the Nazir of the Court until the expiration of the sentence passed on the 1st Prisoner in the said Case

Ordered, That Extract from the proceedings be forwarded to the Criminal Judge of Dillong for his information and guidance by precept returnable in 5 days from and after the date of receipt

(Vide following precept No 165)

14th February 1839

and is too young to be allowed to go at large by himself, and recommended that he be placed under the charge of the Nazir receiving the usual subsistence until that father the 1st Prisoner in the Case be released

2. The Court of Magistrates Ordinance 2. Approves of the suggestion submitted by the Criminal Judge and direct that the 2d Prisoner "Uncatagaudoo" in Case No 184 of the Dillong Criminal File be released under the charge of the Nazir of the Court until the expiration of the sentence passed on the 1st Prisoner in the said Case

Ordered, That Extract from the proceedings be forwarded to the Criminal Judge of Dillong for his information and guidance by precept returnable in 5 days from and after the date of receipt

(Vide following precept No 165)

Head Police Station dated the 5th Instant submitted by the Joint Criminal Judge at Quinbon to this Court Precept of the 31st Ultimo enclosing their determinations and Sentences on the Quinbon Criminal Papers for the months of December 1838

(Vide Precept No 308)

Under

14th February 1859.

Case No. 53. 1. Under the further and more full information exhibited to the foregoing communication regarding the grounds on which sentence was passed by the Sessions Judge on the Prisoner in Case No. 53 of 1858, the Court of Sessions Udalut will be pleased to

Letter No. 55. 2. Re-consider the sentence of the Sessions Judge in the case of the Petitioner suffering the punishment of the whipping on the 3rd for the commission of the Crime, whereof the Court of Sessions Udalut has found him guilty, that the punishment of whipping may be remitted, and that Petitioner may be released from Prison, on the receipt of the Order of the Court of Sessions Udalut in this behalf.

Ordered, that a copy of the 2nd Para of the extract from the proceedings of Government in Council on the report from the Court of Sessions Udalut under date the 20th of September last on the review of the administration of Criminal Justice during the second half of the year 1858 (Para 2 thereto No. 114 of 1859)

respectively, and to enjoin those officers to require their
orders of the Foujdaree Udalut of the 11th of April 1838
(Page 195 of the Printed Circular Orders of the Foujdaree
Udalut) to be fully enforced.

2. Ordered also, that copy of the 2nd Para
the extract from the Minutes of Consultation above
referred to, together with a statement of the number
of persons brought before the Village Police during
the 5 last half years in the Districts of Bhaugulpore
Cuddapah, be forwarded to the Provincial Court of
Circuit in the Cis. Division, and that they be
required to call upon the Magistrate of Moorshedabad
to furnish the explanations required by Govern-
ment as regards the District under his charge
and that he be required to assign reasons for
the full enforcement of the orders of the Foujdaree
Udalut of the 11th of April 1838, Page 195 of the Printed
Circular Order Book.

Para 3

3. Ordered, that extract of the letter
from the Magistrate of Bullia under date the
5th of November last to the Secretary to the Court of
the 30th of July granting an order to the Police
the Provincially Police to be employed for the
information of Government.

Para 22

4. In this paragraph the Right
Honorable the Governor in Council adverts to the large
number of persons released unconditionally by the
Foujdaree Udalut, and with reference to those who
were considered convicted by the Judge of Circuit, &
"their Lordships in Council cannot help thinking &
"that there is too much ground for the observations
"made by the Honorable the Court of Directors in
"para 36 of their despatch dated the 17th of September
"1834, No. 5, "that the Judge who tries the Prisoners, and
"the Court which reviews the record of the trials,
"alike the evidence and the Law be the same,
"conduct their proceedings upon discordant principles"

5. Upon this subject the Judges of
the Foujdaree Udalut beg to explain, that out of the
79 persons finally acquitted by them, 28 were
acquitted by the Special Commission in cases,
which being cases of rebellion, it was necessary to
refer under the provisions of Section III Regula-
tion XX of 1802, for the confirmation of the
Foujdaree Udalut, and for the orders of Government;
and that 16 others were acquitted by the Judge on
Circuit, and those cases erroneously referred to this
Court, so that deducting the above 39 persons, from

the

the total number of 79 acquitted by the Court of Enquiry
Ordered, that only 60 Persons acquitted by the
Superior Court exclusively, and as there were only
than 311 Persons convicted by them, they would re-
spectfully observe that the number of convicts
in conformity with the number of acquittals
the last half year under review is unprecedented in
their records.

6 And in respect of the number
persons acquitted by the Inferior Court in cases of
the Judges of Circuit considered that the evidence
sufficient for their conviction, they would re-
spectfully observe that the Legislature has pro-
a reference to the highest Court of Jurisdiction of the
wherein the life or the perpetual imprisonment of
accused may be involved, in order that in cases
of such vital importance, any error by a single
Judge in the Circuit Court, if any there may be
may be rectified by the greater experience, and
more mature judgment of the several Judges
on the Superior Court.

7 Ordered that the Courts ordered
their proceedings after Sunset and from after
but that evidence differently appreciated by

the Judges of the different Courts, and there can
be no doubt that the higher Court occasionally
discredits evidence which the lower Court, with
less experience, believes.

8 The Judges of the Court of Inquiry
Ordered would most respectfully observe that they
are bound by their oaths to execute Justice to
the best of their ability and that in trials referred
to them they cannot do otherwise than acquit the
Prisoner, where they are satisfied that injustice
would be done by their connection and the
Government as well as the home authorities, if
they will do them the favor to call for a few
of such trials, will be able to ascertain whe-
ther such decisions are, or are not, founded on
sufficient grounds.

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

Section No. 169

Ordered also, that copy of Paras

Sec 55 and 61 of the proceedings of the Tuesday Ordinat of the 20th of September last, and copy of Paras 12 and 15 of the Minutes of Consultation of the 4th Ultimo be sent to the Provincial Court in the Southern Division to be communicated to the Officers to whom they respectively refer.

(Sent in No 170 to 174)

Read letter dated the 7th Ultimo from the Third Judge of Circuit in the Outer Division transmitting the Primary, Fourth, Sixth, Eighth, Ninth and Eleventh Supplemental Calendars for the 4th Quarterly Sessions of 1838

(Minute entered No 40 of 1839)

Primary Calendar No 1
Eighth Suppl Cal No 1
Ninth Suppl Cal No 1 and 3

1. Under the Instructions recorded by the 3d Judge in explanation of the Primary Calendar cases noted in the Margin to be deferred and to be laid before the Judge presiding the next Court of Oyer the Judges of the Tuesday Ordinat are unanimously of opinion that the representations contained in their Circular of the 28th of January 1837 have not been sufficiently attended to, and they accordingly direct the 3d Judge more strictly to adhere to them for future

Primary Calendar No 2 and 3

2. There was nothing to prevent the 3d Judge from passing sentence on the cases noted in

the Margin, which refer to robberies altogether distinct from that reported in No 1, the 3d Judge will accordingly be pleased to pass sentence in the cases No 2 and 3, providing that such of the Prisoners who may be acquitted in those cases and who may be also concerned in No 4 be not released, but be kept in confinement to await the sentence which may be passed upon them in that number of the Calendar. Each of the Prisoners in No 2 and 3 as are sentenced to the full measure of punishment prescribed by the Law, need not be sentenced again in No 1.

6th Suppl Cal
Case No 2

3. The Judges regret that so hardened an offender such as the Prisoner in this case is shewn to be, was not sentenced to corporal punishment as well as to imprisonment.

6th Suppl Cal
Case No 1

4. The postponement of the trial of the Prisoner in the case noted in the Margin has been caused, the Judges of the Tuesday Ordinat observe, by the absence of several of the Witnesses for the Crown.

5. The 3d Judge will be pleased to call upon the Criminal Judge of Chittoor to explain the particular circumstances which prevented the attendance of the Witnesses in question.

The

15 13 15th February 1859.

8th Suppl. Calendar Nos. 2 and 3.

The Prisoners in these two cases are also committed for trial in Case No. 1 of the same Supplemental Calendar and as their conviction or acquittal in these cases Nos. 2 and 3 depended upon the result of the trial in case No. 1, they might not to have been tried until after the conclusion of the trial in the last mentioned case. Under the circumstances the Judge is of opinion that sentence in all three cases should be passed by the Judge in the discharge of duty.

11th Suppl. Calr. No. 1

The Prisoner in Case No. 1 stands charged with cutting a hole through the wall of the Crown House and stealing therefrom property valued at Rupees 2 Annas 12. Of these, the 1st Prisoner being an old offender has been sentenced to imprisonment for 7 years, with hard labour on roads &c useful to the Public. The presiding Judge recommends that as the 2nd Prisoner has been convicted of no offence and as nothing was actually stolen by him, and as he is young, three months imprisonment with hard labour on roads &c would be sufficient punishment for his offence, and he accordingly so has recommended for his sentence.

The Prisoner in Case No. 3 stands charged with having in his possession property valued at Rupees 2 Annas 12 knowing the same to have been stolen. He has been convicted of this offence, and sentenced to imprisonment for 3 years with hard labour on roads &c useful to the Public. The presiding Judge recommends that as the Prisoner has been convicted of no offence and as nothing was actually stolen by him, and as he is young, three months imprisonment with hard labour on roads &c would be sufficient punishment for his offence, and he accordingly so has recommended for his sentence.

Upon mature consideration of the circumstances of the

Fo. 16.

15th February 1859.

Resolved to accede to the recommendation of the 3rd Judge, and accordingly authorize him to pass upon the Prisoner

"Gyngyem"

the mitigated sentence proposed.

Ordered, that extract from these proceedings be communicated to the 3rd Judge, late holding quarterly Sessions for his information and guidance by precept returnable in 15 days from and after its receipt.

(And the following Precept No. 172

Read also letter, dated the 7th instant from the Acting 1st Judge of the Court of Circuit for the Central Division holding the 1st Quarterly Sessions of 1859.

(Record No. 222 of 1859.)

Ordered, that a copy of Paras 2 and 3 of these proceedings be furnished to the Acting 3rd Judge for his information, with reference to his letter abovementioned and that enclosures be returned.

(Letter No. 173.)

Read letter dated the 7th January 1859 from the 1st Judge on the Provincial Court of Circuit on the Eastern Division, submitting a copy of

15th February 1839

of the Killeberry Primary and 2nd additional Calendar
for the 4th Quarterly Sessions of 1838

(Recorded N° 50)

Case N°1 1 In case N°1 of the 2nd additional
2nd additional Calendar Calendar, the prisoner stood charged with the crime
of Gang robbery by force & violence, the presiding Judge
considers the prisoner convicted of the crime, but
in consideration of his having confessed throughout
his Examination & his being led away
by Persons older & the leaders of the gang not yet
apprehended, & he in his tender years never
records that the prisoner be sentenced to imprison-
ment with hard labor for only 3 years

2. & the prisoner is known to have
been connected with a gang which used violence
& threatening & the presentment of property to the Ag-
gravation of Rob. & 5 & 21 and 12 Geo. 4, the Court of
England will not consider it proper to
sanction so great a remission of the punishment
to which he has rendered himself liable, but
the circumstances of the case, they consider the
sentence of the 1st Judge of the Criminal Court of
Circuit to be just & the sentence of 7 years
imprisonment with hard labor in lieu of

15th February 1839

the prisoner

"Tallyho Coto Govirnan"

Ordered, that extract from these
proceedings be forwarded to the 1st Judge of the
Provincial Court of Circuit in the Western Division
for his information and guidance by precept
returnable in 5 days.

(Sent following Precept N° 174

A final return having been
received from the Criminal Judge of Caddapah
to this Court's precept of the 10th December 1838, con-
veying their observations and orders on the Criminal
Reports for the Month of October 1838.

Ordered, that the Criminal Judge
of Caddapah be required by Precept returnable in 5
days from said after all receipt to shew what may
have been done in pursuance of the instruc-
tions referred to him under date the 18th December
1838, and that he be required to make full re-
turn to the Precept aforesaid without any
further delay

(Sent following Precept N° 175

A final return having been received
from the Magistrate in the Southern Division
of

15th February 1859

15th Febru

Case No.

Subordinate

15th February 1859

of Avut, to the proceedings of the Court of Sessions held
and determined on the 2nd of December 1858, directing him
to enquire into and report to be held on the matter
the Complaint preferred by one Gunnu against the Police
and to report the result thereof to the Court of Sessions
with all

Ordered, that the Magistrate of
the South Division of Salem be required to
Precept returnable in 10 days from and after
receipt to shew what may have been done
in pursuance of the instructions issued to him
under date the 28th of October, and that he be
required to make full return to the Precept
aforesaid as soon as practicable.

(Sent following Precept No. 177.)

Read return dated the 28th November
1858 from the Acting 2nd Judge on Circuit in the
Centre Division to the Precept of the Tondiarpet
Adalut under date the 23rd October 1858 calling for
their observations on the police proceedings con-
nected with the trial

(Vide enter No. 2270 of 1858.)

Read return dated the 18th December
1858 from the Criminal Judge of Cuddapah to the
Precept of the Tondiarpet Adalut dated the 10th December
1858 conveying their observations and orders upon the
Criminal Reports for the Month of October 1858.

(Vide enter No. 2417 of 1858.)

WS

Z.A.O.

Ed. J.

Ayyappa

Ordered, that the Acting 2nd Judge
on Circuit in the Centre Division, to the Precept of this Court of the 23rd
October 1858, calling for further evidence in Case
No. 3 of the Cumbum Calendar for the 2nd Session of
1858, and conveying their observations on the
Proceedings connected with the trial

15 15th February 1839

Extract from the proceedings of the Court of Foujdaree Adalut

F. 16.

At a Court of the Foujdaree Adalut

Present

Monday 18th February 1839

John Bird Esqre 1st Puisne Judge
Thomas Hallet Oakes Esqre 2nd Puisne Judge
Hon.ble Duncan Campbell Esqre 3rd Puisne Judge

Read a Miscellaneous Petition

15
F.16.

dated the 25th January 1839 by Ramee Shetty presented on the 28th of the Village of Cuddapah

Whereupon it is ordered

That the petitioner complaining that he is a prisoner in Gaol No. 71. of the Cuddapah Calendar for the year of 1838 has been unjustly sentenced to 14 years' imprisonment on a false charge of receiving stolen goods in which he is falsely implicated by some of the witnesses at the instigation of a Police Peon, to whom his nephew had refused to lend some money, prays the Court will afford a consideration of his case, order the release of the petitioner in question.

And the Abstract of the Evidence before the Criminal Court, the Court of Foujdaree Adalut observe that the 4th witness alone is mentioned as having seen that the property having been given up by the petitioner.

The Court accordingly transfer the petition to the 2nd Judge late on Circuit to prepare and report the Acting

and

and submit without delay an English translation of the
record of the evidence on which the prisoner was
found guilty.

Ordered, that Extract from these Proceedings
be forwarded to the Acting Judge Talla Tallo
in the Centre Division for his information and guidance
by Precept returnable in 15 days, for and after the
present.

(Sent following Precept No 180)

Read a Miscellaneous Letter
dated the 8th January 1839 by Catheramma
Petitioner of Appeal.

(Here enter the Order of 9th)

The petitioner states that the
the 4th prisoner in Case No 221 of the Criminal
Criminal Calendar for the 4th Quarter of
was sentenced to 14 years imprisonment by
Tellicherry given on the 2nd, which the 3rd and 4th
petitioner the sentence first to be referred that the
evidence regarded as a conspiracy among the
Jews, in consequence of her husband having
refused to join with the Jews in their
persecution against the petitioner
Complainant of the Robbery by the
witnesses for the defence

on the prayer of the petition, the Court of Songadeca Wadakel
perceive it desired that a translated Copy of the petition be
forwarded to the Court of Circuit in the Centre Division,
who are requested to ascertain whether any reliance
can be placed on the allegations set forth by Catheramma,
and, especially in that regarding the aid afforded by a
Jew, and to report whether they are led on a consideration of
how, and to report whether they are led on a consideration of
any of the circumstances stated by her, to doubt the justice of
the sentence passed on the prisoner Chingadan.

Ordered, that Extract from these Proceedings
be forwarded to the Provincial Court of Circuit in the
Centre Division for their information and guidance by a
Pattamar returnable in 15 days, and that Copy be furnished
to the Petitioner on her application.

(Sent following Precept No 181)

Read return dated the 5th Instant,
submitted by the 1st Judge late on Circuit in the Northern
Division, to this Court's Precept of the 28th Ultimo, directing
him to ascertain and report which of the Gardens stored
of the present Joint Criminal Judge at Vizagapatam
was in the habit of delegating to the Tahsildar authority to
receive and entertain Sick Pauper.

(Here enter No 218 of 1839)

It is stated in the foregoing communication, that from the testimony of persons examined,

the

the System of appointing and transfering Peons in the manner mentioned in Para. 3 of the last Return from the 1st Judge, prevailed during the latter part of the time Mr. Rohde was Acting Joint Criminal Judge, and also whilst Mr. Sandwell filled that situation.

2. Mr. Sandwell at present has explained that such was not the case during his Superintendance of the Mounting Courts & the Head thereof, & the Statements required by the 1st Judge proving to be correct as regards Mr. Rohde, the Judge of the Fouzdaree Adalut regret it may be intimated to him, that the Practice in question is highly objected and wholly unauthorized, and often proves on the Court to which the non-Mounts appointed, that it should be immediately discontinued.

Ordered, that Extract from these Proceedings be sent to the 1st Judge late in Charge of the Northern Division for his information and guidance.

(Sent in No. 182)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Salem for the Month of January 1839.

(Here enter No. 233)

The above Reports do not appear to call for any remarks from the Court & Fouzdaree Adalut.

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

(Sent in No. 183)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Cochin for the Month of January 1839.

(Here enter No. 225)

The above Reports do not appear to call for any remarks from the Court & Fouzdaree Adalut.

Ordered therefore, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Cochin for his information.

(Sent in No. 184)

Read return dated the 8th instant, from the Acting Joint Criminal Judge at Masulipatam to the Precept of the Fouzdaree Adalut dated the 1st February 1839, conveying their observations and orders on the Criminal Reports for the Months of December 1838.

(Here enter No. 247)

C. D. B.
H. Rogr

1839

J. No.

At a Court of the Tongdaree Adalut—

Present,

Tuesday, 19th February 1839. John Bird Esqre. ——————— 1st Puisne Judge
Thomas Alexr. Cakes Esqre. Officg. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read letter dated the 30th Ultimo,

from the 3rd Judge on Circuit in the Cuttack Division,

J. No. 10

transmitting the records in Case No. 14 on the Cuddapah Calendar for the 1st Sessions of 1839.

(Here enter at No. 185.)

Mr. Bird, and Mr. Cakes

The Court of Tongdaree Adalut having carefully considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers and the futwa of the Cazee ool Cozat and Mooftee of the Tongdaree Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the Prisoner

Bundlapulley Yenmala Ramee

of the crime charged and according Sukaoobut, and under the provisions of Section X Regulation VIII of 1802 and second Second Section VI. Regulation I of 1825. Sentence the said Prisoner to be imprisoned and kept to labor suitable to her sex on the public roads or other public works, for and during the period of seven years

(See following letter No. 186)

Read

Read letter dated the 2d Instant from the 3d Judge on Circuit in the Western Division, forwarding Case No. III on the Calendar for the 1st Session of 1839.

(Vide enter No. 191)

Mr Bird and Mr Campbell.

The Court of Sudder Dewanny Adawlut having maturely considered the Proceedings held before the Judge on Circuit, the future of the Criminal Law Officers, and the future of the Cazee ool cozaat and Moofties appointed, consisting the Sudder

Dewanny Adawlut, confirm the said future of the Cazee ool cozaat and Moofties appointed, consisting the Sudder

Dewanny Adawlut

Thatanadyil Chathoth Kedaroo

of the crime of murder, and awarding him and under the provisions of Section X Regulation XII of 1807 sentence the said prisoner to suffer death, by being hanged at the usual time and place of Execution.

(Send following letter No. 187)

Read Extract from the minute of Consultation under date the 12th February 1839, communicating the orders of Government on the Proceedings of the Court of Sudder Dewanny Adawlut dated the 29th August 1838, submitting the result of the inquiries made by Mr Thomson at Cuddapah, as directed to ascertain whether there were any grounds upon which a prosecution for conspiracy

conspiracy could be instituted against the witnesses brought forward by Mr Angelo in his charge against Mr Buckley.

(Here enter Letter No. 199)

In the foregoing Extract, the Court of Sudder Dewanny Adawlut are requested to state whether in their opinion the inconsistencies pointed out by the Criminal Judge of Cuddapah in Mr Dickinson's Proceedings as well as that Officer's disbelief in the existence of a conspiracy against the late Mr Buckley, and the general tenor of his Return to their Precepts, are sufficient to justify any doubt as to the correctness of the view taken by Mr Dickinson in the case of the Prosecution by Mr Angelo against the late Mr Buckley.

With reference to the 12th Parah of their

2.

Proceedings of the 29th July 1835, the Court of Sudder Dewanny Adawlut observe that though they always entertained strong doubts of the practicability of establishing the fact of a conspiracy amongst the witnesses against the late Mr Buckley, upon consideration of the Evidence produced before the Commissioners | and of the opinion expressed by Mr Dickinson in the 52nd and 53rd Parahs of his Report, the Court of Sudder Dewanny Adawlut deemed it their duty to suggest to Government, that an inquiry should be instituted to ascertain whether sufficient grounds existed to justify the establishing Judicial Proceedings against

against any of the parties concerned in the assaultation brought against the late Mr. Buddy.

3. The result of the inquiry instituted by the Criminal Judge of Cuddalore, as well as the circumstances reported by that Officer, though they have explained some matters not clear in the Evidence taken by the Commissioner Mr. Dickinson, and have led the Court to doubt the correctness of some of his personal explanations, have not either led the Court of Sanjaore Adalut to impugn the Judgment given by Mr. Dickinson in the Case, nor induced it to satisfy them of the truth of the various Statements, as to Mr. Buddy's having received a bribe. The Court therefore disregard the testimony to that effect, and do not believe that any such bribe was given.

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. 188)

Read Petition made by the Acting Criminal Judge in the Zillah of Cuddalore to a Precept from this Court dated 29th Ultimo, containing Remarks on the Criminal Returns for the Month of November 1838

(Vide infra No. 226)

Case No. 216. 1. The grounds therein stated, for the

Commitment of the Prisoner for trial before the Court of Circuit, are insufficient, and his being released shews that the commitment was unnecessary.

Case No. 218. 2. The grounds stated by the Acting Criminal Judge for having demanded Security in this Case, are far from sufficient. The Judges of the Court of Sanjaore Adalut therefore resolve to direct that the Prisoner be released if already in confinement, and that if he have already given bail, that the bail bond be cancelled.

Case No. 227. 3. On perusing the Explanations given in this Case by the Acting Criminal Judge, the Judges of the Court of Sanjaore Adalut consider it requisite to point out the difference between the two Cases mentioned. In Case No. 192 of 1838 the Prisoner was charged with fraudulently procuring Stolen Property, while in the case now under review the Prisoner was charged with theft also.

It is therefore clear that the Similarity noted by the Acting Criminal Judge does not exist between these cases.

Case No. 229. 4. In Para. 11 of the Precept to which return is now made, the Acting Criminal Judge was desired to state the locality of the Drain in which the Prisoner was stated to be concealed; this he has not done. The Judges observe that the Prisoner ought to have been sentenced to Punishment under the Jail Regulation

19th February 1839

Cases 230. 231 234.

F.C.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Wednesday Thomas Alexr. Oakes Esqr. ——— 2d Puisne Judge

20th February 1839. Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge

Read letter, dated the 9th Instant

from the 2d Judge on Circuit in the Northern

Division, transmitting the Question Calendar

for the 1st Sessions of 1839.—

(Here enter a Ct. 234.)

The Judges of the Foujdaree

Udalut have observed with regret the grounds

of the postponement of the trial of Case No. 1,

and request the 2nd Judge presiding will call

upon the Sessions Criminal Judge at Question

to submit an explanation of the cause of the

Sessions postponement, and further to report what

means were adopted by him to procure the

attendance of that individual.—

Case No. 1. See Case a Ct. the Prisoner was

charged with having about 4 oclock in the

afternoon of the 15th December last at the Bank the Prosecutor on

the high road threw him down, beaten and

robbed him and obliged him of Rs. 5 in cash

money

19th

money and a sixth calendar at 8 annas. Resolved on consideration of the Case as it is exhibited in the Calendar, the Sudder of the Straits Settlements see reason to believe that the period of seven (7) years imprisonment with the hard labour in irons to which the Prisoner has been sentenced by the 2nd Judge proceeding as he does in darkness with reference to the circumstances under which the offence charged is shewn to have occurred.

3. That we do accordingly suggest to the 2nd Judge the propriety of submitting to the next application for a mitigation of sentence, seven years imprisonment to be the term fixed on the Prisoner but in the event of that suggestion not meeting his approval we do respectfully submit for carrying into effect the sentence as modified by the Judges desire that an English translation of the record of the trial be prepared and transmitted to this Court for their further orders and direction.

Ordered, that a Extract from these proceedings be forwarded to the 2nd Judge in this Court in the Northern Division by the first opportunity to Malacca from and after the receipt.

(Here follows Precept No. 2)

Read the Criminal Reports for the month of January 1839 submitted by the Criminal Judge of Singapore.

(Here enter at No. 340.)

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 Singapore for his information.

(Section at No. 193)

Read the Criminal Reports for the month of January 1839 submitted by the Acting Joint Criminal Judge of Malacca.

(Here Section at No. 255.)

Cooley at No. 3 and 3

1. The Prisoner convicted in the Cooley noted in the margin having been convicted and sentenced to a specific offence in Cooley at No. 4, the Joint Criminal Judge was not authorized in requiring them to furnish an opinion as to in those Cooley.

2. The Court of Sudder Adawlut accordingly resolve to direct the Acting Joint Criminal Judge immediately to carry the sentence passed on the Prisoners into

and

14th

and Kalikumby in Cutcherry Nos 2 and 3. of this report.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tinnevelly for his information and guidance in case of Appeal being preferred and orders required.—

(Sent Extract from the Proceedings)

Read the Criminal Report submitted by the Criminal Judge of Madura for the month of January 1839.—

(Here enter No 226)

Ordered, that the Criminal Judge of Madura be furnished with the following Extract from the Proceedings of this Court in the Cases Nos 113. 114. 115 and 119 of the Criminal Calendar.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance in case of Appeal being preferred and orders required thereon after the receipt of this Report.—

(Sent Extract from Proceedings)

Cutcherry Nos 113 114. 115 and 119.

12

195

Read

J. 26.

At a Court of the Zillah Tondaree Adalut.

Present,

Thursday, 21st February 1839.

John Bird Esqr ——— 1st Puisne Judge
Thomas Oliver Esqr 2nd Puisne Judge
Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read petition dated the 4th Instant from the Provincial Court of Circuit in the Northern Division to their Court's Precept of the 15th Ultimo, directing the issue of the necessary instructions to the Magistrate of Masulipatam for apprehending Rajah Narsa Apparoo the Zemindar of Ellore, and instituting proceedings against him.—

(Here enter No 226 of 1839.)

Under the circumstances stated in the foregoing petition which are greatly to be lamented, the Judges of the Zillah Adalut resolve to intimate to the Provincial Court of Circuit, that, in their opinion, it would be altogether unadvisable, and unjustifiably unexpedient to proceed further against the Zemindar until evidence sufficient for his conviction is forthcoming.—

They accordingly approve the orders issued by the Provincial Court to the Magistrate of Masulipatam, and request that the result of that Officers proceedings may be communicated to this Court with the least practicable delay.—

Ordered, that Extract from these proceedings

proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance.

/Sent per Nº 196/

Read the Criminal Reports for the month of January 1839 submitted by the Principal Amin at Jaffna

/Here enter Nº 258 of 1839/

With reference to the statement of the labor of the prisoners which shows that 9 prisoners were sick at the time the Reports under review were framed, the attention of the Principal Amin at Jaffna is directed to the Circular Order of this Court of the 12th July 1830 and he is required to hand direct to this Court a report of the Cause of the prevalence of sickness among the convicts confined in the Jail under his charge.

Ordered, that Extract from these proceedings be forwarded to the Principal Amin at Jaffna for his information and guidance by Despatch returnable in 5 days from and after this receipt.

/Sent following Despatch Nº 197/

Read return dated the 11th Instant from the Acting 3d Judge late on Circuit in the Northern Division to the Despatch of the Supplicate Statute dated the 4th February 1839 conveying their observations and orders on the Cuddalore Calendar for the 2nd Sessions of 1838.

/Here enter Nº 257/

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Southern Division, reporting what had been done in compliance of the order of Government dated 13th February 1839, calling for copies of certain trials connected with the late inquiry held at Salem on the late Mrs Garrow and submitting copies of the correspondence with the Criminal Judge of Salem on the subject of the Government Communication.

/Here enter Nº 266./

Read letter dated the 15th Instant from the Magistrate of Trichinopoly submitting the explanation called for in the Proceedings of the Court of Supplicate Statute under date the 11th January 1839 in Case Nº 125 on the Combaconum Criminal file.

/Here enter Nº 267/

Read letter dated the 14th Instant from the Acting 3d Judge on Circuit in the Southern Division forwarding the death warrant in Case Nº 1 on the Salem Calendar for the 2nd Sessions of 1838.

/Here enter Nº 269./

Read

21st February 1839.

Read letter dated the 15th Instant from the Magistrate of Guntoor, submitting information laid before him against the Criminal Court at Guntoor by the Head of Police of Dutchapilly Tanah, as called for by the Tongdaree Court proceedings dated 31st January 1839

/ Here enter No. 229 /

Read return dated the 11th Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Tongdaree Adawlut dated the 17th January 1839, for the Release of the 3 Prisoners in Case No. 1 of the Calendar for the 1st Session of 1838

/ Here enter Accounts /

Read letter dated the 16th Instant from the Acting 3d Judge of Circuit in Examining the Southern Division, forwarding the Death warrant in Case No. 19 on the Salem Calendar for the 2d Session of 1838.

/ Here enter No. 230 /

Ft. 46

At a Court of the Tongdaree Adawlut

Present,

Friday, 22nd February 1839

John Bird Esqre. 1st Puisne Judge

Thomas Alexr. Oakes Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read the Criminal Reports submitted by the Criminal Judge of Canara for the month of January 1839.

/ Here enter No. 230 /

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

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

/ Entered No. 201 /

Read Return dated the 11th Instant from the Criminal Judge of Rajahmundry, to this Court's Precept of the 21st Ultimo, conveying their remarks on the Criminal Reports for the Month of December 1838.

/ Here enter No. 238. /

The Criminal Judge explains satisfactorily the Circumstances under which the Prisoners in this Case were ordered to find Security; and the Judges of the Court of Tongdaree Adawlut, under the further information given, direct that the Sentence passed against

against these sentences be carried into effect.

Ordered, that Extracts from these Proceedings be forwarded to the Criminal Judge of Tuticorin for his information.

/ Sent in Nº 202 /

Read the Criminal Reports for the months of January 1839 submitted by the Criminal Judge of Chingleput.

/ Here enter Nº 261 /

Case Nº 1. At the end the Criminal Judge has remarked that the real charge appeared to be by Crimes the sentence is reduced to the Sentence of the Circuit Order of the 28th August 1838, wherein a Prisoner is charged before a Criminal Judge with an Offence for which the Regulations do not prescribe any specific punishment, the Criminal Judge is required to call on his Law Officer to state whether the offence is punishable under the Mahomedan Law and to proceed with the case as circumstances may render necessary.

2. The Court of Sudder Adalut accordingly resolve to direct the Criminal Judge of Chingleput to report whether the opinion of their Law Officer was taken in the present instance, and if that Officer was one of the Moulavies duly and fully entered enrolled in the Register Nº 5. as prescribed in the Circular Order above quoted.

(Prisoner

Ordered, that Extracts from these Proceedings be sent to the Criminal Judge of Chingleput for his information and guidance by Despatch returnable in 6 days from and after its receipt.

/ Last following Despatch Nº 203 /

Read the Criminal Reports for the months of January 1839 submitted by the Acting Criminal Judge of Madura.

/ Here enter Nº 264 /

Case Nº 101. 1. The Acting Criminal Judge is directed to explain the specific acts of Criminality of which the Prisoners in Case Nº 101 are strongly suspected, and for which they have been held to security, from the remarks in the Report the Court of Sudder Adalut are led to believe that security has been demanded of them on unjustifiable grounds.

Case Nº 221. 2. In case Nº 221 also the Court are of opinion that there are not sufficient grounds shown for requisition of security from the Prisoner Vailen, they accordingly resolve to direct that if the Acting Criminal Judge does no further explanation to offer, the Prisoner in question be unconditionally released.

Case Nº 248. 3. With reference to the charge in Case Nº 248 of the Report and the Evidence produced in support of it by the Court of Sudder Adalut see reason to doubt the sufficiency of the Evidence for the Conviction of the Prisoner

1

22nd February 1839.

Prisoner. They accordingly resolve to direct that the record of the case with Extract from the Proceedings be sent to the 1st Judge in Circuit in the Southern Division; who will with reference to Section XXII Regulation X of 1816 pass such order as he may deem proper and submit the result for the information of the Judges of the Sungdaree Uddalut.

Ordered, that Extract from these Proceedings be sent to the Acting 1st Assistant Judge of Backergunge for his information and guidance by Draught returnable in 5 days from and after its receipt.

(Draught following Draught No 206)

Ordered also, that copy of Para 3 with copy of the Cash Roobukaree filed be submitted to the 1st Judge in Circuit in the Southern Division by Draught returnable as above.

(Draught following Draught No 208)

Read notice, dated the 16th instant, from the Acting 2d Judge late in Circuit in the Southern Division, to the Register of the Court of Sungdaree Uddalut dated the 9th instant, reporting the release of [illegible] and 3d Prisoners in Case No 24 on the Commitment Calendar for the 2d Sessions of 1838.

(Hyde vide No 208 of 39)

W.B.

Z.R.C.

P.B.C.

F.C.P.

J. 16.

At a Court of the Sungdaree Uddalut.

Present,

Saturday, 23rd February 1839. John Bird Esqre ——— 1st Assistant Judge,
Thomas Heatly Oakes Esqre 2d Assistant Judge,
Hear Duncan Campbell Esqre 3d Assistant Judge,

Read Miscellaneous Petition presented on the 7th January 1839 by Yogna Ammal of the Tillah of Combaconum

(Hyde vide No 6 of 1839)

The object of this address is to induce the Court of Sungdaree Uddalut to reconsider their orders of the 24th December and 26th November 1838, declining to interfere in the Sentence passed on the 1st Prisoner in Case No 21 of the Combaconum Calendar for the 2nd Sessions of 1838. The Petitioner represents that the English record of the trial is so framed as to mislead the Court and that the translation of the bond which formed the ground of the trial is incorrect. She points out several alleged errors and prays the Court will after a consideration of these circumstances and of the testimony which she is ready to produce in support of the character of her husband, order his release from Custody.

The Court of Sungdaree Uddalut

2

before passing any further orders on this subject

Resolve

receive to call on the Southern Provincial Court of Cuttack to procure and transmit to this Court with the least practicable delay the original document of which the Petitioner Nityanunda Dichahan is charged with having forged and uttered before the District Moonsiff of Jaipore in Original Suit No 2291 of 1838

Ordered that Extract from this Proceedings be sent to the Provincial Court of Circuit for the Southern Division by Parcel Returnable by Post without delay

Read following Petition No 27 of

Read Miscellaneous Petition presented on the 15th January 1839 by Purbatee Pattee of Chittua

(Here enter No 27 of 1839)

The Petitioner complains of the conduct displayed in his brother the 3d Prisoner in Case No 321 on the 5th Supplemental Calendar of the Cuttack & Pooree Sessions of 1838 who was convicted of having received and detained from Hulee Jenkha

The Petitioner alleges that the Pearls had been delivered to his brother by the 1st Prisoner in the Case, who requested him to retain them under his charge for a time and represented that they were his own property. He prays the Court will call for the proceedings held in the case and order the release of his

his brother.

The prayer of the Petition is inadmissible and the Court see no Reason to question the Sentence passed on the Prisoner 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 4th February 1839 by Sonbatee of the Tillah of Salum.

(Here enter No 49 of 1839)

The Petitioner complains of several acts of oppression to which her family has been subjected by the Tahsildar of Ostoor and the Peiscar of Aracoola, in consequence of their having refused to bribe those Officers at the annual Settlement of their village, and represents that several robberies are perpetrated by the Tahsildar who uses them to carry into Effect his acts of Tyranny. She prays the Court will investigate her Case and afford her redress.

The Court of Sudder Adalut direct the Petitioner be informed that if she has any Charges to make against any individuals she must in the usual mode prefer a Specific Complaint before the Magistrate of the Tillah in which the alleged outrages were committed.

Ordered

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

Read Miscellaneous petition presented on the 6th February 1839 by Mandaley Ummah of the Village of Chingleput.

(Here enter No. 8 of 20 of 1839)

The petitioner complains that his brother the 4th Prisoner in Case Nos. 6 and 8 of the Cuddalore Calendar for the 2nd Sessions of 1838 was unjustly convicted of Robbery and sentenced to 14 years imprisonment, and he prays the Court to afford relief.

The Court of Sudder Adawlut see no reason to grant the prayer of this petition, which is rejected.

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

Read Miscellaneous petition presented on the 11th February 1839 by Subbarayday of the Village of Chingleput.

(Here enter No. 9 of 1839)

The Petitioner in this address complains of the order of the Court of Sudder Adawlut dated the 4th February, rejecting his petition of the 9th January, prays the Court to reconsider it, and to issue instructions to the Magistrate of Cuddalore to call for and examine his witnesses to the fraudulent act of Moodiapilley in having falsely made over the bond preferred to in the former petitions and to report the result for the information of this Court.

The Court of Sudder Adawlut see no reason to modify the orders in question, which the petitioner is informed are final.

Ordered 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 11th February 1839 by Gungamma of the Village of Chittoor.

(Here enter No. 8 of 21 of 1839)

The object of this petition is to induce the Court to reconsider their order of the 4th February last declining to grant the prayer of a petition presented by the same applicant, and to obtain from the Court copy of the final sentence passed on the 5th Prisoner in Case Nos. 21 on the 10th and 12th Supplemental Calendar of the Sessions for the Quarter of 1838.

The

The Court of Sunjdarce Udalut there
that the Petitioner be again required to their order of the
2d February which is final and cannot be departed
Ordered that the petition be rejected
and that a copy of their proceedings be furnished to the
Petitioner on her application

Read extract from the Proceedings of the Court of
Sudder Adawlut dated the 29th Ultimo communicating the re-
marks and orders of Government on this Courts present
of the 16th Ultimo transmitting their observations on the
respects of the late Acting 1st and Acting 2d Judges
Ganjam in the Southern Division on the Court Calen-
dars for the 2d Sessions of 1838
(Appendix Nos 175 & 176)

1.
In para 2 of the foregoing Extract
from the Proceedings of Constitution, it has been intimated
that the Right Honorable the Governor in Council
considers it desirable that Magistrates should
be supplied
to issue an order requiring all persons to give notice to the
Police when parties are brought to them to be married
instructions to that effect should be conveyed to those
functionaries

2.
In reply the Judges would here
that although it is not in the power of Magistrates
could be legally compelled, only by the enactment of
a specific law on the subject

3.
With reference to the order contained
in the concluding para of the Extract of Minutes of
Consultation under reply, the Judges beg to report that
the Circular Order therein adverted to, was issued on
a consideration of the Subject when brought to their notice
in para: 30. of the report prescribed by Section XXXVII Regula-
tion VII of 1802 submitted by the 3d Judge late on Circuit
in the Central Division for the 2nd Sessions of 1835,
Copy of which was transmitted to the Government, with the
Extract from their Courts Proceedings thereon of the 16th
September 1836 No 199.

Ordered that Extract from these Pro-
ceedings 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 240)

Circular Order No 103.

Under instructions received from
Government, the Court of Sunjdarce Udalut direct that
in the event of private individuals being desirous of
offering rewards for the apprehension of Public Offenders,
under the circumstances specified in Section XXI
Regulation IX of 1816, and of their making application
to that effect to the Magistrate, that Officer, having
received the Amount in deposit, or having satisfied
himself

himself that it will be forthcoming, shall cause the
Offn to be proclaimed in the Villages within the
District or elsewhere, as he may consider expedient
and shall be authorized to publish the Award
according to the conditions of the offer.

And the following Circular No. 211 of 1832.

Read return, dated the 21st Ultimo
from the Acting Criminal Judge of Madura to the Cir
transmit of the 20th December last, requiring the obse
of further and more detailed information regarding
escape of three Convicts reported in the letter of the
22d December last.

Ordered under a Warrant of this date

1. That the return be filed.

2. That the Register do look the door of the unexecuted and no returned
Offns 3 of the foregoing Communication, shewing that
has been guilty of the most culpable negligence in
matter under observation, and that he be dismissed from
Honorable Service.

3. The Judges of the Supreme Court
are by no means disposed to give implicit credence to
Statements made by the Convicts which are referred to
in Para 8 of the Acting Criminal Judge's letter, although
they are fully convinced of the falsehood of each other, but the
circumstance just referred to, that the Gate may have been in
order for the admission

for

3. The Acting Criminal Judge should have specified which Prond he had committed to take their trial, inconsequence of its appearing to him that they had aided and abetted the Escape of the Prisoners.

4. The Judges are at a loss to understand why Sentries were not stationed in the rear of the wards, between the main building and the boundary wall. Such an arrangement is, they believe, generally adopted in Jails constructed upon the Plan of that at Madura and they require that it be immediately adopted at that Station also.

5. On a deliberate consideration of the whole of the circumstances connected with the Escape of the Convicts in question, the Judges feel constrained to record their opinion, that it reflects much discredit upon the Persons, under whose immediate Management the Jail is placed, and they accordingly request that the Judge presiding at the next Sessions at Madura, by whom the Prisoners committed will be tried, will institute a Special Inquiry and Submit the Report required by this Court's Circular Order of the 19th. November 1832.

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

Communication

communication to the Judge presiding at the next Sessions.

/ Sent in No. 218 /

Ordered, that the said Extract from the proceedings be sent to the Provincial Court of Appeal in the Southern Division for their information.

/ Sent in No. 214 /

Read the Criminal reports for the month of January 1839 submitted by the Joint Criminal Judge at Vizagapatam.

Case No. 14.

The Case stated in the Charge sheet on the 17th October last, returned by the Joint Criminal Judge to the Circuit Criminal Court in order that further evidence might be procured with a view to enquire into & finally determine, the Joint Criminal Judge reports, that under dates the 22d November last, and the 10th Ultimo, two requisitions for Witnesses have been addressed to the Magistrate of Vizagapatam, but that as they have not yet attended the Case still remains undecided.

2. The Court of Sessions should examine the Magistrate with respect to the cause of the circumstance which have occasioned the delay

attendance of the Witnesses required by the Joint Criminal Judge, and for this purpose the latter Officer will be pleased to transmit to the Magistrate a copy of this and of the preceding Para:

Adverting to the reasons which are observed to have occasioned such serious delay in the disposal of the Cases noted in the Margin, the Judges deem that the trial thereof may be no longer deferred in the expectation of the passing of the Act of which the draft was published in the Official Gazette of the 28th August last and request therefore that the Joint Criminal Judge will lose no time in submitting the necessary applications for permission to bring the Cases to trial at Vizagapatam, in order that they may be laid before the Judge presiding at the ensuing Sessions at that Station.

Cases of Nos. 38. 47. 48. 3. 52. 65. 97.

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

/ Sent in a/c No. 215 /

Read return dated the 19th Instant, from the Magistrate in the Southern Division of Arcot at Cuddalore to the precept of the Court of Sessions dated under date the 15th February 1839 directing him to cause an investigation to be held in the matter of the complaint preferred by one Gana Radha Deekshiter.

/ Sent in a/c No. 293 /

W.
T.P.C.
Ext. Pt.
Dep. Regr.

At a Court of the Fanjdaree Adalut

Present

John Bird Esqre ——— 1st Puisne Judge

Thomas Alexr Oakes Esqre —— 2d Puisne Judge

Tuesday 26th February 1839. Alexr Duncan Campbell Esqre —— 3d Puisne Judge

Read letter dated the 6th Instant

No 15
Z.P.D.
No 1

from the Acting 2d Judge late on Circuit in the Coasts Division, transmitting the record in Case No 13 on the Fanjdaree Calendar for the 2d Sessions of 1838.—

(Here enter No 20.)

The Court of Fanjdaree Adalut

No 13 and No 14

after due consideration of the circumstances established before them being of opinion that the proof against the Prisoners

1st Hoollan

2nd Mathaquddy Carpen

3d Camaren

4th Collajen

and

5th Selomben

do not suffice to convict them of the crimes of con Robbery by open violence attended with Gang (Robbery by the authority with which they were invested by Sundry first & Section III Regulation

of 1818 convict them thereof and under the provisions of Clause first and fifth Section IV Regulation XV of 1803 sentence the prisoners

1st Mootham

and

2nd Muthagundaly Canjoe

to suffer death by being hanged at the usual place and future of executing and the prisoner

3rd Cornaren

and

4th Villagoe

to be transported to such place or places beyond the seas as the Governor in Council shall appoint there to labor in irons on the public roads or other public works for and during the period of their natural lives and the prisoner

5th Selembrum

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 (7) years—

(Vide following letter A° 221)

Read letter dated the 21st October 1838 from the 4th Judge on Circuit in the Northern Division forwarding the Record in the case of the Queen against the above prisoners and submitting for the orders of Government the sentence passed upon them

(Vide letter A° 237 of 1838)

Mr Bird.
and
Mr Oakes.

The Court of Sunjdarra Adawlut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazeeahs Coozat and Mooftees of the Sunjdarra Adawlut confirms the said futwa of the Cazeeahs Coozat and Mooftees aforesaid convicting the prisoner

Cadaree Chetty alias Pydee

of the crime charged and awarding to him and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the said prisoner to be imprisoned and kept to labor in irons together for on the public roads or other public works for and during the period of fourteen years—

(Vide following letter A° 222)

Read return dated the 12th February 1839 from the 4th Judge on Circuit in the Southern Division to the precept of the Court of Sunjdarra Adawlut under date the 4th February, directing that officers to call for and dispatch of the Case A° 204 on the Sirmawelly Criminal file—

(Vide letter A° 268.)

In this return the 4th Judge has reported that being of opinion that the

sentenced

sentence passed in Case No. 226 must be confirmed
by the evidence, he has directed the Acting
Criminal Judge to submit the whole of the
original Proceedings, together with the Letter
from the Proceedings of the Court of Circuit
for the reasons therein mentioned, pursuant to the
Calcutta Court of Circuit Rules to be passed thereon
sentence passed upon the Prisoner.

2. That the Court of Sudder Dewanny Adawlut
in the Fort William Establishment
to submit for their consideration the final order
in this case, together with the Proceedings
in the Court of Circuit, Western Division, for the
information and guidance of the Court
in their decision.

(Ordered, that a Letter from the
Proceedings of the Court of Circuit
Circuit in the Western Division for the
information and guidance of the Court
in their decision.)

(Ordered, that a Letter from the
from the 3d Judge in Circuit in the Western
Division, reporting the case of Ramasawmy
the 1st Prisoner convicted of Murder
Ryot, and sentenced to suffer death
Bishop.

(Standing Order No. 301.)

Read

Sta Court of the Coyd Sadr Adawlut.

Present:

Wednesday, 27th February, 1839. — John Bird Esqr. — 1st Puisne Judge,
Thomas Reed Esqr. — Acting 2d Puisne Judge,
Hodt. Duncan Campbell Esqr. — 3d Puisne Judge,

Read letter dated the 6th instant
from the 3d Judge on Circuit in the Western Division
forwarding Case No. IV on the Calendar
Calendar for Sessions 1839 for final sentence.
(Here enter No. 227)

Mr. Bird, and Mr. Reed,

An deliberate consideration of all the
circumstances in evidence before them the Court of
Sudder Adawlut being of opinion that the proof
against the Prisoner
Kathyam Komaratha Rako Vamiker
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.

(Court following Letter No. 230
Read the Criminal Reports for the
Month

Records of January 1839 submitted by the Criminal Judge of Salem.—

(Vide ante No. 244)

Case No. 246. 1.

The only explanation of the detention of the Case before the Criminal Court is that the Prisoner and witnesses had not arrived at the period when the Court was closed. The Court of Enquiry had come to that the Criminal Judge should call on it to state what measures he took to procure the attendance of the Prisoner and witnesses at the Court during the month of January.—

Case No. 1. 2.

The Court of Enquiry had under consideration the reasons to doubt the legality of the manner in which this case was brought before it, and directed that a copy of it should be transmitted with the Proceedings from the Registrar's Office to the Judge of the Circuit in the Southern Division, who with the Records of such proceedings, and such other information as he may deem necessary with reference to the provisions of the XXIII Regulation of 1816, and of that for the information of the Court of Enquiry.—

Case No. 11. 3.

The Court of Enquiry had also under consideration that the continued detention by the Criminal Judge of the Prisoners in this Case merely intending to commit

commit the act with which they were charged, does not justify him in binding them over to furnish security, which it has been ruled can only be demanded by the Criminal Courts when there exist strong grounds for suspecting parties guilty of some specific offence.—

4. The Court of Enquiry had also, under these circumstances, direct that the Prisoners be immediately released from confinement on their own bonds cancelled, if the required security had been furnished.—

Case No. 16. 5. With reference to the remarks of the Criminal Judge explaining the reason why he considered it necessary to commit the Prisoner named in Case No. 16.

The Judges of the Court of Enquiry had also desire it be pointed out to that Officer that by their Circular Order of the 3rd July 1834 No. 2, it is provided that in all Cases forwarded to the Criminal Courts, in which the Homicide is proved to be clearly unintentional, and that no blame attaches to the party accused the Criminal Judge shall order his release.—

Ordered, that extract from these proceedings be sent to the Criminal Judge of Salem for his information and guidance by Freight returnable in 5 days from and after its receipt.—

(Sent p Morning Freight No. 231

Ordered

Ordered also that Extract from the Proceedings with a Copy of Case No. 1 on the Calendar of Criminal file be sent to the Acting Judge in Criminal in the Eastern Division by precept returnable without delay.—

(Sent following Precept No. 232.

Read the Criminal Reports for the Months of January submitted by the Acting Joint Criminal Judge of Chinglepute.—

(Here enter No. 262)

Case No. 4. 1.

The Court of Bujiara having returned their Criminal Sentence of Reference by the Acting Joint Criminal Judge in this case the Prisoner there convicted of Perjury to Imprisonment for six Months without Labor in irons the Judge of Appeal to the Court to render the punishment more adequate to the offence of which the Prisoner has been convicted and the Joint Criminal Judge requested to submit an explanation of the circumstances which have induced him to pass on the Prisoner such a sentence.—

Case No. 5. 2.

The Acting Joint Criminal Judge will forward a copy of this Order as it stands in the Report and of this Record to the Magistrate who will

will be pleased to call for and transmit direct to the Bujiara Tribunal the explanation of the Head Assistant Magistrate of the detention of this Case before him.—

Ordered that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Chinglepute for his information and guidance by precept returnable in 5 days from and after its receipt.— (Sent following Precept No. 233.

Read the Criminal Reports for the Months of January 1839 submitted by the Joint Criminal Judge of Tanjore.—

(Here enter No. 248)

The above reports do not appear to call for any remarks from the Court of Bujiara Tribunal.—

Ordered therefore that Extract from these Proceedings be sent to the Joint Criminal Judge of Tanjore for his information.— (Sent in No. 234.)

27th Feby 1839

27th February 1839

Read Letter dated 18th Instant from Acting 2d Judge, Tobago, transmitting Copy of an Extract from the Proceedings of Circuit Court held at Scarborough on the 11th Instant in Case of Peter Johnson charged with Felony, and requesting the Opinion of the Acting Chief Criminal Judge of Trinidad on the Question whether a Verdict of Guilty of Manslaughter can be returned on an Indictment for Murder, and whether the Case will be tried and determined by the High Court with the Assistance of Assessors.

(Here enter No 279)

Case of

Read Letter dated 11th Instant from the Criminal Judge of Cheapside to the Secretary of the Court of Policy dated 6th February 1839 conveying three Prisoners and the Cheapside Criminal Returns for the Month of Last.

(Register No 291)

Read Letter dated 23rd Instant from the Criminal Judge of Guadaloupe to the Secretary of the 5th Instant requesting that the Prisoner Peter Jones may be instructed to Redeem 6 Months of the Term of Imprisonment awarded to the Prisoner in Case No 57 of this file

(Here enter No 324)

Case of

Fo. 6.

At a Court of the Couydare Estates

Present,

Thursday 28th February 1839.

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

WS
L.A.G.
WS

Read Letter dated the 10th Instant from the 1st Judge on Circuit in the Southern Division, transmitting the record in Case No 8 on the Gaudaura Calendar 1st Sessions of 1839.

(Here enter No 275)

Mr Oakes. and Mr Campbell.

The Court of Couydare Estates having maturely considered the Proceedings held before the Judge on Circuit, the fiatura of the Provincial Law officer and the fiatura of the Cayo ou Cozzat and Interpreter of the Couydare Estates, confirm the said fiatura of the Cayo ou Cozzat and Interpreter aforesaid, convicting the Prisoner

Murphy Jacques

of the crime of Murder, and awarding Kidcar, and under the Provisions of Section X Regulation VIII of 1812, sentence the said Prisoner to suffer death, by being hanged, at the usual time and place of execution.

(Sent following letter No 242

Read Letter dated the 5th instant from the 2d Judge on Circuit in the Centre Division, transmitting the record in Case No 15 on the Cuddapah Calendar

1/2

To Sessions of 1839.—

(Here enter No 242)

Mr Bird,
and
Mr Campbell,

The Court of Enquiry having taken into consideration all the circumstances of the case in relation before them, being of opinion that the proof against the prisoner

Charles Rodrigues

is sufficient to constitute him one of the crimes of which he stands charged, &c, under the authority with which they are vested by the first Section of Regulation No 1818 of 1838 commit him thereupon and under the provisions of Clause second of the same Law and Regulation, direct that Case of first to receive in a second futurah to which to commit the prisoner until he have been liable under the Recommendation Enquiry shall have been committed by full legal evidence.—

Prisoner.

In the event of the Prisoner being committed of the crime of culpable homicide by full legal evidence, his heirs are liable to a Deyat of the blood Dirhems to be paid to the heirs of the deceased in three years.—

The commissioners of the Court of Enquiry Deyat declare in the foregoing finding that the Court of Enquiry declare the prisoner

Charles Rodrigues

to be confined and that a warrant issue in case to the

public roads or other public works, for and during the period of (5) five years.—

(Sent following letter No 243

Read letter, dated the 21st instant,

from the Criminal Judge of Billary, submitting the Criminal reports for the Months of January last.—

(Here enter No 312 of 1839)

The Register of the Enquiry Court are concerned to observe the serious extent of business, which remained to be disposed of on the Criminal side of the Court at Billary, at the close of the Months of January, and request the Criminal Judge's attention may, with the least practicable delay, be directed to the investigation of the 83 Cases which were at that period under examination.—

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

(Sent in No 244

F. 116.

At a Court of the Fouzdaree Udalut.

Present.

John Bird Esqr. ——— 1st Puisne Judge

Saturday Thomas Alexr. Oakes Esqr. 2d 2d Puisne Judge

2nd March 1839. Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read the Sirdar Criminal Report submitted by the Provincial Court of Circuit in the Western Division for the Month of January 1839.

(Here enter No. 306)

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 Provincial Court of Circuit in the Western Division for their information and for communication to the Principal Sudr Ameen at Surat—

(Sent in No. 249)

Read the Criminal Reports submitted by the Officiating Joint Criminal Judge of Malabar for the month of January 1839.

(Here enter No. 254)

A further Explanation of the

Cases No. 1141.

proceed

grounds on which the sentence in this case has been passed is required to enable the Court of Sanguinaw Udalut to judge of the propriety of the Court are unable to understand what is intended to be conveyed by the remark "the 4th witness not examined the prisoner accused him of having committed the theft" or what relation the theft of the 4th witness is intended, bears to the charge in this case.

Case No. 3. 2. Altho' this full indictment for forgery is not required to be entered in the Criminal Report, the manner in which the alleged forgery was committed ought to be specified and the extracts therefrom should be given in order to enable the Judge to determine whether or not the offence charged amounts to forgery.

Case No. 6. 3. Under the circumstances of the case as stated in the Report the Court of Sanguinaw Udalut presume to direct that a copy of the case and of this proceeding be sent from Your Office to the Provincial Court of Circuit for the Western Division who will be pleased to look into the case and pass on it such orders as they may deem fit. The Court are unable to understand how the 2nd Prisoner by being necessary to the identifying by the 1st Prisoner, could form the

real perpetrator of the murder charged - and if the real perpetrator is known the steps taken to bring him to justice should be specified the purport of the evidence given by the 3rd Witness is not stated -

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt -

(Sent following precept No. 250)

Ordered also, that Extract of para. 3 of these proceedings together with copy of case No. 6 be sent to the Provincial Court of Circuit in the Western Division by precept returnable without delay -

(Sent following precept No. 251)

Read the Criminal Reports for the month of January 1839 submitted by the Assistant Criminal Judge of the Zilla of Malabar in charge of the Court -

(Vide Letter No. 282.)

Case No. 238 1. In this case the prisoner is declared to have been sent up without a particle of evidence against him - If therefore the Assistant Criminal Judge had not, as enjoined by the Circular

Order

3rd March 1839

Order of the 21st May 1833, already communicated
the circumstances of the case to the Magistrate
he will be desired now to send a copy of this
case as it stands in the report, and of this
paragraph to the Magistrate who will report direct
to the Sanjalares Adalut as by these orders
sent up; and whether the conduct of the Police
Officers who formerly tried them has been noticed
and in what manner.

Cutcherry No 340 2.

The Court of Sanjalares Adalut
also direct the Magistrate to report the manner
in which he shall found it necessary to notice the
conduct of the Police Officers who forwarded the
Cutcherry No 340 in contemptuous of the communication
addressed to him from the Criminal Courts

Cutcherry No 15. 3.

Adverting to the remarks given in
the Abstract of this case the Court of Sanjalares
Adalut do not see that there was any sufficient
evidence for the conviction of the 1st and 2nd
Prisoners they therefore desire a further and full
explanation of the grounds on which they
were sentenced and they direct that in the mean
time the sentence be suspended as

Cutcherry No 11. 4.

As far as the Court of Sanjalares
Adalut are able to judge from the Report it
appears that the Prisoners in this case have

pendered

F. 86.

3rd March 1839

rendered themselves liable to the punishment
of Perjury. The Court accordingly desire to
call for an explanation why that course was
not adopted.

Ordered, that Extract from these
proceedings be sent 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 252)

Read the Criminal Reports
submitted by the Criminal Judge of Cuddalore
for and there upon those prepared by the
Principal Sudr Ameen of Combum for the
month of January 1839.

(Here enter No 299)

Cuddalore Judge's Report Case No 198. 1.

As far as the Sanjalares Adalut
are able to judge from the notice of this case
the 10th Witness Bommanabogna Yellow
appears would appear to have rendered himself
liable to commitment for perjury. The Court
will not however now disturb the sentence
passed upon him by the Criminal Judge.

Case No 219. 2.

The evidence exhibited in the abstract
of this case would appear insufficient for the
final conviction of the prisoner before the Court
of

of Circuit and as he thereis a probability of additional evidence being procurable the Court of Fouzdaree Udalut are of opinion that Kunwar Uncaterogedoo should not have been committed.—

3. The Court of Fouzdaree Udalut observe that the Criminal Judge has throughout this Report quoted Clause 1st Section III of Regulation II of 1822 for Clause first Section IV Regulation II of 1822. The latter direct that this error may be amended.—

Cumbum Suspt Report Case No 65.

4. The Court of Fouzdaree Udalut observe that unless it was proved that the 3rd Prisoner delivered up part of the property belonging to the Prosecutor the demand made from him to furnish security was unjustifiable the Principal Sudr Ameen of Cumbum will therefore call for further explanations on this point and if there was no other evidence against the Prisoner than as stated in this Report he will immediately release him on cancelling the bail bonds should they have been released on security.—

Case No 2.

5. The grounds specified in the abstract of this report appear to the Court of Fouzdaree Udalut altogether insufficient to warrant the demand of security from the prisoners in this case.

Case.— The Principal Sudr Ameen is accordingly required immediately to release the prisoner should he still be in confinement or to cancel the bail bonds should the required security have been furnished.—

Case No 4.

6. In this case also the Court of Fouzdaree Udalut direct that the prisoners be unconditionally released should the Principal Sudr Ameen have no further explanation to offer regarding the grounds of the sentence passed on them.—

In Case No 8 the Principal Sudr Ameen has erroneously cited Section VII of Regulation X of 1816 in support of the sentence passed on the prisoner convicted of breaking into the house of the Prosecutor with an intent to steal instead of Clause Sixth Section III Regulation VI of 1822.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance with direction to communicate to the Principal Sudr Ameen of Cumbum such parts as may concern that Officer by Precept returnable in 5 days from and after its receipt.—

(Vide following Precept No 753)

Rd

2nd March 1839.

Read the Criminal Reports for the month of January 1839 submitted by the Criminal Judge of Chittoor

(Memorandum No 263)

Case No 340. 1. The Court of Sunjdarree Udalut will not now distort the sentence passed on the prisoner in this case but they would observe that the fact of the prisoner's Police Punchayet having neglected to afford any assistance to the Prosecutors in repelling the robbers ought to stamp a disposition on them of having been concerned with the robbers as would have justified the Assistant Criminal Judge in requiring them to furnish security for their future good conduct.—

Case No 1. 2. The Court of Sunjdarree Udalut perceive in this case also no doubt the propriety of the acquittal of the first prisoner judging from the circumstances of the case as represented in the Report, the Court are of opinion that the evidence against that prisoner was ample for his conviction. The Criminal Judge will accordingly submit an explanation of the grounds on which he passed sentence in this case.—

Case No 6. 3. It would have been more satisfactory

F. 86.

2nd March 1839.

satisfactory had it been specified in the abstract of this case how the 3rd Prisoner accounted for the escape of the persons entrusted to his charge.

Case No 8. 4. The 2nd prisoner in this case is convicted of having received from the 1st prisoner a Tailor a pair of scissors knowing them to be stolen and is sentenced to 3 months imprisonment with labor. The Court of Sunjdarree Udalut are of opinion that the evidence referred to by the Criminal Judge in the report is insufficient to establish the fact of the prisoner having received the property in question knowing it to be stolen and they accordingly direct the release of the prisoner. Should in the event of the Criminal Judge having no further explanation to offer on the subject.—

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

(Short following precept No 254)

Read return dated the 8th Ultimo from the Provincial Court of Circuit in the Centre Division to the precept of the Court of Sunjdarree Udalut under date the 5th

5th January 1839 directing that the sentence
passed on Ryan Lingade the 1st Prisoner in
Case No. 23 of the Calendar for the 4th Sessions
of 1838 be carried into effect on the 5th instant
and that a copy of the proceedings be forwarded
to the Chief Magistrate
in charge of Galle.—

(Here enter No. 297.)

Read letter dated the 8th Ultimo
from the 3d Judge on Circuit in the Northern
Division submitting a Statement
submitted by the Criminal Judge of the Western
for the 4th Sessions of 1839.—

(Here enter No. 298.)

Read letter dated the 12th Ultimo
from the 1st Judge on Circuit in the Southern
Division reporting the intention of returning
to Matara to commence the
business there which he was
unable to complete should the weather
not admit the approach of the Court

(Here enter No. 299.)

Read letter dated the 18th Ultimo
from the Criminal Judge of Galle forwarding
the Sentence passed by the Court
the 4th Session of 1839 directing that the Prisoner
be

be placed under the charge of
the Mayor until the release of the 1st Prisoner
in the same case.—

(Here enter No. 298.)

Read letter dated the 19th Ultimo
from the 2d Judge on Circuit in the Northern
Division submitting a Statement of the Allowances
paid to Prosecutors and witnesses in attendance
before the Court of Circuit at Jaffna during
the 4th Sessions of 1839.—

(Here enter No. 302.)

Read letter dated the 18th
Ultimo from the Joint Criminal Judge of
Vizagapatam replying to the Proceedings of the Court of
Singapore Malacca under date the 11th February
1839 conveying further remarks on the Criminal
and Reports for the months of November last,
and their animadversions on the official conduct
of the Said Amin attached to the Auxiliary
Court.—

(Here enter No. 305.)

Read letter dated the 18th Ultimo
from the 2d Judge on Circuit in the Northern
Division reporting the opening of the 4th
Sessions of 1839 at Rajahmundry on the 18th Ultimo.

(Here enter No. 310.)

No
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Ent
C.J. Reg B

F. Us.

At a Court of the Faujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Monday Thomas Alexr Oakes Esqre — 2d Puisne Judge

4th March 1839 Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read Miscellaneous Petition

presented on the 11th February 1839 by Sumroo

of the Zillah of Chittoor—

(Here enter Mg. P. No 23 of 1839)

The Petitioner states that he

addressed this Faujdaree Udalut in behalf of

Sumroo, the 2d prisoner in Case No 1. of the

third Supplemental Calendar 4th Quarterly

Sessions of 1838 at Chittoor. His object is to

induce the Court to call for the record of the

trial and to order the release of the said co-

prisoner who has been kept in jail on requi-

sition of Security.

The Court direct the petitioner

be informed, that the prayer of his petition

is inadmissible—

Ordered, that Extract from

these proceedings be furnished to the Petitioner

on his application—

Read

4th March 1839.

3d

Read the Miscellaneous Petition pre-
sented on the 18th February 1839 by the Parish
of the Masulipatam—

(Here enter M.P. No 38 of 1839.)

The Petitioner who was last in the Court
of Sunjdaree Udalut the present petition with re-
ference to his former petition No 132 of 1838,
and the Court of Sunjdaree Udalut finding in
it nothing to induce them to alter the order re-
corded on the said petition No 132 of 1838 under
date the 4th February 1839 direct that the
petitioner be referred to that order which is finally
rejected, and that copy of these proceedings be
furnished to the Petitioner on his application—

Read the letter dated the 17th August
1838 from the 1st Judge Sudder Court in the
Northern Division, transmitting the record in Case
No 8 on the Criminal Calendar for the 2d Sessions
of 1838—

(Here enter No 19.)

Mr Cockerell
and
Mr Campbell

The Court of Sunjdaree Udalut
on a deliberate consideration of the circumstan-
ces of the case in evidence before them, being
of opinion that the proof against the prisoner
1st Cavadandy Pedda Oddum Keegaudoo
2d Cuttah

4th March 1839.

2d Cuttah Chinna Oddumkeegaudoo
and
3d Garetta Veeradoo.

is sufficient to convict them of the crime of
culpable homicide do, under the authority with
which they are vested by Clause first Section
II Regulation I of 1818 convict them thereof,
and under the Provisions of Clause Second of
the same Section and Regulation, direct their
Law Officers to declare by a Second futwa to
what sentence the prisoners would have been
liable under the Mahommedan Law, if they
had been convicted by full legal evidence—

Answer

In the event of the Prisoners
being convicted of the crime of culpable homicide
by full legal evidence, they are liable
to a Deyut of two thousand Dirhems to
be paid to the heirs of the deceased in three
years—

In commutation of the penalty
of Deyut declared in the foregoing futwa,
the Court of Sunjdaree Udalut sentence the
prisoner
1st Cavadandy Pedda Oddumkeegaudoo
to be imprisoned and kept to hard labor in irons
on

3d

on the public roads or other public works, for and during the period of 14 years; and the prisoner

2d Cuttah Chinna Uddun Kuppandee

and

3d Gurretta Veeradoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of one year.—

(Sent following letter No. 257)

Read return dated the 20th February 1839 from the Criminal Judge of Combaconum, to precept of the Court of Sunjdarce Udalut under date the 8th February, conveying their remarks and orders on the Combaconum Criminal Reports for the month of December 1838.—

(Here enter No. 303.)

The explanations contained in the above return given with reference to paragraph 4 of the proceedings of the Court of Sunjdarce Udalut of the 8th Ultimo, appearing satisfactory the Court desire that their opinions be communicated to the Criminal Judge.—

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

(Sent No. 258)

Read the Criminal Reports for the month of January 1839 submitted by the Criminal Judge of Rajahmundry.—

(Here enter No. 330.)

Case No. 2.

In the abstract of this case it is represented that the 4th prisoner being quite a lad and related to the 5th Prisoner has been released.—The Court of Sunjdarce Udalut require to be informed of the age of the prisoner in question.—

Ordered, that Extract from those Proceedings be sent 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. 259)

Read return, dated the 18th Ultimo from the Provincial Court of Circuit in the Western Division, to the precept of the Court of Sunjdarce Udalut under date the 5th February 1839, conveying their remarks and orders on the Sixty Criminal Reports for the month of December last.—

(Here enter No. 315.)

Read letter dated the 20th Ultimo from

from the 1st Judge on Circuit in the Southern Division, reporting his having on the 20th Febry opened the Sessions at Tinnevelly and the State of the Calendar.—

(Here enter No 332.)

Read return dated the 20th Ultimo from the 1st Judge of the Court of Circuit in the Western Division, to the precept of the Sanjelance Udalut dated the 15th February 1839 conveying their observations and orders on the Tellicherry Calendar for the 4th Quarterly Sessions of 1838.—

(Here enter No 333.)

Read letter dated the 23d Ultimo from the Magistrate of Tellicherry, with reference to the Extract from the Proceedings of the Sanjelance Udalut under date the 8th February 1839 requiring him to explain the cause of the delay in forwarding to the Criminal Court the further evidence required in Case No 113 on the Tellicherry Criminal Reports for December 1838.—

(Here enter No 334.)

Read return dated the 25th Ultimo from

from the Criminal Judge of Tellicherry, to the precept of the Sanjelance Udalut dated the 20th February 1839, directing him to submit a full explanation of the delay that has occurred in disposing of Cases Nos 113, 114, 115 and 119 on the Criminal Reports for January 1839.—

(Here enter No 331.)

Read return dated the 21st Ultimo from the Joint Criminal Judge of the Auxiliary Court at Vizagapatam, to the precept of the Sanjelance Udalut dated the 9th February 1839, conveying their remarks on the Criminal Reports for December 1838.—

(Here enter No 332.)

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C. & B. 4/Rep

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Tuesday 5th March 1839. — Thomas Alexr Oakes Esqre. Agg 2d Puisne Judge

Alexr Duncan Campbell Esqre. 3d Puisne Judge

Read letter dated the 4th December

W3 — last, from J. Haig Esqre. 2nd Judge of the

F.W.C. — Provincial Court of Circuit in the Northern Division, submitting the report required by Section XXVII Regulation VII of 1802, for the 3rd Quarterly Sessions of 1838 at Masulipatam.

(Here enter No 2337 of 1838.)

Para. 8. — 1. The delay in the disposal of petty cases by the Head Police Officers, adverted to in the paragraph noted in the margin, is attributed by the Magistrate of Masulipatam to the "negligence of those subordinates. Under such circumstances it was incumbent upon that Officer to have noticed their conduct by the imposition of a fine, in addition to the precaution adopted by him of requiring the strict enforcement of Section XVIII of Regulation IX of 1816.

Para. 14. — 2. The recommendation for the erection of two King Sheds in the outer compound of the

F.W.

At a Court of the Foujdaree Adaulut

Present

John Bird Esqr. ——— 1st Puisne Judge

Tuesday 5th March 1839 — Thomas Alexr. Oakes Esqr. Ag 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

JS

T.F.C. — Read letter dated the 4th December last, from J. Haig Esqr. 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting the report required by Section XXXVII Regulation VII of 1802, for the 3rd Quarterly Sessions of 1838 at Masulipatam.

(Here enter No. 233 of 1838.)

Para. 8. — 1. The delay in the disposal of petty cases by the Head Police Officers, adverted to in the para. noted in the margin, is attributed by the Magistrate of Masulipatam to the "negligence of the subordinates. Under such circumstances it was incumbent upon that Officer to have noticed their conduct by the imposition of a fine, in addition to the precaution adopted by him of requiring the strict enforcement of Section XVIII of Regulation IX of 1816.

Para. 14. — 2. The recommendation for the erection of cooking sheds in the outer compound of the

the Jail of the Auxiliary Court at Madeliputam which is connected in part with a Mr Haig's property but has never before under the consideration of the Court of Singapore Malabut, to whose notice it was brought, by a letter from the Provincial Court of Circuit in the Northern Division, dated the 26th April 1837, but the Judges were under the necessity of declining to recommend their construction in consequence of the large outlay required to be incurred.—

3. The Estimate of expenditure now proposed for adoption is liable, in the opinion of the Judges, to the objections urged by them against that, when submitted, and unless materially reduced, they do not feel justified in laying it before the Government, with a view to its being sanctioned.—

4. In order to effect a large reduction, the Judges would observe, that 2 additional cooking places, each 10 feet long by 10 feet broad, are obviously unnecessary; and that of the roof on pillars, they consider that omitted the space between the wards, would be amply sufficient for cooking by the Prisoners, into which the Prisoners, at present on Jail, should unquestionably be divided, should they not now be so arranged.—

5. The Judges are moreover not prepared to admit the necessity for the construction of so many as four wells, and accordingly request the Acting Joint Criminal Judge may be called on to submit for their consideration a plan and estimate of the buildings in question revised and modified with reference to the foregoing observations.—

6. Adverting to the return from the Acting Joint Criminal Judge of the 22nd October last, to the precept of the 2d Judge of the 9th of the same month, the Judges of the Singapore Malabut feel called on to remark that in their opinion Mr Rohde's explanation is not satisfactory, regarding the complaint made by the Prisoners, that their clothing was insufficient. If, indeed, Mr Rohde is in the habit of visiting the Jail as required by the orders of this Court, the Judges are at a loss to understand how it presented the scene described in paragraphs 4, 5 and 6 of the Extract from the Proceedings of the 2d Judge presiding, dated the 22nd October 1839, and on these points Mr Rohde should be required to afford full information.—

He will also be pleased to state, whether

whether, in the opinion of the Gaol Surgeon, the
Convicts lately transferred from the Chingleput Jail
have cause to complain bitterly of their sufferings
from the change of climate.—

8. In respect of the alterations pro-
posed by the 2d Judge presiding, in para: 7 of
the proceedings adverted to above, the Court of
Sudder Adawlut would draw their Honors'
attention to this Court's Circular Order of the 11th
April 1834 which directs, that suggestions of
that description should be supported by the
opinion of the Collector and Magistrate; and
accordingly, request that it may be submitted, if
deemed worthy of adoption.—

Ordered, that the Register transmit these
proceedings for the perusal of the 2d Judge presiding at
the 3d Mahratta Jail Delivery Sessions of 1839
in the Northern Division by express post returnable
in 26 days from date with its receipt.

(Short following express ltr. No 260)

Ordered further, that the Register transmit
these proceedings respecting the Report to which
they refer, be transmitted to the Chief Secretary
to Government.

(Short ltr. No 261).

At a Court of the Sudder Adawlut

Present,

Friday, 8th March, 1839. John Bird Esqr. ——— 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. ——— Acting 2d Puisne Judge,
WB Alexr. Duncan Campbell Esqr. — 3d Puisne Judge,
L.H.C.

Read order of Government dated the
23d Octr. approving of the suggestion of this Court of
establishing fixed rewards for the apprehension of escaped
Convicts, directing the publication of the measure and
forwarding for the consideration and opinion of the
Court a proposition of marking on the body of the
Convict, the amount of reward payable on his
re-apprehension and delivery to the public officer.—

(Here enter No 314 of 1839.)

Circular Order

No 104.

The Right Honorable the Governor in
Council having conferred with the Judges of the Sudder
Adawlut in opinion, that the establishment of fixed
rewards will have greater effect than any other measure
that can be adopted, for facilitating the re-apprehension
of Convicts and of others who have effected their escape
from legal custody, not however including those under
charge

charge of the Native Police-persons to transport & take
to Courts for trial; they make, main instructions for
Government, dated the 28th Ultimo, to exist by a Circular
Order, that the person or persons through whose aid
the apprehension of a Convict escaped from transportation
or whose sentence is imprisonment for life, may be
effected, shall receive, Rupees 5th; that the sum
payable for the apprehension of a convict sentenced
to imprisonment exceeding 7 years, shall be Rupees 25
and that the rewards payable for the apprehension
of all other convicts escaping transportation
exceeding 3 years shall be Rupees 10—

That Officers in charge of Districts
where notice that Convicts on Board whose sentences may be
be released, on the receipt of Warrants, immediately
communicate the intelligence to the Magistrates
resident at the Stations where such Convicts
may be landed, for the purpose of their
notifying the same to the Inhabitants
of the Districts in which they reside—

Ordered, that copy of the foregoing
Circular Order be transmitted to the Criminal Courts
in the Northern, Central, Eastern, and Western

Divisions for communication to the Officers in charge
of Convicts and to the Criminal Judges, Joint &
Criminal Judges, Principal Sudder Ameens, and
Magistrates, within the limits of their Jurisdictions,
with instructions to make it known as extensively
as possible among all classes in the Provinces over
which their authority respectively extends.—

(Vide following Circular Order Nos 271 & 272.

Read letter dated the 28th Ultimo from
the Judge on Circuit in the Western Division, reporting
that he will open the 1st Sessions of the present year at
Ramnaghur on the 18th Proximo.—

(Vide entry No 318)

Read return, dated the 23d Ultimo from
the Criminal Judge of Cuddapah, to the precept of the
Court of Circuit dated under date the 15th February last,
directing the submission of a final return to the Receipt
of the Current dated of the 15th December last.—

(Vide entry No 325.

Read order of Government dated the 25th
Ultimo communicating their orders on the Proceedings of the
Court of Circuit dated under date the 16th February 1839,
containing an explanation of their acquittal in certain
trials and the rules relative to the observance and record

recorded

8th March 1839.

Encl. No 1

J.S.
Z.A.C.

A Mayor

remarks by Government on the Judicial System of Fiji

Letter from the 2d Chief Justice of Fiji

(Here enter No 336)

Read letter dated the 27th February

the Magistrate in the Fiji Islands, forwarding

with reference to the extract from the Proceedings of the

Court of Enquiry held at Sydney dated 2d February 1839, copy of a

Letter from the Head Assistant Magistrate, explaining

the grounds of the reference made in Case No 6 of

(Here enter No 346)

No 1

C: No 1

At a Court of the Vice Admiralty

Present

Saturday 9th March 1839. Sir John Bird Knt. ——— Chief Justice

Edward Hobart Cabbe Esq. ——— acting 2d Puisne Judge

J.S. Alexr. Duncan Campbell Esq. ——— 3d Puisne Judge

Z.A.C.

Read letter dated the 25th February 1839

from the Chief Judge at New Zealand in the Northern Division,

submitting copy of a letter from Mr. Polack, late acting

Joint Criminal Judge at Bay of Islands, in which that

Gentleman has submitted the representation called for

in the Proceedings of this Court under date the 18th January

relative to the charges made by certain persons of the

Fiji of appointing and discharging the Peace in the

Fiji at Bay of Islands having been delegated by Mr. Polack

to the Sailor and the Fiji Jamaadars

(Here enter No 346)

In the foregoing communication the said

Joint Criminal Judge has represented that the practice

which he is supposed to have countenanced of delegating

to the Sailor and the Jamaadars the power of appointing or

discharging the Fiji Peace did not exist during the

period he was in charge of the Vice Admiralty Court at

Bay of Islands, and that no Peace was discharged without

a judicial examination and an opportunity given

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time of defending his conduct in the Court, and that he can only ask to his remembrance on return of the Judge appointed to sit at Singapore at the ensuing August

The Court of Singapore Vol. 2 ends the explanation now submitted by the Acting Joint Criminal Judge of Penang is satisfactory, and they direct that the sentiments be communicated to that effect.

2.

The Court of Singapore Vol. 2 ends

cannot omit to notice that this case & numbers might have been brought to an earlier termination, had the Judge on Circuit undertaken in the first instance by communication with the Sub Collector which that gentleman is alleged to have conducted whole obtained during the period the Criminal Court of Singapore was under his charge.

Ordering that Extract from the Proceedings be sent to the Judge on Circuit in the Northern Division for his information and guidance

(Sent in No. 274.

Read letter dated the 25th Ultimo from the Criminal Court of Circuit in the Central Division to the Registrar of the Singapore Court dated the 9th January 1839, forwarding Rough Copy of the sentence passed on Rogue Singapore, the 1st Prisoner in Case No. 3 of the Calendar

Calendar for the 1st Sessions of 1839 be set aside, and

that copy of the proceedings be furnished to the Joint

Magistrate in charge of Bellary.

(Vide infra No. 342)

Read return dated the 28th Ultimo from

the Criminal Court of Circuit in the Centre Division, to

the precept of the Court of Singapore Vol. 2 under date the

11th February 1839, summoning the sentence passed in Case No. 288

of 1838 on the file of the Criminal Court at Chittoor and

directing that the prisoner be called on to furnish security

(Vide infra No. 343.)

Read letter dated the 21st Ultimo from

the 1st Judge on Circuit in the Southern Division, reporting

his intention of opening the 1st Sessions of 1839 at Cuna

=baconum on the 2nd Proximo.—

(Vide infra No. 357)

Read return dated the 28th Ultimo from

the Acting Joint Criminal Judge at Trincomaly to the

precept of the Singapore Vol. 2 dated the 21st February 1839,

conveying their orders on the Criminal Reports for the

Quarter of January 1839.—

(Vide infra No. 360)

Read return dated the 1st Instant from

the Criminal Court of Circuit in the Southern Division

to the [illegible] of the Court of Sessions Judicature under date the 26th February last, directing them to submit for the information of this Court, the final order [illegible] thereon in Case No. 208 on the Madras Criminal file

(Here enter No. 368)

Read letter dated the 2d instant from the Magistrate of Cuddapa, submitting the return called for in the Proceedings of the Court of Sudder Adawlut under date the 8th February, calling for an explanation of the delay which occurred in the transmission of the [illegible] No. 459, on the Cuddapah Calendar of the Criminal

(Here enter No. 369)

Read return dated the 28th February from the Principal Sudder Ameen at Chittoor, to the [illegible] of the Sudder Adawlut under date the 21st February 1839, with such remarks and orders as the Court may think fit to pass thereon

(Here enter No. 370)

Read letter dated the 2d instant from the 3d Judge on Circuit in the Western Division, transmitting the original Death Warrant in Case No. 3 of the Criminal Calendar of the Zillah of Ramnaad for the [illegible]

(Here enter No. 371)

W.B.

E.C.

J. No.

At a Court of the Sudder Adawlut

Present

Monday 11th March 1839

John Bird Esqre ——— 1st Puisne Judge

Thomas Alexr Oakes Esqre ——— 2d Puisne Judge

Alexr Duncan Campbell Esqre ——— 3d Puisne Judge

W.B.

J.B.C.

Read Miscellaneous Petition dated the 18th February 1839 by Chooloogan of the Zillah of Cuddapah praying [illegible]

(Here enter Mo. P. No. 29 of 1839.)

The Petitioner referring to the request contained in three Miscellaneous Petitions presented by him on the 21st August and 24th November 1838, which he has twice already been informed is inadmissible, prays to be furnished with a copy of the case in the Calendar transmitted by the Circuit Court.—

The Court in allowing the Petitioner to furnish himself with unauthenticated copies of the documents required by him, direct that it may now be intimated to the Petitioner that any further Petition on the subject of the [illegible] of the Petitioner on the Cuddapah Calendar for the 2nd Sessions of 1838 will not be received.

Ordered, that the Petition be rejected

rejected, and that a copy of these proceedings be furnished to the Petitioner on his application.—

Read a Miscellaneous Petition presented on the 18th February 1839 by Ambakkaren Nadan of the Tillah of Combacommum.—

(Here enter M. P. No. 30 of 1839.)

1. The object of this Petition is to induce the Court to issue orders for the release of Seyyan Nadan, the 47th Prisoner in Case No. 20 of the Combacommum Calendar for the 3rd Session of 1838, on the ground that the charge of highway robbery on which he stood indicted by the Court of Circuit was false and fraudulent.—

2. The Petitioner is informed that this request is inadmissible.—

3. And it further appears to the Court from a reference to the Calendar, that the case has been fully investigated and legally and properly disposed of by the Judge in the first instance.—

Ordered therefore, that the prayer of this petition be rejected, and that a Extract from these proceedings be furnished to the Petitioner on his application.—

Read a Miscellaneous petition presented on the 18th February 1839 by Cannoo

of

of the Tillah of Combacommum.—

(Here enter M. P. No. 33 of 1839.)

1. The Petitioner represents that a false charge having been brought against a certain individual by the Poligar of Panpanpatty, she appeared in behalf of the Defendant, and that in consequence the said Poligar and several of his followers and others robbed her of her cattle and sheep.—

2. She further complains that on her praying the Poligar to restore her cattle, she was ill treated and beaten, and declared to the was ill treated and beaten, and declared to her friends 3 Rupees and that on her alleging her inability to pay this sum they proceeded to rob her house and robbed her of the rest of her cattle and grain.—

3. The Petitioner further alleges that she represented her case to the Mottaa Peons and Sahukkaras, but has failed to obtain redress, and she fears the influence of the Poligar and Sowcars will prevent her receiving a hearing from the Magistrate.—

4. The Petitioner therefore prays the Court to issue orders either to the 3rd Judge of the Circuit Court or to the Criminal Judge of

of Combaconnum to investigate & report upon the complaint &c

5. The Petitioner is informed that if she has any charges to make against any individuals, she must in the usual mode, prefer a regular complaint before the Magistrate of the Zillah in which the alleged outrages were committed, and that in the present state of the case the Court of Sunglaroo Oodaloot declines to interfere on her behalf.—

Ordered, that the Petition be rejected and that a copy of these proceedings be furnished to the Petitioner on her application.

Read letter dated the 15th Ultimo from the 3d Judge on Circuit in the Western Division, transmitting the proceedings in Case No. 1 on the Nuddea Additional Calendar for the 1st Sessions of 1839.—

(Here enter No. 309)

Mr Bird. and Mr Campbell.

The Court of Sunglaroo Oodaloot having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee and Cazee ool Coozat of the Sunglaroo Oodaloot, confirms the said futwa of the Cazee ool Coozat and Mooftees of Sunglaroo, convicting the prisoner Nobin Kolon Biswas Thakoor Chokra of

of wilful murder, and awarding Kisaas, and under the Provisions of Section X Regulation VIII of 1803, sentence the said prisoner to suffer death, by being hanged at the usual time and place of execution.—

(Omit following letter No. 278)

Read returns dated the 26th February 1839 from the 2d Judge on Circuit in the Northern Division, in pursuance of the Court of Sunglaroo Oodaloot under date the 20th February conveying their remarks and orders on the Sunglaroo Calendar for the 1st Sessions of 1839.—

(Here enter No. 347)

Under the circumstances of the case, and agreeably to the recommendation of the 2d Judge, the Court of Sunglaroo Oodaloot resolve to commute the mitigated sentence of seven years imprisonment with hard labor in irons to be passed on the prisoners

"Chellameeooroo & Nursoo"

in Case No. 1 of the Calendar under review.

Ordered, that an Extract from these proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from date after its receipt.—

(Omit following precept No. 279) Read

Read return dated the 9th Inst
1839 from the Criminal Judge of Salem to
precept of the Court of Sessions Adalut
date the 27th February 1839 conveying their sen
tence and orders on the 4 Criminal Cases
for the month of January last.

(Here enter No 316.)

Ordered that the Records
consigned in favor of the proceedings of the
Sessions Adalut under date the 25th ultimo by
Criminal Judge of Salem be laid by the
papers pending same before the Court for
permission to release the prisoners on Cash
The Court of Sessions Adalut accordingly
direct that the prisoners be immediately
set at liberty.

Ordered that the Records from the
proceedings of the Criminal Judge of
Salem for his information and guidance
from 1st to 5th Inst inclusive be returned.

(Sent off Memorandum Sessions Pt. No 780)

At a Court of the Sessions Adalut.

Present

John Bird Esqr — 1st Puisne Judge

Tuesday 12th March 1839 — Thomas Alexr Oakes Esqr — Ag 2d Puisne Judge

Alexr Duncan Campbell Esqr — 3d Puisne Judge.

115
L 40.

Read letter dated the 19th Ultimo
from the 1st Judge on Circuit in the Southern
Division, transmitting the Record of Trial in
Cutcherry No 8 Madura Calendar for the 1st Sessions
of 1839.

(Here enter No 313.)

The Court of Sessions Adalut
on a deliberate consideration of all the circum
stances of the case in evidence before them, being
of opinion that the proof against the prisoner
Cur punnien a liias Arockiasamy Cur punnien
is sufficient to convict him of the crime charged,
viz, under the authority with which they are
vested by Clause first Section II Regulation
X of 1816 convict him thereof, and sentence him to
be transported to such place or places beyond the
seas 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

Mr Bird
and
Mr Campbell

and during the period of his natural life.—

(Short following letter — No. 283)

Read Extract from the Proceedings of the Provincial Court of Cannanore dated the 8th Instant transmitting copy of a letter from the Criminal Judge of Chittoor on the subject of bail at that Station, which will be for the Judges of the Provincial Court to direct hereafter to be forwarded for recital as follows.—

(Here enter No. 307.)

1.

The conduct of the Criminal Jury in the Cases now brought before the Court appears irregular but continuance, and in this letter the Judges of the Provincial Court generally, and against Mr Conway in particular.—

2.

The Judges of the Tangedarree Adalut greatly regret that they are compelled to trouble the Government on the purport of the matters there now forwarded, but in submitting them for the consideration of Government, they humbly request that the Right Honorable the Governor in Council be pleased to take steps for a system under which it will be quite impossible that the Public business can be efficiently conducted.—

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

(Sent in No. 284)

Read letter dated the 21st February 1839 from the Assistant Criminal Judge in charge of the Criminal Court at Malabar, forwarding copy of a warrant of the Court of Circuit for the banishment of a prisoner viz Cadie No. 2. of the Malabar additional Calendar for the first Sessions of 1839 to a Zillah to be selected by the Tangedarree Adalut.—

(Here enter No. 333.)

The Court of Tangedarree Adalut direct that the prisoner

Vellangara Kalarvoothia Moideen

Hadley son of Koyannoo

be removed to the Jail at Trichinopoly there to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge.—

Judge of Madura and the Acting Criminal Judge at Trichinopoly for their information and guidance respectively.—

(Instns Nos 286 & 296.

Read supplemental Calendar dated the 26th Ultimo from the Acting 2d Judge at Caroor in the Centre Division, & the Court's Precept, dated the 25th October last returning the records in Cases Nos 3 on the Calendar for the 2d Sessions of 1838.—

(Above entries No 334)

1.
Under the circumstances stated in communication, it appears that the Precept of the Tanjore Adalut of the 23d October last or delay in the attendance of the witnesses before the Criminal Judge of Trichinopoly

2.
On consideration of the delay which has thereby occurred, the Judge is desired to inquire into the cause of the imprisonment & to report accordingly

3.
& to return to the Precept in question together with the evidence & proceedings taken by the Court in question, that the same may be transmitted to the Sessions without reference

the Criminal Judge at Trichinopoly previous to the receipt of this Precept.—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge at Caroor on Circuit in the Centre Division by precept returnable in 15 days from and after its receipt.—

(Sent following precept No 287)

Read return dated the 2d Instant from the Acting Criminal Judge of Madura, to precept of the Court of Tanjore Adalut under date the 22d Ultimo, conveying their remarks and orders on the Madura Criminal Reports for the month of January last.—

(Above entries No 335)

1.
In explanation of the grounds on which he had bound over the prisoners in Case No 101 to furnish security, the Acting Criminal Judge represents that it was fully proved that an affray had taken place, but that there were doubts as to whether the aggressors were the Prosecutor or whether the latter had forcibly resisted the seizure of the produce of which he attempted to procure the Prisoners acknowledgement

The 4th Prisoner acknowledged having the charge of his party to the spot where the affray occurred, and this statement was confirmed by the admissions of the party themselves

In

Taking into consideration these facts, and the discrepancies observable in the depositions of the Prosecutors and witness first with the papers presenting for the opposite views and also with a view to deter others convicted on the Khods parties from taking the Law into their own hands by proceeding for the recovery of stolen property the Criminal Judge states he must endeavour to demand the security in question.

2. The Court of Sunjdaree Ulatalut consider the grounds detailed in the return above recorded as insufficient to justify the requisition of security and are of opinion that the prisoners should be discharged, they accordingly direct that the Acting Criminal Judge be instructed to immediately to release them should they be in confinement or to cancel the bail bonds should they have been entered into.

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

(Sent following precept No. 288)

Read return dated the 6th March 1839 from the Officiating Joint Criminal Judge of Chinglepute

Chinglepute pursuant to precept of the Court of Sunjdaree Ulatalut under date the 27th Ultimo, conveying their remarks and orders on the Cuddalore Criminal Records for the months of January last.

(Here enter No. 377)

Under the explanation afforded in the return above recorded, the Court of Sunjdaree Ulatalut are of opinion that the prisoners in Case No. 1 should not have been sentenced to imprisonment without labor but they consider that the Joint Criminal Judge under the particular circumstances of the case would have been justified in directing them to be employed within the Jail either in making paper or knitting pudding.

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

(Sent following precept No. 289)

Read return dated the 18th Ultimo from the Acting 2d Judge late in Charge the Central Division, to the precept of the Sunjdaree Ulatalut dated the 15th February 1839, requiring him to shew what

bung

13th March 1839.

may have been done in pursuance of the instructions
sions if found to him under date the 23d of
October last in Case No. 3 of the Cannanore
Calendar for the 2d Sessions of 1838.

4/6 p. A J/S L.A.B. A Reg.

(Here enter No. 270.)

F. C.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge.

Wednesday Thomas Alexr. Oakes Esqr. 2d Puisne Judge

13th March 1839 Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read again letter dated the 19th

J/S January 1839 from the 3d Judge on Circuit in
L.A.B. the Western Division, referring for the consider-
ation and final sentence of the Court of Foujdaree Udalut
the Record of the trial in Case No. 5. on the
Prisoners Calendar for the 1st Sessions of 1839.

(Here enter No. 132.)

Read also return dated the 2d
Instant from the 3d Judge on Circuit in the
Western Division to the precept of the Foujdaree
Udalut dated the 9th February 1839 returning
the record and directing to take further evidence
in Case No. 5 on the Malabar Primary Calendar
for the 1st Sessions of 1839.

(Here enter No. 384.)

The Court of Foujdaree Udalut
having attentively considered the Proceedings held
before the Judge on Circuit, the Letter of the
Provincial

Mr. Bird.
and
Mr. Campbell.

Provincial Law Officer and the fathers of the Criminal Court and Members of the Singapore Establishment, confirm the said sentence of the Criminal Court and Members aforesaid convicting the prisoner

Executioner Here

of the crime charged and awarding Capital punishment sentence the said prisoner to be transported to such place or places beyond the seas 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 precept to 290)

Read return from the 3rd Judge of the Provincial Court of Criminal in the Southern Division dated the 21st Ultimo to a precept of the Court of Singapore Establishment dated the 11th Ultimo, ordering for a transmission of the Record in Case No 9 on the Cumbatore Calendar for the 2d Sessions of 1838.

(Here enter No 316)

The Court of Singapore Establishment observe that by an error in the Office of their Registry No 9 of the Cumbatore Calendar was in their Proceedings of the 11th Ultimo presumed called

called for instead of No 9 of the Salem Calendar they accordingly now direct the preparation and transmission of the latter case without delay, and the suspension in the mean time of the sentence passed on the prisoners therein concerned.

Ordered, that Extract from these proceedings be sent to the Acting 3rd Judge late on Circuit in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following precept No 294)

Read the Criminal Reports for the Month of January 1839 submitted by the Criminal Judge of Coimbatore

(Here enter No 362)

Case No 456

The Court of Singapore Establishment regret to observe that this case still under examination. They require to be informed what steps have been taken by the Magistrates to procure the attendance of the necessary witnesses

The Court of Singapore Establishment having perused the proceedings are of opinion that justice requires that the disposal of this case should no longer be delayed on account of the absence of the witnesses and direct that the Criminal Judge be instructed immediately to proceed to judgment in the case without

without further awaiting the arrival of the witnesses in question.—

Cases Nos 459. and 460. 3. Adverting to the abstract of the evidence given in these cases noted in the margin, the Court of Sanjedrim Ullaluk doubt the sufficiency of the evidence to justify the committal of the prisoners concerned: but however the Sessions will shortly be held at Cumbaumma, the Court do not consider their interference to be necessary.

Case No 467. 4. The Court observe on this case an omission on the part of the Criminal Judge to state the grounds on which he pleaded the prisoners, and they direct that he be informed that they expect in every case in the Criminal Report the grounds of the order or sentence recorded to be concisely specified. The Court observe that the omission now observed may be supplied.

Case No 468. 5. The offence charged in this case being punishable under Section VII Regulation X of 1816, the Prisoner should have been sentenced accordingly. The Criminal Judge will be pleased to pass sentence under the Regulation quoted and to cancel the requisition of Security made for the Prisoner. Should he have been released, in which case it will be too late to amend the sentence already passed.—

11

13th to March 1839.

Case No 508. 6. With reference to the charges in case No 508 of the Report and the evidence produced in support of it, the Court of Sanjedrim Ullaluk are disposed to doubt the propriety of the sentence recorded against the second prisoner in this case. There appears to the Court sufficient evidence to have justified the conviction and punishment of the prisoners under Section IX Regulation XII of 1832.—

Case No 15. 7. The Court observe that although the offence with which the prisoner in this case is charged has been ruled not to amount to forgery, yet that if the prisoner was considered guilty of having committed a fraud, he had clearly rendered himself liable to punishment under the provisions of Section VII Regulation X of 1816.—

Case No 119. 8. It is observed in the Statement of this case that the prisoner who has been acquitted by the Criminal Judge for want of proof on the 31st January, was apprehended on the 26th November. The Court of Sanjedrim Ullaluk are led to suppose, and hope that Ramachunder was not during the whole of this period in confinement on which he could not

13 13th March 1839

not have been detained without proper support
The Court accordingly resolved to direct the
Criminal Judges to stand as they of this and
stands in the report with a copy of this par
to the Magistrate of Singapore who will
be pleased to ascertain and report direct to the
Singapore Adulat as to the Prisoners Wages
must from the date of this proclamation to the
of their transmission to the Criminal Court
proceedings to direct to the Criminal Judges
Ordered that the Register from the
Commissioners for their information and guidance
by precept as above [illegible]
(Sent following precept No 295)
Read the Criminal Reports
for the month of February 1839 submitted by
the Criminal Judges of Malacca
(Here enter 3/8)
Also two Reports of persons tried
for arrears respectively from the Court of Singapore Adulat
Ordered therefore that the Register
from those proceedings be sent to the Criminal
Criminal Judges of Malacca for their information
(Sent in No 296)

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J. Ch.

At a Court of the Singapore Adulat.

Present

John Bird Esqr — 1st Judge

Thursday — Thomas Alexr Oakes Esqr — 2d Judge

14th March 1839 — Alexr Duncan Campbell Esqr — 3d Judge

113
L 18

Read letter dated the 22d Ultimo
from the 1st Judge on Circuit in the Southern
Divisions transmitting the record in Case No 12
Malacca Calendar for the 1st Sessions of 1839
(Here enter No 352)

The Court of Singapore Adulat
having attentively considered the proceedings held
before the Judges on Circuit, the future of the
Provincial Law Officer and the future of the
Register and Masters of the Singapore
Adulat, confirm the said future of the Register
Adulat, confirm the said future of the Register and Masters aforesaid, convicting the
Register and Masters aforesaid, convicting the
prisoner

Vouchers

of the sum charged and awarding Costs
of the same to be transported to such place
and for such time as the Governor in Council
as shall hereafter direct there to be imprisoned and kept
shall hereafter

to

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 299)

(Read a letter dated the 18th Ultimo from the Acting Criminal Judge at Madura to the precipt of the Court of Sunjaum Adalut under date the 4th Ultimo conveying his remarks and observations on the Madura Criminal Reports for the month of December last.

Case No 205. (Here enter)

Under the circumstances afforded in the above letter the Court of Sunjaum Adalut are of opinion that the evidence in Case No 205 was insufficient for the conviction of the 1st prisoner and they accordingly resolve to direct that a copy of the case and it stands in the Report for the month of December together with a copy of the explanation submitted by the Acting Judge on this case and of this proceeding be transmitted to the Provincial Court of Circuit in the Southern Division with a request that they will call for the proceedings held on the case and after perusing it take such order as they may deem proper.

Case No 221. 2.

In Case 221 the Court do not see

consider that sufficient grounds have been shown for the requisition of security from the prisoner Vaitha, and they accordingly direct that he be immediately set at liberty.—

Case No 237. 3. With reference to the 6th para: of the Proceedings of the Sunjaum Adalut the Acting Criminal Judge represents that there appearing sufficient evidence against the prisoner in Case No 237 before the Court, he was sent for with his depositions. The Acting Criminal Judge has not explained by whom the prisoner was forwarded to the Criminal Court but unless he must have sent up by the intervention of the Magistrate the course adopted by the Acting Criminal Judge was most irregular and illegal.—

The explanation submitted by the Criminal Judge regarding the Statement of Prisoners sentenced during the month of December appears to the Court of Sunjaum Adalut satisfactory.—

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

(Sent in No 300)

Observed

14th March 1839.

Ordered also, that Extract of part of these proceedings and of the Case No. 205 together with copy of paras 3 of the Acting Criminal Judges return under reminder be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

(Sent in a letter)

Read letter dated the 11th Instant from the 1st Judge on Circuit in the Southern Division forwarding the death Warrant in Case No. 3 on the Madura Calendar for the 1st Sessions of 1839.—

(Above entered No. 204)

Read letter dated the 11th Instant from the 1st Judge on Circuit in the Southern Division transmitting the Statements of Witnesses paid to Prosecutors and witnesses attending before the Court of Circuit at Madura and Tinnevelly for the 1st Sessions of 1839.—

Ent'd W. H.S. J.R.B. (Above entered No. 203.)

L.A.B.

J. 116.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. 1st Puisne Judge

Friday 15th March 1839. Thomas Alexr. Oakes Esqr. Actg 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated the 23rd February 1839 from the 3d Judge on Circuit in the Western Division, submitting copies of the Madura and Cochin Calendars for the 1st Sessions of 1839.—

JB ZOB

(Above entered No. 340.)

Also Court observe that it would be found more convenient for reference, if the proceedings were headed in the Calendar, instead of being submitted as an appendix, and they accordingly direct that this course be adopted in all future Calendars submitted by the 3d Judge.—

Case No. 11. To enable the Court to judge of the propriety of the sentence passed on the prisoner in this Case, they desire the 3d Judge will explain what were the dimensions of the stick with which the fatal blow was inflicted

inflicted on the deceased. If the instrument by which the deceased was killed were a club likely to produce death by one blow, the Court are of opinion that the sentence passed on the prisoner is very lenient.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance in suppressing similar

precept returnable in 5 days, from and after its receipt.

(Sent following precept No. 310)

Read, return dated the 8th of March from the Criminal Judge of Chittoor to precept of the Court of Tanjore Udalut under date the 2d Instant, conveying their remarks and orders on the Chittoor Criminal Report for the month of January last.

(Here enter No. 388.)

Under the explanation afforded in the above return, the Court of Tanjore Udalut do not consider it necessary, as the sentences are of the description described, to disturb the sentences passed on the 2d prisoner in Case No. 8, but they direct it may be pointed out to the Criminal Judge, that the appearance to have produced bonds of his liable to punishment under Section IX Regulation XIII of 1832, rather than under Clause IV Section IV Regulation VI of 1832 quoted by the Criminal Judge in support of the sentence passed upon him.

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

(Sent in No. 311.)

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inflicted on the deceased. If the instrument by which the deceased was killed were a club likely to produce death by one blow, the Court are of opinion that the sentence passed on the prisoner is very lenient.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance in suppressing similar precept returnable in 5 days, from and after its receipt.

(Sent following precept No. 309)

Read the Criminal Report for the month of February 1839 submitted by the Criminal Judge of Cuddapah.

(Here enter No. 387.)

It is observed that the prisoner in the case No. 18 has subsequent to his apprehension on the charge of theft for which he is indicted in this number, effected his escape from custody; the Court of Tanjore Udalut are desirous of being informed of the reason why he has not also been tried on this trial for that additional offence.

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

At a Court of the Foujdaree Udalut.

Present.

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

Saturday 16th March 1839.

Thomas Alexr. Oakes Esqre. Actg 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

175
F.P.C

Read again letter dated 12th November 1838 from the 2d Judge late presiding at the Mudnapore 3d Quarterly Sessions, transmitting for the consideration and final sentence of the Court of Foujdaree Udalut No. 2 on the Primary Calendar for the 3d Quarterly Sessions of 1838.—

(Here enter No. 2194 of 1838.)

* Mr. Bird and * Mr. Campbell

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

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and

4th Cowloo Nursimloo

is sufficient to convict them of the crime of Gang robbery by open violence attended with murder, & the authority with which they are invested by Act 3d of 1st Section II Regulation I

of

of 1818, convict them thereof, and under the provisions of Clauses Second 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 confined and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.—

(Vide following letter No 313)

The Court of Sudder Adawlut having maturely considered the proceedings held before the Judge presiding at the trial of the felons of the Provincial Law Officer, and the reasons assigned by the 2d Judge, in his letter above recorded, for his concurrence in the sentence of the Law Officer, acquitting all the prisoners, save the 3rd and 4th, deem it necessary to pass the following observations—

2. In his letter, the 2d Judge has pointed out several contradictions in the evidence of the prisoners, some of which are material, the Court observe, as to particular facts. In respect to the part taken by the Zemindar immediately preceding the departure of the Robbers, the Court of Sudder Adawlut cannot

with the 2nd Judge in considering that the evidence is contradictory and inconclusive, and also in respect to the presence of the Zemindar's family who were then present at Rajah's Garden.—

and the Court think it probable that the Zemindar's brother & Sooraroo did not go to the Garden at the time the gang set out for & Hare, and that he did not arrive there till news of the attack had reached Sanarapoor Pettah.—

3. But with regard to the other contradictions noticed by Mr Haig, the Court deem them immaterial, and not in the least degree affecting the general credibility of the witnesses, and the Court have not the slightest doubt that the main facts deposed to by them are substantially true, and that there can be no question as to the fact of the 1st Prisoner Cota Zemindar having been the leader of the gang which committed this crime.

4. The Court have in vain endeavored to reconcile the opinion given in the 30th para: with that expressed in the 31st Para: of Mr Haig's letter. In the former Mr Haig has expressed his opinion, that the evidence of the witnesses cited to establish the presence of the

the

16th March 1839.

the 3d approver at Lee Reserve Mahadah, in the town of Masulipatam, on the night, on which the Treasury at Ellore was attacked appeared to him to establish that fact, while in para: 34. after stating that he could discover no motive which could induce the 3d approver falsely to confess the crime which formed the charge of this trial, and that none had been "whispered "either by this Master L. Ramdeen or by that "Master" Lord the Zemindar", Mr Haig observed that notwithstanding the approvers honesty with which their evidence was given by the witnesses as he deported to be (the 3d approver) having been present at Masulipatam on the day on which he swore he accompanied the party from Hyder Gurdon to Ellore I am strongly "inclined to suspect that they must have been "bribed and suborned by the Agents of that "powerful monarch"

5. The Law Officers of the Court of Sanjore Madras consider as the right view of the evidence given by the witnesses in question, for it appeared much more likely that these witnesses should have sworn to false dates, than that the 2d & 3d witnesses for the prosecution should neither of them

F.R.

16th March 1839.

few days have been induced to come forward with a confession implicating himself as well as the prisoners, without, as far as can be seen, the least inducement to object, and by which, he must have been aware, he rendered himself liable to be tried for murder, and eventually hanged.—

6. In regard to the nature of the confessions by the Approvers, the Court concur in the opinion expressed by Mr Blane, then acting Magistrate of Masulipatam, that they are such as no persons could have made, who were not cognizant of the facts related, and they consider that the evidence of these approvers has been shown to be true, on every point where any test of their truth could be obtained, and that there has been no one circumstance brought forward or even hinted at, to lead to a suspicion that the witnesses in question, either from enmity against the prisoners, and their masters, or from other causes, have been induced to give false evidence in this case.—

7. With this view of the trial the Law Officers of Madras cannot avoid expressing their astonishment and regret, that Mr Haig has concurred in the acquittal of all the prisoners, except

except the 3d and 4th, and they are of opinion that there has, in consequence, been a most lamentable failure of justice in this case, of most atrocious and daring murder, and that the acquittal of the prisoners reflects most deeply on the judgment of the Acting as a Judge of Circuit

8. It is true that, after having consulted with his Law Officer in the acquittal of the prisoners in question, and after having passed sentence of release upon the condition of their production of security, the Acting contrary to all the provisions in the code took it upon himself to direct that the bonds of the Prisoners should be rebated, and that reference had been made to this Court, to whom he submitted his sentence for final orders but however much it is to be regretted that persons guilty of the great a crime, should escape with impunity, this Court, under the positive enactment contained in Clause 2d Section XV Regulation VIII 1802, would not be justified in depriving the prisoners of the benefit of the Sessions Judge's acquittal, or in disturbing that judgment which the Law has authorized him finally to pass; for no irregular reference of his own gives the Zillah Court jurisdiction over Prisoners, on whom he consents with his Law Officer in

in acquitting.

9. And the Sessions Judge, in consequence of doubts entertained by him, in respect to the conviction or acquittal of the prisoners in this most important case hesitated to act in conformity to the Circular Order of the 23d of June 1835, and therefore refrained from passing any verdict or sentence, and had referred the trial to be finally disposed of by the Sungdaree Udalut, the Court are of opinion that, in such a case, they might have proceeded to pass judgment, upon the ground that he had not altogether concurred with his Law Officer; but having concurred with his Law Officer in the acquittal of the prisoners in question, the 2d Judge was not competent, so far as they were concerned, to refer the trial to the Sungdaree Udalut and his sentence of acquittal which was final under the Law above quoted, cannot now be overruled. The Prisoners must accordingly be released on furnishing the prescribed security.

10. The Court of Sungdaree Udalut while stopping any final orders respecting the offenses, until the ultimate result of the proceedings against the Zemindar is reported to them by the Magistrate, who has been directed to furnish

furnish that information separately - meanwhile they must remain in prison -

Ordered, that Extract from the proceedings be sent to J. King Esqr. 2d Judge of the Provincial Court of Error and in the Northern Division for his information and guidance by first packet returnable in 5 days from and after the receipt -

(Sent following packet No 314)

Read letter dated the 28th Ultimo from the 1st Judge in Error in the Northern Division, transmitting the record in Case No 13 in the Madras Calendar for the 1st Sessions of 1839 -

(Stewarts No 350)

Mary Bird. and Mr Campbell

The Court of Fugitives Adulet having maturely considered the proceedings had before the Judges on Commit the petition of the Provincial Law Officer, and the petition of the Agent of the Court and Members of the Fugitives Adulet, commit the prisoners

"Charleston"

of theft - Stealing by counterfeit, and under the award of Exhibit 1 and with reference to the provisions of Clause third, Section VII Regulation XV of 1803, sentence the said prisoners to [illegible] imprisonment

imprisonment, and Kept to hard labor in irons, on the public roads, or other public works, for, and during the period of eight (8) years -

(Sent following letter No 315)

Read letter dated 31st Ultimo from the Acting Joint Criminal Judge at Madras, transmitting translations of the depositions taken by him from Cudalore late at Duffadar on the establishment of the Jail under his charge and from other Persons regarding the escape of a convict named Soolemuthu Sooladar, sentenced to 14 years imprisonment for highway robbery at the 4th Quarterly Sessions of 1837 -

(Stewarts No 350)

On an attentive consideration of all the circumstances of the case connected with the escape of the Convict Sooladay and of the observations submitted by the Officiating Joint Criminal Judge at Madras upon that occurrence, the Court of Error are not satisfied that sufficient grounds have been shown for the adoption of the measures recommended by the Officiating Joint

Saint Criminal Judge in the 3d para of his letter of declaring the Peons ineligible for further employment in the public service.

2. The Court concur with Mr Roberts in considering the escape of the prisoner in question as immediately attributable to the connivance of the Peon Peletty Venkatasamy, but as sufficient cause has not in their opinion been made out to warrant the dismissal of the two Officers and the other Peons, the Court however will not, with the information at present in their possession direct the restoration of these individuals to their respective offices, but they direct that the Judge presiding at the 4th Quarterly Sessions be instructed to institute a special inquiry and submit his report whether the parties appear to him to be deserving of dismissal.

Ordered, that Extract from the proceedings be sent to the 3d Judge presiding at the 4th Quarterly Sessions of 1839 -

Madras Despatches for his information and guidance and for communication to the Acting Joint Criminal Judge at Madras Despatches -

(Sent in a/c 316)

Read petition from the Criminal Judge of Chicacole dated the 5th Instant

to the precept of the Tongdarree Udalut under date the 22d Ultimo, conveying their remarks and orders on the Chicacole Criminal Reports for the month of January last -

(Here enter 1239)

The Court of Tongdarree Udalut direct, with reference to Code 1st of the Report, that a copy of a question put to their Law Officers, touching a code of attempt to commit suicide, and of their reply be sent to the Criminal Judge of Chicacole for his information and future guidance in any similar case - He will observe that the prisoner might have been punished under the Mahommedan Law -

Ordered, that Extract from the proceedings be sent to the Criminal Judge at Chicacole for his information -

(Sent in a/c 317)

Read letter dated the 9th Instant from the 3d Judge on Circuit in the Northern Division transmitting receipt of two Warrants importing fines on Peons for the defence on Code 1st in the Letters Primary Calendar for the 4th Sessions of 1839 -

(Here enter 1320)

43

T No 0

F. 66.

At a Court of the Sonjdaree Udalut.

Present,

Monday, 18th March, 1839

John Bird Esqre. _____ 1st Puisne Judge

Thomas Herr. Oakes Esqre. Offg. 2nd Puisne Judge

Hon.ble Duncan Campbell Esqre. 3rd Puisne Judge

Read returns, dated the 8th Ultimo,

W.S
L.H.C

from the Provincial Court of Circuit in the Northern Division, to the Precept of the Sonjdaree Udalut of the 7th January last, directing the Keys of the Rungamaia Kootee Pillah Pagoda at Nellore, to be restored to the Petitioners Mr Appalachundlu.

(Here enter S.R. No 297 of 1839)

Read also again Messrs Clarsen & Petitions presented on the 10th and 17th December last by the Rungamaiah and by Mr Sackacharlu on behalf of Mr Appalachundlu of Nellore.

(Here enter Mr. P.R. Nos 170 & 171 of 1838)

Together with the foregoing address, the Provincial Court of Circuit have submitted copies of the several communications which have passed between the Court of Circuit for the 2nd Division of 1838 and the Magistrate of Nellore regarding the Custody of the Keys in question, together with a transcript of a return dated the 29th January last, from the latter Officer to the Precept of the Provincial Court issued in conformity

conformity with the instructions contained in the proceedings of the Tanjore Adalut of the 7th January last, in which the Magistrate requests, if the Judges of the Tanjore Adalut see occasion to adhere to their present orders, that the papers may be laid before the Government, as they appear to him incompatible with the instructions of the Government in the matter under discussion —

2. There is nothing whatever in this Case that would justify any reference to Government, where Regulations require obedience by the Magistrate to the orders of his judicial superiors. But the Magistrate was right to bring to the notice of this Court his belief that they had misapprehended the facts of the Case. That Officer in the communication adverted to in the preceding para: has distinctly stated that the Keys in question "were never from first to last with the Officers of Government" — A totally different inference was deduced from the tenor of his previous communications on the subject to the Court of Circuit. and though the custody of the Keys, which originally was with the Petitioner Ma Appalacharloo, by law revived in him, when the temporary use of them by Ramaswamy ceased, it seems admitted (not very consistently with the above statement) that the Tahsildar placed them in the hands of a third party —

3. But as this act was not authorized by the Magistrate, who has also explained that the

Petitioner

Petitioner Ma Appalacharloo now stands dismissed from the Office of Archakordoo to the institution under remark, in consequence of the Durmakartee of the Pagoda having taken upon himself the responsibility of removing him from that situation, the Court of Tanjore Adalut are of opinion that a new cause has arisen to exclude the Petitioner from the Custody of the Keys, and they accordingly resolve to cancel their order of the 7th January last, regarding their transfer to Ma Appalacharloo who should seek redress by proceeding in the Civil Court against the Durmakarta and any others through or whom he may consider himself aggrieved —

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for communication to the Magistrate of Salem —

(sent on No. 320)

Ordered also that Extract from these proceedings be furnished to the Petitioners respectively on their application —

Read again petition presented on the 21st January 1839 by Cotteroommal of the Village of Chittoor

(Vide order No. 7 — 22nd August 1839)

Read also return from the Provincial Court of Circuit dated the 18th ultimo forwarding of the Court of Tanjore Adalut of the 18th ultimo

forwarding

forwarding to the Provincial Court the above petition with instructions to enquire into the allegations therein contained, especially with regard to the aid she alleges her husband afforded in the apprehension of certain robbers and whether they are led, on a consideration of any of the circumstances stated by her, to doubt the justice of the sentence passed on the prisoner Changalee

/Here enter F.H. No. 102/

1.

The petitioner's case is recited in the Proceedings of the Tongdaree Udalut of the 18th Ultimo, but previous to passing final order the Tongdaree Udalut deemed it proper to refer to the Provincial Court of Circuit.

2.

The Provincial Court of Circuit find the prisoner in question was recognized at the Robbery by two witnesses who knew him well before, and that these recognitions are to be perfectly trusted. and are of themselves sufficient for the conviction of the Prisoner. and that the prisoner named only two witnesses regarding the discovery of part of the stolen property on him one of whom knew nothing about it and the other saw the Rice put into some Jowar in a bag which the prisoner said was his own and which the Court add is reasonable, even if the fact is true.

3.

Under these circumstances the Court

of

of Tongdaree Udalut do not consider Petitioner entitled to their interposition in the manner prayed for by her.

Ordered, that this Petition be rejected and that copy of these Proceedings be furnished to the Petitioner on her application.

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

/Sent in No. 321/

Read again Miscellaneous Petition presented on the 25th January last by Rama Reddy of the Zillah of Cuddapah.

/Here enter Mis. P. No. 17 of 1839/

Read Return from the Acting 2nd Judge sitting in Circuit in the Centre Division dated the 23d, to the precept of the Court of Tongdaree Udalut under date the 18th Ultimo, on the subject of the petition presented by Ramee Reddy, in behalf of the 7th Prisoner on Cuddapah Calendar for the 2nd Sessions of 1838.

/Here enter No. 320./

After an attentive consideration of all the circumstances of the Case, the Court of Tongdaree Udalut are of opinion that the petitioner has urged nothing in support of his complaint which can render any interference by them necessary and they are of

opinion

further satisfied that the Sentence passed by the Acting 2d Judge on the Prisoner in question is correct, and that the Conviction of the Prisoner was just.

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

Ordered also, that Extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court in the Centre Division for his information.

(Sentence 8th 872

Read Miscellaneous Petition presented on the 11th February 1839 by Naradimandiarry Pomastah of Uppalaelanny and 10 others of the Pettah of Chunnagum.

(Three entered No 1 to 8th 22 of 1839

1. The Petitioners complain of the fines imposed on them by the Assistant Magistrate of Chunnagum on a false charge of a Quarrel brought against them by certain Moodelliers of the Paramboolam, whose enmity they had incurred by objecting to the said Moodelliers who are Shanars = making Coolum contrary to Malabar Custom, their religious Procession through the Streets in which the Petitioners followers of Vishnoo presides

2. The Petitioners allege that they have Complained to the Judge on Circuit and to the Collective

Court

Court of Circuit, but have been able to obtain no Redress.

3. The Petitioners further complain that although the present Magistrate had expressly forbidden the performance of the Ceremonies complained of by the Moodelliers except within the walls of their Cayeda, the Moodelliers have, much to their annoyance, through the influence of the Tashildar, again this year infringed the Established usages of the place.

They accordingly pray the Court to will be pleased to issue orders to the Magistrate to refund to them the Amount of the fine unjustly Collected from them by the Assistant Magistrate, and that they will enforce the orders issued by the Magistrate to prevent the Moodelliers from carrying their Procession through the Streets of the Vishnoovites.

4. The Court of Foujdaree Adalut direct the Petitioners may be informed that the Prayer of their Petitions is inadmissible, and that they are not prepared to Remit a fine imposed in 1837, the propriety of which they see no reason to question. The Court further desire the Petitioners be instructed that if they have any just grounds for considering that their rights have been infringed they are at liberty to seek redress by a Civil Suit.

Ordered, that this Petition be Rejected and that Copy of these Proceedings be furnished to the

the Petitioners on their application—

Read Miscellaneous petition pre-
sented on the 18th February 1839 by Doodeyaven Pillay of
Tinnevelly.

(Here enter No. P. 27 of 1839)

The object of this petition is to induce
the Court to issue orders for the release of 6 individuals
(of whom one is the brother of the petitioner) Prisoners
on the Tinnevelly Calendar for the 1st Sessions of 1838,
who the petitioner alleges, have been unjustly sentenced
to five years imprisonment with hard labor in conse-
quence of a charge of perjury.

The Court of Judicature Adalut
direct the Petitioner be informed, that his prayer is in-
admissible inasmuch as the sentence was passed a
year ago, and it does not appear that he has made out
a case which renders interference on their part necessary
and further that having referred to the Calendar they
see no reason to call in question the guilt of the
prisoners or the propriety of the sentence passed upon
them—

Ordered, that the petition be rejected
and that a copy of these Proceedings be furnished to the
Petitioner on his application—

Read Miscellaneous Petition pre-
sented on the 18th February 1839 by Ramanjeyam Pillay

of

P.M.
18th March 1839

of the Zillah of Combaconum—

(Here enter No. P. 31 of 1839)

1. The Petitioner repeats the request contained in his petitions Nos. 183 and 153 of 1838 which he has already been twice informed is inadmissible—

2. The petitioner is informed that the orders above alluded to are finaly and that if he again trouble the Court on this subject, he will render himself liable to be fined for contempt—

Ordered, that the petition be rejected, and that a copy of these Proceedings be furnished to the petitioner on his application—

Read Miscellaneous petition pre-
sented on the 23d February 1839 by Mungallat of the
Zillah of Combaconum—

(Here enter No. P. 34 of 1839)

1. The petitioner complains of the
judgment of the Court of Circuit in Case No. 62. on
the Combaconum Calendar for the 2d Sessions of 1838,
wherein the prisoner Sowrodayan was convicted of
robbery, and sentenced to 14 years imprisonment—

2. The petitioner alleging that the complainant appeared before the Police as the Vakeel to conduct the prosecution in the Prosecution, but that before the Criminal Court the Vakeel was directed to

prosecute

prosecute, and the prosecutrix was converted into a witness - and that on her bare assertion, her son was convicted. prays the Court to call for the proceedings held in the case and to order the release of the prisoner in question.

3. On a reference to the Calendar, the Court of Tonjadore Udalut being pleased to doubt the sufficiency of the evidence to convict the prisoner in question, presume to direct that a copy of these petitions be sent to the Acting 3rd Judge late on Circuit, with directions to ascertain and report on the truth of the allegation therein contained - for which purpose and submit an English translation of the record of the trial for the consideration of the Tonjadore Udalut.

Ordered, that Extract from these Proceedings be sent to the Acting 3d Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by first post returnable without delay -

(Sent following Precept No 823-)

Read Return, dated the 11th Instant, from the Provincial Court of Circuit in the Southern Division to this Court's Precept of the 23d February last, transmitting as therein required the original document

document A which Yeggaramma Delchahar, the 1st Prisoner in Case No 21 of the Combaconum Calendar for the 4th Sessions of 1838, is charged with having forged and uttered before the District Moonsiff of Paupanassum in Original Suit No 271 of 1835.

(Received No 1014 of 1839)

Read also Miscellaneous Petition, presented on the 4th instant by Yegnaumal of Combaconum -

(Received M. P. No 35 of 1839)

The foregoing address contains certain Observations which are founded on an erroneous supposition entertained by the Petitioner, in respect of the wording of this Courts Proceedings dated the 23rd Ultimo, and which do not consequently call for remark from the Court of Tonjadore Udalut, further than to observe, that the Petitioner errs in believing that the Prisoner adverted to has been considered to have been charged with a 2nd Offence, that of "altering" the document to which he signed.

2. On a consideration of the translation of the document on which the charge of forgery was founded, as furnished in the Office of the Tonjadore Udalut from the original Cadjans produced before the Court of

Circuit

prosecutor, and the proceedings were converted into a witness - and that on her bare assertion, her son was convicted. prays the Court to call for the proceedings held in the case and to order the release of the prisoner in question.

3. On a reference to the Calendar, the Court of Tonjadore Udalut being pleased to doubt the sufficiency of the Evidence to convict the prisoner in question, resolved to direct that a copy of these petitions be sent to the Acting 3rd Judge take on Record, with directions to ascertain and Report on the truth of the allegation therein contained; and eventually to prepare and submit an English translation of the record of the trial for the consideration of the Tonjadore Udalut.

Ordered, that Extract from these Proceedings be sent to the Acting 3rd Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by Precept returnable without delay -

(Last following Precept No. 823.)

Read Return, dated the 11th instant from the Provincial Court of Circuit in the Southern Division to this Court's Precept of the 23rd February last, transmitting as therein required the original document

document A which Yoggaraama Delchatar, the 1st Prisoner in Case No. 21 of the Combaconum Calendar for the 2nd Sessions of 1838, is charged with having forged and uttered before the District Moonsiff of Pungar - nasham in Original Suit No. 271 of 1835.

(Reference No. 404 of 1839.)

Read also Miscellaneous Petition, presented on the 5th instant by Yoganamal of Combaconum

(Reference M. P. No. 35 of 1839.)

The foregoing address contains certain Observations which are founded on an erroneous Construction entertained by the Petitioner, in respect of the proceedings of this Court's Proceedings dated the 23rd Ultimo, and which do not consequently call for remark from the Court of Tonjadore Udalut; further than to observe, that the Petitioner errs in believing that the Prisoner adverted to has been considered to have been charged with a 2nd Offence, that of "altering" the document to which the report -

2. On a consideration of the translation of the document to which the charge of forgery was founded, as performed in the Office of the Tonjadore Udalut from the original Cadjans produced before the Court of

Circuit

Circuit, this Court are unable to discover any material
difference between it and the translation entered in the
record of the trial, except that a Tamil word has been
translated in the one "paid" and in the other "settled".
The averments made by the Petitioner in her addl. Petn
of 1839, would, under these circumstances, appear to be
incorrect, and the Court of Zillah Adalut accord-
ingly decline to disturb the sentence passed on the
Prisoner on whose behalf the Petitioner has addressed
them.

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

(Sent on 8th No. 324)

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

Read a Miscellaneous Petition
presented on the 4th instant by Vinay Padmaby
of Cuddalore.

(Referred to No. P. 36 of 1839.)

The Petitioner states that her
nephew

nephew the 1st prisoner, in Case No. 1. on the Cuddalore
Supplemental Calendar for the 2nd Sessions of 1838, was
unjustly charged with burglary, tried, convicted and
sentenced by the Court of Circuit to 3. years imprison-
ment with labor in irons, that the Criminal Judge
observed during the trial of the Case that if the prisoner
would point out the person from whom he had purchased
the indigo vehicle was proved to have been stolen from
the Prosecutor, he would order his release.

The Petitioner adds that as the person
from whom her nephew obtained the indigo has been ap-
prehended, he trusts the Court will issue orders for the
release of her nephew.

The petitioner is informed that his
request is inadmissible.

It appears the Case was fully co-
nsidered and legally disposed of by the Judge, who
tried it, and whose judgment the Court see no reason
to interfere.

Ordered, that the petition be re-
jected, and that Copy of these Proceedings be furnished
to the Petitioner on her application.

Read a Miscellaneous Petition
presented

presented on the 15th March 1839 by Subbarayudu of the Village of Chingleput.

(Here enter No 37 of 1839)

The petitioner complains that he was cast in a suit falsely instituted against him in the Moonsiff Court at Cuddalore, and that through the connivance of the Nazir (who he understands has lately been dismissed for Knavery) his property has been sold for a sum far below its real value, that he has brought these circumstances to the notice of the Magistrate, but that Officer took no notice of his complaint.

In expectation of the departure of the Nazir and the person who instituted the suit against him from Cuddalore, the prayer the Court of Sessions would issue orders to the Magistrate to investigate his complaint and afford him redress.

The Court of Sessions declare to interfere in the manner prayed for by the petitioner, who is informed, if he have any complaint of the nature herein set forth, to bring against the Nazir or other Officials servants of the Moonsiff Court, he should address the Assistant Judge.

Ordered, that the petition be rejected

and

and that copy of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 6th March 1839 by Venkatasawmy and three others of the Village of Chingleput.

(Here enter M. P. No 38 of 1839)

The Petitioners allege that their relations have been unjustly sentenced to 14 years imprisonment by the Court of Circuit in Case No 14 in the Chingleput Calendar for the 2d Sessions of 1833 on a false charge of robbery in which they were implicated by the 1st prisoner, in consequence of the torture to which he was exposed by the Police and another person named Ramasawmy with whom the petitioners are at enmity, and they pray the Court to call for the records of the trial and to order their release.

The sentence was passed 5 years ago upon a full and fair trial, and the prayer of this Petition is consequently inadmissible.

Ordered accordingly, that the petition be rejected and that copy of these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented

presented by Gungamal of the Zillah of Chittoor.

(Here enter all P. No 39 of 1839)

The petitioner prays that she may be furnished with copy of Case No 1 on the 10th and 15th Supplemental Calendars of the 2d Quarterly Sessions of 1838, in order that she may acquaint herself with the grounds on which Sentence was passed on her brother Gungan a prisoner in that Case.

Ordered accordingly.

Read return, dated the 4th instant, from the 1st Judge on Circuit in the Southern Division to this Court's precept of the 22d February last, directing that Officer to call up and forward the Record of Case No 248 of 1838 on the file of the Criminal Court at Madura and pass thereon such orders as he may deem to be proper, submitting the result for the information of the Judges of the Sunjdaree Adalut.

(Here enter No 385 of 1839)

It is observed that execution of the Sentence passed on the Prisoner in the Case in question by the Acting Criminal Judge, has been suspended by the order of the 1st Judge on Circuit, who has directed further Evidence to be taken, and the Record transmitted with a copy of his proceedings, for the final judgement of

of the Collector Court of Circuit.

Under these circumstances, the Judges of the Sunjdaree Adalut desire to be informed of the result of the reference thus made, and accordingly request it may be communicated for their consideration.

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit for his information and guidance.

(Sent in No 325)

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept returnable in 15 days, from and after the receipt.

(Sent following Precept No 326.)

Read the Criminal Reports for the month of February 1839 submitted by the Acting Joint Criminal Judge at Cochin.

(Here enter No 400)

The above Reports do not appear to the Sunjdaree Adalut to call for any remarks.

Ordered therefore, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Cochin for his information.

(Sent in No 327.)

113
F. H.

18th

F. 86.

115
200

At a Court of the Fanjdarree Adalut.

Present

John Bird Esqr. ——— 1st Puisne Judge

Tuesday 19th March 1839. Thomas Alexr Oakes Esqr. ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqr. ——— 3rd Puisne Judge

Read letter dated the 2nd March 1839 from the Acting 2nd Judge late on Circuit in the Centre Division, submitting for the consideration and final sentence of the Court of Fanjdarree Adalut the record in Case No. 3 on the Gudalaree Calendar for the 2nd Sessions of 1838.—

(Here enter No. 358.)

The Court of Fanjdarree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers and the futwa of the Cazee ool Cozat and Mooftees of the Fanjdarree Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, acquitting the prisoners

1st Campinalay
2nd Columdiay
and
3rd Nulla Moolloo

and they direct that the said prisoners be set at liberty

Mr. Bird and Mr. Campbell

for the Joint

or to Adalut from Criminal Judge

1. In the letter above recorded after stating this opinion that the evidence in this trial is sufficient to support the charge of murder, the 2d Judge has remarked that the facts which make the offence chargeable on the Prisoners, are supported by the evidence of one person only the 10th witness for whose evidence is, he thinks on the main facts to be relied on. He accordingly recommends that the 1st prisoner be hanged, and the 2d and 3d sentenced to the years imprisonment.—

2. To justify the condemnation of a Criminal upon the evidence of an Accomplice that witness, the Court of Circuit Adelaide observe, must be free from all taint. In this Case however, not only is there very strong reason to suspect that the 10th witness for some more than accomplice, but she has given false evidence on certain points before one or the other of the several tribunals at which she has appeared.—

3. With such a view of the evidence in this case, the Court are unable to convict any of the prisoners of the crime charged.—

4. At page 5 of the English Report of the trial, it appears that the declarations of the

the Prosecutor and his brother have not been kept separate and distinct, but have been blended together and recorded as one deposition, this course is irregular. The Court have also observed, that tho' the inquest was held by the Head of the Police of Serwedy on the 8th July the deposition of the 10th witness was not recorded till the 10th of the same month, this delay the Court consider highly reprehensible, and they therefore direct that this circumstance as well as the irregularity above pointed out, be brought to the notice of the Magistrate, with directions to advise Rama Row to be more careful in future.—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Central Division for his information and guidance.

(Entered A. No 379)

Read letter dated the 11th instant from the Acting 2d Judge on Circuit in the Central Division, forwarding the death warrant in Case No 13 Adelaide Calendar 2d Sessions 1838.—

(Here enter No 426.)

Read

19th March 1839.

Read letter dated the 13th Instant from the 2d Judge on Circuit in the Northern Division, reporting his intention of opening the 1st Sessions of 1839 at Vizagapatam on the 15th Prxo.

(Here enter No 431)

Read letter dated the 11th Instant from the Magistrate of Vizagapatam, reporting the notice taken of the irregular transmission of the Case No 116 to the Sadr Criminal Court at Vizagapatam by the Peishcar in charge of Chicacole.

(Here enter No 432)

Read return dated the 4th Instant from the Criminal Judge of Chingleput, to the precept of the Fouzdaree Adalut dated the 11th March 1839 conveying their observations and orders on the Criminal Reports for the month of January ult.

(Here enter No 433)

Read letter dated the 11th Instant from the Magistrate of Trichinopoly reporting the date on which the prisoner on Cutt No 1866 on the Commitment Calendar was apprehended.

(Here enter No 434)

H. Pope

115
F.C.

F.C.

Sdr Court of the Fouzdaree Adalut

Present

Wednesday 20th March 1839. John Bird Esqre — 1st Puisne Judge
Thomas Alexr Oakes Esqre 2d Puisne Judge

Read the Criminal Reports for the month of February 1839, submitted by the Criminal Judge of Chingleput—

(Here enter No 435)

115
F.C.

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

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

(Section No 342)

Read return, dated the 25th Ultimo, from the 2d Judge on Circuit in the Northern Division, to this Court's Precept of the 11th Ultimo, recording their observations on a review of the Calendars for the 1st Sessions of 1839—

(Here enter No 344 of 1839.)

Read return, dated the 9th Instant, submitted by the 2d Judge on Circuit in the Northern Division, as a Supplement to the foregoing return—

(Here enter No 431.)

The

1. The former of the two persons mentioned above is stated by the 2d Judge, Mr Haig, to have been drawn up in the absence of the parties and translations of the Cases referred to in this Court proceedings of the 16th Ultimo, and the supplemental return now under observation, is the result of a reference to those papers.—

Case No 4. 2. In reference to Case No 4, the Judges feel themselves constrained to observe, that the explanations afforded by the 2d Judge on Circuit, have failed in satisfying them of the propriety of the Sentence passed by him on the Prisoner, whose conviction they consider would have been justifiable upon the evidence adduced against him.

Case No 6. 3. In conformity with the recommendations now laid before them by the 2d Judge, the Judges of the Supreme Court are pleased to authorize the passing of a mitigated Sentence of Eight (8) Years imprisonment with hard labor, on Doodakoola Hoosaine, the Prisoner in the case noted in the margin.—

Case No 11. 4. In respect of Case No 11, the Judges further authorize the 2d Judge to proceed in the manner proposed by him, on Search by Gunnick the 4th Prisoner therein concerned, a mitigated Sentence of five (5) Years imprisonment with hard labor in

irons, without stripes.—

Case No 16. 5. They likewise sanction the mitigated Sentence of three (3) years imprisonment with hard labor, which the 2d Judge recommends shall be awarded to the Prisoner in Case No 16.—

Case No 17. 6. The observations by the 2d Judge in para.s 6 and 7. of his return, dated the 25th Ultimo, tend to show that that Officer's proceedings are conducted with a degree of carelessness, which the Judges of the Supreme Court must regret to observe in a functionary discharging the highly responsible duties of a Judge of Circuit. The Judges trust a repetition of the errors adverted to will be avoided by Mr Haig.—

Ordered, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division by precept returnable in 20 days, from and after its receipt.

(Sent following precept dated 23/3.)

Read return dated the 12th Instant from the 4th Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Supreme Court dated the 27th Ultimo, requiring him to look into Case No 4 on the Salem Criminal Roll for the month of January 1839 and to pass on it such order as

as may appear to him proper.—

(Here enter No 323)

It appears from the above Return that the case in question, was, previous to the issue of this Court's order under date the 27th February been called for by the Collective Court of Circuit. The Court of Faujdaree Udalut accordingly write to request that their decision thereon may be communicated for the consideration of the Faujdaree Udalut.—

Ordered, that an Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division, for their information and guidance by precept returnable without delay.

(Sent following precept No 344)

Read the Criminal Returns for the month of February 1839 submitted by the Criminal Judge of Chittoor.

(Here enter No 324)

Case No 303. 1. The prisoners in this case have been before the Criminal Court since the 17th November last, and the only explanation of the delay is, that the Magistrate of Chittoor was on the 16th and 27th February requested to procure the attendance of witnesses for the prosecution of the

the case is not disposed before the arrival of these proceedings, the Criminal Judge will be pleased to submit a copy of this paragraph and of the case as it stands in the Report to the Magistrate, who will be pleased to explain direct to the Faujdaree Udalut how the attendance of the necessary witnesses could not be procured between the 14th February and the end of the month.—

Case No 255. 2. The object of the reference made by the Tahsildar to the Head Assistant Magistrate in this case not having been stated, the Court direct that a copy of this case also as it stands in the Report and of this paragraph be sent to the Magistrate, who will be pleased to require the attention of the Head of Police to the injunction of the Circular Order No 63 dated the 26th February 1836 in future similar cases.

Ordered, that an Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by precept returnable in 5 days from and after the receipt.

(Sent following precept No 345)

Read Extract from the proceedings of the Provincial Court of Circuit for the Centre Division

Divisions dated the 13th Instant, submitting a return dated the 12th of March, from the Criminal Judge of Chittoor, to their precept of the 8th of the same month, requiring him "to explain specifically to what transactions he alludes in the latter part of the 2d paragraph of his letter of the 7th Instant."

(Here enter No 1428)

In this explanation the Provincial Court have stated that they "feel their duty "respectfully, but strongly, to protest against the "present state of things between the Court and the "Zillah Judge of Chittoor being suffered to con"tinue any longer."

On the return of the Criminal Judge now forwarded, that Officer requested, that the Provincial Court would furnish him with "a copy of the whole of the Provincial Court's proceedings on the subject of this report on the tread mill," upon receipt of which, he adds, he "will make reply to the Provincial Court's precept of the 8th Instant."

Read also proceedings of the same Provincial Court dated the 15th Instant, submitting copy of a supplemental return of the Criminal Judge of Chittoor, to their precept of the

8th Instant above referred to.

(Here enter No 1448)

In this supplemental return dated the 14th Instant, the Criminal Judge observes, that having received no reply to his application to be furnished with copy of the proceedings of the Provincial Court respecting the tread mill, he considers it "to be his duty, "without further delay, to make return to the "Provincial Court's precept of the 8th calling for "explanation as to what transaction he alludes "in the latter part of the 2d para: of his said "letter to the Provincial Court dated the 7th "March."

The Criminal Judge proceeds to state "that it does not appear to him to "be his duty to afford the explanation called "for," and he gives his reasons for declining to do so.

The Court of Foujdaree Udalut cannot consider under any view of the case, that the Criminal Judge can be justified in repeating to explain insinuations cast by him upon the Provincial Court, and they are of opinion that the return of the Criminal Judge now submitted to their notice, exhibits a spirit of

opposition

of opposition to the orders of the Provincial Court, which must be put a stop to, and with that view, and with reference to those proceedings of the 12th of March transmitted to Government on the same date, the Judges resolve to direct that Extract from those proceedings, together with copy of the documents to which they refer, be submitted to the Right Honorable the Governor in Council, and that it be intimated to the Government, with reference to their order of the 8th of February last No. 105, that the 3rd Judge has recorded a minute dated the 16th Instant, postponing the proceedings of the Tongdarre Udalut of the 12th Instant.

Ordered, that Extract from those proceedings be transmitted to the Chief Secretary to Government, for the information of being laid before the Right Honorable the Governor in Council

(Sent in No. 346)

Ordered also, that Extract from those proceedings be furnished to the Provincial Court in the Centre Division for their information

(Sent in No. 347)

W.S.
J.H.C.

Sd/- J. Stokes

Sd/- J.

J.H.

At a Court of the Tongdarre Udalut

Present,

Thursday, 21st March 1839

John Bird Esqre ——— 1st Puisne Judge

Thomas Heer Oakes Esqre Offg 2nd Puisne Judge

Read the Criminal Reports for the month of February 1839 submitted by the Principal Sudr Ameen at Honore.

(Here enter No. 1335)

The above reports do not appear to require any remarks from the Court of Tongdarre Udalut

Ordered therefore, that Extract from these Proceedings be sent to the Principal Sudr Ameen at Honore for his information.

(Sent in No. 350)

Read the Criminal Reports for the month of February 1839, submitted by the Acting Joint Criminal Judge at Masulipatam.

(Here enter No. 1336)

The above reports do not appear to require any remarks from the Court of Tongdarre Udalut

Ordered therefore, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge

Sd/- J.

Judge at Masulipatam for his information.

(Sent in No. 351)

Read the Criminal Reports for the month of February 1839 submitted by the Acting Joint Criminal Judge of Chicacole.

(Here enter No. 438)

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

Ordered, therefore, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Chicacole for his information.

(Sent in No. 352)

Read returns from the Assistant Criminal Judge in charge of the Court at Malabar, dated the 13th to the Register of the Court of Sunjdaree Adalut, under date the 22d Instant, conveying their remarks and orders on the Malabar Criminal Reports for the month of January last.

(Here enter No. 441)

Case No. 5

Under the Explanations afforded in the above returns, the Court of Sunjdaree Adalut are of opinion that the Prisoner has been deprived of this

this case correctly, and it will not be necessary for him to alter the Sentence recorded in it, which will now be carried into Execution.

Case No. 11

2. In this Case also, the Explanation of the Assistant Criminal Judge is satisfactory, and the Court approve of the order he has passed upon it.

Ordered, that Extract from these Proceedings be sent to the Assistant Criminal Judge of Malabar for his information.

(Sent in No. 353)

Read the Criminal Reports for the month of February 1839 submitted by the Acting Joint Criminal Judge of Tinnevelly.

(Here enter No. 454)

Case No. 16

The Court of Sunjdaree Adalut see reason to doubt the propriety of the acquittal of the prisoner in this case, and observe that if there was no proof of the fact charged against the prisoner, he was entitled to an acquittal, but that if there had been Evidence forthcoming to establish the burning, the prisoner ought not to have escaped punishment through the unwillingness on the part of his wife to forge the prosecution against him.

Ordered, that Extract from these proceedings

21st March 1839.

proceedings be sent to the Acting Joint Criminal Judge at Tinnevelly for his information—

(Sent in No. 354)

Read the Criminal Reports for the month of February 1839 submitted by the Joint Criminal Judge at Vizagapatam—

(Here under No. 355)

Case No. 117

1. The Court of Sunjdaree Adalut direct that it may be intimated to the Joint Criminal Judge, that such a full detail of the circumstances of the Case as is given in this instance is unnecessary, especially with regard to Cases in which the Parties may have been committed to take their trial before the Court of Circuit. a concise, but clear note is all that is required.

Case No. 15.

2. The Court of Sunjdaree Adalut direct that a copy of this case as it stands in the Report and of this Paragraph be sent by the Joint Criminal Judge to the Magistrate, who will report direct to the Sunjdaree Adalut, what notice he may have deemed it advisable to take of the Conduct of the Head Tehsildar of Pooderandul, in consequence of the communication addressed to him by the Joint Criminal Judge under date the 11th February 1839.

Ordered,

J. H.

21st March 1839.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge at Vizagapatam, for his information and guidance by first opportunity returnable in 5 days from and after its receipt—

(Sent following Precept No. 355)

Read return, dated the 15th Instant from the 2nd Judge on Circuit in the Northern Division to the Precept of the Court of Sunjdaree Adalut under date the 11th March, authorizing a mitigation of the Sentence passed on the Prisoner Murder in Case No. 4 on the Circuit Calendar—

(Here under No. 361)

Read return, dated the 15th Instant, from the Acting Criminal Judge of Madura to the Precept of the Court of Sunjdaree Adalut under date the 12th Instant, conveying their Remarks on the Deputation submitted by the Criminal Judge of Madura, to the proceedings of the Sunjdaree Adalut held in review of the Madura Criminal Reports for the month of December last—

(Here under No. 362—)

95

J. A. C.

Ex. W. S.

Ex. P. S.

At a Court of the Tinjidarre Udalut

Present

Friday 22nd March 1839. John Bird Esqr — 1st Assistt Judge
Thomas Alexr Oakes Esqr — Actg 2d Assistt Judge

Read the Criminal Reports
for the month of February 1839 submitted
by the Criminal Judge of Salem —
(Referred to Nº 1 of 1839.)

Nº 1. The Court of Tinjidarre Udalut
Cont. Nº 24. resolves to direct that a copy of this order and it
stands in the Report and of this paragr be
sent by the Criminal Judge to the Magistrate
of Salem, who will be requested to submit an
Answer to this Court explanations of the
delay which occurred in forwarding this cause
to the Criminal Court —

Nº 2. With reference to the charge in cont
Cont. Nº 30 Nº 30 of the Report and the evidence produced
in support of it, the Court of Tinjidarre Udalut
are disposed to question the propriety of the
acquittal of the prisoner Palani Coundan if
there was proof sufficient to establish the
fact of the cattle having been stolen the Court
are of opinion that the prisoner has rendered
himself

The

himself liable to punishment. The Court however
resolve to call on the Sudr Ameen & Moofties for
further explanation of the grounds on which
he acquitted the prisoner.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge of
Salem for his information and guidance by
precept returnable in 8 days from and after
date of receipt.

(Sent following precept No 380)

Read the Criminal Report for
the month of February 1839 submitted by the
Criminal Judge of Salem.

(Area note No 140.)

Cooda No 8.

1. The Court of Sunjelaw Udalut are
led to presume that the evidence in this case did
not establish that the claim which it stood on
alleged was purchased from the prisoner and the
property of the prosecutor, or that it had come
unlawfully into the possession of the prisoner
Subbada, but as they are not able to gather
from the abstract of the case whether these
points were established or not, they resolve to
call for a further explanation of these points

Cooda No 14

2. As appeared from the abstract given
in Cooda No 14 that the first prisoner Sheik Ameer

absconded having removed the money from the
house of the prosecutor, and all this during the trial
circumstances might have been brought to light
investigation of the offence committed by the
Prisoner, the Court of Sunjelaw Udalut are of
opinion that the Moofties Sudr Ameen was
not justified in releasing the prisoner unconditionally. The Court will not however now disturb
the sentence passed on the prisoners, but they
direct their remarks may be communicated
to the Sudr Ameen Moofties for his information
and future guidance.

Cooda No 13.

3. The records of trial in this case
not being under the standing orders
of the Court of Sunjelaw Udalut by the Regulations
therefore cited in support of the sentence is
incorrect, and the Criminal Judge will be
directed to point this out to the Sudr Ameen
Pundits.

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

(Sent following precept No 381)

Read letter dated the 11th instant
from the Criminal Court of Circuit in the Western
Division

Division, forwarding translation of a communication from the Principal Sudr Ameen of Sirdhana, referring the question as to whether under the Circular Order of the Sanjdarree Udalut of the 12th February 1834, cases of forgery which may come under the cognizance of the District Magistrate should be forwarded direct to the Criminal Courts for trial, or through the Police Officers agreeably to Section VIII. Regulation X of 1816.

(Here enter No 1451.)

1. The forgery adverted to by the Principal Sudr Ameen, was brought to his notice by a District Magistrate, who solicited instructions in respect of the mode of proceeding to be adopted in order to bring to trial the parties by whom it had been committed. Under such circumstances the forgery did not appear under the "judicial view" of the Principal Sudr Ameen and in the opinion of the Judges of the Sanjdarree Udalut, that officer acted correctly in ordering the case to be brought before the Criminal Court through the medium of the Police Authorities.

2. The Assistant Magistrate of Canara, consequently erred in intimating to the Magistrate that agreeably to the orders of the Sanjdarree Udalut,

Fol.

22nd March 1839

Udalut, the cases in question fell under the cognizance of the Criminal Court in the first instance; inasmuch that the Circular of the Sanjdarree Udalut dated the 12th February 1834 to which the Assistant Magistrate adverted, reports selectively to the superior judicial authorities therein specified, and not to functionaries of the class of District Magistrate.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit on the Western Division, for communication to the Principal Sudr Ameen of Sirdhana and to the Magistrate of Canara for the information of his subordinates.

(Section No 362.)

Read letter dated the 11th Instant from the 1st Judge on Circuit in the Southern Division, submitting the Madura and Tinnevelly Calendars for the 4th Sessions of 1839.

(Here enter No 1453.)

Madura Calendar No 4. Case No 5.

On reference to the abstract, the evidence &c in Case No 5 before the late Criminal Judge, Mr. Anstruther, did not justify the commitment of the Prisoners by that Officer, and it is much to be regretted that such

such a course of proceeding was adopted.—

Caste No 9

2. In Caste No 9 the Judges observe, that, with the exception of their confessions before the Police authorities, there appears nothing against the 1st, 2d, 3d, 4th, 5th, 6th and 7th Prisoners, and they accordingly wish to be informed by the Provincial Court whether there are any other grounds on the Record to justify a requisition for security.—

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

(Sent in a No 318)

Read the Criminal Reports submitted by the Criminal Judges of Rajahmundry for the month of February 1839.—

(Here enter No 46.)

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

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

(Sent in No 364)

Read Return dated the 12th Instant from the Criminal Judge of Rajahmundry, to the precept of the Singtaroo Adawlut dated the 1st March 1839, conveying their observations and orders on the Criminal Reports for the month of January 1839.—

(Here enter No 4646.)

Read Letter dated the 13th Instant from the Magistrate of Vizagapatam, submitting the explanation called for in the Proceedings of the Court of Singtaroo Adawlut on the 9th and 23d Ultimo, relative to the circumstances which interfered to prevent the attendance of the witnesses required by the Joint Criminal Judge in Case No 45th on the Vizagapatam Calendar.—

(Here enter No 4650.)

Read Letter dated the 15th Instant from the Magistrate of the Southern Division of Sudder Adawlut transmitting the explanation called for in the Proceedings of the 9th Ultimo regarding the detention of a Prisoner in a case forwarded to the Criminal Court.—

(Here enter No 4663.)—

175

T.A.B.

M.J. Sdy

F. U.

At a Court of the Tanjore Adalut

Present

Saturday 23rd March 1839 — John Bird Esqre — 1st Puisne Judge
Thomas Alexr Baker Esqre — 2d & 3d Puisne Judge

Read the Criminal Reports
115
L.S.C. for the month of February 1839 submitted
by the Sessl Criminal Judge at Guntoor
(Here enter at Pa 416)

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

Ordered therefore that Extract
from these proceedings be sent to the Sessl
Criminal Judge at Guntoor for his information
(Sent in at Pa 365)

Read letter dated the 11th
Instant from the 3d Judge on Circuit in
the Carnatic Division reporting his having
opened the Sessions at Bellary on the 11th
115
L.S.C. Instant —
Esq 11th (Here enter at Pa 457.) —
Sessions

At a Court of the Magistrates & Calabar

Present

Monday 25th March 1839

John Bird Esqre ——— 1st Presidg Judge
Thomas. Alexr Oakes Esqre 2d Presidg Judge

115
T. A. C.

Read a Miscellaneous Petition presented on the 11th February last by G. Augustus Lee on behalf of Mr. Assistant Charles J. Miller —

(Here see Min. Bk. Pa. for 25 of 1839.)

The Petitioner requesting to be informed whether any order of this Court directing the Keys of the Rum premises, Potlatch Lagoon at J. Miller to be delivered into his possession, has not, as he believed into effect, and praying that if it has been carried into effect, under what circumstances, instructions may be issued to the Commissariat Budget of Calabar to adopt measures for procuring their immediate restoration to him —

Mr Justice advertes to the proceedings of the Magistrate of Calabar, submitted for the consideration of this Court on the 25th ult. in relation to the order of the Court on the subject in question, to the effect that the decision of this Court is opposed to the order of Government in the same matter, which

the

the Petitioner asserts is not the case. He accordingly requests to be furnished with a copy of the Magistrates' returns when received.

3. The Returns from the Magistrates of Salem, to which the Petitioner has alluded, has been already laid before the Court of Sessions Udalut, and on an attentive consideration of the circumstances therein detailed, they have been induced to cancel their order, directing the keys of the Pagoda in question to be delivered over to the Petitioner as shewn in their proceedings of the 18th Instant, to which the Petitioner is referred. The applications contained in the said proceedings are accordingly rejected.

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

No further returns having been received from the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 19th February 1838, directing them to instruct the Criminal Judges of Chingleput to certify the complete fulfilment of the orders of Government in respect of the remission and mitigation of the sentences of the prisoners who refused to accept pardon from the Native Army on

At St. Thomas's Mount.

Ordered, that the Provincial Court of Circuit in the Centre Division be required by precept returnable in 5 days, from and after its receipt to shew what may have been done in pursuance of the instructions issued to them under date the 19th February last, and that they be required to make a full return to the precept aforesaid without any further delay.

(Sent following precept p. 370)

Read letter dated the 15th Instant from the Joint Criminal Judge at Vizagapatam, submitting an explanation on the subject of the several Pagoda cases, for which he was required in a letter from this Court under date the 5th Instant to submit a special application for authority to bring the parties therein concerned to trial before the Court of Circuit at the sittings at Vizagapatam.

(Vide Entry p. 471.)

113

L.R.O.

J. 46

At a Court of the Tongdaree Udalut

Present,

Wednesday 27th March 1839 — John Reid Esqr. ——— 1st Puisne Judge
Thos. Alexander Oakes Esqr. 2nd Puisne Judge

Read the Criminal Reports for the month of February, submitted by the Criminal Judge of Cuddapah

(Here enter No. 425)

From the Reports submitted by the Criminal Judge of Cuddapah, the Court of Tongdaree Udalut observe that at the close of the month of February there were the original and extraordinary numbers of 28 Cases including 101 persons undisposed of and they are led to express the hope that continued and strenuous Exertions will be made by the Criminal Judge and his Assistants to dispose of the arrears—

The Court of Tongdaree Udalut direct that a copy of this Case as it stands in the Report and of this proceeding be sent by the Criminal Judge to the Magistrate, who will be requested to intimate to the Criminal Judge of Cuddapah that the grounds assigned by him for the detention of the prisoners before him, have been

L. A. D.

Cumbum Report 2.
Case No. 9.

been viewed by the Court as unsatisfactory.

Cases Nos 11. 12. and 13. 3. From the Report of the Sudr Ameen some delay appears to have taken place in forwarding the cases noted in the margin to the Criminal Court, the Explanations of which are unsatisfactory, & unnecessary References to the Joint Magistrate, this has constantly been denounced by the Court of Sumbodaree Udalut as insufficient, and it will be incumbent on the Magistrate to prevent such References in future.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance, with directions to communicate paras 2 and 3. to the Magistrate of Cuddapah.

Sent in No. 979

Read the Criminal Reports for the Month of February 1839 submitted by the Officiating Joint Criminal Judge of Chingleput.

Correspondence No. 553

Case No. 15. 1 The Court of Sumbodaree Udalut direct that a copy of this Case as it stands in the Report and of this Parah be sent by the Joint Criminal Judge to the Magistrate, who will be pleased to point out to the Head of Police of Veerabellum that he was not justified in delaying the transmission of this Case to the Criminal Court on the grounds assigned by him.

Case No. 16. 2. On a consideration of the circumstances of this Case, the Court of Sumbodaree Udalut being of opinion that it is of the highest importance that the perpetrators of the murders, which form the ground of the charge in the Case in question, should be brought to justice, resolve to direct that an Offer of a reward be published under the provisions of Section XXI Regulation IX of 1816.

Case No. 17. 3. The Acting Joint Criminal Judge should have explained to what extent the 2d and 3d Prisoners in this Case were implicated with the 1st Prisoner.

Case No. 18. 4. The Court being of opinion that there are not sufficient grounds in the report for requisition of security from the Prisoners in this Case, resolve to direct that the Prisoners be released from confinement on their own bail bonds be executed, if the required security has been furnished.

Case No. 21. 5. The Court observe that it would have

have been more satisfactory had the circumstances which tended in the opinion of the Sub Queen to attach a strong suspicion on the Prisoner in this case been recorded, as this Court would then have been enabled to arrive at a conclusion of the propriety of the demand of Security made from the Prisoner in the Case. The Sub Queen is now required to submit an explanation in this Point.

Case No. 23. 6. The Court also having reason to doubt whether the Evidence adduced in Case No. 23 were sufficient to justify the Conviction of the Prisoner, resolves to direct the Acting Sessions Criminal Judge to refer to the depositions recorded, to ascertain that, if in his opinion there is not sufficient evidence to justify this conviction, orders may be issued for the release of the Prisoner on Security, or conditionally as circumstances may render proper.

115 Ordered, that Extract from these proceedings be sent to the Acting Sessions Criminal Judge at Cuddalore for his information by Precept returnable in 5 days from and after its Receipt.

L.M.C. (Sent following Precept No. 380)

H Rey.

No. 56.

Thursday 28th March, 1839.

Present,

The Hon'ble Court of the Sudder Adalut,

Hon'ble John Bird Esqre ——— 1st Puisne Judge,

Thomas Alexr Addis Esqre ——— Acting 2d Puisne Judge.

Read letter dated the 16th Instant from the 2d Judge on Circuit in the Northern Division, transmitting the record in Case No. 12 on the Nellore Criminal Calendar for the 1st Sessions of 1839.—

(Vide entry No. 271)

Read also letter dated the 16th Instant from the 2d Judge on Circuit in the Northern Division, transmitting the Opinion of the Law Officer in Case No. 12 on the Nellore Criminal Calendar for the 1st Sessions of 1839.—

(Vide entry No. 284)

Read also letter dated the 18th Instant from the 2d Judge on Circuit in the Northern Division, transmitting the Petition dated the 14th Instant of Chinna Ramasamy Naicken in Case No. 12 of the Nellore Calendar for the 1st Sessions of 1839.—

(Vide entry No. 311)

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the Case in which the Opinion of the Law Officer differs from that of the Judge, are of opinion that the proof against

Hon'ble Bird,
and
Hon'ble Addis

against the prisoner

Nalajana Bangaragadoo

is sufficient to convict him of the crime of murder &c, under the authority with which they are vested by Clause first, Sect. 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. 383)

Read letter dated the 2d instant from the 1st Judge on Circuit in the Southern Division, transmitting the record in Case No. 1 on the Criminal Calendar 1st Sessions of 1839.

(Here enter No. 394)

Mr. Bird,
(and)
Mr. Oakes,

The Court of Enquiry below having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee ool Cozat and Mooftee of the Enquiry Kuchut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoner

Caunila Naik

of the crime 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. 384)

Read letter dated the 8th instant from the 1st Judge on Circuit in the Southern Division, transmitting the Record in Case No. 2 on the Criminal Calendar for the 1st Sessions of 1839.

(Here enter No. 418)

Mr. Bird,
(and)
Mr. Oakes,

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

Cavinyamady

is sufficient to convict him of the crime of murder, under the authority with which they are vested by Clause first Section II Regulation I of 1818, 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. 385)

Read supplemental return dated the instant from the Criminal Judge of Cuddapah, to the precepts of the Court of Enquiry below under date the 2d instant, comprising their remarks and orders on the Cuddapah Jail Criminal Calendar from the Month of January last.

(Here enter No. 430)

Read

28th March 1839.

Read return dated the 11th instant from the Provincial Court of Circuit in the Western Division, & the precept of the Inquisitions dated the 2d March 1839 annexed thereto remarks and orders on the Kilkenny Criminal Calendar for the month of January 1839.—

(Here enter No. 445)

Read letter dated the 20th instant from the Acting 2d Judge Sitting on Circuit in the Centre Division, submitting a fresh Statement of reports in the Cases during the 2d Sessions of 1838.—

(Here enter No. 479)

Read letter dated the 15th instant from the 3d Judge on Circuit in the Eastern Division, giving the opening of the 1st Sessions of 1839 at Wexford.—

(Here enter No. 482)

Read letter dated the 20th instant from the 2d Judge on Circuit in the Southern Division, transmitting the precept of the Inquisitions dated the 18th March 1839 containing his remarks and orders on the Kilkenny Criminal Calendar for the month of January 1839.—

(Here enter No. 485)

Read letter dated the 18th instant from the Acting Joint Criminal Judge of Kilkenny, submitting explanation called for in the letter from the Court of Inquisitions dated the 11th instant of the circumstances under which an opportunity was afforded of the Prisoner Valley of Ennis Clerk of Assizes for

(Here enter No. 486)

28th March 1839.

Read letter dated the 23d instant from the 2d Judge on Circuit in the Southern Division, relating his having opened the Sessions at Cashel on the 20th Instant, and the state of the Calendar at that station.—

(Here enter No. 491)

Read return from the Criminal Judge of Connaught dated the 20th, to the precept of the Court of Inquisitions dated the 15th Instant, conveying their remarks and orders on the Connaught Criminal Calendar for the month of January last.—

(Here enter No. 490)

The 4th Commission contained in the same return of Hearings & Inspection, the Court directs that their opinion be communicated to the Criminal Judge—

Ordered accordingly that Extract from these Proceedings be sent to the Criminal Judge of Connaught for his information.—

(Sent in No. 386)

18
P.C.

28th Inst

T. U.

At a Court of the Tondiarpet Adalut

Present,

Saturday, 30th March 1839

John Bird Esqr. _____ 1st Puisne Judge

Thos. Alexander Oakes Esqr. 2nd Puisne Judge

Read letter dated the 4th Instant,

from the 3d Judge on Circuit in the Centre Division,

forwarding copies of the Cuddapah and Cumbum Calendars

for the 1st Septmt of 1839.

(Vide entry No. 383.)

In this case, the Prisoner stood charged

Case No. 1

before this Court of Circuit with perjury, in having on the 9th

December 1837 given a deposition on oath before the Co-

mmd Judge of Cuddapah, and another deposition on oath

before the Head Assistant Magistrate on the 4th September

1837, the said two depositions being diametrically op-

posed to each other.

It appears from the remarks by the

Judge presiding, that the Prisoner was committed to take

his trial before the Judge on Circuit on the evidence of one

witness, and that several of the servants of the Magistrate

Cuddapah having been summoned, for the Prosecution, a-

failed to prove the correctness of the different depositions

the

the Prisoner was consequently released.

3. The Court of Sunglarees Udalut are unable to account for the omission on the part of the 3rd Judge to send for the Head assistant Magistrate and Examine him respecting his knowledge of the nature of the communication made before him by the Prisoner.

4. If the statements of the 1st witness had been confirmed by the Head assistant Magistrate, the evidence would, in the opinion of the Court of Sunglarees Udalut, have been sufficient for the conviction of the accused.

5. The Court see no reason to doubt the guilt of the Prisoner, and are grateful that the ends of Justice have been defeated by the omission of the judge on Circuit to require the further evidence above mentioned. Observations of a similar nature are applicable also to Cases Nos 2, 3, 4, 5. 6. and 7.

Case No 11 6. The Prisoner in this case was charged with having stopped the Prosecutrix on the road, beat her and robbed her of property to the value of Rupees 2. 8.

7. The Prisoner is convicted, but in consideration of his not being an old offender, and being entirely unarmed and the robbery not being attended with any

personal injury and the value of the stolen property being very trifling, the Judge on Circuit recommends a mitigation of the punishment prescribed for this offence by the Regulations, to four years imprisonment.

8. The Court of Sunglarees Udalut having maturely considered all the circumstances of the case, resolve to accede to the recommendation of the 3rd Judge on Circuit, and under the authority vested in them by Clause third Section III Regulation I. of 1825 direct that the Prisoner "Gooyagunga canta Mullongundee" be sentenced to imprisonment and hard labor in irons on the public roads or other public works for and during the period of (4) four years.

Case No 12 9. The Prisoner in this case was accused and convicted of having procured an abortion, and was sentenced by the Court of Circuit to two years imprisonment.

10. The Court are aware that this crime is not viewed by the generality of the Native community in the same light as it is by the English Law, but they are of opinion that under all the circumstances of the Case, the punishment awarded in the present instance is adequate.

The

Case No. 18. 11. The Court of Fujdaree Udalut regret the postponement which has taken place in this case, and deem it right to direct that particular explanation be required, why the attendance of the necessary witnesses could not be procured.

12. The Court further direct that the attention of the 3d Judge be again drawn to their Circular Order of the 28th June 1827, in order that in all future Cases in which it may appear to him that the trials cannot be brought to a close on the evidence of the witnesses in attendance, the trial should not be commenced.

Case No. 21. 13. The Court direct that the 3d Judge will explain more fully the grounds on which the Evidence in this Case was deemed insufficient for the Conviction of the prisoners, and they are desirous of being informed in particular, of what the 1st prisoner stated in respect to the deceased having been at his house on the day the murder is alleged to have been perpetrated.

Case No. 22. 14. In this case it is obvious from the Examination before the Criminal and Circuit Courts, that the deceased was murdered, and that for the sake of the Gold Taga or her person.

The

15. The evidence that the deceased had, on the Evening of the 17th July, gone to the prisoner's house to see a Smoke, and that the prisoner had by his threats driven away the two girls who had accompanied her, coupled with the fact that the deceased did not return home that night, are very suspicious. It should have been explained how far the prisoner's house was distant from Angeraya-swamy-Peit, in which the Remains of the deceased were discovered, and whether the little girls who accompanied the deceased were both examined, and if not, why the Examination of one of them was omitted. It should also have been more fully shewn in what manner the books which it appears are alluded to by the Law Officers of the Court are connected with this case.

Case No. 23. 16. In this case also the Court entertain no doubt that the deceased was murdered, and they are somewhat surprised at the conclusion arrived at by the 3d Judge, that the deceased met with his death accidentally. It appears to the Court improbable that the prisoner should have been able to point out the place where the Cloths of the deceased had been concealed, unless he had been concerned in the murder.

The

The Court being pleased to doubt
the correctness of his judgment in Case No. 23, resolve to
direct the 3d Judge to prepare and submit an English
translation of the Record of the trial.

Case No. 25. 18. Agreeably to the Recommendation of
the Judge in Council, the Court resolve to sanction the
mitigation to 5 Years imprisonment of the Sentence to
which the Prisoners in this Case have rendered
themselves liable, and they accordingly direct that the
Prisoners

1st Ladapolen Vencatadurgy alias
Gangeloogandoo

2d Ayamooly Eeroovadoo

be sentenced to imprisonment and hard labor in irons on
the public roads or other public works, for and during
the period of (5) five years.

Case No. 26 19. The Court see reason to doubt the
propriety of the acquittal of the Prisoners in this Case,
but they refrain from calling up the Record of the trial
as it could not lead to any beneficial result.

Case No. 29 20. The Court before proceeding to the
recommendation of the Judge in Council to mitigate the
punishment prescribed by this Regulation for the offence

Committed

committed by the 2d and 3d Prisoners in this Case, direct
the 3d Judge will report for their information how the
Prisoners in question were armed when they attacked the
Prosecutrix.

The Prisoners in this Case were

Case No. 21. 21.

Sept. Calendar charged with having on the night of the 8th December
last, entered the house of the Prosecutor, beaten him and
his Brother with sticks, tied them to cots and carried
away property to the Amount of Rupees 30-8.-

On the grounds detailed in the

22.

Calendar, the Prisoners were released.

The Court are of opinion that the

23.

3d Judge erred in directing the unconditional release
of the 4th Prisoner in this Case, inasmuch as in addition
to his confession before the Police Officer he was
identified by two of the witnesses, the 1st and 5th.

The Court further observe that it

24.

would have been more satisfactory had the 3d Judge
stated in his remarks, whether the 1st and 5th
Prisoners had been acquainted with the Prisoners pre-
vious to the occurrence of the Robbery, because in
that case he might be known to

The Prisoner in this Case was

Case No. 2 25.

Cumbum Calendar. convicted

17. The Court seeing reason to doubt the correctness of his judgment in Case No. 23, resolve to direct the 3d Judge to prepare and Submit an English translation of the Record of the trial.

Case No. 25. 18. Agreeably to the Recommendation of the Judge on Circuit, the Court resolve to Sanction the mitigation to 4 Years imprisonment of the Sentence to which the prisoners in this Case have rendered themselves liable, and they accordingly direct that the prisoners

1st Ladapoloo Encaladarsay alias
Gungoologandoo.

2d Yamoola Gorrovadoo

be Sentenced to imprisonment and hard labor in irons on the public roads or other public works, for, and during the period of (4) four years.

Case No. 26. 19. The Court See Reasons to doubt the propriety of the acquittal of the prisoners in this Case, but they refrain from calling up the Record of the trial as it could not lead to any beneficial result.

Case No. 29. 20. The Court before according to the recommendation of the Judge on Circuit to mitigate the punishment prescribed by the Regulation for the offence

Committed

committed by the 2d and 3rd Prisoners in this Case, direct the 3d Judge will report for their information how the prisoners in question were armed when they attacked the

Prosecutor.

Case No. 21. 21. The Prisoners in this Case were

Supp. Calendar charged with having on the night of the 8th December last, entered the house of the Prosecutor, beaten him and his nephew with sticks, tied them to cots and carried away property to the Amount of Rupees 30-8-0.

On the grounds detailed in the

22.

Calendar, the prisoners were released.

The Court are of opinion that the

23.

3d Judge erred in directing the unconditional release of the 1st Prisoner in this Case, inasmuch as in addition to his confession before the Police Officer he was identified by two of the witnesses, the 4th and 5th

The Court further observe that it

24.

would have been more satisfactory had the 3d Judge alluded in his remarks, whether the 4th and 5th witnesses had been acquainted with the Prisoners previous to the occurrence of the robbery - because in that case he might be known to have been convicted -

The prisoner in this Case was

Case No. 2 25. convicted

Cumbum Calendar.

convicted of having attacked the Prosecutor near a wood, beat him and robbed him and the 1st and 2nd witnesses of property valued at 6/10 Rupees, and in consideration of the prisoner not being an old Offender and the robbery not having been attended with the slightest personal injury, and as the amount of the property stolen was small, the Judge on Circuit recommends a mitigation of the punishment prescribed by Law for this Offence, to Seven Years imprisonment.

26. Under the Circumstances of the Case the Court of Zillaree Adalut resolve to accede to the mitigation recommended, and accordingly direct that the prisoner

Chuntoboo Naugadoo

be sentenced to imprisonment and hard labor in irons on the public roads or other public works, for and during the period of Seven years.

Case No. 4. 27. The mission of the Principal Sudr Ameen to forward the witnesses to prove the Confession before him of the Prisoner in this Case, is no Excuse for the presiding Judge having failed to require their attendance and the Court are of opinion that the manner in which the trial has been disposed

disposed of is any thing but satisfactory.

28. The Judges consider the proposal contained in the 4th Parah of the 3d Judges letter unobjectionable, and they accordingly authorize the Court to proceed to Cuddapah and Resume the trial of the Case No. 18 on the Calendar on return from Bellary. Should the witnesses required be in attendance.

Ordered, that Extract from these Proceedings be sent to the 3d 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. 389 /

Read the Criminal Reports for the month of February 1839 submitted by the Principal Sudr Ameen at Seringapatam through the Provincial Court of Circuit in the Western Division.

/ Here enter No. 169 /

Case No. 4. 1. On a consideration of the circumstances of this Case as stated in the Report, the Court are of opinion that the demand of Security in the Sum of 15. Rupees was altogether inadequate, and they direct

direct that this opinion be communicated to the Principal Sudr Ameen, through the Provincial Court, for his future guidance.

Case No. 11. 2. In this case, the Prisoner was convicted of a burglary and sentenced in consideration of his youth to two months imprisonment, with labor, without irons. The Court direct that the Principal Sudr Ameen be called on thro' the Provincial Court to state what was the age of the Prisoner in question and that it be explained to that Officer, that in all similar cases the age of the Criminal should be specified in the abstract.

Case No. 12. 3. The Court direct that a copy of this case as it stands in the Report and of this Parah be sent through the Provincial Court to the Magistrate, who will be pleased to ascertain and Report direct to this Court, the cause of the alleged delay which has taken place on the part of the Joint Magistrate in replying to the reference of the Head of Police of Soondah on the subject of the nature of the Evidence adduced against the Prisoner Shivoo.

Case No. 17. 4. The object of the reference made by the Tahseeldar to the Joint Magistrate in this Case

Dect

not having been stated, the Court direct that Copy of this case also as it stands in the Report and of this Parah be sent through the Provincial Court to the Magistrate, who will be pleased to require the attention of the Head of Police of Soondah, to the injunction of the Circular Order No. 62 dated the 26th February 1836, in future similar Cases.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 390)

Read the Criminal Reports for the month of February 1839 submitted by the Assistant Criminal Judge in charge of the Court at Malabar.

(Here enter No. 476.)

Case No. 13. 1. With reference to the charge in Case No. 13. of the Report, and the Evidence produced in support of it, the Court of Foujdaree Udalut are not altogether satisfied of the propriety of the release of the Prisoner by the Criminal Judge, and they accordingly resolve to direct that a copy of the Case as

as it stands in the Report and of this Parah be sent from their Registrar's Office to the Provincial Court of Circuit in the Western Division, who will be pleased to call for the record of the Case, in view to ascertaining whether there were not sufficient grounds for putting the Prisoner on his trial before the Court of Circuit.

Case No. 14. 2. It is observed that the Assistant Criminal Judge has in this Case neglected to Record any distinct opinion on the guilt or innocence of the Prisoner concerned. The Court of Foujdaree Udalut therefore direct that the Assistant Criminal Judge be advised that this mode of disposing of a case is irregular and unauthorized.

Case No. 30. 3. In this case it is stated that there is not a particle of evidence nor Suspicion against the Prisoner. The Court of Foujdaree Udalut conclude that a communication on this Subject has, in accordance with the injunctions of their Circular Order of the 21st May 1823, been made to the Magistrate, but if not, the Assistant Criminal Judge will now send copy of the case as it Stands in the Report, and of this Parah to that Magistrate, who will be pleased to enquire into the Conduct of the Police Officer concerned,

and

and report direct to the Foujdaree Udalut, whether he has found it necessary to take any, and what notice of it.

Ordered, that Extract from these Proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court of Malabar for his information and guidance by Precept returnable in five days from and after its receipt.

/ Sent following Precept No. 391 /

Ordered also, that a Parah of these proceedings, together with Copy of Case No. 13. be sent to the Provincial Court of Circuit in the Western Division for their information.

/ Sent in No. 392 /

Read letter dated the 20th Instant from the Acting Joint Criminal Judge at Tellicherry, forwarding copy of a warrant of the Court of Circuit on the Tellicherry Calendar for the 1st Quarter Sessions of 1839 for the banishment of a prisoner to a Zillah to be selected by the Foujdaree Udalut.

/ Here enter No. 487. /

The Court of Foujdaree Udalut

1. direct that the Prisoner "Chalampally alias Vamalu Canaran"

be

30th March 1839.

be removed to the Jail of the Auxiliary Court at Coimbatore, there to be imprisoned agreeably to the terms of his Sentence.

2. In all future applications of this nature, the acting Joint Criminal Judge will be pleased to state the Number of the Case on the Calendar.

Ordered, that Extract from these Proceedings be sent to the acting Joint Criminal Judges at Tellicherry and Coimbatore for their information and guidance respectively.

(Sent in Nos. 393 & 394.)

F. H.

Fl. 420.

Case No.

Fl. 420.

At a Court of the Foujdaree Udalut.

Present

Monday 1st April 1839.

John Bird Esqre. 1st Puisne Judge.

Thomas Alexr. Oakes Esqre. 2nd Puisne Judge.

Read letter dated the 18th February 1839 from the 1st Judge on Circuit in the Southern Division, transmitting the Record in Case No. 1. on the Madura Calendar for the 1st Sessions of 1839.

(Here Enter No. 300.)

F. H. Q.

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 Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, convicting the Prisoners

1st Chinnaske Reddy

2nd Mootloovecheen

and

3rd Savooghen

of the crime of Gang Robbery and awarding each

and

1st April 1839.-

and, under the providions of Clause first Section V Regulation VIII of 1831, and Clause third Section IV Regulation XV of 1803, sentence the said prisoners 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.-

(Sent following letter No. 395)

Read return dated the 31st Ultimo from the 2nd Judge on Circuit in the Northern Division, to the precept of the Sunjdarree Udalut dated the 20th March 1839, conveying their remarks and orders on the Kellow Calendar for the 1st Sessions of 1839.-

(Here enter No. 504.)

Read return dated the 26th Ultimo from the Criminal Judge of Salem to the precept of the Sunjdarree Udalut dated the 23d March 1839, conveying their observations and orders on the Criminal Reports for the month of February 1839.-

(Here enter No. 511.)

1st April 1839.-

Read letter dated the 1st November 1838 from the 1st Judge late on Circuit in the Northern Division, transmitting the record in Case No. 5 on the Vizagapatam Calendar for the 2d Sessions of 1838.-

(Here enter No. 505 of 1839.)

The Court of Sunjdarree 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 Mandausoo Jogia is sufficient to convict him of the crime of housebreaking and theft, &c, under the authority with which they are vested by Clause first Section V Regulation VIII of 1831 and Clause first Section II Regulation I of 1818, convict him thereof, and under the providions of Clause Second of the latter Section and Regulation, direct their Law Officers to declare by a Second futwa, to what sentence the prisoner would be liable if convicted on full legal evidence of that crime.-

Answer.

In the event of the Prisoner above mentioned, being convicted by the evidence of credible witnesses

1st April 1839.—

witnesses of the crime of Theft— he would be liable to suffer amputation of the right hand from the wrist.—

Mr. Oakes

Under the finding of Guilt declared in the foregoing Fatwa, and in accordance with the provisions of Section XXI. Regulation VII of 1802, the Court of Tanjore Udalut sentence the Prisoner

Mandamtoo Jugia

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.—

The Court of Tanjore Udalut have remarked the omission on the part of the 1st Judge to require the attendance of the Officer to whom, Rantol, the 6th Witness for the Prosecution, in the first instance communicated his suspicion against the Prisoner, as well as of Mr Jackson. who accompanied the party deputed to search the houses of the Prisoner— and have observed that the evidence against the Prisoner would have been rendered more complete and satisfactory, had the testimony of these Officers been taken and recorded on the points of which they were cognizant.—

Ordered

2.

F.C.

1st April 1839.—

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

(Sent following letter No. 396)

Exd

At a Court of the Cuyadarce Adaluts,

Present:

Tuesday
2d April, 1839. John Bird Esqre ——— Tr Puisne Judge

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

Read return dated the 4th instant from the Acting 2d Judge late on Circuit in the Centre Division, to the Precept of the Cuyadarce Adaluts of the 6th February 1839, directing that the Acting Joint Criminal Judge at Cuddalore may be required to ascertain from the Criminal Judge of Combaconum, what may have been the character of the Prisoner Ramasamy Rajah previous to his conviction, and to report the manner of the other blind Convicts referred to in his return of the 28th January last:—

(Here enter No 372)

Read also order of Government dated the 10th Ultimo, granting a full pardon to the blind Prisoners, Ramasamy Rajah and Kolapandy Poosen, and desiring that they may be made over to their relatives:—

(Here enter No 471)

Under the authority of the Right Honorable

2d April 1839.

Honorable the Governor in Council, the Court of Singhara Adalut direct that the Prisoners Ramasamy Rajah Cases Nos. 23 and 24 Combaconum Calendar 2d Sessions 1839 and Kolapandy Pooden, Cases Nos. 31 - 34 and 36 Combaco Calendar 2d Sessions 1839, be immediately released from confinement and be made over to their relatives.—

Ordered that Extract from these proceedings be forwarded to the Acting 2d Judge late on Circuit in the Centre Division for his information.—

(Court in No. 399

Ordered also, that Extract from these proceedings be forwarded to the Provincial Court in the Southern Division for their information

(Court in No. 400

Ex. L

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WRD.

No. 10.

In the Court of the Zillah Adalut

Present,

John Bird Esqre. — 1st Puisne Judge

Wednesday — William Rudleston Esqre. — 2d Puisne Judge

3d April 1839 — Henry Dickinson Esqre. — Acg 3d Puisne Judge

Read — return from the Provincial Court of Circuit in the Northern Division dated the 1st February, to precept of the Court of Zillah Adalut of the 15th January 1839, directing the Judges of the Provincial Court to issue the necessary instructions for the apprehension of Rajah Maria Appanna, the Zemindar of Ellore, and instituting proceedings against him.—

(Here enter No. 226.)

Mr. Bird — Read also returns from the Provincial Court of Circuit in the Northern Division, dated the 6th Ultimo, to the precept of the Court of Zillah Adalut of the 21st February, directing the Judges of the Provincial Court to communicate to the Zillah Adalut, the result of the Proceedings of

of the Masulipatam Magistrate against Rajah Narsah Apparow, the Zemindar of Ellore—

(Here enter No. 115.)

1. With reference to the circumstances stated in the foregoing returns, that the four approvers in Case No. 2 of the Masulipatam 3rd Quarterly Sessions of 1838 have all unanimously denied all knowledge of the robbery and murder committed at Ellore, and declared that their former confessions and depositions were extorted from them by the Officers of the Police—It appears to the Court, that all the approvers were unquestionably bound to discover fully and truly every circumstance within their knowledge, not only as regards those who have been tried in Case No. 2, but also as respects the alleged principal viz the Zemindar Narsah Apparow, and that having retracted their former evidence when called upon on the present occasion, to discover fully and truly every circumstance within their knowledge touching the crime of which he was charged, they have forfeited the pardon to which they would otherwise have been entitled in respect to the evidence they gave in Case No. 2, and that they are liable to be brought to trial on their former

3rd April 1839.

former confessions before the Magistrate, and upon the evidence forthcoming in the case—

2. It appears however to the Court, in defence of the conduct of these men, that they may not have contemplated the prosecution of the Zemindar, and it is probable that if he had been proceeded against in the first instance, they would have retracted their confessions and would not have given evidence in the case at all. It is evident to the Court observe, that in their former depositions they speak of the part the Zemindar had in the transaction, with unwillingness and hesitation—

The Court accordingly with this view positive to forbear from ordering these persons to be put on their trial, and direct that the Provincial Court in the Northern Division be instructed to desire the immediate releases of the prisoners

Khasa Nardoo
Khasa Venkayah
Katiamoori Doollai
and
Goravai

from confinement—

Ordered Upon

F. 16.

At a Court of the Fouzdaree Adalut

Present

Friday 5th April 1839.

John Bird Esqre — 1st Puisne Judge

William Hudleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — Actg 3d Puisne Judge

Read the Criminal Reports for the month of February 1839 submitted by the Acting Criminal Judge of Madura

(Here enter No 475.)

Against the prisoner in this criminal case there seems to have been no evidence beyond his police confession; this is manifestly insufficient for his conviction, but under all the circumstances of the case, the Court resolve to direct that a copy of it as it stands in the Report, and of this para, be sent to the Provincial Court of Circuit in the Southern Division, who will be pleased to call for the proceedings and pass upon them such orders as they may consider necessary.

So great a detail of the evidence in a case, as is given in the roobakaree noted in the margin does

Cadr No 3245.

Conds No 3 & 10 Mar and 27

3d April 1839.

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No 401)

Read letter dated the 21st Ultimo from the Second Judge on Circuit in the Northern Division, acknowledging the receipt of the final sentence passed in Case No 2 on the Machulipatam Calendar for the 3d Quarterly Sessions of 1839 and reporting that orders have been issued for carrying it into effect.

(Here enter No 486.)

Read return dated the 27th Ultimo from the Criminal Judge of Chittoor to the precept of the Fouzdaree Adalut dated the 20th March 1839, conveying their observations and orders on the Criminal Reports for the month of February 1839.

(Here enter No 512.)

3rd April 1839.

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by precept returnable in 5 days from and after it's receipt.—

(Sent following precept No 401)

Read letter dated the 21st Ultimo from the Second Judge in Circuit in the Southern Division, acknowledging the receipt of the final sentence passed in Case No 2 on the Madura Calendar for the 3rd Quarterly Sessions of 1839 and reporting that orders have been issued for carrying it into effect.—

(Here enter No 486.)

Read letter dated the 27th Ultimo from the Criminal Judge of Chittoor, to the precept of the Sowdaree Udalut dated the 20th March 1839, conveying their observations and orders on the Criminal Reports for the months of February 1839.—

(Here enter No 512.)

J.C.

At a Court of the Sowdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

William Hudleston Esqre — 2d Puisne Judge

Friday 5th April 1839.

Henry Dickinson Esqre — Ag 3d Puisne Judge

Read the Criminal Reports for the month of February 1839, submitted by the Acting Criminal Judge of Madura

(Here enter No 475.)

Against the sentence in this case

Case No 2 of 5.

there seems to have been no evidence beyond the Police confession; this is manifestly insufficient for that conviction, but under all the circumstances of the case, the Court resolve to direct that a copy of it as it stands in the Report, and of that para, be sent to the Provincial Court of Circuit in the Southern Division, who will be pleased to call for the proceedings and pass upon them such orders as they may consider necessary.—

Conduct Nos 3 & 10 and 27

So great a detail of the evidence in a case, and is given in the course noted in the margin does

does not appear to the Fouzdaree Udalut requisite in the Criminal Reports. They do not expect the depositions of the several witnesses to be given, but simply a concise note showing in substance, what has been deposed, and what form the ground of the order of the Criminal Court.

Case No 9. 3. It does not appear to the Court that sufficient grounds have been shown for the committal of the 1st and 2nd prisoners in this case to take their trial before the Court of Circuit, and they therefore resolve to direct that a copy of this case as it stands in the Report and of this parwanah be sent from their Registers Office to the Provincial Court of Circuit who will be pleased to call for the Record of the case and pass on it such orders as may appear fit.—

Case No 13. 4. The Court require further explanation of the charge against the 3rd and 5th prisoners which as at present recorded, is defective and unintelligible: this case is also open to the same remarks as those above recorded in Cases Nos 8 & 9.

Case No 14. 5. With reference to the charge in Case No 14 of the Report and the evidence produced in support of it, the Court of Fouzdaree Udalut are disposed to question the propriety of the Acting

Acting Criminal Judge having only proceeded to hold the 1st prisoner to security.—His confession supported by the evidence adduced in the case, would appear to the Court sufficient to justify his conviction.—

Case No 21. 6. In this case the Principal Sudr Ameen appears to have convicted the prisoner on the evidence adduced in Case 1st; the Court direct that it may be pointed out to that Officer, that the proceedings in one case are not available as grounds for the conviction of a prisoner in another.—The Court also observe that the charge as recorded contains no crime for which the prisoner could be arraigned.—

7. As the evidence appears to the Court to be altogether insufficient for the conviction of the prisoner in question, they direct that he may be immediately released.—

Cases Nos 30 & 31 8. The same prisoner is concerned in these two cases. In Case 30 he has been committed for trial, in Case No 31 the prisoner has been sentenced to six months imprisonment under the provisions of Clause third Section V Regulation VI of 1822, the impropriety of proceeding to pass sentence on a prisoner for escape before final

5th April 1839.

final judgment has been declared on the grave offence for which that prisoner was originally apprehended, has been pointed out to the Acting Criminal Judge in former proceedings on his Criminal Reports; and in the instance noted in the margin, the orders passed by him should be revoked.—

Case of 1831.

Statement of Punishments.

Q. This blank Statement need not under the standing orders have been forwarded, it would have been sufficient if the fact of it's being blank had been stated in a note.—

Ordered, that Extract from these proceedings be sent 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 at No. 402)

Ordered also, that Extract of Paras 1 and 3. of these proceedings, together with copies of Cases at Nos. 215 and 9 be sent to the Provincial Court of Circuit in the Southern Division for their information.—

(Sent in at No. 403)

F. 16.

At a Court of the Tondiaree Udalut—

Present,

Monday, 8th April, 1839. John Bird Esqre. ——— 1st Puisne Judge
William Hadleston Esqre. — 2d Puisne Judge
Henry Dickinson Esqre. ad. 3d Puisne Judge

Read Extra Petition filed on 11th March 1839 by Appoo Padiachee of Cuddalore—

(Here enter No. 40 of 1839.)

The Petitioner states that he is brother in law of the Monsiff of a Village named Vadacau Mungadee: against whom a Criminal charge has been brought before the Head Assistant Magistrate of Cuddalore; which terminated in his being convicted in the Zillah Court and sentenced to Simple imprisonment in Jail for six Months, together with three other persons, who are related to the Petitioner, and were prosecuted in the same case.—

2. The Petitioner prays that the Court of Tondiaree Udalut will order the release of this relation on the plea that the charge is false, and that there is no other person to carry on the Sircar duties connected with the Office of Village Munsiff.—

Appoo

3. Upon considering the allegations contained in this Petition, together with the Statements made in No. 41 in the Singleput Criminal Report for December 1838, the Court of Foujdaree Adalut are of opinion that the Prisoners were very properly sentenced by the Zillah Court, and that there are no grounds for their interference. Many of the allegations contained in the Petition are wholly absurd, and the Prayer of this Petition cannot be granted.

4. The Court accordingly resolve to reject the Prayer of the Petition.

Ordered, that Extract from these proceedings be granted to the Petitioner upon his application.

Read Petition presented on the 18th of March 1839 by Chinnoo, alias Arumachella Modaliar of Nagore (Prisoner in Case No. 151 Combaconum Zillah Criminal Report for October 1837.)

(Here enter M. P. No. 42 of 1839.)

1. The Petitioner states that on the 13th of October 1837, one Magistah Chetty and others assaulted and beat him: and when he was on the point of complaining to the Magistrate, he heard of his father being taken ill. he therefore set out to go to Cuma: and on

the way was assaulted and robbed on the highway by the aforesaid persons: after which they caused him to be apprehended as a thief: on which charge he was sentenced in the Zillah Court to Six Months imprisonment with hard labour.

2. That during his imprisonment his opponents broke into the Petitioners' Shop and robbed it of articles valued at about 50 Rupees.

3. That after his sentence expire, he was again imprisoned: and was beaten in Jail. That he was released by order of the Circuit Judge.

4. That this order was not obeyed till ten days after it was given. That on the 25th July 1838 he complained regarding this to the Judge on Circuit at Madura: but that on 12th October 1838 this complaint was set aside by the Court of Circuit.

5. The Petitioner prays that the Court of Foujdaree Adalut will ascertain from their Records the truth of his Statements, cause his witnesses to be examined, and do him justice.

6. Upon an attentive consideration of the allegations contained in this Petition, the Court of Foujdaree Adalut are of opinion that the Statements made

made by the Petitioner are not entitled to the least credit. On a reference to the Criminal Report from the Zillah's of Combaconum for October 1837, Case No. 451, it appears that the Prisoner confessed the crime for which he was punished.

7. The Petitioner has omitted to furnish a copy of the order made regarding him in the Court of Circuit, on his applying, as he asserts, for redress: and also of the order given, as he states, for his release. If, as he states, his Shop was broken into while he was in Jail, he ought to have applied to the Magistrate for justice.

8. The Court of Sunjdaree Adalut accordingly resolve to reject the prayer of the Petitioner.

Ordered, that Extract from these proceedings be granted to the Petitioner upon his application.

Read Miscellaneous Petition, presented on the 25th March 1839 by Sunneyer of Trichinopoly.

/Here enter No. 44 of 1839./

The Petitioner refers to the circumstances

circumstances stated in his former petition, and further prays that the Court will, after having taken into their consideration the substance of the nine documents submitted with his present petition and of the Proceedings held before the Magistrate of Trichinopoly, be pleased to issue instructions to the Provincial Court of Circuit in the Southern Division to cause the re-apprehension of his opponents and a full examination of his complaint.

The Court direct that the Petitioner be referred to their former orders on the subject of this petition, and that he be warned that no further petition will be received relative to the request therein made.

Ordered, that this petition be rejected, and that copy of these proceedings be furnished to the Petitioner on his application.

Read further return dated the 20th Ultimo, from the 2nd Judge late on Circuit in the Centre Division, to the Precept of the Tonjdaree Adalut dated the 23rd October 1838, returning for further evidence the record in Case No. 3 on the Cumbum Calendar for the 2nd Sessions of 1838.

/Here enter No. 478./

The Court of Tonjdaree Adalut having

Mr. Bird
and
Mr. Dickinson.

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 Sonjdaree Udalut, confirm the said futwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoner

Nimmala Eadeyandoo

of the crime of Murder, and awarding Pokobut, 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. 409)

A Series of Precepts has been issued to the Criminal Judge of Bellary under the dates noted in the Margin- requiring him to shew good and sufficient cause why the Precepts of the Court of Sonjdaree Udalut of the 6th September and 1st October 1838. wherewith were transmitted their Proceedings on Review of the Bellaree Criminal Reports for the months of July and August of the same year- were not returned within the prescribed periods: but up to the present moment, the Criminal Judge has neglected to respond to those repeated calls.

25th October 1838.
5th December 1838.
9th February 1839.

and

and the Precepts in question yet remains un-returned.

The Court of Sonjdaree Udalut are unwilling to believe that in thus withholding compliance with the orders issued for his guidance, the Criminal Judge has been actuated by a spirit of wilful neglect and deliberate contumacy: but it being absolutely necessary that they should without further delay, assert the authority vested in them by the Existing Regulations, the Court resolve to direct that the Criminal Judge be called upon to make immediate Returns to the several Precepts above mentioned- and that he be at the same time warned that in the event of his failing to conform to this present requisition and to make Return to this Precept within the period hereinunder indicated, the Court will deem it their duty to make his conduct the subject of a grave and Special Representation to Government.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellaree by Precept returnable within twenty four hours after its receipt-

(Sent following Precept No. 410)

Read

8th April 1839.

Read the Criminal Reports for the month of February 1839 submitted by the Criminal Judge at Chicacole -

(Here enter No. 437.)

Case No. 5. The Court of Foujdaree Adalut are of opinion that the slipshod mode of description adopted by the Criminal Judge in recording his opinion in this Case is very unbecoming, and they desire that it may not be repeated -

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

(Sent in No. 418.)

Read the Criminal Reports for the month of February 1839 submitted by the Acting Criminal Judge of Combaconum -

(Here enter No. 496.)

Case No. 32. 1. The 3rd and 4th prisoners in this Case were charged with having received from the 1st and 2nd Prisoners a part of the property, stolen from the prosecutor, and melted it up, knowing it to be stolen. The assistant Criminal Judge was of

Opinion

J. U.

8th April 1839.

opinion that they were only liable to strong suspicion, and sentenced them under the provisions of Clause 1st Section IV Regulation II of 1822, to furnish security -

2. The Court of Foujdaree Adalut observe that this case would appear to have been erroneously disposed of, and that the prisoners should rather have been sentenced under the provisions of Section IX Regulation XII of 1832.

Case No. 33. 3. The Acting Criminal Judge will forward copy of this Case as it stands in the Report, and of this parah to the Magistrate, who will advise the Police Officer who transmitted the Case to the Criminal Court, that whenever a delay occurs in consequence of a reference to the Magistracy, the Circular Order No. 62. dated 26th February 1836, requires that a communication shall accompany the Case, explaining why the reference has been made -

Case No. 37. 4. The prisoner in this Case is charged with having through gross neglect, permitted a prisoner entrusted to his charge to effect his escape, and was sentenced to 2 Months imprisonment -

5. Under the circumstances of his having

8th April 1839.

having been instrumental in reapprehending the
escaped Prisoner Narrayanew, the Contrare of opi
that the punishment he has already undergone
sufficient, and they resolve to direct that that po
of it which remains unexpired be remitted. In
hope that this lenity may serve as an encourage
to offenders in future in similar cases to come
thereafter in reapprehending persons who may
escaped through their negligence.

Ordered, that Extract from the
Proceedings be sent to the Acting Criminal
for his information by Precept returnable in
from and after its receipt.

(Said following Precept No. 412/

F.C.

Case No.

F. C.

At a Court of the Tonjdaree Adalut-

Present

Wednesday, 10th April 1839. John Bird Esqre. 1st Puisne Judge
William Hudleston Esqre. 2d Puisne Judge
Henry Dickinson Esqre. 3d Puisne Judge

Read the following letter dated the 1st instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division.

(Here enter F.C. No. 527 of 1839)

In this Letter the Acting Second Judge reports that "three cases have descended to him" as Judge holding the Second Quarter Sessions "of 1839 from the 8th Supplemental Calendar of the 4th "Quarter 1838- Nos. 1-2 and 3" of which "the investigation in 2 and 3. were completed by Mr. David- "the investigation in No. 1. is delayed for 8 of the "Prisoners' witnesses: the three numbers depend on each "other and were concluded, with the Exception of the "Examination of the 8 witnesses above alluded to, before "Mr. Davis and a Canjee not present at the Station" and the Acting Second Judge submits his opinion that "as Mr. Davis will pass through Chittoor in about

"about a month, it would be far better that he should
"complete the cases than that a Decision should
"depend upon the mere reading of a Record"

2. The Court of Fouzdaree Adalut observe that the course of proceeding to be followed in cases of the nature referred to by the Acting Second Judge, is indicated in the provisions of Section XVII. Regulation VII of 1802, and in the Circular Order of the Fouzdaree Adalut dated the 28th June 1827, with reference to those provisions.

3. In that Circular order it is distinctly intimated that, when the Judge considers it necessary, the witnesses in a postponed Trial, whose Evidence was taken at the former Sessions, shall be called again and further Examined; and both the provisions of the above-cited Section and the Circular order contemplate a totally different Course from a Practice which is to depend on the mere Reading of a Record.

4. The Court of Fouzdaree Adalut are precluded from acceding to the Suggestion of the Acting Second Judge, being of opinion that to dispense with this disposal of the Cases in question would

would be at variance with the intention of the Provisions of Section XVII Regulation VII of 1802, from which it is not competent to the Fouzdaree Adalut to authorize any deviation.

5. The Court of Fouzdaree Adalut also direct that the attention of the Acting Second Judge be called to their Circular Order of the 26th September 1820, which requires "for convenience of reference" "the Paragraphs of all letters and Reports to the Sudr and Fouzdaree Adalut" to be "numbered".

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

/ Sent in No. 443 /s

W. H. D.

Court of the Conjadara Adalut

Present,

Thursday 11th April 1839. John Bird Esqre ——— 1st Puisne Judge,

William Rudleston Esqre ——— 2d Puisne Judge,

Henry Dickinson Esqre ——— Acting 3d Puisne Judge,

Read Return dated the 24th ultimo from the Second Judge of the Provincial Court of Circuit in the Eastern Division, to the Registr of the Court of Conjadara Adalut under date the 5th March 1839, conveying their observations and orders on that Officer's Report for the Third Quarter Sessions of 1838. Colombo & Seven Korles.

(Here enter Fiscal's No. 533 of 1839)

Read also order of Government dated the 26th March 1839. No. 284. conveying the observations of Government on the Extract from the Proceedings of the Court of Conjadara Adalut under date the 5th ultimo upon the Report above mentioned.

(Here enter Fiscal's No. 497 of 1839)

With the above Lodged Return above recorded, is transmitted a copy of a Return from the Acting Joint Criminal Judge of Trincomalee, submitting information and explanation on the several points noticed

in

in this Courts proceedings of the 5th ultimo.—

2. The Court of Conjeeveram Adawlut are not satisfied that the proposed sheds "must be large enough for three Hundred Prisoners to eat in" and that some arrangement involving a smaller expenditure and not less efficient in point of the requisite supervision &c. might not be effected: but whatever may be ultimately determined on this matter, the Court of Conjeeveram Adawlut cannot authorize the Acting Joint Criminal Judge to incur any outlay on account of the sheds without an estimate of the Cost being previously laid before them, and if the Acting Joint Criminal Judge can indeed "effect their construction at a very moderate cost" the Court do not understand what difficulty he can experience in preparing an Estimate of the same.—

3. In Sparah 3 of his Return, the Acting Joint Criminal Judge states that he "visited the Prisoners generally once a Month, when assembled on Sundays for the Surgeons' inspection."—

4. From this observation the Court of Conjeeveram Adawlut see room to apprehend that the provision in Clause 1st of the Rules of the 8th October 1821 "for the management of the Public Goals" whereby the Criminal Judges are enjoined to visit their Jails "weekly" has not been attended to in the Zillah from whom the Joint Judge of Circuit will be pleased to require an explanation on this point.—

6. It is satisfactory to learn that "now all" the Prisoners "are most certainly properly dressed — each Prisoner having been given his proper cloth in January in the presence of the Acting Joint Criminal Judge": and the Court of Conjeeveram Adawlut trust that under a proper degree of supervision by the Officer in charge of the Gaol, the same cause of complaint will not again arise.—

6. With reference to the Reply of the Zillah Assistant Surgeon on the subject of the complaints made by the Prisoners transferred from Chicacole to Masulipatam, the Court of Conjeeveram Adawlut would observe that it appears by the Returns that the mortality is not greater in the Masulipatam Gaol than in other Gaols under this Presidency.—

7. There does not at present appear to be any necessity for the interference of this Court. The Court are satisfied that the Medical Officer in charge of the Gaol will not fail to bring to the immediate notice of the Joint Criminal Judge any circumstances which may appear to demand a modification of existing arrangements: and the course to be pursued by the latter Officer in the event of the Gaol becoming more crowded than usual or unhealthy, is clearly pointed out in the Circular Order of the 12th July 1830.—

8. At the same time, adverting to the concluding remark in the Acting Joint Criminal Judge's return

return, that "if the Rice brought yesterday to the Acting Joint Criminal Judge as a specimen of what the Prisoners used to be fed upon is given, he cannot wonder at the cause of illness to a certain extent" the Court of Foujdaree Udalut deem it necessary to observe that it is his obvious duty to satisfy himself, in communication with the Medical officer, that the Rice now furnished to the Prisoners is not itself a cause of sickness: and as he appears to be in doubt upon this point, he will be pleased to make the requisite enquiry immediately, and report the result through the second Judge of Circuit.

9. The Joint Criminal Judge will be pleased in future to cause the several paragraphs of his Returns and other communications to be "numbered."

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Northern Division late Presiding at the 3d Quarter Sessions of 1838 at Masulipatam for communication to the Acting Joint Criminal Judge of Masulipatam by precept returnable within twelve days, from and after its receipt.

(Sent following precept No. 417)

F. U.

At a Court of the Foujdaree Udalut

Present:

John Bird Esqre ____ 1st Puisne Judge

Friday 12th April 1839. William Hudleston Esqre ____ 2d Puisne Judge

Henry Dickinson Esqre ____ Actg 3d Puisne Judge

Read letter dated the 3d Instant from the 2d Judge on Circuit in the Southern Division, submitting for the consideration and final judgment of the Court of Foujdaree Udalut, the record in Case No. 8 on the Combaconum Calendar for the 1st Sessions of 1839.

(Here enter No. 5414.)

Mr. Bird and Mr. Dickinson.

In the concluding paragraph of the above letter, the 2d Judge has represented that during the investigation of the case, it appears from the evidence of the 7th Witness, that a report has been made to the Tashildar four years ago and upwards, regarding the robbery in question, and as there was nothing on the proceedings to shew whether any Examination into the matter was made at the time by the Tashildar, a letter has been addressed to the Magistrate of Tanjore, requiring

requiring him to make a report on the subject.

2. The Court of Tonjadore Udalut being desirous before proceeding to judgment in the case to have under their consideration the substance of the original report which the 1st witness alleges he made to the Tashildar, desires the 2d Judge will procure and submit with the least practicable delay a translate of the document in question, as well as of any other proceedings which may have been taken at that period.—

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division, by precept returnable in 10 days from and after the receipt.—

(Sent following precept to 2d.)

Read return dated the 13th Ultimo from the Joint Criminal Judge of Malabar at Tellicherry to the precept of the Tonjadore Udalut dated the 2d March 1839, conveying their observations and orders on the Criminal Reports for the month of January 1839.—

(Here enter No. 452.)

Read letter dated the 26th Ultimo from the Criminal Judge of Tellore, forwarding an English Translation of the Report No. 471 of the Criminal file of that Court for 1838.—

(Here enter No. 514.)

Read return, dated the 28th Ultimo, from the Criminal Judge of Tellore, to the precept of the Tonjadore Udalut dated the 22d March 1839, conveying their observations and orders on the Criminal Reports for the month of February last.—

(Here enter No. 520.)

Read return dated the 28th Ultimo from the Joint Criminal Judge of Virapatam to the precept of the Tonjadore Udalut dated the 21st March 1839, conveying their observations and orders on the Criminal Reports for the month of February last.—

(Here enter No. 526.)

Read letter dated the 30th Ultimo from the 3d Judge on Circuit in the Western Division, stating, with reference to the letter of the Register to the Court of Tonjadore Udalut dated the 21st Ultimo, that a copy thereof has been sent to the Criminal Court of Malabar for future observance, and forwarding a copy of his (the 3d Judge's) letter to the

Assistant

12th April 1839.

Assistant Criminal Judge in charge of that Court, respecting the execution of the Death Warrant in Case No. IV on the Primary Calendar of that Zillah to shew that his attention was called to all the existing orders on the subject.—

(Here enter at p. 532.)

Read return dated the 1st April 1839 from the Provincial Court of Circuit in the Central Division, to the precept of the Court of Tinnevelly Udalut under date the 25th Ultimo directing them to instruct the Criminal Judge of Chingleput to certify the complete fulfilment of the orders of Government in respect of the remission and mitigation of the sentences of the prisoners who refused to escape from the working party at St. Thomas' Mount.

(Here enter at p. 533.)

Read letter dated the 6th Instant from the 3d Judge on Circuit in the Western Division, reporting the receipt of a Supplemental Calendar from the Acting Criminal Judge of Canara containing 2 Cases and 4 Prisoners.

(Here enter at p. 556.)

F. C.

F. C.

At a Court of the Tinnevelly Udalut

Present

John Bird Esqre. 1st Puisne Judge

Saturday William Huddleston Esqre. 2d Puisne Judge

13th April 1839. Henry Dickinson Esqre. Actg 3d Puisne Judge

Read letter dated the 18th Ultimo from the 1st Judge on Circuit in the Southern Division, transmitting the record in Case No. 1. on the Tinnevelly Calendar for the 1st Sessions of 1839.

(Here enter at p. 481.)

Mr. Bird and Mr. Huddleston. The Court of Tinnevelly 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

Ramasamy Khone.

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

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

(Sent following letter No. 426)

Read Extract from the Minutes of Consultation in the Judicial Department, under date the 12th March 1839 - No. 226, conveying the observations and orders of the Right Honorable the Governor in Council on the Extracts from the Proceedings of the Court of Sanjidarree Udalut under Dates the 26th November and 31st December 1838 upon a Review of the Report of Mr. Richardson late Third Judge of the Provincial Court of Circuit in the Northern Division, for the Second Sessions of 1837 throughout that Division, and that relative to the Delivery of the Jails at Rajahmundry and Vizagapatam by the same Officer in the 1st Sessions of 1838.—

(Here enter T. Mar. 3974 of 1839.)

1. The Court of Sanjidarree Udalut direct that a copy of Parah. 2. of the Extract from the Minutes of Consultation above recorded be sent to each of the Four Provincial Courts of Circuit, with instructions to furnish transcripts of the same to the several Magistrates in their respective Divisions for the guidance of the

Officers

Officers and of their subordinates.—

2. The Court of Sanjidarree Udalut further direct that a copy of Parah. 4 be sent to the Provincial Court of Circuit in the Northern Division, with instructions to intimate to the Officers in charge of the Jails at Rajahmundry, Vizagapatam and Chicacole that the Right Honorable the Governor in Council has been pleased to sanction the employment of a Barber in each of those Jails; and at the same time to impress upon their attention that this sanction is to be acted upon only "in the event of there being no Prisoner in confinement competent to perform the task"

3. The Court of Sanjidarree Udalut further direct that a copy of Parah. 5. of the Extract from the Minutes of Consultation be sent to each of the four Provincial Courts of Circuit, with instructions to furnish transcripts of the same to the several Officers in charge of Jails in their respective Divisions, enjoining them at the same time to make the recorded wishes of Government their guide on every occasion of their being called upon to make a selection of European Candidates

for

*Extract Min: Cons.

13th April 1839.-

for the Office of Sailor in the Suits under their charge.-

4. The Court further direct that a copy of the Extract from the Minutes of Consultation be sent to Mr. Boileau for his information, and likewise for his future guidance in regard to the point animadverted upon in the last para. thereof.-

Ordered, that Extract (paras. two and three) from these Proceedings be sent to the 4th Provincial Courts of Circuit for their information and guidance by Precept returnable within seven days from and after its receipt.-

(Sent following Precept No. 427)

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

(Sent following Precept No. 428)

Ordered also, that Extract from these proceedings be sent to Mr. Boileau late Third Judge on Circuit in the Northern Division for his information and future guidance.-

(Sent in No. 429)

Eng. Rd. &c

WB

JB

F.U.

F. U.

At a Court of the Tongdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Monday William Rudleston Esqre. — 2d Puisne Judge

15th April 1839.- Henry Dickinson Esqre. — 3d Puisne Judge

Read Miscellaneous Petition presented on the 8th Instant by Seroomanee Maha Lutaimee of the Zillah of Nellore.-

(Here enter M. P. No. 18 of 1839.)

1. Petitioner represents that her husband Venkata Reddy has been tried by the Court of Circuit at Nellore on a charge of Highway Robbery and that the case has been referred for the Final judgment of the Court of Tongdaree Udalut.-

2. Alleging generally that the charge against her husband is false, and had its source in the malice of certain of his enemies, by whom and also by the Moonsiff of Pallaparedee, witnesses were suborned in support of the Prosecution, she prays the Court of Tongdaree Udalut, after a perusal of the Record

to

to order the release of the Prisoner from confinement.

3. The Court of Sunjolarees Udalut have already had this under No. 18 of the Sellers Calendar of the 1st Sessions of 1839 under their consideration: and being of opinion that the offence charged was fully brought home to the Prisoner, they sentenced him to imprisonment with hard labour in Irons for three years.—

4. The Trial having thus been disposed of by competent authority from whose judgment there is no appeal, the Court of Sunjolarees Udalut direct that the prayer of this Petition be rejected.—

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

Read letter dated the 28th February 1839, submitting for the consideration and final sentence of the Court of Sunjolarees Udalut, No. 28 on the Sellers Primary Calendar for the 1st Sessions of 1839.—

(Here enter No. 3370.)

Mr. Bird.
and
Mr. Dickinson.

The Court of Sunjolarees Udalut, on a deliberate consideration of all the circumstances of the case) as evidenced before them, being of opinion

that opinion, the proof against the Prisoner

Makala Condareddy

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 1803, sentence the said Prisoner to suffer death, by being hanged, at the usual time and place of execution.—

1. With reference to the foregoing trial, the Court of Sunjolarees Udalut deem it necessary to record the following observations.

2. The Prisoner in the case was charged with having about seven o'clock in the night of Saturday of the 18th August 1838, murdered the daughter of the Prosecutor in a pit of his Castle garden near the village of Cawally, & robbed her of gold and silver jewels of the value of about 102 Rupees from her person, and afterwards placed a Stone on her breast, and binding a cloth round her person, thrown her body into a well, and the evidence on which his conviction or acquittal mainly depends, is that of the 1st & 2d witnesses.—

If

15th April 1830.

3. It is obvious from a consideration of the record of the case, that the deceased was murdered. It is clearly proved that her body was taken out of a well situated at 455 yards from the pit in the Prisoner's battle garden with a rope tied tight round the neck, a stone on the chest, bound up in a manner and exhibiting appearances which shew beyond all question, that the unfortunate woman had been first murdered, and then the body thrown into the well.—

4. The 1st Witness Venkatarammadoo has described the circumstances of the murder by the prisoner in a manner so clear and consistent throughout, as to leave in the mind of the Court of Sanjavaree Utchut not the slightest doubt that he witnessed the perpetration of the murder, and the whole process until the body was thrown into the well.—

5. It appears from the return of the Magistrate of the 26th Ultimo, as well as from pages 40. 54. 62. 63 and other places, that this suspicion was in the first instance attached to the said witness Venkatarammadoo, and that he was sent for by the Sashildar and confined for eight days

2. F. 16.

15th April 1830.

days, because it was thought that the rope found on the body, was the one with which his ram had been tied, and it is stated that during this period, he denied all knowledge of the murder.—

6. The suspicions at first entertained against the witness in question were subsequently removed by his producing the rope belonging to his ram, and it appears to the Court most satisfactorily established, that the rope with which the body was tied did not belong to him.—

7. Suspected as he was, and being the servant of the prisoner, by whom he was threatened with death if he disclosed the circumstances of the murder, the Court do not view the evidence of the lad with the least suspicion from the fact of his denial in the first instance, and of the disclosure having been made while he was in custody.—

8. With reference however to the evidence of the remaining witnesses adduced in corroboration of the testimony of the 1st witness, the Court view it as singularly deficient.—

It-

9. It is clearly proved that the deceased left her father's house late in the evening in question: but with the exception of the unsatisfactory evidence given by the 2d witness, there is no trace of her progress subsequently of the testimony of the 1st witness, until her body was discovered in the well.-

10. It is also proved that Parvathy on the same night wore her ornaments (of considerable value) and that none were found upon her body, and yet no trace whatever of them were discovered and although the prisoner's house was searched, and all places where it was probable they might have been found were searched, not a single article was found. and this circumstance, so far as it goes, is in favor of the Prisoner: but the fact of his having had ample time to conceal the jewels must be borne in mind, as well as that he was not likely he would conceal them in his own house, or in any other place where probable search would be made.-

11. The evidence which in the opinion of the Court bears on the prisoner is the fact clearly proved by the mother of Parvathy, and confirmed in part by the supernumerary father,

of

of the intimacy which had existed between the prisoner and the deceased; of the disagreement which had taken place, and its cause, and it is proved by the mother and the brother of the unfortunate deceased, that she had declared to them that her life had been threatened by the prisoner. These circumstances appear sufficient to account for the perpetration of the murder by the prisoner, and it is clear that immediately on the discovery of the body, he was the person and the only person suspected as the perpetrator of the murder.-

12. That only remaining circumstance against the prisoner (and to the Court it appears a very strong one) is the clearly established fact, that when the prisoner was apprehended on suspicion of being the murderer, there were marks, apparently of human nails, visible on his face, which immediately attracted attention, and of which he gives a most lame and unsatisfactory account.-

13. After a most anxious consideration of all the circumstances of the Case, the Court of Sunjdaree Udalut cannot but concur with the Presiding Judge as to the guilt

of

of the prisoner, and not being able to discover one single mitigating circumstance attending the most atrocious murder, they have felt to be their painful duty to pass on him the sentence of death.-

14. But the Court cannot refrain from the consideration of this trial, without expressing their surprise at the opinion recorded by on Mr. Haig in the concluding remarks of his letter under review, that the presumptive proof and circumstantial evidence is insufficient to establish the prisoner's guilt, while it is unquestionable that the conviction depends almost exclusively on this testimony.-

15. The Court are also surprised that the 2nd Judge should have suspended the inflicted a sentence as that of transportation for life on a prisoner convicted of a most brutal and deliberate murder.-

16. The doctrine which the 2nd Judge would seem to have adopted in this Case, as well as in Case No. 13 of the Calendar of measuring the punishment by a consideration of the degree of proof against the party convicted

accused, rather than the degree of guilt and criminality of the act established against them is at variance with all acknowledged principles of Judicial proceeding, and is distinctly denounced in the preamble to Regulation XV of 1803.-

Ordered, that Extract from these proceedings be sent to J. Haig Esqr. 2nd Judge on Circuit in the Northern Division for his information.-

(Sentence No. 431)

Read letter dated the 28th Ultimo from the Criminal Judge of Bellary forwarding the Criminal Returns for that Zillah for the month of February 1839.-

(Vide entry No. 524.)

Code No. 69. 1. The prisoners in this case, being convicted of Cattle stealing - were sentenced "according to Clause fourth, Section III, Regulation VI of 1822 to 18 months imprisonment with hard labour in irons to commence from the date of the sentence awarded them in Cases Nos. 31 - 32 - 33 and 34 of the Criminal Register of the present Year:" that sentence being

15th April 1839.

being "fifteen months imprisonment with hard labour in irons."—

2. From the wording of the sentence in No. 69 it is doubtful whether it was the intention of the Criminal Judge that the minor sentence shall merge in that awarded in No. 69 or that the punishment shall be cumulative: in which latter case the sentence would be illegal as involving a severer punishment than that specifically described in the provisions of the Law which define the power of a Criminal Judge—

3. The Court Foujdaree Udalut direct that the Criminal Judge be called upon to submit an explanation on the foregoing point—

Ordered that Extract from these proceedings be sent to the Criminal Judge of Bellary by Precept returnable within three days from and after its receipt—

(Sent following Precept No. 132 of 39)

F. 66.

At a Court of the Foujdaree Udalut—

Present,

Wednesday, 17th April 1839.

John Bird Esqre.——— 1st Puisne Judge
William Rudleston Esqre.— 2nd Puisne Judge
Henry Dickinson Esqre. 3rd Puisne Judge

Read returns dated the 15th ultimo from the Third Judge late Presiding at the Fourth Quarter Sessions of 1838. holden at Chittoor to the Precept of the Court of Foujdaree Udalut under date the 15th February 1839. conveying their observations and orders on the Primary and the 4th, 6th, 8th and 11th Supplemental Calendars of the said Sessions—

(Here enter F.U. No. 173 of 1839.)

Read also Letter dated the 1st Instant from the Register to the Provincial Court of Circuit for the Centre Division, forwarding a copy of a Return from the Criminal Judge of Chittoor to a Precept of the Provincial Court of Circuit, calling upon him, pursuant to instructions issued by the Court of Foujdaree Udalut, to name the Judges to whom he alludes in the last part of the 3d Parah. of his Return of the 28th February 1839, to the Precept

of

of the 3d Judge of the Provincial Court of Circuit
in the Centre Division of the 19th of the same month,
requiring from the Criminal Judge an explanation of
the circumstances which prevented the attendance
of the witnesses in No. 1 of the Sixth Supplemental
Calendar of the 4th Quarter Sessions of 1838 at Chittoor.

(Here enter F. No. No. 534 of 1839.)

1. In explanation of the circumstances which prevented the attendance of the witnesses in the Case above referred to, the (late) Criminal Judge of Chittoor states in Parah. 1. of his Return of the 28th February last, that "the Magistrate was requested on the 6th December 1838 to procure the attendance of the witnesses mentioned in the Calendar, and that the said Officer states in his answers of the 22nd and 26th of that month, that the Heads of Police of Chittoor and Permoor had directed 18 witnesses to appear before the Court, that the Prosecutor and 3 witnesses could not be found, and that 1 witness was unable to proceed to the Court from indisposition; and in Parah. 2 of the same Return, Mr Lascelles observes that "in the said Case, it appears that there were 20 witnesses ready for examination before the 3d Judge of Circuit,

and

and that they were ordered by the Circuit Judge to return to their village on the 31st December 1838."

2. It appears by Parah. 7. of the Third Judge's Return above recorded, that of the twenty witnesses alluded to by the Criminal Judge, "nearly all" were for the Defence.

3. The Court of Foujdaree Adalut are surprized that the Criminal Judge should have hazarded the remark in Parah. 2. of his Return above quoted, as he must have known that in the absence of the Complainant and the three witnesses for the Prosecution, the Third Judge could not commence the Trial.

4. The principal cause of delay would seem to be the practice of allowing the Prosecutors and witnesses to returns to their villages so soon as a Case is committed for Trial before the Court of Quarter Sessions, whereby the chief object sought by the Establishment of such Sessions is effectually frustrated. The circumstance of the Case under Consideration having been committed for trial on the 29th November, but not laid before the Court of Quarter Sessions until the 13th December following, would appear

appear to be attributable to the same objectionable system — The Court of Fonjdaree Udalut direct that the present Criminal Judge of Chittoor be enjoined to cause the immediate discontinuance of the practice in question, and to take especial care that all cases are sent up to the Court of Quarter Sessions immediately upon their being committed —

5. In parah: 3 of his Return the Criminal Judge states that "he has for some time "past experienced the greatest difficulty in obtaining "the attendance of Prosecutors and witnesses, especially "in Cases committed for Trial before the Court of "Circuit" that he "has observed an increasing objection "on the part of persons summoned to attend and "prosecute — and this appears to have arisen in a con- "siderable measure from the long attendance of the parties "in committed cases for some years past, at the Sudr "Station, awaiting the Returns of the Judges from "Palamanair, it having been the practice, as is well "known to the acting 2nd Judge in the Fonjdaree Ud- "alut, for the Judges holding Quarter Sessions "to reside at Palamanair during a great part of "the year and to visit the Sudr Station occasionally

"for the purpose of disposing of those cases which may "have accumulated during the absence of the Judges" — and in his Return forwarded with the Letter of the Provincial Court above recorded, Mr. Lascelles certifies that the Judges to whom he alludes "are "Mr. T. A. Oakes and Mr. W. D. Davis, the 1st and 3d Judges of the Provincial Court Centre Division, but more especially the latter gentleman."

6. The Court of Fonjdaree Udalut deem it necessary to direct that Mr. Davis be called upon to submit for their consideration any explanation and observations which he may desire to offer in reference to the allegations above cited of Mr. Lascelles, Esq. especially to that which imputes an existence of some years' to the alleged system of residence at Palamanair and consequent detention of parties in Criminal Trials at the Sudr Station —

Ordered, that Extract from these Proceedings be sent to Mr. W. D. Davis, Third Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within seven days from and after its receipt.

Sent following Precept No. 338

Read

Read the following letter dated the 23rd ultimo. from the Third Judge of Circuit in the Western Division.

(Here enter F.H. No. 309 of 1839.)

1. In this letter the Third Judge prefers the question "whether the Construction given in the Circular Order dated the 28th October 1822, that Section XXIII. Regulation X of 1816 prescribes the reference to the Collective Court of all cases, wherein the prisoner may appear to the Judge or Circuit to have been discharged or punished, on insufficient grounds, is set aside by the opinion" recorded in the letter from the Register to the Tondiarpet Adalut of the 15th Ultimo. to the effect that the view taken by the Collective Court of Circuit of the Case sent up for their consideration by the Third Judge under the Provisions of Section XXIII. Regulation X of 1816. was correct, and in accordance with the Regulations and this Court's Circular orders on the subject.

2. To dispose of this question it is only necessary to refer to the Proceedings of the Court of Tondiarpet Adalut of the 19th November 1822. (quoted by the Third Judge) wherein it was observed that the Court

Court "are decidedly of opinion that it is not competent to two or more Judges of a Court of Circuit, under the Provisions of Section XXIV. Regulation X of 1816, to sentence to punishment, a prisoner, tried by a Competent authority, acquitted and released."

3. In this description is the particular Case under consideration, in which the accused was acquitted and released by the Assistant Criminal Judge of Malabar, and the Collective Court of Circuit on reviewing the proceedings declared that they "could not but view the Case as one of Slight wounding" and the prisoner to have been acquitted "by a competent Court" and therefore properly declined to disturb the Sentence.

4. Even had the Collective Court concurred with the Third Judge in considering the accused to have been acquitted on insufficient grounds, still they were not legally competent to do more than Record their Opinion to that Effect: and the Court of Tondiarpet Adalut with reference to the concluding part of Parah 2. of the Third Judge's letter under consideration would observe that Excepting only in the instances of persons "released by a Criminal Judge on a charge cognizable

cognizable by a Court of Circuit a Reference to the Collector Court must be useless, unless indeed upon the face of the Proceedings the Conduct of the Subordinate Judicial Officer should appear to be of such a nature as to demand a representation of the Circumstances to the Court of Foujdaree Udalut

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Western Division for his information

Sent in Nº 434

Read letter dated the 9th Instant from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the month of March 1839

Here enter Nº 572

Read letter dated the 9th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting Copies of the Tellicherry Primary and 1st, 2d, 3d, 4th, 5th, 6th and 7th Additional Calendars for the 1st Quarterly Sessions of 1839, and also a Statement of Batta paid to the Prosecutor and witnesses during the same Sessions

Here enter Nº 573

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

William Hudleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Thursday 18th April 1839.

Read letter dated the 5th November 1838 from the 1st Judge late on Circuit in the Northern Division, transmitting the record in Case Nº 14 on the Cuppatatam Calendar for the 3d Sessions of 1838.

(Here enter Nº 571 of 1839.)

Mr. Dickinson.

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 Mooftee of the Foujdaree Udalut, confirm the said futwas of the Cazee-ool-Coozat and Mooftee aforesaid, acquitting the prisoner

7th Maudady Cunniah Dorah

and convicting the prisoners

1st Seragaum Nursimharauze

3d Seragaum Appalaiarauze

4th

4th Seragaum Annumrauze
5th Codah Jogeedorah
and
6th Dadadah Mulliah

of the crime charged, and according Detoolah and under the provisions of Clause first, Section V Regulation VIII of 1831, and Clause third and fifth Section IV Regulation XV of 1803, sentence the said prisoners

1st Seragaum Nurseinhanauze
3d Seragaum Afsalanauze
4th Seragaum Annumrauze
5th Codah Jogeedorah
and
6th Dadadah Mulliah

to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of (8) eight Years; the Court further direct that the prisoner

7th Madanady Cunniah Dorah

be set at liberty.

(Sent following letter No. 435)

Read letter dated the 30th March 1839 from the 1st Judge late on Circuit in the Northern Division, referring for the consideration and

and final sentence of the Court of Sunjarree Adalut, the records of the trial in Case No. 3. on the Chicacole Calendar for the 2d Sessions of 1838.

(Here Enter No. 531.)

Mr Bird
and
Mr Dickinson.

The Court of Sunjarree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Sunjarree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the prisoner

Potoolah Naiko.

of the crime charged, and direct that he be set at liberty.

(Sent following letter No. 436)

1. The Court of Sunjarree Adalut have considered the prisoner in this case entitled to his acquittal, in consequence of the inconsistency observable in the evidence for the prosecution.

2. The evidence of the Prosecutor before the Court of Circuit, with reference to his previous Statement before the Criminal Court, is far from satisfactory, and the Court consider the evidence of the 2nd and 3d Witnesses

equally

equally contradictory, and that no dependance can be placed on their testimony as to the fact of the wounding by the 1st Prisoner—

3. The Court also observe, that on the night of the 19th of February, there could have been little or no moon at midnight, and that no enmity had been proved to have existed between the Prisoners and the Prosecutor, which could have accounted for the assault which they are alleged to have made—

4. The Court of Sungdaree Oodalut consider it any thing but creditable to the 1st Judge's arrangements, that this small trial should have been detained in the Court of Circuit for a period of nearly four months and a half, before it's conclusion—

5. They desire also to be informed from what cause the intimation of the result of the trial to the two Prisoners, and the order for the release of the 2d Prisoner, were not made until the 28th of December, the Futwah of the Law Officer being dated on the 19th of November—

Ordered, that a Extract from these Proceedings be sent to the 1st Judge late on Circuit in the Northern Division for

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

(Sent following precept No. 1137)

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Southern Division, reporting his intention of opening the 1st Sessions of 1839 at Salem, on the 11th Proximo—

(Here enter No. 559)

Read return dated the 10th Instant from the Acting Criminal Judge of Malabar, to the precept of the Sungdaree Oodalut under date the 30th March 1839, conveying the Court's remarks and observations on the Criminal Reports for the month of February last

(Here entered No. 581.)

Fd

F 16.

At a Court of the Foujdaree Udalut

Present,

Friday,
19th April 1839.

John Bird Esqre ——— 1st Puisne Judge
William Rudleston Esqre — 2nd Puisne Judge
Henry Dickinson Esqre Offg 3rd Puisne Judge

Read letter dated the 28th March 1839 from the 1st Judge late on Circuit in the Northern Division, referring for the consideration and final decision of the Court of Foujdaree Udalut, the record of the trial in Case No. 6 on the Vizagapatam Calendar, for the 2nd Sessions of 1838.

/ Here Enter No. 530. /

Mr. Bird and Mr. Dickinson

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 Col-ecoyat and Mooftee of the Foujdaree Udalut, are of opinion that the Prisoners

2nd Tandeesettee Caumiah

and

3rd Cumbagunty Sunnasee

are not convicted on presumptive proof, or on the

Evidence

evidence of credible witnesses, or on their own conjectures, notwithstanding the futwa of their Law Officers, and do accordingly acquit them, and direct that the said Prisoners be let at liberty.

1. The Court of Sonjdaree Adalut concur with the 1st Judge in the view he has taken of the evidence adduced in this trial, and they consider it, as far as it bears on the Prisoners, to be utterly false throughout.

2. The testimony of the 4th witness in particular is open to the strongest suspicion, and the Court are led to entertain but little doubt of this charge having been concocted against the Prisoners solely for the purpose of averting suspicion from the real offenders.

3. The Court therefore consider the committal of the Prisoners, on evidence which on the very face of it bears the impress of falsehood, to be deeply regretted, and they direct that their sentiments on this point may be communicated to the Officer who committed the parties to take their trial before the Court of Circuit.

4. But the Court cannot pass from the

the consideration of this trial without expressing their surprise in regard to the unaccountable delay which has occurred on the part of the 1st Judge in submitting the trial for their decision.

5. It appears from the futwa of the Law Officer that his opinion was delivered on the 24th October 1838, but the letter of the Presiding Judge bears date the 28th March 1839.

6. After the opinion expressed by the 1st Judge of the innocence of the prisoners and his recommendation that they should be unconditionally released, it obviously became his duty to correct himself, in order that these innocent men might as early as possible regain their liberty, and his neglect in allowing so unjustifiable a period as five months to elapse before he despatched the record of the trial, is in the opinion of the Court, censurable.

Ordered, that Extract from these Proceedings be sent to the 1st Judge late on Circuit in the Northern Division for his information and guidance

Sent following letter No.

Ent'd.

At a Court of the Coujdaree Udalut

Present

Monday 22d April 1839.

John Bird Esqre ——— 1st Puisne Judge

William Rudleston Esqre ——— 2d Puisne Judge

Henry Dickinson Esqre ——— Acting 3d Puisne Judge

Read again Miscellaneous Petition presented on the 15th January 1839 by Meerton grounder of Calcutta

(Here enter M. & Ap. 9 of 1839)

Read Return dated the 9th of April 1839 from the 3d Judge Sate on Circuit in the Southern Division to precept dated 13th March calling for an English translation of the record of the trial in Case No 9 on the Calcutta Calendar for the 2d Sessions of 1838

(Here enter No. 566)

Mr. Bird and Mr. Dickinson

1. After an attentive consideration of all the circumstances of the case as stated in the record of the trial — it appears to the Court of Coujdaree Udalut that the evidence adduced against the prisoners was contradictory, inconsistent, and conjectural, and totally insufficient to convict them of the crime with which they were charged —

2. The Court under these circumstances are of

of opinion, that it is absolutely necessary for the ends of justice that the Prisoners should be forthwith set at liberty. They therefore resolve to direct the Provincial Court of Circuit in the Southern Division to issue the required instructions to the Criminal Judge of Calicut accordingly for the immediate and unconditional release of the Prisoners

1. Parayan
2. Cotty
3. Illalan, alias Karaparayan
4. Mauy alias Mauran
5. Valen, and
6. Uppachy

Should the 6th Prisoner have furnished the security demanded of him, the Provincial Court will direct that the bail bonds be cancelled.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept, returnable in 6 days from and after its receipt, and that copy be furnished to the Petitioner on his application.

(Sent following Precept No 1616

Read Miscellaneous Petition presented on the

the 18th ultimo by Govindummah of the Zillah of Nellore

(Here enter M. P. No. 43 of 1839)

The object of this Petition is to induce the Court of Sudder Adawlut to issue an order for the release of two persons named Bacaviah and Ragiah who, in Case No. 26 of the Nellore Calendar of the Second Sessions of 1834, were tried before the Court of Circuit on a charge of Gang Robbery, and being convicted of that crime on the evidence of six eye witnesses, were sentenced to imprisonment with hard labor in Irons for fourteen years.

The Petitioner who represents herself to be the wife of the Prisoner Bacaviah, alleges generally that the charge was false and malicious.

The Court of Sudder Adawlut having referred to the Calendar, see no ground to question the propriety of the conviction in the case above mentioned.

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

Read Miscellaneous Petition presented on the 18th instant by Venkatapah of the Zillah of Salem

(Here enter M. P. No. 46 of 1839)

Petitioner represents that his daughter Coobbaeaul, by whom a Petition No 19 of 1839 complaining of

of sundry acts of oppression alleged to have been committed against her family by the Cahsildar of Ayloor, was presented to the Court of Conjeveram Dedatut on the 4th February last: & proceeded, pursuant to the intimation conveyed in the interlocutory from this Courts proceedings under date the 23d of the same month, to the Magistrate of Salem, but that as far from granting them redress, that officer had in the mean while confined one of Petitioner's sons, and Sobbreauld's husband on a requisition of security for their future good conduct: that another of his sons had been forwarded to Bangalore and by the European authorities there detained in confinement: and that some persons whom he does not name, have recently entered his house and forcibly carried off property of a considerable value.

Petitioner prays the Court of Conjeveram Dedatut to issue an order for the release of his son Menna Changulroydoo now in confinement at Bangalore: and for the restitution of the property he alleges to have been violently removed from his house.

The Court of Conjeveram Dedatut direct that the Petitioner be informed that if he is dissatisfied with the Proceedings of the Magistrate, he should lay his complaint before the Judge of Circuit who will doubtless take such notice thereof as it may be found upon inquiring to deserve.

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

Read

C.C.

22d April 1839.

Read Miscellaneous Petition presented on the 8th April 1839 by Yegnamma an inhabitant of the Zillah of Combaconum.

(Here enter Dr. No. 60 of 1839)

The petitioner referring to the order passed by the Conjeveram Dedatut on her petition No. 35 of 1839, prays that the Court of Conjeveram Dedatut would be pleased to order copies of certain Documents alluded to in her petition to be granted to her upon stamped paper.

The Court of Conjeveram Dedatut not seeing any satisfactory cause assigned in the petition for granting copies of the Documents alluded to, with reference to the Circular Order of the Sudr Dedatut of the 26th June 1823, direct the petitioner to be informed that her request cannot be complied with.

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

Read again Miscellaneous Petition presented on the 23d February last by Ramgatha of the Zillah of Combaconum.

(Here enter Dr. No. 34 of 1839)

Read also Return dated the 27th

Idem

ultimo from the Acting Third Judge sitting on Circuit in the Southern Division to the Prevost of the Court of Conjidare Ex-adutat under date the 18th. Inst. 1839. directing him to make an inquiry relative to the allegations set forth in the Petition above recited and submit a Report upon the subject to the Court of Conjidare Ex-adutat.—

(Here ends F. M. No. 521 of 1839)

1.

The considerations which induced the Court of Conjidare Ex-adutat to refer the Petition No. 34. for the Report of the Acting Third Judge sitting on Circuit in the Southern Division, are recited in the Extract from their Proceedings under date the 18th. ultimo.—

2.

By the Return received from the Acting Third Judge and now recorded, it appears that on the allegations of the Petitioner being taken, that on the examination of the case before the Board of Police, the Sister in law of Lieutenant Odin appeared as Prosecutor; is unfounded: the Record of Proceedings showing that the latter individual appeared as complainant both before the Police and the Criminal Court.—

3.

It further appears that two persons swore that they saw the Petitioner's son in the gang of Robbers: and that his proof of an alibi was defective.—

4.

The Court of Conjidare Ex-adutat therefore do not see ground to question the legality of the conviction and

22d. April 1839.

and resolve to reject the prayer of the foregoing Petition.—

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

Ordered further, that Extract from these proceedings be sent to the Acting Third Judge sitting on Circuit in the Southern Division for his information, with an intimation that the Court of Conjidare Ex-adutat do not require an English Translation of the Record to be forwarded.—

(Sent in No. 467)

Read the Criminal Reports for the Month of March 1839 submitted by the officiating Joint Criminal Judge of Cochin.—

(Here ends No. 580)

Case No. 8 of 1839.

The Court of Conjidare Ex-adutat consider the explanation afforded by the Board of Police of Chowghaut of the delay in transmitting the Prisoner in this case to the Criminal Court, is far from satisfactory, and they direct that copy of this Parade and of this case as entered in the Report, be sent by the Acting Joint Criminal Judge to the Magistrate, who will be pleased to notice as he may deem proper the conduct of the Police officials and report what he may have done, for the information of the Court of Conjidare Ex-adutat.—

Ordered, that Extract from these

Proceedings

Proceedings be sent to the officiating Joint Criminal Judge of Cochin for his information and guidance.—

(Sent in No. 448

Read the Criminal Extracts for the month of March 1839 submitted by the Acting Joint Criminal Judge at Tellicherry.—

(Here enter No. 569)

Case No. 24.

1. If the conduct of the Moonsiff recorded in the column of Remarks has not already been made the subject of a communication to the Magistrate, the Acting Joint Criminal Judge will now be pleased to transmit copy of this case as it stands in the B. Ct and of this Parah to the Magistrate, who will make enquiry into the conduct of the Moonsiff, and take such notice of it as may appear to him proper, reporting the result for the information of the Loyd area Tribunal.—

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

(Sent following Receipt No. 1419

Read return of the 3d April from the officiating Joint Criminal Judge of Chingleput, to the Precepts of the Court of Sudder Adawlut under date

F. 4.

22d April 1839.

date the 27th ultimo, conveying their observations and reports on the Quddalore Criminal Reports for the month of February last.—

(Here enter No. 573)

The Court of Sudder Adawlut consider

1. the explanation afforded by the Acting Joint Criminal Judge in the concluding Parah of the above return with reference to Case No. 23. to be satisfactory. and they direct that their opinion be communicated to the Assistant Judge for his information.—

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

(Sent in No. 450

Read letter dated the 23d ultimo from the 2d Judge on Circuit in the Northern Division, covering Copies of the Rajahmundry Primary and Supplemental Calendars for the 1st Sessions of 1839.—

(Here enter No. 576)

Primary Calendar Cases Nos. 7 and 10.—

1. In the cases noted in the margin, the Judges see reason to doubt the sufficiency of the grounds upon which the Prisoners have been acquitted respectively, and accordingly they direct the 2d Judge to forward English translations of the records of these trials for their consideration.

Case No. 8

2. In his finding in this case, the Law officer declares that the confessions of the 1st and 2d Prisoners were proved by the evidence of the 5th and 6th witnesses. that

that the 1st and 2d witnesses stated "that the property before "the Court is the Prosecutors" and that the 8th and 9th witnesses deposed that the 1st and 2d Prisoners "pointed out the things "now before the Court." The Law Officer objected to the confession because they were made before the Head of Police and proved by his Peons, and to the evidence of the 8th and 9th witnesses "from their being apprehenders" — and he declared the said Prisoners liable only to suspicion.—

3. The objections urged by the Law Officer to the 5th 6th 8th and 9th witnesses were clearly those which, under Clause first, Section II Regulation VII of 1829, the Presiding Judge was competent to overrule, and it was unnecessary upon him to put a second question to the Law Officer with that object.—

4. The Court of Conjeveram do not therefore accordingly direct the 2d Judge of Circuit to put a second question to the Law Officer, and having obtained his answer, to dispose of the case according to the Regulations.—

Case No. 12 5. In this case also the Court are led strongly to doubt the propriety of the acquittal.—

6. It is proved from the abstract of the evidence before the Criminal Court that the Prosecutor and the 1st and 2d witnesses distinctly recognized the prisoners among the gang who attacked him and that grain was subsequently traced to the House of the prisoners, when all confessed the crime and produced part of the grain.

The 2d Judge will accordingly be pleased to submit an English translation of the Record of this trial for the consideration of the Conjeveram Adawlut.—

Case No. 20. 7. The prisoners in this case were charged and convicted of having stopped the Prosecutor on the Jungle road and robbed him of property to the amount of 1/2 a Rupee, but in consideration of the trifling value of the property charged to have been robbed, and of the robbery being attended with no circumstances of aggravation, and of the crime having been committed under the pressure of hunger, the presiding Judge recommended a mitigation of the punishment prescribed by the Regulations, to one year's imprisonment with hard Labor in irons.—

8. The Court of Conjeveram do not resolve to accede to the recommendation of the 2d Judge, and accordingly direct that the prisoners

1st Ayda Coolladoo,

2d Coakura Naimulloogadoo,

3d Yakoola Coolladoo,

and

4th Cunnaky Vencadoo

be imprisoned and kept to hard labor in irons, on the public

public roads or other public works for and during the
period of one year.-

Ordered, that Extract from these
proceedings be sent to the 2d Judge on Circuit in the
Northern Division by precept, returnable in 10 days from
and after its receipt.-

(Sent following Precept No 1,51.

Read letter from the Acting Magistrate
of Malabar, dated the 4th instant, affording the explanation
called for in the Proceedings of the Court of Cuyd
dated under date the 2d March last, in Case No 238 and
240 on the Malabar Criminal file.-

(Here enter No 553)

1.

In consequence of the remarks made by
the Sudr Ameen Circuit of the Court of Malabar in Case
No 238, on the Criminal Reports for the month of February
last, that the prisoner Polacherroman Kanen had
been sent up to the Criminal Court without a sufficient
of evidence against him. The Court of Cuyd dated
directs the Assistant Criminal Judge in charge of the
Court to forward a copy of the case as it stood on the
Reports to the Acting Magistrate, who was at the same
time required to inquire into and report on the circumstances
of the case.-

2.

By the explanation now submitted by the

Pl.

22d April 1839.

the Acting Magistrate, it would not appear, that the Head
of Police of Betatnaad was altogether unwarranted, in
transmitting the prisoner to the Court on the evidence
adduced against him.- The Court of Cuyd dated
therefore resolve to direct that copies of paras 2 and 3 of
the Acting Magistrate's letter of the 4th April be sent to
the Acting Criminal Judge of Malabar, with instructions
to call on his Sudr Ameen Pundit to afford any further
explanation he may have to offer in the case, with
reference to his remarks recorded above.-

Ordered, that extract from these
proceedings be sent to the Acting Criminal Judge of
Malabar for his information and guidance by precept,
returnable in 20 days, from and after its receipt.-

(Sent following Precept No 1,52

Read letter dated the 15th instant from
the Criminal Judge of Malabar forwarding the Criminal
Reports thereof for March 1839.-

(Here enter No 589)

Read return dated the 12th instant
from the Provincial Court of Circuit in the Northern
Division, to the precept of the Cuyd dated under
date the 3d April 1839 directing them to cause the release
of the 4 approvers in Case No 2 Mahadipatam Calendar

3d

22d. April 1839.

3d. Quarter Sessions of 1838.—

(Here enter No. 610)

Read letter dated the 13th instant from the 1st Judge late on Circuit in the Northern Division, submitting his remarks on an Extract from the proceedings of the Conjeveram Zillah dated 1st April 1839 containing their remarks on Case No. 5 of the Vizagapatam Calendar 2d Sessions 1838.—

(Here enter No. 611)

Read letter dated the 11th instant from the 2d Judge on Circuit in the Northern Division, forwarding Persian Translation of the trial in Case No. 16 of the Post Chumb Calendar and stating the cause of the delay in submitting the trial to the Conjeveram Zillah.—

(Here enter No. 614)

Read letter dated the 16th instant from the 2d Judge on Circuit in the Eastern Division, transmitting a Statement of Batta paid to the Prosecutor and witnesses attending before the Court of Circuit at Pegu-mundy for the 1st Session of 1839.—

(Here enter No. 615)

Read letter dated the 16th instant from the 2d Judge on Circuit in the Eastern Division, submitting for the information of the Conjeveram Zillah Court the opinion of the 1st Sessions of 1839 at Vizagapatam on the case stated

22d. April 1839.

of the Calendar and transmitting copy of a return from the Joint Criminal Judge of Vizagapatam with regard to the probable extent of a Supplemental Calendar.—

(Here enter No. 619)

Read return dated the 17th instant from the Acting Criminal Judge of Combaconum in the precept of the Conjeveram Zillah Court under date the 8th April 1839, containing their observations and orders on the Criminal reports for the month of February 1839.—

(Here enter No. 620)

Read letter dated the 20th instant from the Acting 2d Judge late on Circuit in the Centre Division transmitting the warrant for the execution of the prisoner Irunnala Eadagandoo in Case No. 3 of the Cumbum Calendar executed and returned by the Criminal Judge of Cuddapah with copies of a letter received from that Officer and of its enclosure.—

(Here enter No. 621)

Read return dated the 16th instant from the Provincial Court of Circuit in the Eastern Division, to the precept of the Conjeveram Zillah Court under date the 20th March 1839, directing them to transmit copy of their proceedings containing the sentence passed

passed by them on Case No. 1 of the Criminal file of the Court of Salem for 1839.—

(Here enter No. 623)

Read return dated the 17th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Coojdaree Udalut under date the 13th April 1839, transmitting proceedings 2 and 5 of the Minutes of Consultation under date the 12th March 1839. No. 22 & 26.—

(Here enter No. 624).

At a Court of the Coojdaree Udalut.

Present,

Tuesday 23d. April, 1839.—

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

William Hudleston Esqre. ——— 2d. Puisne Judge,

Henry Dickinson Esqre. ——— Acting 3d. Puisne Judge.

Read letter dated the 22d. March 1839 from the 2d. Judge on Circuit in the Northern Division, referring for the consideration and final sentence of the Court of Coojdaree Udalut, the record of the trial in Case No. 18 on the Nellore Criminal Calendar for the 2d. Sessions of 1839.—

(Here enter No. 625)

1st. Bird, 2d. Hudleston and 3d. Dickinson

The Court of Coojdaree 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 Mooftees of the Coojdaree Udalut, confirm the said futwa of the Cazee-ool-Cozzat and Mooftees aforesaid, so far as it convicts the prisoner Veeramoorty Venkataredy of the crime charged, and under the provisions of Clause third Section II Regulation XV of 1803, direct that Law Officer

Officers to declare by a second finture, to what specific punishment the prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer—

If the prisoner abovementioned were convicted of the crime charged by the evidence of credible witnesses, he would be liable to Kotkoolut.—

Under the finding of Kotkoolut declared in the foregoing finture, and in conformity with the provisions of Clause third Section VII Regulation XV of 1808, the Court of Poojdaree Udalut sentence the prisoner Veerumooroo Vandatar 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.—

With reference to paras 22 and 23 of the letter above recorded, the Court of Poojdaree Udalut resolve to transmit for the information and future guidance of the 2d Judge, copy of the finture delivered by the Cazee cul Coozat of the Poojdaree Udalut in a similar case, shewing the grounds on which the offence charged against the prisoner in that case, is not included in the specific penalty of Kudd.—

Ordered, that Doctrat from these Proceedings

Proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance.—

(Sent following letter No 453

Read the Criminal Reports for the month of March 1839 submitted by the acting Criminal Judge of Canara.—

(Here enter No 564)

Under the circumstances of this case, the

Case No 23. 1.

Court of Poojdaree Udalut resolve to direct that copy of it, as it stands in the Report, and of this Parah, be sent from their Registers office to the 3d Judge on Circuit in the Western Division, who will be pleased to look into the case and pass upon it such orders as to him may appear proper, with reference to the provisions of Section XXIII Regulation X of 1816, forwarding a Copy of his final order for the information of this Court.—

Case No 31. 2.

It is represented in this case, that the prisoner was apprehended on the 28th December, and the Peshkar having completed the case on the 8th January, made a reference to the Assistant Magistrate, to which he received an order from the Additional Joint Magistrate on the 11th of March, directing him to forward

forward the case to the Criminal Court. The Court of Sooijdaree Udalut require to be informed of the cause of the delay which occurred in replying to the reference made by the Cushcan to the Assistant Magistrate. Copy of the Case as it stands in the report and of this Sparah should be sent by the Acting Criminal Judge to the Acting Magistrate, who will be pleased to transmit the information now called for direct to the Sooijdaree Udalut.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge for his information and guidance by precept returnable in 5 days, from and after its receipt.—

(Sent following Precept No. 154

Ordered also, that Copy of Case No. 23 and of Parah 7th of these Proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance, by precept returnable within twenty days, from and after its receipt.—

(Sent following Precept No. 155

JU.

At a Court of the Sooijdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge

Wednesday, William Hudleston Esqre. — 2d Puisne Judge

24th April, 1839.— Henry Dickinson Esqre. — 3d Puisne Judge

Read letter dated the 30th March 1839 from the 1st Judge late on Circuit in the Northern Division, transmitting the record in Case No. 2. on the Chittagong Calendar for the 2d Sessions of 1838.—

(Here enter No. 515.)

Mr. Bird and Mr. Dickinson

The Court of Sooijdaree Udalut 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-Cozat and Mooftees of the Sooijdaree Udalut, confirm the said Futwah of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoner

Mindeegoodlah Raumoodoo

of Murder, on strong presumptive proof, and awarding Kissas; and, under the provisions of Section X, Regulation VIII of 1802, sentence the said prisoner to

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

(Sent following letter No. 461)

Read the Criminal Reports for the month of March 1839 submitted by the Officiating Joint Criminal Judge at Coimbatore:-

(Here enter No. 561)

Case No. 39. 1. It is recorded in this case that the 2d. and 3d. Prisoners complain of having been severely maltreated by the Sub-Police Officer during the examination, which there are strong grounds for believing has been the case from the Report of the Surgeon who inspected their persons. If therefore the Officiating Joint Criminal Judge has not, as enjoined by the Circular Order of the 27th. October 1830, already communicated the circumstances of the case to the Magistrate, he will be pleased now to send a copy of this case as it stands in the en Report and of this paragraph to that Officer, who will report direct to the Fouzdaree Udalut, whether the conduct of the Police in question has been noticed, and in what way.-

Case No. 41. and 42. 2. In Case No. 41. the prisoner Mootton was convicted of having stolen 12 ases, valued at Rupees 30, and sentenced to four months imprisonment; while

while in Case No. 42, six months imprisonment has been awarded to another prisoner for stealing 5 ases, valued at 7 Rupees. The Court of Fouzdaree Udalut are unable from the entry of the cases in the Report, to judge of the propriety of the sentences recorded, and resolve to direct the Officiating Joint Criminal Judge to submit a further explanation of the grounds on which they have been passed.-

Case No. 55. 3. The evidences in this case as recorded in the Report, appears to the Court hardly sufficient to justify the conviction of the prisoner. The Court therefore resolve to direct the Acting Joint Criminal Judge to refer to the depositions recorded in the case, in view to his ascertaining whether in his opinion the sentence of the Sudr. Ameen is warranted by the proofs adduced, and to report the result to the Court of Fouzdaree Udalut.-

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

(Sent following precept No. 462)

Read

24th April 1839.

Read the Criminal Reports for the month of March 1839, submitted by the Criminal Judge of Chingleput.-

(Here enter No. 565.)

Case No. 16.

Adverting to the sentence passed on the prisoner Tungum, the Court of Sudder Adawlut conclude that in this case, where the only fact of aggravation is the value of the article stolen, there is positive proof of that value. But the Court resolve to direct the Criminal Judge to look into the proceedings of the case in view to his ascertaining whether there was sufficient proof of the property exceeding in value the sum of 50 Rupees.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information and guidance by precept, returnable in five days from and after its receipt.-

(Sent following precept at No. 463)

Read letter dated the 13th Instant from the Assistant Criminal Judge of Chittoor forwarding the Criminal Reports of that Zillah Court for the month of March 1839.-

(Here enter P.R. No. 593 of 1839.)

Of

2.

P.R.

24th April 1839.-

Suppl. Report Case No. 57.

1. Of the four prisoners in this case, the first and second were charged with entering the Prosecutor's house by opening the lock of the door and stealing therefrom property of the value of Rupees 78-10. the third prisoner was charged with assisting to commit the said offence and with receiving a share of the stolen property: and the fourth prisoner, with purchasing a part of the said property, knowing it to have been stolen.-

2. The third and fourth prisoners were acquitted and released: the first and second were convicted and sentenced by the Criminal Judge to one years imprisonment &c. under Clause Sixth, Section II, Regulation VII of 1822.-

3. By the Abstract of the Evidence it appears that the third prisoner stated "before the Head of Police, that she was present at the time the 1st. and 2d. prisoners committed the crime of house-breaking and theft."-

4. The Court of Sudder Adawlut observe that if this declaration of the third prisoner was received as evidence against the first and second prisoners, which would seem to be the case, the conviction was improper, and

the

the Court direct that the Assistant Criminal Judge in charge be called upon to submit an explanation on this point.-

Case No. 59. 5. In this case, which was also disposed of by the (late) Criminal Judge, it is observed in the statement of the grounds of the sentence - that "the evidence of the Peons is not credible because it has not been corroborated by any other witness."-

6. The Court of Foujdaree Udalut deem it necessary to remark that there is no Rule of evidence - with which they are acquainted, which deprives the testimony of Peons, as such, of all title to credibility because it is unsupported.-

Case No. 65. 7. A brief abstract of the grounds of the sentence in this case should have been given.-

Case No. 80. 8. It appears that the prisoner in this case, though apprehended on the 26th February did not leave the Talook until the 11th March: and the Head of Police (of Pasamor) in his Report assigns as the cause of delay, "the non-attendance of the Prosecutor and witnesses."-

9. The Court of Foujdaree Udalut consider this explanation unsatisfactory: as it is presumable

presumable that the Head of Police possessed the means - if he had thought proper to exert them - of procuring the attendance of the parties in question within the prescribed period.-

10. The Court of Foujdaree Udalut direct that the attention of the Magistrate be called to this case, with instructions to enjoin on the Head of Police a greater degree of alacrity in future.-

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge of Chittoor by precept, returnable on within five days from and after its receipt.-

(Sent following precept No. 1614)

Read letter dated the 11th Instant from the 3d Judge on Circuit in the Western Division, reporting his having fixed the 10th proximo for the opening of the 1st Sessions of the present Year at Honore.-

(Here Enter No. 582.)

Read ~ ~ ~ return dated the 3d Instant, from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Udalut under date the 18th March 1839, calling on them to report what

24th April 1839.

what orders they may pass in Case No. 248 of 1838 on the Madura Criminal file.—

(Here enter No. 547)

Read letter dated the 18th Instant, from the Provincial Court of Circuit in the Southern Division, forwarding the original death warrant issued for the execution of the Prisoners in Cases Nos. 1. and 2. on the Tinnevelly Calendar for the 1st Sessions of 1839, together with the Report of the Assistant Criminal Judge.—

(Here enter No. 627.)

1839.

Thursday 25th April 1839.

At a Court of the Conjeveram Adalut

Present

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

William Huddleston Esqre. ——— 2d Puisne Judge,

Henry Dickinson Esqre. ——— Acting 3d Puisne Judge,

Read letter dated the 16th Instant from the 2d Judge on Circuit in the Southern Division submitting for the final judgment of the Conjeveram Adalut, the records of Cases Nos. 22 and 25 of the Combaconum Calendar of the 1st Sessions of 1839.—

(Here enter No. 587)

Mr. Bird and Mr. Dickinson

1. The Court of Conjeveram Adalut observe that these Cases are incomplete, inasmuch as no Vakeel at all has been taken from the Provincial Law Officer in respect to the prisoner Gyahnatharaon and that the reasons assigned at Page 80 of the record for the omission, viz: that his trial in another Case had been referred, is quite insufficient.—

2. Moreover, as the presiding Judge concurred with the Law Officer in the acquittal of the prisoner Kroolan in Case No. 22, there were no grounds for reference of that trial.—

Under

3.

Under these circumstances, the Court of Enquiry are reluctantly resolved to return the record of the said Cases to the 2d Judge on Circuit in the Southern Division, with orders to take a Sittiwah from the Provincial Law officer in respect to the Prisoner

Iyalnattarasen

and then to return the same to this Court or Case No. 26 only, should Case No. 22 not be referible under the Regulations.—

Ordered, that Extract from these Proceedings, together with the records of the above mentioned trials be sent to the 2d Judge on Circuit in the Southern Division by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 466.

Read Return dated the 11th instant from the Acting Criminal Judge of Madura, to the Precept of the Court of Enquiry dated under date the 5th April 1839.—

conveying their observations and orders on the Criminal Report of that Zillah, for the Month of February.—

(Here enter Pro. No. 608 of (839)

Case No. 14. 1.

The Acting Criminal Judge, in the reference to the remarks of the Court of Enquiry dated in this case, recommends that the sentence passed by the Pandit Sudr Ameen be altered from the requisition of

of security for a period of six months to a fine of thirty Rupees or imprisonment from the same date for a period of three months.—

2. The Court of Enquiry dated are of opinion that the sentence already passed by the Pandit Sudr Ameen should not now be disturbed: but they direct that the attention of that officer be called to the Case, and that he be enjoined to exercise a greater degree of circumspection in the disposal of cases referred for his decision.—

3. The ordinary signature of the present acting Criminal Judge of Madura being illegible—the Court of Enquiry dated direct that the attention of that officer be called to the Government Notice of the 27th July 1832, published in the Fort St. George Gazette of the 28th of the same month, relative to the importance of authenticating all official Documents in an uniform and legible manner.—

Mr. William Elliot

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

(Sent in No. 467

Read letter dated the 13th instant from the Provincial Court of Circuit in the Western Division, with reference to the extract from the proceedings of the Enquiry

Enquiry

Foujdaree Udalut under date the 30th March 1839, directing them to call for the record of Case No. 13 in the Jeffamanteny report of the Zillah Court of Malabar, and transmitting copy of an Extract from their proceedings under date the 18th April 1839.—

(Here enter No. 635)

Read return dated the 18th instant from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut under date the 13th April 1839, directing that proper extracts from the Proceedings of the Foujdaree Udalut and from the Minutes of Consultation sent therewith, be furnished to the Magistrates and Officers in charge of the Gaols of the Western Division for their information and guidance.—

(Here enter No. 640)

WB

JRD

Entered

JRD

F. 46

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Friday

William Hudleston Esqre. — 2d Puisne Judge.

26th April 1839.

Henry Dickinson Esqre. — 3d Puisne Judge

WB

Read the Criminal Reports of the Auxiliary Court of Masulipatam for the month of March 1839.—

JRD

(Here enter F. 46. No. 594 of 1839.)

Report V.

Case No. 36.

1. Adverting to the loose and slovenly way in which the charge in this case and also the explanation recorded in Case No. 28 are worded, the Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be enjoined not again to submit to the Court the Criminal Reports &c. without first revising the labours of his native subordinates.—

Case No. 37.

2. The prisoner in this case was charged with having smuggled fifteen seers of spontaneous salt from the swamps of Vandapalle.

3. The prisoner was released, on the grounds as recorded in the Report—that "the salt appears to have been collected not for sale, but

but for use, and not to have been manufactured:
and "for this the Regulation provides no
Punishment."

4. The Court of Sanjidaree Ullalut
direct that it be intimated to the Acting Joint
Criminal Judge for his future guidance, that
in their Proceedings of the 18th October 1834
this Court ruled that "the being found in con-
fession of spontaneous salt is punishable
by the Criminal Court under Section IV Regula-
tion V of 1831 as an infraction of Section XVIII
Regulation I of 1805."

5. It is stated in the Report at Nº VII
that the "amount of Security" demanded from the
prisoners (excepting the third and fourth who
were sentenced to Transportation for Life) in
Case Nº 3 of the Third Quarter Sessions of 1838
and "the period for which it is required" have
not been "communicated by the Judge presiding"
at the said Sessions.—

6. The Court of Sanjidaree Ullalut
direct that Mr Haig's attention be called to this
matter, and that he be instructed to issue the
necessary order on the subject of the Security
without delay, and to explain to what circumstances
the

the omission to do so in the regular course, is
owing.—

Ordered, that Extract from these
proceedings be sent to the Acting Joint Crimi-
nal Judge of Masulipatam for his informa-
tion and future guidance.—

(Sent in Nº 472)

Ordered also, that Extract
(paras 5 and 6) of these proceedings be sent
to Mr Haig late Presiding at the Third
Quarter Sessions of 1838 at Masulipatam
by precept returnable within twelve days
from and after its receipt.—

(Sent following precept Nº 473)

Read letter dated the 15th Instant
from the Acting Criminal Judge of Malabar,
forwarding the Criminal Reports of that
Zillah Court for the month of March 1839.—

(Here enter F.R. Nº 608 of 1839.)

Report V
Case Nº 56.

1. In this case, the prisoners
1st Kanashen Ramen Putter
and
2nd Sekeporakel Chandoo
were charged with having, on the night of the
27th December 1838, in conjunction with certain
others,

26th April 1839.

others, stolen a Bullock belonging to the Prosecutor valued at Rupees 15-13-9.-

2. The prisoners were convicted and sentenced under the Provisions of Section III Regulation VI of 1827 the first prisoner to six months and the second to four months' imprisonment in Jail with hard labour.-

3. The Court of Sunjdarree Udalut not satisfied of the sufficiency of the evidence in this case for conviction, and they resolve to direct the Provincial Court of Circuit to call up the records of the case and after consideration thereof, to pass such orders regarding it as they may deem proper, reporting the result to this Court.-

4. It is stated that the Prisoners did not reach the Magistrate's Cutcherry until the 11th February although the first prisoner was apprehended on the 31st January and the second on the 3d of that month. If so presumed that this delay was owing to the distance of the Magistrate's Cutcherry from the place where the Prisoners were apprehended, but an explanation on that head should have been given in the Report.-

S.C.

26th April 1839.

Case No 65.

5. In this case, the prisoner Seran Korota Ramen was charged with having stolen from the Cow stall, a Cow belonging to the Prosecutor, valued at Rupees 2.-

6. He was convicted and sentenced to three months imprisonment in Jail with hard labour, under Section III Regulation VI. of 1827.-

7. It is stated in the Report that "there is no doubt as to the Prisoner having stolen the Cow"; but there is nothing in the abstract of the evidence to show the nature of the Proof against the Prisoner - It merely sets forth that "the Prosecutor and Witnesses very clearly identify the Cow."-

8. The Court of Sunjdaree Udalut direct that the Acting Criminal Judge be called upon to report for the consideration of the Court, the grounds of Conviction in this case.-

Case No 66.

9. The Court of Sunjdaree Udalut approve of the order for the release of the Prisoner in this case, being of opinion that no criminality is brought home to him.-

Index

Indeed, the circumstances of the case as stated in the Report would seem to afford room to believe that the act for which he was subjected to a Criminal Prosecution has been severely visited in the loss of his situation.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Malabar by Precept returnable within two days from and after its receipt.

(Sent following precept p. 474)

Ordered also, that Extract (Paras 103) of these proceedings be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within fifteen days from and after its receipt.

(Sent following precept p. 475)

Read letter dated the 13th Instant from the Joint Magistrate in charge of the Zillah of Canara, submitting the explanation called for in the Extract from the proceedings of the on Soujdaree Adaulut calling for explanation of the alleged delay of the Joint Magistrate in charge of the Zillah of Canara, in replying to the reference of the Sheristadar of Dollar of the

on the subject of the nature of certain evidence adduced against a prisoner committed for murder.

(Here enter p. 631.)

Read return dated the 15th Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Soujdaree Adaulut under date the 30th March 1839, conveying their observations and orders on the Sirdar Criminal Reports for February last.

(Here enter p. 637.)

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Western Division, forwarding translations of the Sirdar Criminal Reports for March 1839.

(Here enter p. 644.)

Entd.

WM

JH

WHD

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Saturday William Hudleston Esqre. 2d Puisne Judge

27th April 1839. Henry Dickinson Esqre. ——— 3d Puisne Judge

Read letter dated the 11th Instant from the Joint Criminal Judge of Guntoor forwarding the Criminal Reports of the Auxiliary Court for the month of March 1839.

(Here enter P. 116 to No. 580 of 1839.)

Suppl. Report Case No. 11.

1. In this case, the prisoner 1st Malekelly Audana a Sea customs Peon was charged with "feloniously selling for Rupees 10-8- some Teak wood Qrs. worth Rupees 20-13 belonging to the Circar which had washed on shore:" and the second prisoner

Mutchan Bungaroo

was charged with "purchasing the said wood at a depreciated value, knowing it to be stolen."

2. The Prisoners were convicted and sentenced to one years' imprisonment with hard labour in irons the first prisoner, under Clause first Section XVII. Regulation IX of 1822 the

second

Second prisoner, under Clause fourth, Section IV Regulation II of 1822.—

3. It is presumed that the first prisoner in this case has been sentenced with reference to Section II of Act XXXVI of 1837.— whereby all provisions of Regulation IX of 1823. of the Madras Code are made to "apply" to cases of the embezzling of any public property whatever by persons of any of the classes described in the Third Clause of Section II of the said Regulation; but if that be the case, the provision in question should have been cited.—

4. Moreover, the Court of Sunjalance Udalut are not aware of any provision of the Law which renders a party "appropriating wood" on the seashore "liable to a Criminal Prosecution:" and the Court therefore request to call upon the Joint Criminal Judge to submit an explanation on this point, and also to furnish information in regard to the "Rule for selling drift wood" to which reference is made in the Abstract of the grounds of conviction.—

5. In support of the sentence passed on the second prisoner Regulation VI, and not Regulation II of 1823, should have been cited.—

The

Report V.
Case No. 13.

6. The prisoner in this case was charged with severely beating and killing a Buffalo worth twelve Rupees belonging to the Prosecutor.—

7. It appears that the Prisoner admitted before the Criminal Court that he beat the Buffalo in the manner charged, being annoyed at its entering his field and eating the produce: but offered either to give the Prosecutor another Buffalo or to pay the value of the one killed, to which the complainant assented: and the Joint Criminal Judge, "not perceiving any signs of malignity in the case to bring it under Clause first, Section VIII, Regulation XIII of 1832" released the prisoner "with orders to pay the Prosecutor the value of his Buffalo."—

8. The Court of Sunjalance Udalut observe that the Joint Criminal Judge had no authority to make such an order as the one above quoted.— The prisoner having been acquitted of the Criminal charge, the indemnification of the complainant for the loss of his Buffalo was a question for the exclusive determination of the Civil Court, and in

in respect of which it was not legally competent to the Criminal Court to interfere: and the Court therefore direct that the Joint Criminal Judges do cancel the order in question.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Gantoor by Precept returnable within seven days from and after its receipt.—

(Sent following precept at p. 492)

Read Extract from the Proceedings of the 3rd Judge of the Court of Circuit in the Northern Division, submitting a report of the result of the enquiry instituted by him into the conduct of a Jail Daffadar, a Naick and 4 Peons attached to the Auxiliary Court who has been removed by the Officiating Joint Criminal Judge from their situations, for neglect of duty.—

(Here Extract at p. 581.)

1. Upon consideration of the Report submitted by the Joint Criminal Judge under date the 22nd February, it appeared to the Court of Sunjdaree Adalut that a sufficient cause had not been made out to warrant the dismissal of the 2 Officers and the 4 Peons in

in question, they accordingly resolved to direct the 3rd Judge Presiding at the Quarterly Sessions to call for the Proceedings and institute a special enquiry into the case.—

2. In the Extract of the Proceedings now under consideration, the 3rd Judge has recorded his opinion that there are not the slightest grounds for suspecting the escape of the convict S. Sankadoo to be in any wise attributable to the two Officers, and that the delay in sending a report of the escape to the Sudder has been satisfactorily accounted for by them.—

3. In respect to the 4 Peons, who the Acting Joint Criminal Judge in the 3rd Paragraph of his letter recommended might be declared ineligible for further employment in the public service, the 3rd Judge has observed "that tho' there was some irregularity in their "conduct, it was not such as would warrant "dismissal" and "would have been very properly "met with a moderate fine."—

4. The Court of Sunjdaree Adalut therefore see no grounds for further withholding their consent to the immediate restoration of the individuals in question to their former situations,

situations, and being of opinion that the pris
they have already undergone by their suspen
is ample for the Conviction that the Duff
the Match and the 15 Pence be restored to th
situations formerly held by them respectively
and at the same time they direct that it be
intimated to the 15 Peons that any future neg
of duty will subject them to severe Punishment

Ordered, that a Extract from the
proceedings be sent to the 3rd Judge of the Co
Court of Circuit in the Northern Division, for
communication to the Acting
Judge at Madulsima, by first opportunity
in 3 days from and after the date of receipt.

(Sent off Memo of receipt No 483)

Read returned dated the 17th inst
from the Provincial Court of Chamba in the
Division, to the receipt of the Court of
Eddalut under date the 18th Ultimo, calling
them to report what orders they may
in Case No 348 of 1838 on the Madulsima
Criminal file.

(Here enter No 625.)

At a Court of the Coujdarce Adalut

Present,

Monday
29th April, 1839. John Bird Esqre 1st Cuisine Judge
William Hudleston Esqre 2d Cuisine Judge
Henry Dickinson Esqre acting 3d Cuisine Judge

Road Miscellaneous Petition presented on the 25th instant by Rungummaul of the Zillah of Combaconum.—

(Here enter Cuis Dft No 46 of 1839)

1. The prayer of this Petition is that the Court of Coujdarce Adalut will issue an order for the release of Petitioner's husband Seenevasengar — who, being convicted of Perjury in Case No 52 of the Combaconum Calendar of the Second Sessions of 1838 — was sentenced by the Court of Circuit to seven years imprisonment with hard labour in Irons.—

2. It appears that the prisoner in question and the persons convicted of the same offence in Cases Nos 53 to 58 inclusive, of the same Calendar, appeared as Prosecutor and witnesses respectively in Case No 223 of the Combaconum Criminal Report — (Supplemental) for July 1838 — wherein the three persons who are the 2d

21st and 22d witnesses in No. 52 and the subsequent Numbers of the Calendar - were charged with having way-laid and assaulted the complainant on the high-way, and robbed him of property of a considerable value.-

3. In the Criminal Report it is stated that "the prosecutor and his witnesses" (in No. 223) "finally deposed to the facts all through - but upon a serious examination of the prisoner's witnesses, the whole case is evidently a fabrication, accompanied with perjury:" - whereupon the parties were committed to take their trial for that offence before the Court of Circuit under the Provisions of Regulation VI of 1811.-

4. The Court of Sessions Calendar there referred to the cases No. 52 to 58 inclusive, and the recital of the substance of the evidence given at No. 52 - and are not satisfied of the propriety of the convictions for Perjury: and the Court therefore resolve to direct that the Acting Third Judge late on Circuit in the Southern Division be instructed to send up for their consideration, English Translations of the Record of Case No. 52 of the Combaconnum Calendar of the Second Sessions of 1838 and of the proceedings held by the Police and by the Assistant Criminal Judge in No. 223 of the Combaconnum Criminal Report above referred to.-

Ordered, that Extract from these proceedings be sent to the Acting Third Judge late on Circuit

Circuit in the Southern Division by Precept returnable within twenty five days from and after its receipt.-

(Sent following Precept No. 487.

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

Read Miscellaneous Petition presented on the 8th instant by Poodaymuen Pillay of Timendy.-

(Here enter Mis: Pet: No. 47 of 1839)

1. The Petitioner prays for a reconsideration of the order passed by the Court of Sessions Dd late under date the 18th ultimo on his former Petition No. 27 of 1839 - wherein he prayed for the release of his brother Sabbramanya Pillay and four other persons who, in Cases Nos. 3 - 4 - 5 - 6 - and 7 of the Timendy Calendar of the first Sessions of 1838 - were convicted of Perjury and sentenced by the Court of Circuit to imprisonment with hard labour in Irons for five years.-

2. The Petitioner has produced copies on stampt paper of sixteen depositions before the Court of Circuit and an Extract from the Proceedings of the Criminal Court of Circuit in the Southern Division dated the 14th January 1839, by which latter document it appears that he has unsuccessfully applied for seventeen other documents to the Joint Criminal Judge of Timendy.-

3. The Petitioner's argument impugning the convictions for perjury in the cases above mentioned is based on alleged inconsistencies, between the testimony delivered by the same persons before the Court of Circuit and before the Magistrate

21st and 22d witnesses in No. 52 and the subsequent numbers of the Calendar - were charged with having wrongfully & knowingly appeared the complainant on the trial - and with subornation of property of a considerable value.-

3. In the Criminal Apostil it stated that the prisoner and his interpreter" (in No. 223) "fully deposed to the facts all through - but from a cursory examination of the prisoners witness, the whole case is evidently a fabrication, accompanied with perjury: wherefore the parties were committed to take their trial for that offence before the Court of Circuit under the Provisions of Regulation VI of 1811.-

4. The Court of Confirmation [illegible] to the cases No. 52 to 58 inclusive, and the recital of the substance of the evidence given at No. 52 - and are not satisfied of the propriety of the convictions for Perjury: and the Court therefore resolve to direct that the Acting Third Judge Sitting on Circuit in the Southern Division be instructed to send up for their consideration English Translations of the Record of Case No. 52 of the Combaconum Calendar of the Second Sessions of 1838 and of the proceedings held in the Police and by the Assistant Criminal Judge in No. 223 of the Combaconum Criminal Apostil above referred to.-

Ordered, that Extract from these proceedings be sent to the Acting Third Judge Sitting on Circuit

29th April 1839.

Circuit in the Southern Division by Precept returnable within twenty five days, from and after its receipt.-

(Sent following Precept No. 487.

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

Read Miscellaneous Petition presented on the 8th instant by Doraisawmy Pillay of Timevelly.-

(Here enter Mis: Pet. No. 47 of 1839)

1. The Petitioner prays for a reconsideration of the order passed by the Court of Sessions Adalut under date the 18th ultimo on his former Petition No. 27 of 1839 - wherein he prayed for the release of his brother Sorbaraya Pillay and four other persons who, in Cases Nos. 3 - 4 - 5 - 6 - and 7 of the Timevelly Calendar of the first Sessions of 1838 - were convicted of Perjury and sentenced by the Court of Circuit to imprisonment with hard labour in Irons for five years.-

2. The Petitioner has produced copies on stampt paper of sixteen depositions before the Court of Circuit and an Extract from the Proceedings of the Provincial Court of Circuit in the Southern Division dated the 14th January 1839, by which latter document it appears that he has unsuccessfully applied for seventeen other documents to the Joint Criminal Judge of Timevelly.-

3. The Petitioner's argument impugning the convictions for perjury in the cases above mentioned is based on alleged inconsistencies, between the testimony delivered by the same persons before the Court of Circuit and before the Magistrate

Magistrate - Thus, it is obvious that the petitioner cannot re-establish by producing copies of depositions before the Court of Circuit only, which is all that he has been able to do - 4.

Upon a deliberate re-consideration of the whole matter, the Court of Cuijdaree Adawlut resolve to direct the Provincial Court of Circuit in the Southern Division to call for from the Joint Criminal Judge of Tinnevelly and submit for their consideration, translations of the seventeen Documents referred to in the Extract from the Proceedings of the Provincial Court of the 14th January 1839.-

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

(Sent following Precept No 488.

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

Read Miscellaneous Petition presented on the 8th April 1839 by Catheramanah and Coomalamanah.-

(Here enter Dis: Pet: No 67 of 1839)

1. The Petitioners Cambaraya Catheramanah and Coomalamanah repeat the request preferred in

No.

29th April 1839.

in their petition of Catheramanah No 14 of 1839 - for the remission of the punishment awarded to Changadoo 1/2 prisoner in Case No 31 of the Chittoor 3d Supplementary Calendar for the 4th Quarterly Sessions of 1838.-

2. The Court of Cuijdaree Adawlut direct that the petitioners be referred to their order of the 18th of March 1839, and informed that the same is final.

Ordered, that the prayer of this petition be rejected, and that Extract from these proceedings be furnished to the petitioners on their application.-

Read Miscellaneous Petition presented on the 15th April 1839 by Annamalee ammal, mother of Iyah Camen 4th prisoner in Cases Nos 4, 6, and 8 of the Cuddalore Calendar for the 2d Sessions of 1838.-

(Here enter Dis: Pet: No 52 of 1839)

1. The Petitioner repeats the requests preferred in her petition No 140 of 1838 for a reconsideration of the case of her son Iyah Camen, prisoner in Nos 4-6 and 8 of the Cuddalore Calendar for the 2d Sessions of 1838.-

2. The Court of Cuijdaree Adawlut direct that the petitioner be referred to their order of the 5th of November 1838 and informed that the same is final.

Ordered

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

Read Miscellaneous Petition presented on the 15th of April by Chinnoo alias Kroomachella Moodalee of the Zillah of Combaconum.—

(Here enter Dis: Plea No. 53 of 1839)

1.

The Petitioner repeats the request prayed in his petition No. 42 of 1839 praying that the Court of Sujdaree Udalut would call for the Proceedings of the Circuit Court in his case.—

2.

The Court of Sujdaree Udalut direct that the petitioner be referred to their order of the 8th of April 1839, and informed that the same is final.—

Ordered, that the prayer of this petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner on his application.

Read the following Letter dated the 9th instant from the Third Judge on Circuit in the Western Division.—

(Here enter C.C. No. 674 of 1839)

1.

With the Letter now received are submitted an

extract from the Proceedings of the 3d Judge on Circuit in the Western Division under date the 3d of April 1839, and copies of other papers having reference to Case No. 8 of the Calendar of the Criminal Court of Canara for the first Sessions of 1839. wherein the prisoners who are charged with "Theft" are declared by the second Cauzy of the Mahommedan Law Officer of the Court of Circuit to be convicted of that offence and liable to Hud or amputation of the Right hand: but in whom the Third Judge has thought fit to defer pronouncing Judgment until the receipt of an order on the subject from the Court of Sujdaree Udalut, under the following circumstances.—

2.

It appears by an Extract from the Proceedings of the Criminal Court of Canara dated the 9th January 1839. of which a copy accompanies the Third Judge's Letter. that the prisoners in question two in number. named Dogra and Narrana. were tried in Case No. 166 of 1838 of the Criminal file of that Court on a charge of Theft, and being convicted, were sentenced by the Assistant Criminal Judge. the first prisoner to ten months. and the second, to two years imprisonment with hard labour in Irons, and an order was

passed

spared to the Magistrate of the Court to carry the sentences into effect.

3. The Assistant Criminal Judge, however, on reason, immediately afterwards, to doubt the legality of that sentence - one of the prisoners being an old offender - referred the matter to the Criminal Judge, under whose direction, he rescinded the sentence and committed the prisoners to take their Trial before the Court of Circuit.-

4. The prisoners when called on for their defence before the Court of Circuit, urged that they had been made to labour under the sentence first recorded against them by the Assistant Criminal Judge; and by the letter of that officer, to the Acting Criminal Judge of the 5th instant, it appears that the prisoners were actually made to labour for the space of three hours on the morning of the 10th January last.-

5. The Question referred by the Third Judge of Circuit for the determination of the Court of Sudder Adawlut is, whether under the circumstances above recited, he is legally competent to sentence the prisoners to the enhanced punishment to which they are liable under the Provisions of Section XXI, Regulation VII. of 1802.-

6. The Court of Sudder Adawlut observe that they have on several occasions ruled that in the case of a sentence being declared - although by one authority not legally competent thereto - and in fact passed, the prisoner should have the benefit of the error committed in his case, and should not be put on his Trial and called upon for his defence twice for the same offence: and generally, that a prisoner once tried and punished cannot be again tried or further punished for the same offence: and with reference to those decisions which are based - it may be observed - upon acknowledged principles of equal and substantial justice - the Court of Sudder Adawlut have no hesitation in declaring that in the Case now under consideration, the Court of Circuit cannot, now, pass sentence of punishment on the prisoners, and that the sentence passed in the first instance by the Assistant Criminal Judge must be carried into effect.-

7. The Court of Sudder Adawlut at the same time deem it necessary to direct that the Third Judge on Circuit do strongly warn the Assistant Criminal Judge against committing similar errors in future.-

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Western Division for his information and guidance by Precept returnable within five days, from and after its receipt.-

(Sent following Precept. No. 489

Read the Criminal Reports of the Auxiliary Court of Zillah Tinnevelly for the months of March 1839.-

(Here enter C.L. No. 600 of 1839)

Report V. Case No. 21.

1. In this case, seven prisoners were charged with the

Cr. Letters.
8th February 1826.
31st March 1828.
27th August 1828.

with Gunning in company with the Prisoners in Criminal Case No. 8 of 1839, at about 12 o'clock at night, entered the Houses of the 1st 2nd and 3d Complainants and stole thereout articles valued at Rupees 16. 4. belonging to them the 1st and 3d Complainants in No. 8. and put the latter in fear of death attempted to apprehend them and robbed them of their earrings valued at Rupees 11. 2. 8.—

2.

It is stated in the Abstract of the Grounds of Sentence that the evidence regarding the 1st 4th and 5th Prisoners is doubtful" and "they are in consequence released" while the 2nd 3d 6th and 7th Prisoners were required to produce security for their future good conduct.—

3.

In regard to the latter Remark it appears that the Prosecutor and witness swear to the identity of those parties who can assign no reason for a false complaint being brought against them.—

4.

Under these circumstances the Court of Sudder Adalut do not understand on what grounds these Prisoners were not committed for Trial, and they direct that the Acting Joint Criminal Judge do submit an explanation on this point.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge by Precept returnable within seven days, from and after the receipt.—

(Sent following Rumut No. 490.—

29th April 1839.

Yagnanmanah of the Zillah of Combaconum, moves the Court to return the enclosures in his Miscellaneous Petition No. 6 of 1839.—

Ordered accordingly.

Coopoosamy Yagnanmanah of the Zillah of Combaconum, moves the Court to return the enclosures in his Miscellaneous Petition No. 148 of 1838.—

Ordered accordingly.

Read letter dated the 22d instant from the Provincial Court in the Northern Division, transmitting the original Warrant issued in Case No. 12 of the Nellore Primary Calendar 1st Sessions 1839, with return made thereto by the Criminal Judge, and the separate information required by the Circular Orders of the 3d May and 20th September 1830.—

(Here enter No. 652)

Read Supplemental return dated the 22d instant, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Sudder Adalut under date the 3d April 1839, directing the immediate release of the 4 approvers in Case No. 2 Masulipatam Calendar 3d Quarterly Sessions of 1838.—

(Here enter No. 655)

Read letter dated the 19th instant from

29th April 1839.

from the 2d Judge on Circuit in the Southern Division,
reporting his having notified his intention of opening
the 1st Sessions of 1839 at Coimbatore on the 9th Prox.
(Here enter No. 628).

JBO

T. M.

At a Court of the Fouzdaree Adalut.

Present

Tuesday, 30th April 1839.

John Bird Esqre. ——— 1st Puisne Judge
William Huddleston Esqre. ——— 2nd Puisne Judge
Henry Dickinson Esqre. & 3rd Puisne Judge

Read Letter dated the 3rd Instant,
from the Third Judge of the Provincial Court of Circuit
in the Northern Division forwarding copies of the Pri-
-mary and First and Second Supplemental Calendars
of the First Quarter Sessions of 1839 holden at
Masulipatam.

(Here enter T. M. No. 552 of 1839.)

Primary Calendar Case No. 1.

1. In this case, the prisoner
Muddalee Nangadoo alias Moosaladoo
stood charged before the Court of Quarter Sessions with
having, at twelve O'Clock of the night of Monday the 26th
November 1838, broken into the Prosecutors' house in the
Village of Tammerly, and stolen therefrom a Box con-
-taining Jewels valued at Rupees 398. 14. ..

2. The prisoner was convicted of the
Crime charged and by the Third Futwah of the
Mahommedan Law Officer of the Court of Quarter
Sessions

Sessions declared liable to Hud. or amputation of the Right hand: but in consideration of the simplicity with which the Prisoner surrendered the Stolen property, of the peculiar manner in which he showed his Repentance & before the Court of Circuit and his apparent harmless character, the Third Judge Presiding at the Trial recommends that the Punishment to which he is liable under the Provisions of Section XXI, Regulation VII of 1807 be reduced to three years.

3. The Court of Fouzdaree Udalut, having duly considered the circumstances of this Case, Perlon, under the Provisions of Clause third, Section III, Regulation I of 1825, to Sanction the proposed mitigation, and accordingly authorize the Third Judge to pass upon the Prisoner

Muddalee Nangadoo alias Moodaladoo

a Sentence of three years imprisonment with hard labor in Irons.

First Suppl. Calr Case No. 1.

4. In this case the Prisoner

Jynala Veyunmah

was charged before the Court of Quarter Sessions with having, on two occasions one about Eight and the other about seven months ago, the Preceding dates not being known

known, caused 195 and 292 Counterfeit Pagodas to be given to the Prosecutor Shaikh Danbee in Exchange for Rupees 755. 10.- and Rupees 1131. 8. respectively; knowing them to be Counterfeit and at the same time assuring the Prosecutor that they were genuine Gold Pagodas: he the Prisoner, being at the time when these transactions occurred, Employed to manage the affairs of the said Prosecutor.

5. The Futwa of the Mahomedan Law Officer acquitted the Prisoner on the ground of the insufficiency of the Evidence in Respect of the Identity of the Counterfeit Coins to the payment of which he was accessary: and the Presiding Judge on the same ground concurred in the Futwa: but considering that a strong Suspicion attached to the Prisoner, required him to produce two Sureties of fifty Rupees each for his good behaviour and appearance when required for two Years.

6. The Court of Fouzdaree Udalut are of opinion that the Evidence for the Prosecution in this Case, as stated by the Presiding Judge, would have warranted a reference of this trial for the final judgment of the Fouzdaree Udalut.

7. The Evidence adduced by the

Prisoner

Prisoner for the purpose of showing that under the circumstances, his being employed as the confidential agent of the Prosecutor was improbable, tends in no material point to shake that for the prosecution: and it is not unimportant to remark that the prisoner (who dispensed with the evidence of the witnesses he first named - and named three others - itself a suspicious circumstance) seems to have been able to devise no better means of exonerating himself from the particular offence charged than by adducing Evidence to prove that his being Known to be a "bad and intriguing Character" must naturally disqualify him for employment in any situation of trust and responsibility -

8.

Further certain of the witnesses for the prosecution - the validity of whose evidence the Court seems fully to admit - distinctly swore that the prisoner on being sent for by the Prosecutor and interrogated regarding the transaction fell at the Prosecutors feet, and brought him to allow him fifteen days to bring back the Prosecutor's Rupees and take back his own Pagodas -

9.

Such conduct the Court of Tinjarce Adalut consider irreconcileable with any supposition of the prisoner's innocence -

In

Second Supplemen. 10.
tal Calendar -

In this case, the prisoner

Talavoy Paupiah

was charged before the Court of Quarter Sessions with having, at eight O'clock of the morning of the 16th February 1839. laid hold of the lock of the Prosecutrix' hair and inflicted a wound on her throat -

11.

The Presiding Judge sent back this case to be disposed of by the Joint Criminal Judge, considering it to fall within the Cognizance of that Officer on the grounds of its appearing "from the Medical "Officers certificate and from an examination of the throat "of the Prosecutrix that the wound inflicted was very slight, "and there being no circumstances to allow the presumption "of an intent on the part of the prisoner to kill the Prosecutrix"

The Court of Tinjarce Adalut con-

12.

-sider the very fact of the Prisoner's having cut the throat of the Prosecutrix, to afford ample proof of an intent to do at least such grievous bodily injury as would necessarily put the case without the cognizance of the Criminal Court: and are of opinion that the case ought not to have been returned to the Joint Criminal Judge -

13.

The Court of Tinjarce Adalut direct that the attention of the Joint Criminal Judge

be

30th April 1839.

be called to the necessity of preparing with greater accuracy and precision the Abstracts of the Charges. The hurried way in which these have been got up in the Calendars now reviewed, especially those in the Primary and the Second Supplemental Calendar. Shows that they are the work of Natives indifferently acquainted with the Idiom of the English Language and not perused by the Europeans Officers and is discreditable to the Acting Joint Criminal Judge.

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

/ Sent in No. 491 /

Read letter dated the 14th January 1839 from the 1st Judge in Circuit in the Southern Division, with reference to the Proceedings of the Court of Fouzdaree Adaulut of the 24th ultimo, reporting his having attended to the orders of the Fouzdaree Adaulut of the 22nd May 1837.

/ Here enter No. 85. /

End. 7th

F. A.

F. A.

At a Court of the Fouzdaree Adaulut—

Present,

Thursday, 2nd May 1839.

Thos. Alexander Oakes Esqre. 1st Puisne Judge
William Rudleston Esqre. 2d Puisne Judge
Henry Dickinson Esqre. 3d Puisne Judge

Read Return dated the 19th ultimo from the Criminal Judge of Bellary, to the Precept of the Court of Fouzdaree Adaulut under date the 15th April 1839, directing him to Explain the Nature of the Sentence Passed in Case No. 69 of the Criminal Report of the Tillah Court for the Month of February 1839.

/ Here enter F. A. No. 638 of 1839. /

The Criminal Judge Explains that

1.

three months imprisonment in addition to the former Sentence was awarded in Case No. 69. making the whole term of imprisonment for the Several Offences Eighteen months.

The Court of Fouzdaree Adaulut

2.

observe that one Sentence ought to have been Passed in all the Cases: and they direct that this be intimated to the Acting Moofsee Sudr Ameen for his information and future guidance, if the Cases in question were disposed of by the present

present and not the late Acting Moofter—

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

/ Sent in No. /

Read Return dated the 13th Ultimo from the Criminal Judge of Bellary, to the Precepts of the Court of Fouzdaree Udalut under date the 8th April 1839. calling for immediate Returns to the Precepts of the 26th October and 5th December 1838. and 9th February 1839— the required the Criminal Judge to show good and sufficient cause why the Precepts of the Court of the 6th September and 1st October 1838. wherewith were transmitted their Proceedings on review of the Bellary Criminal Reports for the months of July and August of the same year, were not returned within the prescribed periods—

/ Here enter Ffl. No. 595 of 1839 /

/ Read also Returns dated the 13th Ultimo from the same Officer, to the Precepts of the Court of Fouzdaree Udalut under dates the 26th October and 5th December 1838. and 9th February 1839 respectively above referred to—

/ Here enter Ffl. Nos. 595. 596 and 597 /

As the tenor of the observations submitted by the Criminal Judge in the Returns now recorded would seem to imply a very erroneous conception on that Officer's part in regard to the nature of a Precept, and the authority of that Instrument, the Court of Fouzdaree Udalut resolve to direct that it be intimated to the Criminal Judge, that whenever a Precept may be issued to him by the Court of Sudr or Fouzdaree Udalut, the same must invariably be returned within the period specified therein; any information &c. which it may not have been practicable to obtain within that time being submitted with Supplemental Returns: and that it is a serious irregularity to delay making Return to a Precept a single day beyond the limited time—

2. The Court of Fouzdaree Udalut request that the Criminal Judge of Bellaree will bear this Rule in mind; and on all future occasions, strictly govern himself accordingly—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellaree for his information and future guidance—

/ Sent in No. /

L.P.C.

J. M.

At a Court of the Fouzdaree Udalut

Present

Friday, 3rd May 1839. Thomas Alexr. Pakenham Esqre. 1st Puisne Judge
William Rudleston Esqre. 2nd Puisne Judge
Henry Dickinson Esqre. 3rd Puisne Judge

P.P.C.

Read letter dated the 27th February last from the Provincial Court of Circuit in the Centre Division, submitting copies of the Reports from the several Officers in charge of Jails within that Division required by Parah 12 of the Extract from the Proceedings of the Court of Fouzdaree Udalut under date the 24th December 1838. respecting the measures which have been adopted in accordance with the order of Government of the 10th May 1837. No. 440. for furnishing a proportion of the Irons in charge of working parties of Convicts with Fire-arms; and the apparent effect of the System in those Jails where it has been adopted.

(Here enter F.D. No. 345 of 1839.)

Read also Letters dated respectively the 4th and 7th February 1839. from the Provincial Court of Circuit in the Western Division, forwarding

Copies

copies of the Reports of the Rural Officers in charge of Jails in that Division and of a correspondence with the Criminal Judge of Malabar on the same subject.

(Here enter F.D. Nos 213 and 239 of 1839.)

Read also Letter dated the 2nd February 1839. from the Second Judge of the Provincial Court of Circuit in the Western Division, submitting the Report required in the latter part of Parah. 12. of the Extract from the Proceedings of the Court of Foujdaree Adalut under date the 24th December 1838. on the subject of the Inspection by the Judges on Circuit of the Fire arms of the Peons &c.

(Here enter F.D. No. 224 of 1839.)

Centre Division

Chittoor and Cuddapah

1. The Criminal Judges of Chittoor and Cuddapah severally certify that the orders for providing a proportion of the Jail Peons with Fire-arms have been carried into Effect in the Jails under their charge, and that they have reason to believe that the Effect of the measure (as tending to deter the working parties from attempting to escape) has been beneficial.

Cumbum

2. It has not been considered necessary to arm the Peons in charge of the Prisoners in the Jail under the Principal Sudr Ameen of Cumbum, in as much as the Prisoners at that Station are few in number and are not sent out to work excepting at a short distance from the Jail.

Bellaree

3. The Criminal Judge of Bellaree certifies that no muskets have been yet furnished to the Peons of that Jail.

Chingleput

4. The Criminal Judge of Chingleput certifies that the Fire-arms entered in the Statement which accompanied the Circular Letter from the Court of Foujdaree Adalut of the 15th November 1837. as those which were to be supplied by the Military Board have never been received.

Cuddalore.

5. The Joint Criminal Judge of Cuddalore certifies that "no supply" of fire-arms "has been received up to this time:" that "an Indent for the requisite supply will be forwarded to the Magistrate of the District agreeably to a letter from the Secretary to the Military Board under date the 14th November 1837:" and that "a similar Indent was submitted through the Magistrate on the 5th April 1838. but no reply has been received on the Subject."

A

6. It is observed that in a letter addressed under date the 4th November 1837. by the Secretary to the Military Board to the Register of the Court of Foujdaree Adalut, of which a copy was furnished to each of the Four Provincial Courts for communication to the Several Officers in charge of Jails in their Respective Districts. it was requested that Judicial Officers may be instructed "to submit their Indents for what arms they require "upon the Magistrates of their respective Districts, who "will" it was observed in the same communication "if necessary submit Indents for the Countersignature of the "Chief Secretary to Government as laid down in their order "of the 25th November 1834 - Para 4."

7. The Court of Foujdaree Adalut resolve - with reference to that letter to direct that the Criminal Judges of Bellaree and Chingleput and the Joint Criminal Judge of Cuddalore be instructed to prepare fresh Indents for the requisite arms &c. and send in the same to the Magistrates of their respective Districts: and they will report to the Foujdaree Adalut through the Provincial Court of Circuit the result of their applications to the Magistrates: in order that should the

the latter Officers experience any difficulty in conforming with the orders already issued on this subject - the matter may without further delay be brought to the notice of Government -

Western Division 8. The Criminal Judge of Malabar - the Officer in charge of the Auxiliary Court at Tellicherry - the Magistrate of Canara - and the Principal Sudr Ameen of Honore severally certify that the order of Government above cited has been carried into effect in the Jails under their charge respectively: and that in their opinion the arrangement in question is calculated to produce beneficial effects -

9. With reference to the suggestion of Mr. Blair - the Magistrate of Canara - that the Pows "instead of the long heavy Muskets they are now supplied with" should be "armed with Fuzees or Light Infantry Muskets" the Court of Foujdaree Adalut observe that it was to the latter description of Fire-arms that the Recommendation submitted to Government by the Court of Foujdaree Adalut had especial respect -

10. The Joint Criminal Judge of Cochin certifies that "in consequence of there being only a small number of prisoners employed outside the Jail at

that

that Station, and that generally for short periods. more
persons have as yet been armed with Muskets to guard
them while at work.

11. The Criminal Judge of Canara
certifies that pursuant to the order of Government, fifty
arms have been furnished to a certain number of the Peons
of the Jail under his charge; but that "in consequence of the
non-transmission of the Cartridge Boxes and Powder
Flasks and which the Acting Judge in his letter of the 8th
August 1838 brought to the notice of the Register of the
Foujdaree Adalut, ammunition has hitherto not been
furnished to any of the Jail Guards but the Criminal
Judge at the same time records his opinion that from
the display of the Musket with the Bayonet attached
has been attended with Effect, and probably prevented
the Convicts attempting an escape".

12. It is observed that the letter of the
Acting Criminal Judge of Canara referred to in the preceding
paragraph was submitted to Government with the request
of the Court of Foujdaree Adalut that the ordnance
Department at the Presidency might be authorized to
supply the Stores mentioned by the Acting Criminal

Judge

Judge and dispatch the same to Mangalore - and that
the Government were pleased by an order dated the 8th
September 1838. No. 889. to instruct the Military Board
to Comply with the requisition.

Under these circumstances, the Court
13.
of Foujdaree Adalut resolve to direct that a letter be
addressed from their Registers Office to the Secretary to
the Military Board requesting that if no circumstances
exist which preclude a compliance with the order of
Government in question, the Stores required by the Crimi-
nal Judge of Canara may be furnished to that Officer
without further delay.

Ordered, that Extract from these
Proceedings (Paras 3 to 7) be sent to the Provincial
Court of Circuit in the Centre Division for their information
and guidance by Precept returnable within twenty
days from and after its receipt.

Sent following Precept No 1174

Ordered, also that Extract from these
Proceedings (Paras 9 and 11 to 13) be sent to the Pro-
vincial Court of Circuit in the Western Division with
instructions to furnish a copy of Para 9 to the Acting
Magistrate of Canara - and a copy of Paras 11. 12. and

13.

B. to the Criminal Judge of Canara for the information of those Officers respectively—

/ Sent in No. /

Read Second Supplemental Return dated the 15th Ultimo from the Acting Second Judge late on Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 10th December 1838. conveying their observations and orders on the Chingleput Calendar of the 2nd Sessions of 1838.

/ Here enter J. D. No. 604 of 1839. /

1. With the Return now recorded are submitted copies of a Return from the Magistrate of Chingleput and of a letter addressed to that Officer by the Head assistant Magistrate of the District in the last Parah of which the latter Officer observes that he "cannot help agreeing with the Acting Second Judge on Circuit that the Police have been guilty of a fraud on the Court by committing innocent men to take their trial for a heinous crime with all the Evidence against them being the result of combination": and in Parah 3. of his Return the Magistrate adverting to the Remarks of the Head assistant Magistrate in the 2nd Parah

of his Letter to the Effect that "Veerasawmy, the 2d witness according to the proceedings of the Court of Circuit, who claimed the ornament before the Police and swore to it before the Criminal Court but who disclaimed it before the Court of Circuit, again claimed it before him" suggests "whether it would not be expedient that the examination of "the 2d witness before the Court of Circuit should be "forwarded to him in order that Veerasawmy might be "committed to take his trial for giving two distinct and "contradictory Statements on oath".

2. The Court of Foujdaree Udalut direct that the Acting Second Judge be instructed to report what orders he may have issued in respect of this suggestion of the Magistrate, and to State whether in his opinion there are not sufficient grounds for instituting Criminal proceedings against the Native Public Officers whose dismission from their Situations is reported in Parah 2. of the Magistrates Return.

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

/ Sent following Precept No. /

Read

Read letter dated the 13th ultimo from the (late) Criminal Judge of Cuddapah. forwarding the Criminal Reports of that Zillah Court and of the Principal Sudr ameens Court at Cumbum for the month of March 1839.

/ Here enter F.H. No. 609 of 1839 /

Cases No. 25 of the Report V. for January and No. 1. 29 and 56 of the Report V. for February 1839.

In No. 25 three prisoners were charged with having assaulted and put to death a person of the name of Ramoodoo. in No. 29 the prisoner was charged with having been one of a Gang of Robbers who, with enlighted torches, entered the house of the Prosecutor and plundered therefrom property of a considerable value. and in No. 56. the two prisoners were charged with House-breaking and Theft of Property to the value of Rupees 162. and in all the three Cases, the prisoners were acquitted, but required to find Security for their future good behaviour.

2. The Court of Tinjanore Udalut upon a consideration of the circumstances of these cases, as they are given in Abstract in the Report, not being satisfied of the propriety of the order for Security, resolve to direct that the Provincial Court of Circuit in the Centre Division be instructed, to call for the Proceedings held

held in these cases by the Criminal Court, and after a consideration thereof, to pass such orders thereon as they may deem proper. with reference to the Provisions of Section XXIII. Regulation X of 1816.

Report No. V. for March Case No. 56.

3. In this case, the prisoner Sheikh Moosain was charged "with having at 7 o'clock in the morning, on the 9th of March 1839, pilfered one anna and three piece from the Corner of his* Sheet or Doopaty in the Bazar in the Town of Cuddapah."

* in the original.

4. The prisoner was sentenced by the Pundit Sudr Ameen to find Security for his future good Conduct for Eight Months under the Provisions of Section VIII Regulation VI of 1827.

5. According to the Abstract of Evidence in the Report the 1st witness saw the prisoner commit the act charged, and gave information thereof to the Complainant, and also to the Second witness who confirms the Statement of the first witness; and the prisoner is described as an old offender.

6. The Court of Tinjanore Udalut are of opinion that the evidence as above described was sufficient

sufficient for the conviction of the prisoner: and they direct that the Pundit Sudr Ameen be required to explain the grounds of his Judgment in this case.

Case No. 57.

7. It appears by the Report in this case, that the prisoner was apprehended on the 21st February but did not leave the Talook until the 9th March, and the Report contains no information regarding the cause of this delay.

8. The Court of Fouzdaree Adalut direct that the Officer in charge of the Criminal Court do bring this case to the notice of the Magistrate, in view to his ascertaining from the Chuprassy Head of Police and reporting (direct) to this Court, the cause of the detention of the Prisoner in the Talook.

Case No. 60.

9. The prisoner in this Case was charged with having, early on the morning of the 12th March 1839. entered the house of the Complainant, by removing the Tatty of the Verandah, and snatched from the hand of the Complainants wife while she was sleeping a Silver Bangle valued at two Rupees.

10. The prisoner was convicted and sentenced by the Assistant Criminal Judge to be imprisoned

For

for nine months in the Tillah Jail and kept to hard labour in Irons under Section VII. Regulation X of 1816.

11. The Court of Fouzdaree Adalut observe that the Sentence is illegal with reference to the provision quoted, whereby in Cases of the nature therein described, the Criminal Court is authorized to pass Sentence of Imprisonment not exceeding six months. The Case falls within the Provisions of Clause Sixth, Section II, Regulation VII of 1822: and the Assistant Criminal Judge will amend his Sentence accordingly.

Cases Nos. 65 & 67.

12. A reference should have been made to the Magistrate to enable that Officer to ascertain and report the dates on which the prisoners in these Cases were apprehended which are stated in the Report to be "unknown": and in all future Cases, the Criminal Court will be careful to observe this course.

Pundit Sudr Ameen
J. Cumbum
Report No. 5. for
March
Case No. 14.

13. The prisoners in this Case were charged with having at nine o'Clock of the morning of the 12th February 1839. attacked the Prosecutrix on the road and robbed her of Property valued at Rupees 8.6.

14. The prisoners were acquitted, but

ordered

ordered to find Security - Each in the Sum of fifty Rupees
for their future good behaviour for one year - or in default
to suffer imprisonment for the same period -

15. The Court of Foujdaree Adalut are of
opinion that the evidence in this case as given in abstract
in the Report - is not sufficient to justify the Requisition
of Security: and they accordingly direct that the Bail
Bonds be cancelled; and that if the Prisoners be still
in confinement by reason of their failing to furnish the
required Security, they be forthwith discharged -

16. It is necessary that greater attention
be paid in future to the Translations of the Reports sent
in by the Principal Sudr Ameen - The translation
of the grounds of sentence in the Case above noticed, is
very confused and inaccurate -

Ordered, that Extract from these
Proceedings be sent to the Assistant Criminal Judge
in charge of the Tillah Court of Cuddapah by Precept
returnable within seven days from and after its Receipt

/ Sent following Precept No /

Ordered, also that Extract from
these Proceedings (Paras 1 and 2) be sent to the Pro-
vincial Court of Circuit in the Centre Division by
Precept

Precept returnable within twelve days from and after
its receipt -

/ Sent following Precept No /

Read Return dated the 24th Ultimo
from the Provincial Court of Circuit in the Centre
Division to the precept of the Foujdaree Adalut under
date the 18th April 1839 forwarding Extract from the Minutes
of Consultation under date the 12th March 1839 No 226 con-
-veying the orders and observations of the Right Honorable
the Governor in Council on the Extracts from proceedings
of the Foujdaree Adalut under dates the 26th November
and 31st December 1838.

/ Here enter No 676. /

Read Return dated the 30th Ultimo,
from the Criminal Judge of Chingleput to the precept of
the Foujdaree Adalut under date the 24th April 1839 direct-
-ing the Criminal Judge to look into the proceedings of
Criminal Case No 16 in order to ascertain whether there
was sufficient proof of the property exceeding in value
50 Rupees -

/ Here enter No 677 /

L.P.O.

Ent'd

At a Court of the Conjeevaram Adawlut.

Present,

Monday, 6th May, 1839.

Thomas Alexr. Oakes Esqr. Acting 1st Assistant Judge.

William Audiceton Esqr. 2d Assistant Judge.

Henry Dickinson Esqr. Acting 3d Assistant Judge.

T.N.C.

Read Miscellaneous Petition presented on the 22d April 1839 by Chokkarah Gooroovummah of the Zillah of Salem.—

(Here enter Mr. C. C. No. 55 of 1839)

1. The Petitioner repeats the request preferred in her petition No. 43 of 1839 praying for the remission of the sentence passed by the Court of Circuit on Basaviah and Nagoloo prisoners in Case No. 26 of the Hosloor Calendar of the 2d Sessions of 1834.—

2. The Court of Conjeevaram Adawlut direct that the Petitioner be referred to their order of the 29th of April 1839. and informed that the same is final.

Ordered, that the Prayer of this Petition be rejected, and that an extract from these proceedings be furnished to the Petitioner on her application.—

Read Return dated the 29th ultimo from the Assistant Criminal Judge in charge of the Zillah Court

Court of Chittoor, to the Precept of the Court of Sudder Adalut under date the 24th April 1839 - conveying their observations and orders on the Criminal Reports of that Zillah Court for the Months of March 1839 -

(Here enter S. C. No. 678 of 1839)

In this Return - the Assistant Criminal Judge - referring to the Remarks of the Court of Sudder Adalut on Case No. 57 of the Supplemental Report - in regard to which the Court called for further information - observes that the Declaration of the 3d Prisoner, he should think, was not received as evidence against the first and second prisoners in the said case, as there was other evidence regarding the confession of Prisoners -

2. From the pointed manner in which the Declaration of the third prisoner before the Head of Police is noticed in the Abstract of the Evidence, the Court of Sudder Adalut are led to believe that the said Declaration was received as evidence against the first and second prisoners -

3. The Court are not satisfied that the evidence was sufficient for the conviction of those two prisoners: and they in consequence resolve to direct the Provincial Court of Circuit to call for the Records of the Case,

6. May 1839.

Case, and after a consideration thereof, to pass such orders thereon - with reference to the Provisions of Section XXIII Regulation X of 1816, as they may deem proper - reporting the same for the information of the Sudder Adalut -

Ordered, that Extract from those 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. 503

Read Letter dated the 15th ultimo from the (late) Acting Joint Criminal Judge of Trichinopoly, forwarding the Criminal Reports of the Auxiliary Court for the Months of March 1839 -

(Here enter S. C. No. 617 of 1839)

Case No. 4-6-9. 1. In Case No. 4 - it is stated in the Report - that the 2d and 3d prisoners, falling under suspicion, are ordered to find security for their good behaviour for three months: but the grounds of suspicion are not stated -

2. In Case No. 6 - there is no abstract of evidence at all - the words - "the prisoners are released" being the only notice of the result of the examination -

In

Case No. 10.

5.

In Case No. 9 - it is observed that a portion of the 2nd prisoner complied with the circumstances of the case having given surety and prison and he is ordered to find two securities - but what those circumstances of suspicion are - does no where appear -

4.

The Court of Conjeeveram Vedanti direct that the Joint Criminal Judge do submit the required information regarding the three cases above noticed -

5.

In this case - wherein the prisoners were charged with the theft of grain of the value of Pagodas 1 3/4 - it is stated that "the grain was traced in the direction of their dwelling from portions of it having fallen on the ground" and they were required to find "two securities in 10 Rupees each for their good behaviour for six Months"

6.

The Court of Conjeeveram Vedanti do not consider the circumstances above mentioned to afford sufficient ground for the requisition of security: and they accordingly direct that the Bail Bonds be cancelled and that the Prisoners, if still in confinement in default of finding the required security - be forthwith discharged -

7.

The prisoner in this case is observed through apprehended on the 27th February, did not come before the Court until the 7th March; and it appears from the Report of the Head of Police (of the Corrections Police Force) that the delay was occasioned partly by the Village Moonsiff

C. P.

6th May 1839.

Moonsiff who failed to forward the prisoners, not being duly acquainted with the Regulations, and partly by his having summoned and examined some witnesses in another case upon the complaints of the prosecutor who appeared before him only on the 5th March 1839."

8.

The Court of Conjeeveram Vedanti consider this explanation very unsatisfactory: and they direct that the matter be brought to the notice of the Magistrate, who will administer a suitable reproof both to the Village Moonsiff and the Head of Police -

9.

It appears by the Report No. 8 that there are eight cases, including fifteen prisoners committed for trial before the Court of Circuit -

10.

The Court of Conjeeveram Vedanti do not understand how this can be: since according to the Report No. V there was but one case including four prisoners committed for trial during the month of March -

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Chingleput for his information and guidance by Excpt returnable within ten days from and after its receipt -

(Sent following Excpt No. 6814

Read Miscellaneous Petition presented on the 22nd April 1839 by Singama Naiken and Anganal of the Gillah of Combaconum -

(There enter No. 54 of 1839)

1.

The Petitioners pray for a reconsideration of

of the order passed by the Court of Conjedaree Udalut under date the 22d ultimo, upon their former petition No. 772 of 1838, wherein they prayed for the release of their father Venkata chella Naiken, prisoner in Cases Nos. 2 and 3 of the Combaconum Calendar for the 2d Sessions of 1838.

2. Upon a further consideration of the circumstances of these cases, as they appear in the abstract of the evidence in the Calendar Vol. II, the Court of Conjedaree Udalut resolve to direct the Acting 3d Judge late on Circuit in the Southern Division to prepare and transmit English translations of the records of the Trials in Question for their consideration, and that execution of the sentence to "hard labor in irons" passed in those cases be suspended until the further orders of the Conjedaree Udalut.

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

(Sent following Precept No. 505

Read return, dated the 2nd Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjedaree Udalut, under date the 13th April last, directing them to intimate to the officers in charge of the Jails

at Rajahmundry, Vizagapatam and Chicacole, that Government has been pleased to sanction the employment of a Surlia.

(Here enter No. 603)

Read return dated the 24th Ultimo, from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjedaree Udalut under date the 13th April last, directing them to furnish transcripts of paras 2 and 5 of the Proceedings of Consultation under date the 12th March 1839. No. 226 to the Magistrate in the Northern Division.

(Here enter No. 604)

E. & W. I.

S.U.

At a Court of the Foujdaree Udalut

Present

Thursday 9th. May 1839.

Thomas Alexr. Oakes Esqre. Actg. 1st. Puisne Judge

William Hudleston Esqre. 2d. Puisne Judge

Henry Dickinson Esqre. Actg 3d. Puisne Judge.

Read returns from the Acting Criminal Judge of Combaconum dated the 28th. ult. to the precept of the Court of Foujdaree Udalut of the 13th. of March 1839, conveying their remarks and orders on the Combaconum Criminal Reports for the month of January last.

P.C.

(Here enter A. 519.)

1. With reference to the 3d. Parah. of the above returns, the Court of Foujdaree Udalut direct that it be explained to the Acting Criminal Judge, that the order in Parah. 5 of the Proceedings of the Foujdaree Udalut of the 13th. March was intended to apply to Cases Nos. 484 and 485 of the Report V.

2. The Acting Criminal Judge will accordingly be pleased to certify that the orders of the Foujdaree Udalut in regard to the Sentence in those cases, have been obeyed.

Ordered

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Combaconum, for his information, by precept returnable in 3 days from and after its receipt.—

(Sent following precept &c.)

Read return dated the 26th Ultimo from the Second Judge late Presiding at the Third Quarter Sessions of 1838 at Masulipatam, to the Precept of the Court of Sunjaum Udalut under date the 11th April 1839, calling for further information from the Acting Joint Criminal Judge of Masulipatam, in regard to the several matters noticed in this Court's proceedings of the 5th March 1839 - conveying their observations and orders on the Second Judge's Report for the Third Quarter Sessions of Jail Delivery for 1838 at Masulipatam.—

(Here enter F.No. 685 of 1839.)

1. The Second Judge submits a copy of a Return from the Acting Joint Criminal Judge of Masulipatam, and an Estimate showing the cost of constructing cooking sheds for the prisoners in the Jail at that Station.—

2. This Estimate the Acting Joint Criminal Judge states "is for 30 feet in length

wide" and he observes that "it will remain with the Court to determine the space they think sufficient at the same rates, namely 26 annas the foot in length".—

3. The Court of Sunjaum Udalut direct that the Second Judge be instructed to call upon the Acting Joint Criminal Judge to state how many prisoners a building of the dimensions above stated is capable of containing, how many more are in his opinion absolutely necessary, and what the aggregate cost of the entire work will be at the same estimated rate: and in sending up that Officer's reply, the Second Judge, with whom the recommendatory suggestion on this subject originated, will be pleased to furnish the Court with his own opinion thereon.—

4. The Court of Sunjaum Udalut likewise direct that the Estimate in question be sent back to the Second Judge, with instructions to return it to the Acting Joint Criminal Judge, and at the same time to call the attention of that Officer to the thirteenth of the Rules respecting Public correspondence dated the 22nd November 1833.

and

are published in the Fort St. George Gazette
No. 20th. which requires that the amount full
Bills, Estimates &c. shall be entered at the
foot of the Statement in words at length as
well as in Figures and to which the attention
of Departments was again especially called
by the order of the 25th July 1836. published
in the Fort St. George Gazette. of No. 503.

5 In paragh. 2 of his Return the ac-
ting Joint Criminal Judge referring to the
Remarks in paragh. 3 and 4 of the Extract
from the Proceedings of the Court under date the 11th Ultimo observes that
"though he has seen the Prisoners often, he has
taken the printed copy of the Order referred to as
his rule of guidance and that this specifies one
a month, not one a week as quoted in the
Proceedings" meaning the Proceedings of the
Faujdaree Adalut of the 11th Ultimo.

6. The Court of Faujdaree Adalut
observe that of the "Rules for the management
of the Public Goals" of the 8th October 1821.
(published at page 54 of the printed copy of
the Courts Circular Orders Vol I.) Rule 1st
in the following words:- The Criminal Judges are

are required (by the Regulations) to visit their
Jails at least once a Month, but it appears
advisable, and is accordingly directed, that such
visits should be weekly."

7. The Court of Faujdaree Adalut
observe that the remark above quoted, which
indicates either great ignorance or great carelessness
both alike discreditable on the part of the ac-
ting Joint Criminal Judge abundantly
shows the necessity of reiterating the call for
information made in the third and fourth paras
of this proceedings of the 11th Ultimo: and the
Court accordingly direct that the second Judge,
by whom the error should not have been allowed
to pass unnoticed, do call upon Mr. Rohde to
explain the meaning of that observation: and
at the same time to report distinctly what
his practice has actually been in respect of
the prescribed periodical visits to the Jails
and whether he has or has not uniformly en-
deavoured the course laid down in the Rules
above cited.-

Ordered, that Extract from
these proceedings with the Estimate, be sent
to the Second Judge late Presiding at the

Sessions

Third Quarter Sessions of 1838 at Masulipatam,
by precept returnable within twelve days from
and after its receipt.—

(Sent following precept &c.)

Read letter dated the 29th Ultimo
from the Provincial Court of Circuit in the
Southern Division, submitting the warrant for
the execution of Ramasamy Khone in Case No. 41
of the Sinnevelly Calendar for the 1st Sessions
of 1839 with a return and letter of the Acting
Joint Criminal Judge.—

(Here enter No. 684.)

Read return dated the 27 Ultimo
from the Acting Joint Criminal Judge at
Tellicherry, to the precept of the Tanjore
Udalut under date the 22nd April 1839, convey-
ing their orders and determinations on the Crimi-
nal Reports for the month of March 1839 of
the Auxiliary Court at Tellicherry.—

(Here enter No. 686.)

Read return dated the 32 Instant
from the Acting Joint Criminal Judge at
Combatore, to the precept of the Court of Tanjore
Udalut under date the 24th of April 1839, con-
veying

conveying their remarks and orders on the
Combatore Criminal Reports for the months
of April last.—

(Here enter No. 701.)

Read return dated the 29th Ultimo
from the Acting Criminal Judge of Canara,
to the precept of the Tanjore Udalut dated
the 23rd April 1839, conveying their observations
and orders on the Criminal Reports of the
Zillah Court of Canara for the months of March
1839.—

(Here enter No. 713.)

F. Us.

At a Court of the Foujdaree Udalut.

Present.

The Hon^ble John Bird Esq^re — Ag^g Chief Judge

Friday, 10th May 1839. — Thomas Alex^r Oakes Esq^re — Ag^g 1st Puisne Judge

William Hudleston Esq^re — 2d Puisne Judge.

Henry Dickinson Esq^re — Ag^g 2d Puisne Judge

WB

T.A.O.

Read the following letter dated the 23d Ultimo from Captain Vallancey Assistant Agent & Superintendant for the Suppression of Thuggee and Joint Magistrate of Vizagapatam —

JBH

(Here enter F. Us. No. 661 of 1839.)

1. With this letter, Captain Vallancey submits a copy of a correspondence which has passed between himself and the Joint Criminal Judge of Vizagapatam relative to five prisoners committed by Captain Vallancey for "Trial" on the charge of Thuggee or Association with "Thugs," whom the Joint Criminal Judge objects to try without special sanction previously obtained —

2. The spirit of the objections urged by

by the Joint Criminal Judge is contained in para. 2. of his letter of the 22nd. Ultimo to Captain Vallancey, wherein he expresses his belief that Captain Vallancey has "misconstrued the wording of Act XVIII of 1837," and observes that the Auxiliary Court of Vizagapatam "is only competent to try prisoners for crimes committed within its Jurisdiction, which extends only to this Zillah, and special sanction is required for trying all cases which occur beyond the limits."

3. Captain Vallancey states that he "committed these prisoners for the crimes specified in Act XXX of 1836" and he submits his opinion that that act "confers all the authority required" and that Act XVIII of 1837 under which the Joint Criminal Judge conceives they should have been committed, "is merely intended to give authority to Magistrates to commit such cases, but that the committal of all such as Prisoners is made under the former Act."

4. The Court of Sudder Adawlut observe that the views taken of this question by Captain Vallancey is perfectly correct.

5. It appears to the Court that the Joint Criminal Judge has overlooked the Provisions of Section II Act XXX of 1836 which enacts "that every person accused of the offence made punishable by this Act, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing to the contrary in any Regulation contained notwithstanding;" under which Provision, the Joint Criminal Court of Vizagapatam was undoubtedly competent to dispose of the Cases sent up by Captain Vallancey.

6 Act XVIII of 1837 does not supersede or in any way interfere with the provisions of Act XXX of 1836. It was enacted for the purpose of vesting the Magistrates and Joint Magistrates with a discretionary power to commit at once and without reference to the Criminal Court, any person charged with Murder by Thuggee or with the offence made punishable by Act XXX of 1836.

7. In regard to the other points noted in the correspondence under consideration, it seems only necessary to observe that it is desirable that the charge against a party

party accused of the offence made punishable by Act XXX of 1836 should be framed in the words of Section I of that Act, namely the "having belonged to a Gang of Thugs:" (for it is obvious that a person may have "associated" with Thugs without being thereby amenable to a Criminal Prosecution under the Provisions of the Act above cited) and that the Date is not material.—

8. The Provisions of Section XXI, Regulation IX of 1816 and the instructions contained in the Circular Order of the Court of Sudder Udalut of the 31st January 1814, cited by the Joint Criminal Judge, are not applicable to cases falling within the provisions of Act XXX of 1836; in which perfect accuracy in the details of Time and Place is obviously not contemplated by the Legislature, and in the majority of cases would probably be unattainable.—

9. Observing that in his letter to Captain Vallancey of the 23d Ultimo, the Joint Criminal Judge refers to an Extract from the Proceedings held by the late Judge on Circuit in which he had directed that special Inquiries should be attended before the Trial of the Prisoners

could

could be proceeded with" the Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit in the Northern Division to submit for their consideration a copy of the order in Question.—

10. The Court of Foujdaree Udalut further direct that the Provincial Court of Circuit in the Northern Division do forthwith furnish Captain Vallancey and the Joint Criminal Judge of Vizagapatam, each with a copy of these Proceedings for the information and guidance of those Officers respectively.—

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division by a Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 614.)

F.C.

At a Court of the Foujdaree Udalut

Present

Thomas Alexr Oakes Esqr — Actg 1st Puisne Judge

Monday 13th May 1839. William Hudleston Esqr — 2d Puisne Judge.

Henry Dickinson Esqr — Actg 3d Puisne Judge

Read letter dated the 15th Ultimo

F.A.C. from the Acting Joint Criminal Judge of Cuddalore forwarding the Criminal Reports for the month of March.—

(Here enter F.C. No 601 of 1839.)

Report V. Cases Nos 26 and 27. 1. It appears from the Report that the Sous Colwal apprehended the prisoner in Case No 26 on the 27th February last did not produce him before the Head of Police until the 6th March following.—

2. In Case No 27 it appears that the prisoners, of whom the second was apprehended on the 29th and the first on the 30th January 1839, did not leave the Talook until the 13th March.—

3. If a communication has been made in regard to these cases to the Magistrate the Acting Joint Criminal Judge will be pleased

pleased to submit to the Court a copy of his reply for their consideration: if none has been made, he will now furnish a copy of that) on proceedings to the Magistrate, who, on the receipt thereof, will forward the requisite explanation of the cause of the delay in the said case, direct to the Tongdaree Adalut.-

4. The explanation of the delay in Case No. 33, is considered very unsatisfactory.-

Ordered that a Extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuttalore by Precept returnable within three days from and after its receipt.-

(Sent following precept No.)

Read letter dated the 15th Ultimo from the Criminal Judge of Salem, forwarding the Criminal Reports of the Zillah Court for the month of March.-

(Here enter Filed No. 605 of 1839.)

Report V.
Case No. 34.

1. The two prisoners in this case were charged with having, on the 11th December 1838, at Wariambady, prevented the Prosecutor from performing the Office of Khatib and reading the prayers during the ceremony of the Khutba.-

2. It is stated in the abstract of the

the grounds of sentence that "it is proved and scarcely denied that the prisoners did prevent the performance of the religious ceremony in question;" and they were "each fined, under Section VII Regulation X of 1816, in the sum of ten Rupees, this being their second offence: and this" it is added "is commutable to one months imprisonment."-

3. The Court of Tongdaree Adalut observe that in their opinion this is altogether a matter for a civil action, unless there was an assault or other breach of the peace: but nothing of this kind would seem to have been charged.-

4. The Court presume to direct the Second Judge on Circuit in the Southern Division to look into this case, and eventually permit the fine, reporting the same to this Court.-

5 It is stated that the Police Officer "made a reference to the Magistrate touching this case" but the nature of the reference does not appear; and the Court therefore direct that the Assistant Criminal Judge in charge be reminded that their standing orders require that the object of such references should be explained.-

The

13th May 1839.

6. The Court of Sunjdaree Udalut
likewise require to be informed of the circumstances
which prevented the prisoners leaving the Zillah
before the 26th February, notwithstanding the order
of the Magistrate directing him to be forwarded
to the Criminal Court more dated the 7th January.

Cases Nos. 52. 7. The prisoners in this case were
charged with having slit the ear of the Prosecu-
trix, after having beaten her; and on conviction,
were sentenced to pay a fine of ten Rupees each,
commutable to one months imprisonment.-

8. The Court of Sunjdaree Udalut
adverting to the Remarks recorded on this case,
that it is proved that a scuffle took place
between the prosecutrix and prisoners in which
however the aggression seems to have been on
the part of the former rather than the latter
resolve to direct the Assistant Criminal Judge
to report what the extent of Injury was that
was proved to have been committed.-

Ordered, that Extract from these
proceedings be sent to the Assistant Criminal
Judge in charge of the Zillah Court of Salem
by Precept returnable within ten days from and
after its receipt.-

(Sent following precept &c.)

Ordered

Fo 16.

13th May 1839.-

Ordered also, that Extract from these
proceedings (paras: 1 to 4.) be sent to the 2nd
Judge on Circuit in the Southern Division
by Precept returnable within twenty five days
from and after its receipt.-

(Sent following precept &c.)

Read the Criminal Reports
of the Zillah Court of Rajahmundry for the
month of March 1839.-

(Here enter Fo 16. No 643 of 1839.)

Report V for February 1839. Case No. 18.

1. The two prisoners in this case
were charged with having, on the 10th February 1839
at midnight, accompanied by eight others armed
with Spears &c entered the Prosecutors house
in the village of Veerempollem, assaulted the
Prosecutor and plundered from the house, ca
property valued at Rupees 101.-

2. The Criminal Judge considers
the evidence "insufficient to warrant their com-
mittal before the Court of Circuit;" but requires
them to furnish security in 100 Rupees each for
their future good conduct.-

3. The Court of Sunjdaree Udalut
are not satisfied that the evidence was not
sufficient to warrant the commitment of the
prisoners

prisoners and they resolve to direct the Provincial
Court of Circuit in the Northern Division to call
for the Record of the case and proceed as they ordered
thereon, with reference to the provisions of Section
XXIII Regulation X of 1816, as they may deem proper
reporting the result to this Court.—

Case No. 20.

4.

Of the twenty three prisoners in
this Case, the first four were charged with Gang
Robbery: and the remainder with having received
a part of the plundered property knowing the same
to have been acquired in the perpetration of Gang
Robbery by open violence.—

5.

The Criminal Judge remarks
that "there is no evidence of Prisoners 6th 7th 8th
9th 10th 11th 12th 13th 14th 15th 16th 17th and 19th having
been concerned in the Robbery and they appear
in no way implicated than as being the wives of
persons charged with being concerned in the Robbery
and who have made their escape. It is difficult"
the Criminal Judge observes "to say why these
persons were forwarded to the Court, some of them
with children in their arms."—

6.

The Criminal Judge will be
pleased to report whether this matter has been
brought to the notice of the Magistrate; if not
he

he will put himself into communication with
that Officer and furnish him with a copy of this
parah: and the Magistrate will submit to the
Court of Foujdaree Udalut an explanation of
the circumstances under which the prisoners
in question were forwarded to the Criminal
Court without there being apparently any
evidence whatever against them.—

Report V for March Case No. 31.

7.

The prisoner in this case was on
charged with having "stolen twenty five seers of
Salt worth half a Rupee produced without
being manufactured in the Swamp of the en
village of Gorlamoody."—

8.

The prisoner was convicted and
sentenced by the Pundit Sudr Ameen to "two
Months imprisonment under Section VII Regula-
tion X of 1816."—

9.

The Court of Foujdaree Udalut
observe that the act of which the prisoner in
this case is convicted, is not Theft but the
appropriating of spontaneous Salt which the
Court have ruled is punishable under the pro-
visions of Section IV Regulation V of 1831 as
an infraction of Section XVIII Regulation I of
1805, but not by an absolute sentence of
Imprisonment

13th May 1839.

Imprisonment.—

10. The sentence—in part executed—is illegal and must be set aside: and, in consideration of that circumstance, the Court of Foujdaree Udalut will not order a fresh sentence to be passed, but considering that the prisoner in question should have the benefit of the error committed in his case, they resolve to direct that he be immediately and unceremoniously discharged from confinement.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Rajahmundry for his information and guidance and that of the Pundit Sudr Ameen by Receipt returnable within five days from and after its receipt.—

(Sent following receipt No. 528)

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

(Sent following receipt No. 529)

Read the following letter dated the 29th Ultimo from the Third Judge on Circuit in the Western Division.—

(Here enter F. Ub. No. 703 of 1839)

The

F. Ub.

13th May 1839.

1. The Third Judge, adverting to the order of the Court of Foujdaree Udalut under date the 23d Ultimo, directing him to look into Case No. 23 of the Criminal File of the Zillah Court of Canara for the month of March last and to pass such orders thereon as may appear proper—reports that previously to the receipt of those instructions he had been in communication with the Acting Criminal Judge in regard to this same case, and he requests permission to review at the same time with Case No. 23. another trial disposed of in the following month—No. 234. in which the same party is the prosecutor, and to which he alludes in his Petition to the Third Judge, on which, with the Proceedings held thereon and the Returns of the Acting Criminal Judge, accompanies the Third Judge's letter.—

2. The Court of Foujdaree Udalut authorize the review desired, and direct that the papers forwarded by the Third Judge be returned to that Officer.

Ordered

13th May 1839.-

13

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

(Sent in No.)

Read return dated the 3d Instant from J. Haig Esqre late Presiding at the 3d Quarterly Sessions of 1838 at Masulipatam in the Northern Division to the precept of the Sonjdaree Udalut of the 26th Ultimo directing him to explain the cause of his omitting to communicate to the joint Criminal Judge of Masulipatam in due course the amount of Security and the period for which it is required from the Prisoner in Case No 2. of the Masulipatam Calendar for the 3d Quarterly Sessions of 1838.-

(Here enter No 725.)

Read letter dated the 6th Instant from the Magistrate of Salem submitting explanation called for in the proceedings of the Sonjdaree Udalut under date the 22d March 1839 held in review of the Salem Criminal Reports for the month of February relative to the delay in transmitting

13th May 1839.-

transmitting Case No 24 to the Criminal Court.-

DO

Ent'd.

(Here enter No 727.)

J.H.D.

At a Court of the Conjeveram Adalut,

Present,

Tuesday,
14th May, 1839. Thomas Alex.r Baker Esq.re Acting 1st Puisne Judge,

William Bradleston Esq.re —— 2d Puisne Judge,

Henry Dickinson Esq.re —— Acting 3d Puisne Judge,

L.A.O.

Read the following letter dated the 15th ultimo from the Third Judge on Circuit in the Western Division —

(Here enter Ex: 6: No. 615 of 1839.)

The Third Judge, adverting to the requisition by the Court of Conjeveram Adalut in their Register's Letter of the 8th ultimo - for an exposition of the grounds on which he considered himself authorized by the Provisions of Section XXIII Regulation IX of 1816 - to direct the payment of the sum of Sixty Rupees to Mohparambil Kodan Nroyetha for his meritorious service in seizing and disarming the prisoner in Case No. 1 of the additional Calendar of the Zillah Court of Malabar of the First Sessions of 1839 - in Parah 2 of his Letter now recorded observes that he has nothing to add - beyond his not having aware of any other Rule, but Circular Order No. 89 - under which the prompt and meritorious service

Read letter dated the 6th ultimo from the Criminal Judge of Chicacole, forwarding the Criminal Reports of the Zillah Court for the month of March.-

(Here enter C.L. No. 570 of 1839)

Sessions Report Case No. 6.
Report V Case No. 14.

1. In both these cases, the charge is incorrectly worded, the prisoners being charged with Housebreaking in the night time to the amount of V Pes.-

Case No. 15.

2. The first prisoner in this case was charged with having sent some sort of Medicine mixed in Milk Pap by the hands of the fourth witness Bodapilley Chelliah to her husband Chaggiripilley Pauparaidoo who swallowed it, and gave part of it to the aforesaid Chilliah, his daughter Immamah and his Mother Paumamah; from the effects of which the aforesaid Chaggiripilley Pauparaidoo and Immamah died on the night of the 1st March 1839.-

3. The Prisoner was committed to take her Trial before the Court of Circuit for "Culpable Homicide".-

4. The Court of Conjecture Evidentiary direct that

14th May 1839.

Read letter dated the 6th ultimo from the Criminal Judge of Chicacole, forwarding the Criminal Reports of the Zillah Court for the month of March.-

(Here entered C.L. No. 570 of 1839)

Sessions Report Case No. 6.
Report V Case No. 14.

1. In both these cases, the charge is incorrectly worded, the prisoners being charged with Housebreaking in the night time to the amount of V Pes.-

Case No. 15.

2. The first prisoner in this case was charged with having sent some sort of Medicine mixed in Milk Pap by the hands of the fourth witness Bodapilley Chelliah to her husband Chaggiripilley Pauparaidoo who swallowed it, and gave part of it to the aforesaid Chilliah, his daughter Immamah and his Mother Paumamah; from the effects of which the aforesaid Chaggiripilley Pauparaidoo and Immamah died on the night of the 1st March 1839.-

3. The Prisoner was committed to take her Trial before the Court of Circuit for "Culpable Homicide".-

4. The Court of Conjecture Evidentiary direct that

service rendered by the said individual, could have been requited, and that as it is in the instances of an assistant where the minor sum of ten Rupees is authorized "he shall considered him deserving of the proportion of the large amount, allowed for the capture of Principals, and under that construction ordered it to be paid.-

2. Upon a further consideration of the subject, the Court of Conjecture Evidentiary observe that although the mention of a "Murder" in Section XXIII Regulation IX of 1816 would seem to refer only to cases in which several persons are concerned, yet, in the opinion of the Court it could not have been intended to withhold a like reward for seizing the principal in a murder or other heinous crime when one person only may have been concerned: and under this view of the case, and on the ground of analogy, the Court are of opinion that the Third Judge, in ordering the payment of the Reward in question, did not exceed the powers with which the Courts of Circuit may be invested to be vested by the provision above cited.-

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

(Sent his No. 529)

Read

that the attention of the Judge of Circuit be called to this case with a view to the charge being made one of Murder, should it seem proper on his perusal of the proceedings of the Criminal Court.—

Case No. 16. 5. In this case, two prisoners, of whom the first is a Police Peon, were charged with having, on the 19th February 1839, when sent by the Head of Police of Chicacole to search the House of one Cooda Ataveedoo in custody on a charge of Robbery - made away with eighteen Rupees from the Property discovered in the aforesaid Cooda Ataveedoo's house.—

6. The prisoners were committed and sentenced by the Criminal Judge.— the first to twelve months rigorous = imprisonment with hard labour in Irons under Clause third, Section III, Regulation VI of 1822, and the second prisoner to six months hard labour in Irons under Section VII Regulation X of 1816.—

7. The Court of Conjeeveram Adalut observe that the offence brought home to the first Prisoner would appear to be not Theft, but the fraudulent appropriation of Property coming into his official custody: and therefore punishable under the Mahomedan Law and the provisions of Section VII Regulation X of 1816.—

not

14th May 1839.

not by an absolute sentence of Imprisonment for twelve months, but by a sentence of "Imprisonment not exceeding six months with a fine not exceeding two hundred Rupees, commutable, if not paid to a further period of rigorous = Imprisonment, not exceeding six months".—

8. The Criminal Judge will be pleased to revise his sentence with reference to the Provision above cited, and will certify to the Court of Conjeeveram Adalut his compliance with these instructions.—

Case No. 17. 9. The Court of Conjeeveram Adalut do not require the transmission to them of the translations of the Depositions referred to by the Criminal Judge in his Remarks on this Case.—

Case No. 19. 10. In this case, wherein two prisoners were charged with Murder, of whom the first is committed to take her trial before the Court of Circuit, and the second has been required to find security for his future good conduct.— the Assistant Criminal Judge remarks that "it is greatly to be regretted that there is no better evidence against the second prisoner — than that of the first prisoner".—

11. The Court of Conjeeveram Adalut deem it necessary to observe for the information and future

guidance

guidance of the Assistant Criminal Judge that the declaration of the first prisoner is no evidence at all against the second prisoner: and that for the suspicious circumstances of the latter having set up a plea of alibi which he had totally failed in proving" the Court would have considered it their duty to order the discharge of the security.—

Case No. 22. 12. The prisoner in this case was charged "with having attempted to molest the Civil servants on the 5th. March 1839 at about 7 or 8 o'clock P.M."—

13. He was sentenced by the Assistant Criminal Judge "under Section VII Regulation X of 1816 to pay a fine of five Rupees and to be imprisoned for two months: if not paid, a further imprisonment of one month."—

14. In the abstract of the grounds of sentence it is stated that "no overt act appears to have been committed" the prisoner "was drunk and in drunken zeal threatened to shoot or stab any one who came near the treasury-door over which he was sentry" and "he quietly suffered himself to be disarmed"—

15. The Court of Sudder Adalut observe

that had the prisoner been charged with being drunk on duty, the propriety of the sentence might not have been questioned: but as it is, the act charged against and brought home to the prisoner is not one which renders him obnoxious to punishment under any provision of the existing Regulations: although for his misconduct he might probably become dismissed from his situation.

16. The Court accordingly resolve to remit the sentence passed on the prisoner by the Assistant Criminal Judge, and to order the immediate discharge of the said prisoner from confinement.—

17. The Court of Sudder Adalut observing that the prisoner, though taken into custody on the 5th was not brought before the Head of Police (of Backergunge in the Jessore District) until the 14th. March - deem it necessary to require an explanation of the cause of the delay.—

18. The Criminal Judge will accordingly be pleased to furnish a copy of the preceding Perwanah to the Magistrate of Jessore, who will submit the required information direct to the Court of Sudder Adalut.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Chittagong

by

14th May 1839.

to Case No. 8 of the Canara Calendar for the 1st Sessions of 1839, wherein the Prisoner had already been tried and sentenced by the Assistant Criminal Judge, who was not legally competent thereto and sentence had been in part executed.—

(Here enter No. 731)

Read letter dated the 6th instant from the 2d Judge on Circuit in the Northern Division, transmitting the original Death Warrant in Case No. 8 of Police Primary Calendar 1st Sessions 1839. with the information required in Circular Orders 8th May and 20th September 1830.—

(Here enter No. 732)

Read letter dated the 7th instant from the Acting Magistrate of Malabar, forwarding a copy of a letter from the Acting Joint Magistrate, submitting the information called for in the Extract from the Proceedings of the Court of Sudder Adalut under date the 22d April 1839. relative to Case No. 24 of the Criminal Report of the Auxiliary Court at Palliahorry for the month of

14th May 1839.

by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 530

Ordered further, that Extract from the Proceedings, Paras 2. 3 and 4, be sent to the Second Judge on Circuit in the Northern Division for his information and guidance.—

(Sent in No. 531

Read Criminal Reports dated the 8th Ultimo from the Acting Joint Criminal Judge of Tinnevelly for the Months of April 1839.—

(Here enter No. 728)

Read return dated the 7th instant from the 3d Judge of the Provincial Court of Circuit in the Southern Division, to the precept of the Sudder Adalut under date the 27th April 1839, directing the restoration of certain Peons lately dismissed by the Acting Joint Criminal Judge of Madura.—

(Here enter No. 730)

Read return dated the 8th instant from the 3d Judge on Circuit in the Western Division, to the precept of the Sudder Adalut under date the 29th April 1839, communicating the decision of the Courts on the reference from the 3d Judge in regard to

14th. May 1839.

of March.—

(Here enter No. 740)

Read letter dated the 8th. instant from the Joint Criminal Judge of Ajmeer, forwarding the Criminal Reports for the months of April 1839.

(Here enter No. 742)

L.P.O.

Eyre Asst.

F.U.

F.U.

At a Court of the Foujdaree Udalut

Present,

Wednesday 15th. May 1839.

Thomas Alexr. Oakes Esqre. — A.J. & 1st. Puisne Judge

William Hudleston Esqre. — 2d. Puisne Judge

Henry Dickinson Esqre. — A.J. & 3d. Puisne Judge

Read Order of Government dated the 7th. May 1839. No. 380. referring for the investigation and Report of the Court of Foujdaree Udalut, an Extract from the Medical inspection report of the Superintending Surgeon in the Northern Division, referring to the state of the Jail of the Auxiliary Court at Masulipatam.—

L.P.O.

(Here enter F.U. No. 712. A of 1839.)

Read also again the Report of the Second Judge of the Provincial Court of Circuit in the Northern Division for the third Quarter Sessions of 1838. holden at Masulipatam dated the 4th. December 1838.—

(Here enter F.U. No. 2337 of 1838.)

1. The Court of Foujdaree Udalut direct that a copy of the Extract from the Superintending Surgeon's Medical Inspection Report

Report be sent to the Provincial Court of Circuit in the Northern Division, with instructions to direct the Acting Joint Criminal Judge at Mandelpatam to call upon the Civil Engineer to prepare the necessary estimates for effecting the requisite repairs and improvements to the Jail at that Station.—

2. In forwarding up the estimates &c., the Provincial Court of Circuit will be pleased to submit their own opinion, if necessary, in communication with the Zillah Assistant Surgeon, in regard to the adequacy of the measures proposed in para. 1st of the Extract from the proceedings of the Second Judge Late Presiding at the Third Quarter Sessions of 1838 under date the 9th October 1838 for remedying the nuisance affecting the wards of the Jail, and they will likewise call upon the Acting Joint Criminal Judge to report how long the Jail in question has existed.—

3. The Court of Sunjaore Ulakut presume that this matter has been already brought to the notice of the Effective Court of Circuit by the Second Judge, pursuant to the instructions conveyed in para. 2 of their proceedings

proceedings under date the 5th March 1839.—

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

(Sent following precept No. 535)

Read the following letters dated the 29th Ultimo from the Magistrate of Ganjam

(Here enter Pl. Nos. 535 and 536 of 1839)

1. With the letters now recorded the Magistrate of Ganjam submits copies of communications from the Head Assistant Magistrate of that District offering an explanation in regard to Cases Nos. 115-120-123-124 and 128 on the Criminal File of the Zillah Court of Chicacole for the month of December 1838; noticed in the Extract from the Proceedings of the Court of Sunjaore Ulakut under date the 4th February 1839.—

2. In his letter of the 16th Ultimo the Head Assistant Magistrate, adverting to Case No. 115, expresses his opinion that in the immediate arrest of the parties in a strange village and in the Prosecutor's backyard at the

the unseasonable time of the night stated, supported by the confession of the prisoners, fully justifies the Head of Police in forwarding the case to be disposed of by the Criminal Court.

3. The Court of Sunjdaree Udalut, on consideration of the circumstances represented by the Head Assistant Magistrate, concur in the opinion above recorded: and they resolve to direct the Second Judge on Circuit in the Northern Division to call for the proceedings in this case, and pass such orders thereon as may appear to him proper with reference to Section XXIII Regulation X of 1816 respecting the result to this Court.—

Cases Nos. 120. 123. 124 and 128.

4. From the remarks of the Head Assistant Magistrate on these cases, it appears that the merchants of Sherpore and other places in the Ganjam District are in the habit of mixing the salt they purchase from the Sunds with that extracted from the earth which they carry away under the pretext of using it for domestic purposes, selling the same at a reduced price: and that thus a considerable traffic is carried on among the Hill parts of the District, to the discouragement of the fair dealer and the diminution of

of the Revenue.—

5. The matter having been referred to the Mahommedan Law Officers of the Sunjdaree Udalut, and those Officers having declared that transactions of the nature indicated in the preceding paragraphs are punishable under the Mahommedan Law by Dehkoobut or Discretionary punishment the Court direct that the same be communicated to the Magistrate of Ganjam and the Criminal Judge of Chicacole for their information and future guidance respectively with reference to the provisions of Section VII Regulation X of 1816.—

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

(Sent in No. 636.)

Ordered further, that Extract from these proceedings be sent to the Magistrate of Ganjam for his information and that of the Head Assistant Magistrate.—

(Sent in No. 637.)

Ordered also, that Extract from these proceedings (Paragraph 3) be sent to the Second Judge on Circuit in the Northern Division

Division by Precept returnable within one Month from and after its receipt.—

(Sent following precept to p. 538)

Read the Criminal Reports for the month of March last submitted by the Joint Criminal Judge at Vizagapatam.—

(Here refer to p. 562.)

Cadres p. 123 and 3.

1. In these cadres the Joint Criminal Judge has omitted to specify the grounds on which he committed the several parties therein concerned to take their trial before the Court of Circuit.— The Court of Foujdaree Udalut direct it may be explained to the Joint Criminal Judge that a concise, but distinct notice of the grounds on which each cadre or order is founded is by the Circular Order of the 16th of November 1831 required to be inserted in the Criminal Reports, and that this information must be submitted in the present instances.—

Cadres p. 38. 47. 48. 52. and 65.

2. Adverting to the 2d and 3d paras of their proceedings of the 11th of February last, and to the orders of Government dated the 19th February and the 5th March respectively— the Court of Foujdaree Udalut cannot observe without animadversion that the cadres are to be seen in the margin are

still undisposed of. The prisoners have been so long under examination that in justice to them, the Court of Foujdaree Udalut are unwilling that they should be subjected to any further detention, and they accordingly resolve to direct the Joint Criminal Judge immediately to proceed to judgment in each case.—

Cadre p. 33.

3. The Prisoner in this cadre was charged with having been apprehended while in conjunction with some others at midnight digging through the wall of the Prosecutor's house with intent to commit house breaking—

4. It is stated in the abstract of the grounds of the Sentence, that the prisoner was apprehended by the Prosecutor and the 1st and 2d witnesses who saw five persons

Sic in original

remaining, amongst whom was the prisoner who had fallen down. The prisoner is represented to have confessed before the Head of the District Police, but to have denied the crime before the Criminal Court, alleging that he was drunk and had fallen down, but was not committing the robbery— The Sudr Ameen sentenced the Prisoner to three months imprisonment with labor under the provisions of Clause Sixth

15th May 1839.-

Sixth Section II Regulation VI of 1822.-

5. The Court of Sunjdarees Udalut are at a loss to account for the leniency of the sentence passed, and resolve to direct the Joint Criminal Judge will call on the Sudr Ameen to explain the grounds on which it was founded.-

Case No 34.- 6. With reference to the charge in this case, the Court of Sunjdarees Udalut direct the Joint Criminal Judge may be called on to report, whether the boy offered for sale was the child of the prisoner, and if not, the Joint Criminal Judge will explain how the child came into the prisoner's possession.-

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Virapatam for his information and guidance by precept returnable in five days from and after its receipt.-

(Sent following precept No 5-39)

Read letter dated the 20th Ultimo from the Criminal Judge of Bellaree, forwarding the Criminal Reports of the Zillah Court for the month of March.-

(Here ends F.H. No 650 of 1839.)

Coded 12-29-30-
47-58-59-65-68
80-81-83-

1.

The Court of Sunjdarees Udalut deem it

it necessary to require the Criminal Judge to explain the cause of the delay in disposing of these cases, all of which, at the date of the Report are stated to be "under examination" and in several of which, the accused parties have been in custody upwards of three months.-

Case No 21. 2. The Court of Sunjdarees Udalut observe, that in Cases of commitment for Trial before the Court of Circuit, so great a detail of evidence is not necessary as is given in this and in other numbers of this Report.-

Case No 10. 3. In this case, two prisoners were charged with having removed property "amounting to Rupees 78-8" from the Sole called Singaree Bhuttee drying, in the village of Nunpa, and thrown a part thereof into the Prosecutor's house with the design to accuse him of the Theft.-

4. The prisoners were acquitted, and the second prisoner was released of the first prisoner it is stated in the Report that there is "no positive proof" against him "but the faintest to raise suspicion only;" and he was required to find security in the sum of ten Rupees: on default, it was ordered that the

in the Report "on."

Sheriff

should be imprisoned for two Months.-

5. The Court of Sunjaur Adaulut not being of opinion that sufficient grounds exisited for this requisition of security, resolve to direct that the Bail Bond be cancelled, and that the prisoner, if he be still in confinment under the requisition, be forthwith discharged.-

Case No. 52. 6. The Date of the apprehension of the prisoners in this Case is stated to be "unknown."-

7. In all future cases, the Criminal Judge will be pleased to ascertain, (in communication, if necessary, with the Magistracy or the Police,) the Date of apprehension, and will invariably enter the same in the appropriate Column of the Report.-

Cases Nos. 63. 66 and 70. 8. In all these Cases, the prisoners are charged with having "in their possession" stolen property, but in none is the guilty Knowledge which could alone render the parties 66. liable to Criminal Prosecution charged.-

9 In Case No. 66 moreover there is no charge of any kind against the third prisoner. It is merely stated that he "was recognized by

15th May 1839.-

by the Prosecutrix on the night of the Robbery.-

10. All the three prisoners were acquitted and released, on the ground of there being "no proof whatever."-

11. If a communication on the subject of this case was made to the Magistrate, as there ought to have been, the Court of Sunjaur Adaulut direct that a copy of that Officers reply be submitted for their consideration.- If none was made, the Court direct that the Criminal Judge do now forward a copy of their remarks in regard to this Case (66) to the Magistrate, who will be pleased to submit direct to this Court an explanation of the grounds on which the accused were sent up by the Police to the Criminal Court.-

12. In Case No. 70 the prisoners were convicted of the charge ("the clothes found on their persons" it is stated "are proved to belong to the Prosecutor") and were sentenced (by the Assistant Criminal Judge) to six Months imprisonment with labor in Irons "under Clause first, Section IV Regulation VII of 1822."-

13. The Criminal Judge will be pleased to report whether the "guilty Knowledge" was

15th May 1839.

Caste No 3.

was actually charged and proved in this caste

14. The prisoners in this caste, were charged with having, in concert with the prisoners, in Caste No 2 - gone forth to the compound & sheep fold, and after putting him in fear, robbed him of sheep and other property of the value of Rupees 54-4 0 -

15. It is stated in the Abstract of the grounds of sentence that the evidence "to the facts of the Robbery" is "the same as in the former caste" - No 2 - as with regard to the prisoners in this caste - that "they all confessed before the Head of Police that they had committed the Robbery - and they criminated each other."

16. They were severally required to furnish security in two sureties of thirty Rupees each for one year: and in default it was ordered that they should be imprisoned for the same period.

17. It is observed that if there was nothing to corroborate their confessions, the requisition of security was contrary to numerous decisions of the Sunjdaree Udalut, and the Court direct that the Criminal Judge do submit information on this point.

Similar

15th May 1839.

Caste No 3.

18. Similar information is required in respect of Caste No 3, wherein the prisoner was charged with Highway Robbery and required to find security; but there does not appear to have been any evidence directly affecting him in corroboration of his confession: that of the first witness being to "the fact of the Robbery" that of the second "to the apprehension of the prisoner on suspicion."

Caste No 11.

19. The Criminal Judge will be pleased to report whether the charge of Robbery and ill treatment alleged to be unfounded - was actually preferred by the first prisoner and if so whether that charge was wilfully and maliciously false: on which points the Court of Sunjdaree Udalut do not find any formal or positive judgment recorded by the Assistant Criminal Judge by whom the case was disposed of. The Court of Sunjdaree Udalut further observe that they have ruled that a charge against the witnesses in a case of this nature supporting a false accusation, is inadmissible, Regulation IX of 1832, distinctly specifying that "the party by whom the charge shall have been preferred" shall be forwarded to the

Criminal

Criminal Court: and the witnesses in question ought therefore not to have been sent to the Criminal Court: and the Court direct that the same be communicated to the Magistrate of Bellary for the information and future guidance of the Head of Police of Anantapoor.-

20. The Court likewise direct that the attention of the Criminal Judge be called to the recorded observations of his Assistant on this Case, and that he be instructed to enjoin the latter Officer henceforward to drop the puerile and objectionable manner by which the Remarks in question are characterized.-

Report V

Case No 70.

21. The wording of the "Remarks" recorded by the Assistant Criminal Judge on this case is very slovenly and inaccurate. The wording of the "charge" in Case No 70 is open to similar animadversions.-

22. The Court of Sunjalarce Udalut direct that the Criminal Judge be instructed to enjoin on his Assistant a greater degree of attention to his duty in this particular: and the Court deems it necessary to observe that generally the proceedings of the Assistant Criminal Judge as exhibited in the cases in this Report disposed

disposed of by that Officer, would seem to indicate the inexpediency of relaxing in this instance the exercise of supervision vested in the Criminal Judge by the Regulations.-

Case No 76. 23. The Prisoner in this case was ordered to be released by the Assistant Criminal Judge, on the ground of there being "no evidence that the property mentioned in the charge was stolen": but there is nothing in the Report to show whether or not any communication on the subject was made to the Magistrate.

24. The Criminal Judge will consider the Order in Case No 66. Parah: 11. of these proceedings applicable to this Case also, and will act as therein directed.-

25. In conclusion the Court of Sunjalarce Udalut deem it necessary to direct that the attention of the Criminal Judge be called to parah: 6 of their Circular Order of the 18th April 1835 - No 40, which requires the Criminal Courts to transmit the Monthly Criminal Reports so as to arrive at Madras by the fifteenth day of the month succeeding that for which the said Reports are furnished; and that he be informed that any future

transgression

15th May 1839.-

transcription of that injunction will not be permitted, excepting on the most cogent pretences being assigned for the delay.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellare by Precept returnable within ten days from and after its receipt.-

(Sent following precept to No 440)

Read letter dated the 13th Instant from the Criminal Judge of Chingleput, forwarding the Criminal Returns &c. for the month of April 1839.-

(Here enter No 454)

Read letter dated the 11th Instant from the 2nd Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Salem on the 11th Instant and the state of the Calendar.-

(Here enter No 456).-

S.C.

Sup.

S.C.

At a Court of the Foujdaree Udalut.

Present

Thomas Alexr. Oakes Esqre Actg 1st Puisne Judge

Friday, 17th May 1839.- William Hudleston Esqre 2nd Puisne Judge

Henry Dickinson Esqre Actg 3rd Puisne Judge

Read return dated the 23rd Ultimo from the Third Judge on Circuit in the Centre Division to the precept of the Court of Foujdaree Udalut under date the 30th March 1839, conveying their observations and orders on the Cuddapah and Cumbum Calendars for the first Sessions of 1839.-

(Here enter F.C. No 667 of 1839.)

Cuddapah Calr Case No 2 Para 23. 1. The Court of Foujdaree Udalut deem it necessary to direct that English Translations of the Proceedings held in these cases be sent up for their consideration.-

Case No 39 2. The Third Judge certifies that "the second and third prisoners in this case were only armed with sticks when they attacked the Prosecutrix."-

3. With reference to this explanation, and on a due consideration of the circumstances

of the cases as recorded in the Calendar, the Court of Foujdaree Udalut resolve to accede to the recommendation of the Third Judge in behalf of the prisoners

2d Moodee Vencataramoodoo

and

3rd Sooka Madar Sahib

and under the provisions of Sunds third, Section III, Regulation I of 1825 authorize that Officer to issue his warrants to the Criminal Judge for the imprisonment of the said prisoners with hard labour in Irons on the public roads or other public works for the period of seven Years.-

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

(Sent following Precept No. 544)

Read return dated the 4th Instant from the Acting Joint Criminal Judge of Tinnevelly to the Precept of the Court of Foujdaree Udalut under date the 29th April 1839. conveying their observations and orders on the Criminal Reports of the Auxiliary Court for

for the month of March.-

(Here enter T. Ct. No. 14 of 1839.)

Report V. Case No. 31.

1. The Acting Joint Criminal Judge adverting to the remarks of the Court of Foujdaree Udalut on this case, states that "although the wounds on the persons of the prosecutors, and other evidence left no doubt that a robbery had been committed, the Statements of the Prosecutors and witnesses regarding the second, third, fifth and seventh prisoners were contradictory to an extent that would bar their conviction before the Court of Circuit, but that as the said prisoners "could assign no reason for a false accusation having been brought forward against them" he "was induced to deal with them as he had in Case No. 8. of 1839. by demanding security from them for their good conduct."-

2. The Court of Foujdaree Udalut observe that this explanation should have been given in the Report in the first instance.-

3. Being of opinion that there were not sufficient grounds for the requisition of security in this case, the Court of Foujdaree Udalut resolve to direct the Acting Joint Criminal Judge

17th May 1839.-

Judge to cancel the Bail Bonds or if the prisoners above mentioned be still under detention in default of finding the required security to discharge them from confinement forthwith.-

Ordered, that a Transcript from these proceedings be sent to the Acting Joint Criminal Judge of Tinnevelly by precept returnable within three days from and after its receipt.-

(Sent following precept at p. 545)

Read the Criminal Report dated the 1st May 1839 from the Officiating Joint Criminal Judge of Tinnevelly for the month of April 1839.-

(Here enter at p. 546)

Read return dated the 11th Instant from the Acting 2d Judge late on Circuit in the Centre Division to the Precept of the Tanjore Udalut dated the 3d May 1839 requiring him to report what orders he issued in respect to the suggestion of the Magistrate of Shiyaly put to him by the witness Veeraswamy in Case No. 5 of the Shiyaly Calendar of the 2d Sessions of 1838 to Trial for Perjury should a perusal of the proceedings appear to warrant that course: also to state his opinion as to whether

2.

F.C.

17th May 1839.-

whether there are sufficient grounds for instituting a Criminal prosecution against the Native Public Servants who have been dismissed by the Magistrate for their conduct in regard to the same case.-

(Here enter at p. 765.)

Read return dated the 11th Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Tanjore Udalut of the 22d April 1839 directing the immediate and unconditional release of the six prisoners in Case No. 9 of the Salem Calendar for the 2d Sessions of 1838.-

(Here enter at p. 770.)

Read letter dated the 13th Instant from the Magistrate of Cuddapah submitting the explanation called for in para: 8 of the Proceedings of the Tanjore Udalut of the 3d Instant relative to the delay in forwarding the Prisoner in Case No. 5 of the Cuddapah Criminal file for March 1839.-

(Here enter at p. 774.)-

L.D.C.

Ext'd. JH

F.C.

At a Court of the Foujdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. — 1st Puisne Judge

Saturday

William Huddleston Esqre. — 2d Puisne Judge

18th May 1839.

Henry Dickinson Esqre. — 3d Puisne Judge

Read Return dated the 23d March

F.C.

last, from the Third Judge on Circuit in the Western Division to the precept of the Court of Foujdaree Udalut under date the 15th March 1839 conveying their observations and orders on the Calendars of the Zillah Court of Malabar and the Auxiliary Court of Cochin for the first Sessions of 1839.—

(Here enter F. Ct. No. 508 of 1839.)

The order of the Court of Foujdaree Udalut alluded to in paragraph 2 of this Return is dated the 23rd November 1837 and was issued on a Review of the Rajahmundry Calendar of the second Sessions of 1837, and was as follows. "the Acting Second Judge will be pleased to take notice that copies of orders &c. issued to the Criminal Judge or other subordinate authorities relative

relative to the cases in the Calendar should be entered in an appendix to the Calendar and not included in the Column appropriated to the Remarks of the Presiding Judge."—

2. The Court of Sinjdaree Udalut direct that the order above quoted be observed, as being in all respects the most convenient.—

Case No 11. 3. The explanation in regard to this case is considered satisfactory.—

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

(Sentence No 550)

Read letter dated the 23d Ultimo from the Acting Criminal Judge of Combaconum, forwarding the Criminal Reports of the Zillah Court for the month of March.—

(Here entr No 651 of 1839.)

Suppl Report Case No 13. 1. In this case, the prisoner Vencatachellum was charged with having wounded the Pookan trip Caroomy on the head, with a sickle.—

2. The prisoner was "convicted of the crime" and "sentenced to pay a fine of Rupees 7

to Government, or in default to be imprisoned for the period of two months under Section VII, Regulation X. of 1816."—

3. It appears from the abstract of the evidence, that the Prisoner inflicted the wound on the complainant while the latter was in the act of mediating between the prisoner and her sons who were quarrelling on the subject of the cultivation of their lands.—

4. The Court of Sinjdaree Udalut are of opinion that the punishment awarded was too lenient; and they direct that their opinion be communicated to the Mooftee Sudr Ameen by whom the sentence was passed.—

Case No 14. 5. In this case, the first three prisoners were charged with having, on different dates, stolen fifty sheep, valued at Rupees 50 from the Prosecutor's sheepfold: and the fourth, fifth, sixth and seventh prisoners were charged with receiving certain of the said sheep, knowing them to have been stolen.—

6. The first, second and third prisoners were sentenced to be imprisoned with hard labour in Irons for two months under Clause fourth, Section III, Regulation VI of 1822: while the other

other prisoners, on the ground that strong suspicion attached to them, were required to find security for their good behaviour for six months.—

7. In the opinion of the Court of Sonjdaree Adalut, the stealing of sixty sheep "on different dates" of which the first three prisoners in this case are convicted, warranted their commitment for trial under that part of Clause Second, Section III, Regulation VI of 1832, which declares that "the Criminal Judge shall commit for trial before the Court of Circuit any prisoner charged with theft, who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any other peculiar circumstances of the case, may appear to be deserving of a severer punishment than the Criminal Judge is authorized to inflict."—

8. On the same ground, the Court of Sonjdaree Adalut, with reference to the provisions of Section II Regulation III of 1833, cannot but question the regularity of the reference of so aggravated a case to the Punchait Sudr Ameen.—

9. Further—the Court of Sonjdaree Adalut direct that the Acting Criminal Judge be

do report the grounds on which the fourth, fifth, sixth and seventh prisoners were required to find security.— The Court see nothing recorded against them, save their admission "that they purchased from the first, second and third prisoners the stolen sheep which were found in their profession and which are proved to be the Prosecutors'." but there is nothing to show that they admitted their guilty knowledge.—

Report V. Case p. 52

10. In this case, five prisoners were charged with having abused, beaten, and wounded the Prosecutor Appatooriem, on the head with a sickle, and robbed him of property valued at Rupees 24-4-0.

11. They were sentenced by the Sudr Ameen "to be imprisoned with hard labour in irons for three months and to pay a fine of ten Rupees each to Government, or to be imprisoned for the further period of three months, under Section VII Regulation X of 1816."—

12. The Court of Sonjdaree Adalut, seeing reason to question the correctness of the proceedings in this case, resolve to direct the Provincial Court of Circuit in the Southern Division to call for the Record, and submit a Report

18th May 1839.-

Report upon the subject for their consideration and orders.-

Cade №56 13. The prisoners in this cade were charged with having preferred a false and malicious complaint before the Police Aneen "purporting that certain Robbers wounded and robbed them of property valued at Rupees 291-5-"-

"is in the original

14. The first Prisoner the second being committed for Trial before the Court of Circuit on another charge was sentenced to three months imprisonment under Section II Regulation IX of 1832.-

15. The Court of Foujdaree Udalut direct that the Criminal Judge do report whether in his complaint before the Police Ameen the first prisoner charged any persons by name.-

Cade №60. 16. The Court of Foujdaree Udalut consider the explanation offered by the Head of Police of Nuncolum in regard to the delay in forwarding the prisoners in this cade from the Talook, to be unsatisfactory, and they direct that the Criminal Judge do forward a copy of the explanation as given in the Report, to the Magistrate, in order to his duly warning the Police Officer on the subject.-

Order

18th May 1839.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Combaconum by Precept returnable within seven days from and after its receipt.-

(Sent following precept №551)

Ordered further that Extract from these proceedings (paras 10-11-12.) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within fifteen days from and after its receipt.-

(Sent following precept №552.)

Read the Statement of Batta required by the Circular Order of the Court of Foujdaree Udalut of the 25th March 1835 - №35 - for the First Quarter Sessions of 1839 - at Chittoor forwarded by the Acting First Judge of the Provincial Court of Circuit in the Centre Division.-

(Here enter F.R. №708 of 1839.)

№s 3-4-11-16 and 31.

The Court of Foujdaree Udalut observing that in some of the cades entered in this Statement the parties were receiving Batta for periods varying from seventeen to twenty three days - deem it proper to require the Acting First Judge to report the circumstances which occasioned

occasioned the detention of the said parties in the
cases in question.—

Ordered, that Extract from these
proceedings be sent to the Acting First Judge
of the Provincial Court of Circuit in the Centre
Division by Precept returnable within seven
days from and after its receipt.—

(Sent following precept No. 558.)

Read letter dated the 6th Instant
from the Third Judge on Circuit in the Western
Division forwarding copies of the Calendars of the
Zillah Court of Canara for the first Sessions of
1839. and the Statement of Batta required by
the Circular Order of the Court of Sudder
Udalut of the 25th March 1835.— No. 35.—

(Here enter F.R. No. 17 of 1839.)

Read also letter dated the 23d Ultimo
from the Acting Criminal Judge of Canara
forwarding for the orders of the Court of Sudder
Udalut copies of Warrants issued by the Third
Judge on Circuit for the banishment of the
Prisoners in Cases Nos. 1 and 4 of the Criminal
Calendar of the Zillah Court of Canara for the
first Sessions of 1839. under the Provisions of
Clause third, Section VIII, Regulation XV of 1803.—

(Here enter F.R. No. 657 of 1839.)

The

F.R.

18th May 1839.

Cases Nos. 1 and 4

1. The Court of Sudder Udalut
resolve that the Sentence of Banishment awarded
the Prisoners

Gungaya Ajeela
Cuntuppoo
and
Doona Shetty

shall be carried into effect in the Zillah of
Malabar and the Third Judge will accordingly
instruct the Criminal Judge of Canara to
forward the said Prisoners to Calicut, there to be
made over to the Custody of the Criminal
Judge of Malabar.—

Case No. XIII

2. In this Case the first three of
Prisoners were charged "with having on Thursday
the 13th Poorha Shoodh of the year Vellumby,
corresponding with the 24th January 1839. at
about 12 O'clock of the night, in company
with Honorad and others not apprehended,
gone to the Prosecutrix's house, armed with
clubs, broken open the door thereof, assaulted
the Prosecutrix and others, and plundered therefrom property valued at Rupees 102-2-8 which
lay buried under ground:" and the fourth Prisoner
was charged "with having been accessary to the
robbery

robbery by betraying to "the other Prisoners the place where the Property was buried."-

3. The Third Judge, having "sentenced" the prisoners "severally to be imprisoned for fourteen years, with hard labour in Irons, under Clause first, Section III, and Clause third, Section IV, Regulation XV of 1803" recommends the mitigation of the sentence to seven years, on the ground of "the personal violence being but trifling, and no other aggravating act attending the commission of the offence, and the accused not having been before punished."-

4. The Court of Sanjidance Udalut object to a sentence for Lying Robbery by open violence not exceeding that adjudicable for Theft, and they are of opinion that in the present case, the sentence should not be reduced below eight years.-

5. Under the provisions of Clause third, Section III, Regulation I of 1825, the Court of Nizamut Adawlut authorize the Third Judge to issue his warrant to the Criminal Judge for the imprisonment of the prisoners

1st Dejoo
2d Sungabutto Corrugga.

3d

3d Billa Corrugga
and
4th Saivoo

with hard labour in Irons on the public roads or other public works for and during the period of eight years.-

6. Adverting to the "sentence" passed in this case, the Court of Sanjidance Udalut direct that the attention of the Third Judge be called to their Circular Order of the 20th March 1834 which declares that the Judge of Circuit shall "when purporting to recommend a mitigation of punishment, merely intimate to the Prisoner the penalty to which by law he has rendered himself liable."-

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

(Sent in No 534)

Read Return dated the 3d Instant from the Joint Criminal Judge of Ghuntoor to the precept of the Court of Sanjidance Udalut under date the 27th April 1839- conveying their observations and orders on the Criminal

Reports

18th May 1839.-

Reports of the Auxiliary Court for the Month of March.-

(Here enter F.Rec.t No.29 of 1839)

Suppl.l Report Cases 1 to 11.

1. The Joint Criminal Judge adverting to the remarks of the Court of Soujalaee Udalut in paras.s 3 and 4 of their Proceedings of the 2.d Inst.t Ultimo observes in the Return now recorded that "all flotsam and jetsam" if unclaimed, are "considered to belong to the Circar, and the prac"tice is, if they are not claimed within a certain "period, to sell them by public auction and carry "the proceeds to the credit of Government" which "is done by the Collector." that "the two Customs-men" the first prisoner in the Case under consideration "was punished for appropriating and clandestinely selling for his own advantage, wood, which it was his particular duty to take care of on behalf of Government or the owners and to report to the Ameen." and that "the other prisoner was punished for clandestinely purchasing the said wood at half its value when he was well aware that it was drift wood and that it ought to be sold by public auction only, and not by the Peon."-

2. With this explanation, the Court of Soujalaee Udalut are of opinion that the case of

4. F.Rec.

18th May 1839.-

of the first prisoner may be admitted to fall within the scope of the provisions of Act XXXVII of 1837; under which he must accordingly be sentenced.-

3. But as the case of the first prisoner was not one of "theft or robbery," the provisions of Clause fourth, Section IV Regulation VI of 1822 cannot be considered applicable to the case of the second prisoner: and the Court of Soujalaee Udalut accordingly direct that the sentence upon that prisoner be amended with reference to the provisions of Section VII, Regulation X of 1816.-

Report V Case No.13

4. In conformity conformity with the order of the Court of Soujalaee Udalut for the cancellation of the Joint Criminal Judge's "order" to the prisoner in this case to pay the expenditure the value of his Buffalo, the Joint Criminal Judge explains that "it was not strictly speaking an order, as it was not intended to be enforced" but merely a "direction" to the prisoner "to do what he promised to do" and that "the order or rather recommendation was given simply for the purpose of preventing vexatious litigation:" and he adds that he is "not aware of any thing in the Regulations which declares such

3

such a proceeding to be illegal."-

5. The Court of Foujdaree Udalut observe that as an "order" the term used in the Report, it was illegal: as an advice or "recommendation" no opinion has been pronounced on it by this Court. In this latter view, the Joint Criminal Judge's proceeding was not illegal.-

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Guntoor for his information and guidance.-

(Sentence Pt. 555)

Read the Criminal Reports of the Auxiliary Court of Tellicherry for the month of April.-

(Here enter Pl. No. 736 of 1839.)

Suppl. Report Case No. 35.

1. The Prisoner in this case had been committed to take his trial before the Court of Circuit for wilful and corrupt Perjury, under the Provisions of Regulation III of 1826.-

2. The charge in this case not being framed in accordance with the Circular Order of the 23d. November 1826, the Court of Foujdaree Udalut direct that the attention of the Acting Joint Criminal Judge be called to that order and that he be enjoined to adhere to the form of indictment

Indictment therein prescribed in all cases of Prosecutions for Perjury under the Provisions of the Regulation above cited.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Tellicherry for his information and future guidance.-

(Sentence Pt. 556)

Read letter dated the 6th. Instant from the Acting Joint Criminal Judge of Cochin forwarding the Criminal Reports of the Auxiliary Court for the month of April.-

(Here enter Pl. No. 737 of 1839.)

Report V. Case No. 29.

1. The Prisoner in this case was charged with having in his possession a Knife and a Towel, being part of the property stolen from the house of the Prosecutor Mr. George Bell: and being acquitted, was required to find Security for his future good conduct.-

2. The Court of Foujdaree Udalut observing that the "guilty Knowledge", which could alone render the accused obnoxious to a Criminal prosecution, is not charged in this case direct that the attention of the Acting Joint Criminal Judge be called to the omission with

with an injunction to see that the charge is complied in all future similar cases.—

Ordered, that Extract from these proceedings be sent to the Acting Third Criminal Judge of Cochin for his information and future guidance.—

(Sentin Nos 567)

Read the following letter dated the 9th Instant from the Secretary to the Military Board.—

(Here enter F.U.c No 401 of 1839)

1. It is stated in this letter that "immediately on receipt of the orders of Government dated the 4th September 1838 - 2889 - distribution of Pouches and Powder Flasks was made from the Presidency to meet the demands of the Civil Authorities, the requisition for the Jail Guard at Mangalore was not hitherto complied with owing to no Indent having been forwarded for their supply;" that "the Officer Commanding Malabar and Canara has now been instructed to issue the Articles from the Store Department at Cannanore on receiving Indents, prepared in Triplicate, from the Criminal Judge of Canara" and "the Board request that the necessary orders may accordingly be given to the Judge."—

The

2. The Court of Foujdaree Udalut direct that the Criminal Judge of Canara be instructed through the Provincial Court of Circuit in the Western Division to prepare and send in to the Officer Commanding Malabar and Canara the requisite Indents in the manner indicated in the foregoing letter.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance with reference to para 3 of the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 3rd Instant.—

(Sentin No 558)

Read letter dated the 23d Instant from the Acting First Judge of the Provincial Court of Circuit in the Centre Division, forwarding a copy of the Calendar of the first Quarter Sessions of 1839 holden at Chittoor.—

(Here enter F.U. No 704 of 1839)

Case No 7 1. In this case, ten prisoners were charged with having, at eleven o'clock of the night of the 20th April 1837, gone forth, armed with firelocks, swords and sticks, to the house of the prosecutor, entered it by open violence, struck

struck the prosecutor, placed a sword on his neck and threatened to cut him, and stolen from the house a gun valued at Rupees 3-8-0.-

2. The fourth prisoner alone is convicted: but of those acquitted, the first, second, seventh, eighth, ninth and tenth prisoners, on the ground that strong suspicion attaches to them "from the circumstance of their having confessed the crime before the Police Officers," were each required to produce two sureties in the sum of one hundred Rupees each for three years.-

3. The Court of Sunjaloes Ellahee observe that all that appeared against the Prisoners in question is their confessions before the Police. They were not identified nor found any property found upon them.-

4. Under these circumstances, the Court of Sunjaloes Ellahee are not of opinion that there were sufficient grounds for the requisition of security; and they accordingly resolve to direct that the Bail Bonds be cancelled, and that the prisoners, if they be still in confinement in default of finding the required security, be forthwith discharged.-

Cases Nos. 10-24-25- and 31.

5. In Case No. 10 the prisoner was charged

charged with having opened the lock of the door of the Prosecutor's house with an Iron nail: entered the house, broken open the Prosecutor's Box with a chisel, and stolen therefrom property of the value of Rupees 15-4-5-3.-

6. The prisoner is convicted, but the Presiding Judge recommends a mitigation of the sentence to which he is liable, on the ground of his youth, of the excellent character he bore previously to this offence, and of his having been instigated to commit the crime by another.-

7. In Case No. 24 the prisoner was charged with having attacked the prosecutor on the highway and robbed him of a Cumbly of the value of thirteen annas and ten pice.-

8. In this case also the prisoner is convicted, but a mitigation of the full penalty prescribed by the Regulations is recommended by the Presiding Judge, in as much as "he was alone and unarmed and there is nothing to show that he went forth with the Criminal intent to rob; the circumstances rather indicate that his act was the thought of the moment when he was beside himself from

from the effects of liquor."-

9. In Case №25 two prisoners were charged with having broken into the prosecutor's house and robbed therefrom property of the value of Rupees 130.-

10. The first prisoner alone is convicted: but "on the sole ground of his youth," the Presiding Judge recommends a mitigation of the punishment, observing that "there is no particular attestation to his character, but this appears to have been his first offence."-

11. In Case №31 the prisoner was convicted of having broken into the complainant's house and stolen therefrom property of the value of Rupees 110-2-0.

12. The Presiding Judge, recommending a mitigation of the prescribed penalty in favour of the prisoner in this case, observes that it "strongly resembles Case №10 in all its principal features: the prisoner is about 16, and till this unfortunate act, bore a very good character..... the one feature of difference in the two cases" being "that in this it does not appear and is not alleged that there was any instigation."-

The

13. The Court of Sunjdarees Udalut having duly considered all the circumstances of these cases, and the remarks of the Presiding Judge, resolve to accede to the several recommendations of that Officer in regard to the prisoners therein concerned: and accordingly, under the provisions of Clause third, Section III, Regulation I of 1825, authorize the Acting First Judge to issue his warrants to the Criminal Judge of Chittoor for the imprisonment of the prisoners

Case №10. P. N. Columbee alias Johnny

and

Case №31. Siddaramiah

with suitable labour, without Irons, within the walls of the Jail: the prisoner "Columbee" for two years: the prisoner "Siddaramiah" for two years and three months: and for the imprisonment of the prisoners

Case №34. Ismael

and

Case №35. 1st Syed Yacoob.

with hard labour in Irons on the public Roads or other public works: the prisoner "Ismael" for five years: the prisoner "Syed Yacoob" for three

18th May 1839.

three years.—

Ordered, that Extract from the proceedings be sent to the Acting First Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within three days, from and after its receipt.

(Sent following Precept No. 559)

Read the Criminal Report dated the 30th Ultimo from the Sessional Judge at Vizagapatam for the month of April 1839.—

L.A.C.

Esq. J.

(Here enter No. 777.)

J.R.D.

F. 46.

At a Court of the Fouzdaree Adalut

Present,

Monday, 20th May 1839.

Thomas Alex.r Oakes Esq.re 1st Puisne Judge

William Hudleston Esq.re 2nd Puisne Judge

Henry Dickinson Esq.re Actg. 3rd Puisne Judge

L.A.C.

Read letter dated the 26th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division, forwarding the record of Case No. 27 on the Chittoor Calendar for the 1st Quarter Sessions of 1839.

(Here enter No. 663.)

Mr. Hudleston and Mr. Dickinson

The Court of Fouzdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-Cozzat and Mooftee of the Fouzdaree Adalut, confirm such part of the said Fatwa of the Cazee-ool-coozat and Mooftee aforesaid as convicts the Prisoner

1st Anypparu

of the crime charged, on strong presumptive proof, and awards Dookaut, and under the provisions of Clauses Second and fifth Section IV Regulation XVII

f

of 1803, Sentence the said prisoner to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for, and during the period of fourteen years.

But being of opinion that the proofs against the prisoner

2nd Rammer

and

3rd Curragan

is insufficient to convict them of the crime of Piracy robbery by open violence, the Court do, under the authority with which they are vested by Clause first Section II Regulation I. of 1818, Convict them thereof, and under the provisions of Clause Second, Section IV Regulation XV of 1803, Sentence them to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons, on the public roads, or other public works, for, and during the period of their natural lives.

/ Sent following Letter No 562. /

Read letter dated the 8th Instant, from the Acting Criminal Judge of Canara, forwarding the Criminal Reports of the Zillah Courts for the month of April.

/ Here Enter F.H. No 745 of 1839 /

The

Suppl. Report 1.

Case No. 38.

The prisoner in this case was charged with having so severely struck and kicked the Prosecutor's daughter his own wife named Capsee alias Cavery as to cause her death on the same night and subsequently hung her corpse up to a tree to prevent suspicion attaching to him.

The prisoner was required to find

2.

Security for his good behaviour.

3.

The Court of Foujdaree Udalut resolve to direct the Third Judge on Circuit in the Western Division, to call for the Record of the Proceedings in this case and upon a review thereof, to pass such orders thereon, with reference to the provisions of Section XXIII Regulation X of 1816 as may appear necessary reporting the same for the information of this Court.

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

/ Sent following Precept No 564. /

Read again Return dated the 17th December 1838 from the Third Judge of the Provincial Court of Circuit in the Centre Division, to the Precept

of

of the Court of Sonjdaree Adalut under date the 3d. December 1838. conveying their observations and orders in regard to Case No. 1. of the 12th Supplemental Calendar of the Third Quarter Sessions of 1838. holden at Chittoor.

(Here enter F.H. No. 295 of 1838.)

Read also letter dated the 1st instant from the same Officer, forwarding a copy of a Communication from Lieutenant C. Birch, late Assistant General Superintendant in the Thug Department at Palamanair relative to the same Case.

(Here enter F.H. No. 305 of 1839.)

1. The explanation now offered by Lieutenant Birch has reference to the Remarks of the Court of Sonjdaree Adalut recorded on the occasion of their acquitting the Prisoners, in the case above mentioned and also to the requisition in para 10 of their proceedings of the 3d December last, for information in regard to those parts of the depositions of the first, third, sixth, and eighth Prisoners who allege that he caused the first Prisoner to be beaten, in order to compel him to confess; and that the said Prisoner was rewarded for his confession: and also for an explanation of the grounds on

on which he allowed the confessions of the Prisoners to be recorded in Persian a language which, it would appear, they do not understand.

2. In para 1 of his letter of the 24th March last to Major Sleeman the General Superintendant Lieutenant Birch observes that he merely subscribed to the custom which obtained in the department of transcribing all proceedings in Persian and subsequently explaining the same to the parties undergoing examination: and that the Rule was general and therefore adopted by him.

3. In the opinion of the Court of Sonjdaree Adalut the Rule here stated to be general is a most improper one: and the Court resolve to direct that the Officers in the Thug Department in this Presidency subject to their control, namely Captain Ewatt, and Captain Vallancey be instructed through the Provincial Courts of Circuit in the Centre and Northern Divisions to discontinue the practice above referred to, in the Examination of all cases falling within the Jurisdiction of the Company's local Courts.

4. In para 3. of his letter Lieutenant Birch remarks that the Sonjdaree Adalut have come to

the

the conclusion, that the disinterred remains were those of Kurrum Kathi's mother-in-law? and he deprecates his surprize that the reply of the Medical Officer and the other documents relating to this point should have escaped the notice of the Court.

5. The Court of Sudder Adalut observe that the Documents in question did not escape their notice, and that they did not arrive at the conclusion imagined by Lieutenant Birch. The Court in their proceedings referred to, merely observed that the evidence for the defence affords strong grounds for believing that the discovered bones were those of the first prisoner's mother-in-law"; and the Medical Officer did no more than give his opinion that the bones were those of a Male, but his evidence was certainly not conclusive on that point.

6. The Court of Sudder Adalut are likewise of opinion, that the proceeding adopted by Lieutenant Birch of making Kurrum Kathi a present often Rupees" by way of encouragement to him as well as to induce him to make further confessions" is an unusual and obvious principle very objectionable

Lieutenant

Lieutenant Birch's denial that

7.

there were any harsh measures used to extort a confession from Kurrum Kathi, is perfectly satisfactory.

Ordered, that Extracts from these proceedings be sent to the Provincial Courts of Circuit in the Centre and Northern Divisions for the information and guidance of Captains Ewall and Vallancey respectively by Precept returnable within ten days from and after its receipt.

/ Sent following Precepts Nos. 565 & 566.

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

/ Sent in No. 567. /

Read return dated the 8th Instant from the Acting Criminal Judge of Malabar to the Precept of the Sudder Adalut dated the 26th April 1839, conveying their orders and observations on the Criminal Reports for the Months of March 1839.

/ Here enter No. 747. /

Read letter dated the 9th Instant from the Acting Magistrate of Canara, transmitting

Copy

20th May 1839.

Copy of a letter from the Additional Joint Magistrate, affording the Explanation called for in the Proceedings of the Tondaree Udalut of the 23d April 1839, relative to case No. 31 on the Canara Criminal Reports for March 1839.—

(Here enter No. 751)

Read letter dated the 13th Instant from the 2nd Judge on Circuit in the Southern Division, transmitting the Statement of Batta paid to prosecutors and witnesses attending before the Court of Circuit at Combaconum for the 1st Session of 1839.

(Here enter No. 756.)

Read letter dated the 9th Instant, from the Acting Magistrate of Malabar, forwarding a copy of a letter from the Head Assistant Magistrate, submitting the Explanation regarding Case No. 30 on the Criminal Report of the Tellah Court of Malabar for February last, called for in the Extract from the Proceedings of the Tondaree Udalut under date the 30th March 1839.—

(Here enter No. 760.)

F.P.D.

L.P.C.

E.W.C.

F.U.

At a Court of the Tondaree Udalut.

Present.

Thomas Alexr Oakes Esqre Agt 1st Puisne Judge

Tuesday, 21st May 1839. William Huddleston Esqre 2nd Puisne Judge

Henry Dickinson Esqre Agt 3rd Puisne Judge

Read letter dated the 6th Instant from the Acting First Judge of the Provincial Court of Circuit in the Centre Division, submitting for the final judgment of the Court of Tondaree Udalut, the Record of Case No. 11. of the Calendar of the First Quarter Sessions of 1839. holden at Chittoor.

(Here enter F.U. No. 719 of 1839.)

1. The Court of Tondaree Udalut observe that among the grounds on which the Acting First Judge rests the conviction of the prisoners in this case, is the prosecutor's mention of their names "immediately and while the exact words of terror for his life."—

2. With respect to this point, the first witness stated before the Criminal Court that on his addressing the prosecutor who beat

beat him, he said that 1st and 2d prisoners beat him. Vaitogadum Kristnan and Variapen being then present.-

3. Before the Court of Circuit, this witness deposed, that he did not ask the prosecutor nor did he tell him (witness) that he was beaten by these prisoners.-

4. The 2d, 3d and 4th witnesses state before the Criminal Court and before the Court of Circuit, that the prosecutor named the 1st and 2d prisoners, as having beaten him.-

5. But neither of these three witnesses made any such statement before the Head of Police.-

6. The 5th witness deposed that the prosecutor, in answer to his question as to who had beaten him, said he was "unable to give an answer," and desired witness to send him home.-

7. Inasmuch as the prosecutor was when seen by the 5th witness, able to speak, the Court of Tanjore Udalut can attach no other meaning to the words "unable to give an answer to that witness's question," than that the prosecutor could not speak positively as to who had assaulted him.-

8. The above remarks shew, that the evidence to his having immediately named the prisoners is not satisfactory.-

9. It is further observed that in his answer to the twenty fifth question put to him by the Court of Circuit, the prosecutor stated that he "mentioned the names of the persons who beat him" to the village Moonsiff of Nangapa.-

10. It appears to the Court of Tanjore Udalut that the ends of justice may be promoted by obtaining the evidence of "Kristnan and Variapen" stated in the first witness's examination before the Criminal Court to have been present when the prosecutor said that the prisoners had beaten him, and also of a Tungapa the Village Moonsiff.-

11. The Court of Tanjore Udalut resolve accordingly to return the English and Persian Translations of the Record of this case to the Acting First Judge, with instructions to issue a Precept to the Criminal Judge of Chittoor, directing him to obtain the attendance of the parties above mentioned, and in the presence of the prisoners, take their examination upon

upon oath, in regard to the points noticed in the preceding paragraphs of these Proceedings.-

12 The Criminal Judges will permit the prisoners to cross examine the witnesses, and to offer any thing further in their defence, or should they wish it, at the close of the examination.-

13. The Acting First Judge will annex English and Persian Translations of the additional evidence so taken to the Record, and will re transmit the same for the consideration and final judgment of the Court of Sanjidaree Adalut.-

Ordered, that Extract from these proceedings be sent to the Acting First Judge of the Provincial Court of Circuit in the Ante Division, with the Record of the trial, by Precept returnable within fifteen days from and after its receipt.-

(Sent following precept No. 570.)

Read letter dated the 8th Instant from the Principal Sudr Ameen of Honawr, forwarding the Criminal Reports of this Court for the Month of April.-

(Here enter P.Rs. No. 762 of 1839.)

The

P.Rs.
21st May 1839.
Suppl. Report
Case No. 15.

1. The three prisoners in this case were charged "with having, on the night of the 15th March 1839 gone, with some others, not yet apprehended, to the Prosecutor's house with clubs and lighted torches, pushed in by the door which was opened by the inmates on hearing the Prosecutor's cry, maltreated them and plundered therefrom, property valued at Rupees 52."-

2. The prisoners were released on the ground that "there is no more against them - "than the Prosecutor's uncorroborated deposition, which is obviously insufficient for their conviction."-

3. The Court of Sanjidaree Adalut resolve to direct the Third Judge of Circuit in the Western Division to review the Proceedings held in this case, and pass such orders thereon as may appear requisite, with reference to the Provisions of Section XXIII Regulation X of 1816, reporting the same for the information of this Court.-

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

Precept

Precept returnable within twenty five days from and after it's receipt.-

(Sent following precept No 571)

Ordered also, that Extract from these proceedings be sent to the Principal Sudr Ameen of Honore for his information.

(Sent in No 572.-)

Read return dated the 15th Instant from the Provincial Court in the Southern Division to the precept of the Sonjdaree Udalut of the 29th Ultimo, directing them to call for from the Joint Criminal Judge at Sunneully and submit for the consideration of the Court of Sonjdaree Udalut, translations of 17 documents required by the Petitioner Perdiaven Pallay, referred to in the Proceedings of that Court of the 14th Januarey 1839.-

(Here enter No 779.)

Read letter dated the 13th Instant from the acting 3d Judge on Circuit in the Southern Division, submitting copy of the 1st Supplemental Calendar for the 2d Quarterly Sessions of 1839.-

(Here enter No 783.)

Read

Read letter dated the 13th Instant from the 3d Judge on Circuit in the Western Division, forwarding copy of the Proceedings of the Court of Circuit and of the Return of the Joint Magistrate in charge of Canara, regarding the payment of a reward for the apprehension of Cochubba Prisoner in No 1. on the Mangalore Supplemental Calendar for the 1st Sessions of 1839.-

(Here enter No 789.)

Read return dated the 17th Instant from the acting Joint Criminal Judge at Cuddalore, to the precept of the Sonjdaree Udalut under date the 13th May 1839, containing their observations and orders on the Criminal Reports for the month of March last.-

(Here enter No 793)

Read letter dated the 15th Instant from the 1st Judge late on Circuit in the Northern Division, transmitting the Original death warrant in Case No 2. on the Chicacole Calendar for the 2d Sessions of 1838, with the acting Criminal Judge's return thereto, and separate letters required by the Circular Orders of the Court of Sonjdaree Udalut dated the

3d

21st May 1839.-

3rd May and 20th September 1830.-

(Here enter No 94.)

Enquired

L.H.C.

JHH

JHH

F.H.C.

At a Court of the Singhalese Adalut.

Present

The Hon.ble Alexr Oakes Esqr.—Agt Puisne Judge

Wednesday 22nd May 1839.- William Rudleston Esqr.—2d Puisne Judge

Henry Dickinson Esqr.—Ag 3d Puisne Judge

Read letter dated the 24th Ultimo from the Third Judge on Circuit in the Western Division submitting for the final Judgment of the Court of Singhalese Adalut the Record of Oude Nelle on the Calendar of the Zillah Court of Caltura for the first Sessions of 1839.-

(Here enter F.H.C. No 681 of 1839.)

L.H.C.

JHH

The Court of Singhalese Adalut,

Mr. Rudleston and Mr. Dickinson.

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 Puresoa.

2nd Ayder

3rd Doorna

and

4th Pumbada Doo-

is sufficient to convict them of the crime of murder committed

committed in the perpetration of robbery by open violence, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and under the provisions of Clauses first and fifth Section IV Regulation XV of 1803 and Clause third Section II Regulation I of 1825, sentence the prisoner

3rd Doorna

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

1st Pareira

2nd Hyder

and

4th Lumbada Deoo

to receive one hundred and ninety five lashes of a Cat of nine tails and to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of their natural lives respectively.—

paragraph 6 of his letter of reference.

1. The Court of Sanjdarree Adalut do not understand what the 3rd Judge of Circuit means by saying that legal proof fails on (in) establishing the death of "Dafea" at the hands of

of the prisoners.

2. They have all confessed before the Criminal Judge that they were present aiding and abetting at the robbery, and there is full proof of the murder of the said deceased on that occasion: and the 3rd prisoner has confessed that he aided in the act of strangulation.—

3. They are all principals in law, in a case of Murder "all that are present aiding and assisting are equally principals with him who gave the stroke whereof the party died, though they are called principals in the second degree." "The presence however, need not always be an actual standing by within sight or hearing of the fact; for there may be a constructive presence, as when one commits a murder and another keeps watch or guard at some convenient distance."—

4. The Judge of Circuit irregularly allowed the 2nd 3rd and 4th prisoners to go into exculpatory matter before the evidence for the prosecution. Their plea of not guilty should have been recorded, and the rest of their statements reserved for the defence.—

On

5. On a consideration of the meritorious service rendered by Bearunnabeary the first evidence in this case, the Court of Foujdaree Udalut resolve to accede to the recommendation of the Third Judge submitted in the concluding paragraphs of his Letter of Reference, and authorizing him to direct the Magistrate of Canara to pay to the aforesaid individual, the sum of Rupees (50) fifty as a reward for his services in accordance with the provisions of Section XXIII Regulation IX of 1816.

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

(Sent in No. 575)

Read letter dated the 15th Instant from the Acting Criminal Judge of Malabar transmitting the Criminal Reports for the month of April 1839 and calling attention to an application from the Court bearing date the 20th March last for the printed forms of the Criminal Reports Nos. therein mentioned.—

(Here enter No. 795)

D.A.C.

Entd

No. 111.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Agt. 1st Puisne Judge

Thursday — William Rudleston Esqre. — 2d Puisne Judge

23d May 1839. — Henry Dickinson Esqre. — Ag 3d Puisne Judge

Read letter dated the 13th Instant from the Assistant Criminal Judge in charge of the Zillah Court of Salem, forwarding the Criminal Reports for the month of April.—

(Here enter Fd. No. 772 of 1839.)

D.A.C.

Suppl. Report. Case No. 53.

1. Of the two prisoners in this case, who were charged with cattle-stealing, the first being convicted was sentenced by the Moonsiff Sudr Ameen to eighteen months' imprisonment with labour in irons and to receive one hundred and fifty lashes.—

2. The Acting Criminal Judge will be pleased to report the nature of the evidence against the Prisoners in this case: the abstract of the grounds of sentence is silent upon that point, and contains nothing but the exculpatory statements of the accused.—

Report V Case No. 60.

3. The prisoner in this case, who was

was charged with attempting to commit a Robbery in a Pagoda.was required by the Assistant Criminal Judge to find security for his future good behaviour.-

4. The Assistant Criminal Judge observes that "from the evidence, and the appearance and manner of the Prisoner, there seems some reason to suspect that he is at least partially insane".-

5. The Court of Sungdanee Udalut observe that if the sanity of the Prisoner be questionable, the instructions contained in their Circular Order of the 1st June 1839 should be conformed to.-

Case at No. 61. 6. In all future cases, the date of apprehension of the accused must be ascertained by a reference to the Magistrate. An entry "unknown" similar to that in this case is inadmissible.-

Case at No. 10. 7. The Prisoner in this case, charged with purchasing a Bullock stolen from the Prosecutor, was acquitted and released with an admonition.-

8. The Court of Sungdanee Udalut observe that the guilty knowledge which alone

could render the Prisoner legally liable to a Criminal prosecution, is not charged in this case.-

9. The Acting Criminal Judge will be careful to see that this is attended to in future similar cases.-

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Salem by Precept returnable within seven days, from and after its receipt.-

(Sent following precept at No. 577)

Read return, dated the 17th Instant, from the Joint Criminal Judge at Tinnevelly, to the precept of the Sungdanee Udalut under date the 6th May 1839, containing the Court's orders and observations on the Criminal Reports of the Auxiliary Court for the month of March 1839.-

(Here entered No. 800.)

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Western Division, transmitting translations of the Reports from the Principal Sudr Ameen of Tinnevelly for April 1839.-

(Here entered No. 802.)

Rea

23rd May 1839.

Read letter dated the 17th Instant from the 3d Judge in Circuit in the Centre Division, reporting his having appointed the 22nd Proxima for holding the 1st Sessions of 1839 at Chinglepute.

(Here Inter. No. 806.)

Read return dated the 18th Instant from the Criminal Judge of Ryde = munday, to the precept of the Tanjaree Udalut dated the 13th May 1839, containing their observations and orders on the Criminal Reports for the month of March last.

(Here Enter. No. 811.)

Read return, dated the 21st Instant, from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Tanjaree Udalut dated the 18th May 1839 containing their observations and orders on the Criminal Calendar for the 1st Quarterly Sessions of 1839.

(Here Enter. No. 811.)

J.H.C.

J.H.C.

J.H.C.

places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public Roads or other public works, for, and during the period of their natural life.-

(Sent following letter No 579)

Read return dated the 22d Ultimo from the First Judge Interim Circuit in the Northern Division, to the Precept of the Court of Singhalese Udalut under date the 18th April 1839.- conveying their observations and orders on Case 4 No 3. of the Chilaw Calendar of the Second Sessions of 1838:- referred for their final judgment.-

(Here enter Ft Bha No 668 of 1839.)

Read also Extract from the Proceedings of the same Officer under date the 23d Ultimo - submitting his reply to the observations of the Court of Singhalese Udalut in their proceedings under date the 19th April 1839 on the Referred Trial No 26 of the Negombo Calendar of the Second Sessions of 1838.-

(Here enter Ft Bha No 658 of 1839.)

1. On his Return of the 22d Ultimo the First Judge adverting to the Remarks of the

the Court of Singhalese Udalut on Case No 3 of the Chilaw Calendar states "that he can assign no particular reason why the intimation of the result of the Trial to the two prisoners and the order for the release of the second prisoner was not made until the 28th December, while the Return is dated the 19th November, further than that he was fully occupied during the intermediate time:" and with reference to this Courts animadversions on the detention by the Court of Circuit of the Record of the Trial for a period of nearly four months and a half subsequent to its conclusion, the first Judge explains that "the Translator in the case were not received from the Tillak Court till the 23d January last:" that "he has but one Translator attached to his Circuit Department whose whole time is devoted to the business of that Department and many of the Translations of the Records received from the Tillak Courts were found so extremely incorrect, that it was found necessary literally to retranslate a great part of them."-

2. The First Judges Proceedings under date the 23d Ultimo contain remarks of a similar nature.-

With

24th May 1839.

3. With regard to that part of his Returns wherein he disclaims any thing like "inattention to his duties," the Court of Fouzdaree Udalut will observe that they have never for a moment questioned the zeal and unwearied fidelity of the First Judge in the discharge of his public duties any more than they have the general soundness of judgment which characterizes his official labours; but the First Judge cannot but be aware that the defects in the system of the Court of Circuit in the Northern Division in respect of the submission of the Referred Trials to the Court of Fouzdaree Udalut have on several occasions attracted the notice of this Court, and that on one occasion this Court drew a comparison between the results of the system as exhibited in the Northern and the other Divisions of this Presidency decidedly unfavorable to the former— and whatever may be the cause, the fact is certain that in the other Divisions, there are no such delays as in the Northern—

4. If the establishment allotted to the Court of Circuit is insufficient, as represented in question of that circumstance should be formally made to the Court of Fouzdaree Udalut, in order that the matter

24th May 1839.

matter may be taken into consideration and, if required necessary, for the orders of Government—

5. The circumstance reported by the first Judge namely the "extreme incorrectness" of the Translations of the Records received from the Zillah Courts cannot be passed over without serious notice. The first Judge will therefore specify the Courts from which these translations were received, and will report what notice he may have taken of the matter in his proceedings: and (if he have not already done so) will call upon the Judicial Officers in question for any explanations they may have to offer in regard to their neglect of duty on this head, and will submit the same for the consideration of the Fouzdaree Udalut—

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by Precept returnable within twelve days, from and after its receipt

(Sent following precept to p. 380)

Read letter dated the 29th Ultimo from the Second Judge on Circuit in the Southern Division, forwarding copies of the

the Primary and Supplemental Calendars of the Zillah Court of Cuttacoomum for the first Sessions of 1839.-

(Here enter F.H.C. No. 100 of 1839)

Primary Calendar Case No. 2.

1. The Prisoner in this case was charged with having, on the evening of the 31st August 1838 enticed the wife of the Prosecutor to a certain field, and there, with intent to kill her, given her some sugar crips with poison, which caused her death on the same night.-

2. The Prisoner was acquitted and released the Judge of Circuit recording his opinion that "considering the enmity existing between the Prosecutor and the relations of the Prisoner and the whole bearings of the case, the Prosecutor had availed himself of the accidental death of his wife to bring forward the grave charge of murder against the Prisoner and others."-

3. The Court of Foujdaree Udalut observe that the dying declaration of the deceased was strong evidence, but is not alluded to by the Judge of Circuit, and the Court do not perceive in the abstract of the evidence, the grounds on which the deceased's death is described as

as "accidental:" on the contrary, the evidence of the fourth, fifth and sixth witnesses leads to the conclusion that the deceased was poisoned.-

4. The Court of Foujdaree Udalut resolve to direct the Second Judge to ascertain and report whether any inquest was held on the body, and in that case, to send up the Report drawn up on that occasion, together with the Urzee of the Police Officer, if any such were written.-

Cases Nos. 3 and 24

5. Not being satisfied of the correctness of the judgment of the Court of Circuit in these cases, the Court of Foujdaree Udalut resolve to direct that English Translations of the Records be prepared and submitted for their consideration.-

6. The Second Judge will be pleased to issue an order to the Criminal Judge to keep the prisoners in Nos. 3 in confinement without irons or labour until the decision of the Court of Foujdaree Udalut in the said case shall be made known.-

Case No. 4.

7. The prisoner in this case was charged, with wilful and corrupt Perjury, in having given a false deposition on oath when

Examined

examined as a witness for the Defendants in
Suit No. 527 of 1837 on the File of the Dist-
rict Moonsiff of Combaconum; and was acquitted
and released.-

8. The Court of Sunjdaree Udalut
observe that the Indictment (if in the terms
given in the Calendar) was irregular; there is
no counter-averment to the first recital, and
the two last statements could not have been
material (so far as the Court can see) to the issue
of any Judicial proceeding. Indeed materiality
is not averred.-

9. It is a matter of surprize and
regret that, notwithstanding the numerous and
explicit orders issued by the Court of Sunjdaree
Udalut, the subordinate Officers will not observe
the rules laid down for their guidance in cases
of Perjury.-

10. The Second Judge, who ought
to have detected the irregularity and returned the
Indictment for amendment, will be pleased to
call the especial attention of the Criminal
Court of Combaconum to this subject.-

Case No. 38. 11. The Prisoner in this case was
charged with having beaten one Gunapathy on the

the chest with a stick and thereby caused his
death.-

12. He was convicted of Manslaughter
(Kull-i-Shubh-amd) and sentenced to three years
imprisonment with hard labour in Irons under
Clause Second, Section XV, Regulation VII of
1802.-

13. The Second Judge will be
pleased to explain the grounds on which he
concurred in the Futwa of the Mahommedan
Law Officer convicting the Prisoner of the minor
offence.-

Case No. 32. 14. The Court of Sunjdaree Udalut
observe that the exception in bar of Suit in
the first Futwa should have been stated.
It was over-ruled, properly under Clause fourth
Section II, Regulation XV of 1803.-

Case No. 51. 15. The Court of Sunjdaree Udalut
observe that the grounds of exception taken
in the Futwa of the Mahommedan Law Officer
of the Court of Circuit to the evidence of the
first and second Witnesses for the Prosecution-
namely, their being the sons of the Complainant
should have been specified in the grounds of
sentence in the Calendar; and a similar remark
applies

examined as a witness for the Defendants in the Suit No. 527 of 1837 on the File of the District Moonsiff of Conjeveram, and was acquitted and released.-

8. The Court of Sunjdarees Udalut observe that the Indictment (if in the terms given in the Calendar) was irregular, there being no counter-averment to the first recital, and the two last statements could not have been material (so far as the Court can see) to the issue of any Judicial proceeding. Indeed even that fact is not averred.-

9. It is a matter of surprize and regret that, notwithstanding the numerous and explicit orders issued by the Court of Sunjdarees Udalut, the subordinate Officers will not observe the rules laid down for their guidance in cases of Perjury.-

10. The Second Judge, who ought to have detected the irregularity and returned the Indictment for amendment, will be pleased to call the especial attention of the Criminal Court of Conjeveram to this subject.

Case No. 28. 11. The Prisoner in this case was charged with having beaten one Gunga [illegible] the

No. 16.

24th May 1839.

chest with a stick and thereby caused his death.-

12. He was convicted of Manslaughter and (Null & Void) sentenced to three years imprisonment with hard labour in Irons under Clause Second, Section XV, Regulation VII of 1802.-

13. The Second Judge will be pleased to explain the grounds on which he concurred in the Futwa of the Mahommedan Law Officer convicting the prisoner of the minor offence.-

Case No. 32. 14. The Court of Sunjdarees Udalut observe that the exception in bar of trial in the first Futwa should have been stated. It was over-ruled, properly under Clause fourth, Section II, Regulation XV of 1803.-

Case No. 51. 15. The Court of Sunjdarees Udalut observe that the grounds of exception taken in the Futwa of the Mahommedan Law Officer of the Court of Circuit to the evidence of the first and second Witnesses for the Prosecution - namely - their being the sons of the Complainant - should have been specified in the grounds of sentence in the Calendar: and a similar remark applies

applies to Case No. 53.-

Case No. 53. 16. The prisoner in this case was charged with having, in company with others, armed with swords, partly perforated the side wall of the Prosecutor's house, with the intention to commit a Robbery, and with having been accessary to one of the party who wounded the said Prosecutor, when he feigned him (the Prisoner) with a sword.-

17. The Prisoner was convicted of "house breaking with an intent to commit a theft" according to the tenor of the Futwa of the Mahommedan Law Officer of the Court of Circuit in which the Presiding Judge concurred, and was sentenced to two years imprisonment with hard labour in Irons under Clause fourth, Section IV.- Regulation XV of 1803.-

18. The Court of Sudder Dewanny Adawlut observe that the provision cited is inapplicable. The case, as proved, is clearly one of "violent attempt" to commit robbery, and as such is provided for in Clause third of the Section quoted by the second Judge; who will accordingly amend his sentence, submitting for the consideration of the Sudder Dewanny Adawlut a recommendation

recommendation of mitigation of punishment, should he deem the full penalty prescribed by the Clause in question, more severe than the ends of Justice require.-

Case No. 56. 19. The prisoner in this case, who was charged with house breaking and theft was required by the Court of Circuit to find security for his future good conduct.-

20. It appears that the Prisoner failed to establish his plea of alibi: and with reference to this circumstance, and to the fact of the Prosecutor's property being found in his house, which there is nothing in the Calendar to show how he accounted for, the Court of Sudder Dewanny Adawlut deem it necessary to call upon the second Judge to explain the ground of his concurrence in the Futwa of the Mahommedan Law Officer of the Court of Circuit.-

Case No. 71. 21. The Prisoner, in this case, was "convicted of snatching a goor Rupee from the hand of the Prosecutrix, and placing a counterfeit Rupee in her hand in exchange."-

22. The second Judge suggests "a much milder sentence than that demanded by Regulation II of 1822;" and is of opinion that under the

the circumstances "one years imprisonment with hard labour in irons would be sufficient punishment."

23. The Court of Sanjdanee Adalut observe that their sanction in this case is not required, Section VI Regulation II of 1822 giving the Judge of Circuit the requisite discretionary power.

Case No 92. 24. The prisoner in this case, being charged with wilfully setting fire to a stack of grain was required by the Judge of Circuit to find two sureties in fifteen Rupees each surety; for his future good behaviour for one year.

25. The Court of Sanjdanee Adalut are not of opinion that there were grounds sufficient for the requisition of security: and they accordingly resolve to direct that the Bail Bonds be cancelled, and that the prisoner if still in confinement under the requisition be forthwith discharged out of Gaol.

Suppl No Calendar Case No 4 and 5. 26. The Court of Sanjdanee Adalut observe that in support of the sentence in these cases, Clause third, Section II, Regulation III of 1826 should have been cited in place of

of the provisions quoted by the Second Judge.

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept returnable within twenty five days from and after its receipt.

(Sent following precept No 581)

Read the Report of the First Judge late on Circuit in the Northern Division prescribed by Section XXXVII Regulation VII of 1802, for the Second Sessions of 1838 held the 30th March 1839.

(Here enter F.A. No 555 of 1839.)

1. In paragraph 35 of this Report the First Judge calls the attention of the Court of Sanjdanee Adalut to the Petition No 58 "contained in Appendix marked G" wherein the Petitioner complains of oppressive conduct exercised towards him by the Head Assistant Magistrate Mr Mason, and the Head of Police of Surwaseddeck.

2. The Petition in question is not found in the Appendix G, but merely a recital of its Statements in the Proceedings

of

25th May 1839.

of the Court of Circuit, which is not sufficient
to enable the Court of Tonjdaree Udalut to
decide upon the matter.

3. The First Judge will therefore
be pleased to direct upon an attentive consi-
deration of the said Petition immediately

Ordered, that Extract from these
proceedings be sent to the Hon.ble the Judge of the
Provincial Court of Circuit for the Northern
Division by Dawk to return the written
depositions of the witnesses

Read return, dated the 9th
Instant from the 2nd Judge in Circuit
the Northern Division, to the proceedings of
the Tonjdaree Udalut of the 22nd Ultimo
containing their observations and returning
Rejoinder) Calendar for the 1st Sessions
of 1839.

(Here enter No. 755.)

J.R.D.

F. 86.

At a Court of the Tonjdaree Udalut—

Present

Saturday
25th May 1839.

Thomas Alexr. Oakes Esqre. 1st Puisne Judge
William Hudleston Esqre. 2nd Puisne Judge
Henry Dickinson Esqre. 3d Puisne Judge

J.R.D.

Read letter without date —
— from the 3d Judge on Circuit in the Western Divi-
-sion, referring the trial in Cases Nos. 15. in the Primary and
for the
1. in the Supplemental Calendars, 1st Sessions of 1839
to the Court of Tonjdaree Udalut for their judgment and
the final orders of Government—

(Here enter No. 718.)

The Court of Tonjdaree Udalut,

Mr. Hudleston
and
Mr. Dickinson 1.

having maturely considered the proceedings held
before the Judge of Circuit, the Futwa of the Pro-
-vincial Law Officer and the Futwa of the Cazee-ool-
corzat and Mooftees of the Tonjdaree Udalut, con-
-firm the said Futwa of the Cazee-ool-corzat and
Mooftees aforesaid, convicting the prisoners

1st Gabro alias Gopheer Saib

and

2nd Doobubba

of Rebellion and awarding Tazeer: and under the provisions of Sections III and III. Regulation I of 1806 sentence the Prisoner

1st Gabroo alias Gaphur Saib

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and Kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life: and the Prisoner

2nd Dochubba

to be imprisoned and Kept to hard labour in Irons on the public roads or other public works for and during the period of fourteen years.

The Court of Fouzdaree Udalut direct that their Sentence in Cases Nos 15. of the Primary and 1. of the Supplemental Calendar of the Zillah of Canara for the first Sessions of 1839. 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

before they direct their Sentence to be carried into Execution.

/ Sent following letter No. 585 /

Circular Order

No. 105.

Serious objections to the operation of the Circular Order No. 102, dated 11th February 1839, regarding the mode of proving the discovery of bodies buried by Thugs, having been brought to the notice of the Court of Fouzdaree Udalut, it is resolved that the said Circular Order be recalled and cancelled.

Ordered, that Extract from these Proceedings be sent to the Four Provincial Courts of Circuit for their information, and with instructions to circulate the same to all the Officers within their respective Divisions, to whom a copy of the Circular Order No. 102 was furnished by Precept returnable within seven days, from and after its receipt.

/ Sent following Precepts No. 586 & 587

L.D.C.

Ed.d

HHD.

At a Court of the Toujdaree Udalut

Present

Thomas Alexr. Oakes Esqr. — Agt 1st Puisne Judge

Monday — William Hudleston Esqr. 2d Puisne Judge

2d May 1839. — Henry Dickinson Esqr. — Agt 3d Puisne Judge

Read letter dated the 2d Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 8. of the Chittoor Calendar for the 2d quarterly Sessions of 1839.

(Here enter No. 695.)

The Court of Toujdaree Udalut,

Mr. Oakes and Mr. Dickinson.

having maturely considered the proceedings held before the Court of Quarter Sessions, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and two Mooftees of the Toujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner

Poddacaroopadoo

of wilful murder and awarding Nissaee 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 &c.)

Read the following letter dated the 7th Instant, from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division.—

(Here enter F. Ua. No. 123 of 1839.)

1. In this letter, the Acting Second Judge observes that "the Calendars of prisoners, by the Magistracy, in the Zillahs under the jurisdiction of the Provincial Courts, do not, in every instance, state the grounds of sentence, nor the regulation under which the sentence is passed"; and accordingly in parah: 5, he suggests that orders be issued to the Magistrates "to state the grounds of their sentences where it may (be) material for the information of the Judge at Sessions, and in every instance to state the Regulation under which the sentence of punishment is passed."—

2. With reference to the first of these suggestions—namely—that the Magistrates should

should be required to "state the grounds of their sentences" Vide the Court of Singapore Udalut observe that under Section III, Regulation VIII of 1832, Magistrates are in effect required to do this in recording all material evidence: and unless it could be clearly shown that that provision, when duly conformed to and enforced by the power of supervision Vide vested in Courts of Circuit by Clause Second, Section XL. Regulation IX of 1816, is insufficient for all practical purposes, the Court would be disinclined to issue orders tending to increase the labours of the Magistrates in cases of this nature.—

C. O. No. 106. 3. The Court of Singapore Udalut entirely approve of the other suggestion of the Acting Second Judge and they resolve, in consequence, to direct by a Circular Order that in every case, where punishment is awarded by a Magistrate, the provision of the law under which sentence is passed be invariably specified in the Calendars laid before the Court of Circuit.—

4. In parah: 4 of his letter, the Acting

and future guidance.—

(Sixteen Pr.)

Read letter dated the 13th Instant from the Assistant Criminal Judge in charge of the Zillah Court of Chittoor, forwarding the Criminal Reports for the month of April.—

(Here enter Fl. No. 761 of 1839)

Case No. 88. 1. The Court of Sunjarees Udalut consider the explanation of the delay in the disposal of the case unsatisfactory, and are of opinion that the gross neglect of duty evinced by the Head of Police was very leniently visited by the fine of five Rupees.—

Case No. 89. 2. In this case, the prisoner was charged with having wounded the Prosecutor on the head with a Dirk, and struck him two blows on the knee with a club.—

3. The prisoner was sentenced to pay a fine of five Rupees and in default to be imprisoned for fifteen days, under Section VII Regulation X of 1816, the Assistant Criminal Judge observing that it "is a petty trifling case wherein the prisoner quarrelled with the Prosecutor a near relation, who bears some slight marks of having been struck and the evidence goes

goes to show that the said blows were inflicted by Prisoner.—

4. The Court of Sunjarees Udalut direct that it be explained whether the wounding with the Dirk was disproved: and, if it was established in evidence that that instrument was actually used by the Prisoner, the Court would not consider the case to be of the trifling nature described by the Assistant Criminal Judge.—

Case No. 95. 5. The prisoners in this case were convicted of having given an order to a shopkeeper to establish an arrack shop in a certain village, contrary to the ground Puttah for Fasly 1248. and were sentenced each to pay a fine of one Pagoda under Clause ninth, Section VI. Regulation I of 1820.—

6. Since there can be no doubt that the parties issued the order with the full knowledge that they were thereby infringing the terms of the Puttah, the Court of Sunjarees Udalut consider the punishment awarded them too lenient.—

It is stated that the sentences

Cases No. 96. 97 and 98. and 106. 7. passed in these cases by the Pundit & Sud

Ameen

27th May 1839.

Annexes were quashed as being "very irregular"

8. The Assistant Criminal Judge will be pleased to report what the sentences in question were.-

Ordered, that Extract from the proceedings be furnished to the Assistant Criminal Judge in charge of the Tellah Court of Shittoor, with instructions to furnish a copy of paragh 1. to the Magistrate of Attah Arrest for his information, by Precept returnable within seven days, from and after its receipt.

(Sent following precept &c.)

Read the following letter dated the 15th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division:-

(Here enter F.Re. No. 173 of 1839)

1. The object of this reference is to obtains the orders of the Court of Sudder Adawlut in regard to Cases Nos. 5 and 7 of the Chittoor Calendar of the Second Quarter Sessions of the present year, the charges in which are explained to arise out of the two facts, the alleged forgery of a Bond on the wife of the Prosecutor.-

3

F.Re.

27th May 1839.-

2. It appears that in Case No. 5 the Prisoners in all the three numbers are charged with the Forgery: and that in Cases 6 and 7 the Second and third Prisoners in No. 5. are respectively charged with perjury in having deposed on oath before the Criminal Court, when the first Prisoner alone was charged with the Forgery, to the genuineness of the Bond.-

3. The Acting Second Judge submits that "the statements which constitute the perjury, admitting them to be false, cannot be legally taken as perjury" for as much as "the charge of forgery had been already made, and the evidence if true, made them principals in the forgery": that "they could not avoid perjury except by admitting the forgery" and that "as parties to the forgery" they "were not competent witnesses."-

4. It appears to the Court of Sudder Adawlut that the examination of the Prisoners in Nos. 6 and 7. as witnesses in the case of forgery, in which they were so implicated, was irregular, and that they cannot be convicted of Perjury for false swearing

Rec'd &c.

under such circumstances.-

5 The Court resolves accordingly to authorize the Acting Second Judge to quash the commitment of the said prisoners for perjury, and discharge them so far as it regards that charge.-

6 The Court direct that the en Calendar which accompanied the Acting Second Judge's letter be returned to that Officer.-

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

(Sent in No)

Read letter dated the 10th Instant from the 3rd Judge on Circuit in the Western Division, reporting his having opened the 1st Sessions of 1839 at Honore.-

(Here enter No 821.)

Read return dated the 17th Instant from the Provincial Court in the Western Division, to the precept of the Sanjidance Mudalut of the 26th Ultimo, directing them to call up the

the record in Case No 56 on the Malabar Criminal Reports for March last and after consideration thereof to pass such order regarding it as they may deem proper, reporting the result to this Court.-

(Here enter No 823.)

Read return dated the 22nd Instant from the Acting 2nd Judge on Circuit in the Southern Division, to the precept of the Faujdaree Adalut of the 13th Instant directing him to look into Case No 34 on the Salem Criminal Report No V for the month of March 1839, and eventually remit the fine, reporting the same to this Court.-

(Here enter No 829.)

Read returns dated the 23rd Instant from the Acting Criminal Judge in the Zillah of Combaconum, to the precept of the Faujdaree Adalut dated the 9th May 1839, explaining that the order in Para: 5. of this Court's Proceedings of the 13th March last was intended to apply to Cases Nos 184 and 185 of the Report V, and directing that it might be certified that the said order has been changed.-

(Here enter No 831.)- W. H. D.

L. H. D.

J. C.

At a Court of the Tonjdaree Udalut.

Present,

Tuesday, 28th May 1839.

Thomas Alexander Ravenshaw Esqre 1st Puisne Judge
William Cuddleston Esquire 2d Puisne Judge
Henry Dickinson Esqre 3d Puisne Judge

P. A. O

Read letter dated the 14th Instant from the Acting Joint Criminal Judge at Cuddalore, forwarding the Criminal Reports of the Auxiliary Court for the month of April.

Here enter F. R. No. 778 of 1839.

Supplemental Report 1.

Case No. 23.

The prisoners in this case were apprehended on the 10th January and forwarded by the Head of Police of Arnee to the Tahseeldar of Chaitput where they arrived on the 19th of the same month: and on the 2d February the Tahseeldar forwarded them to the Assistant Magistrate.

The Joint Criminal Judge will be pleased to send a copy of these proceedings to the Magistrate, who will report direct to the Tonjdaree Udalut the cause of the detention of the prisoners by the Chaitput Tahseeldar from the 19th January until the 2d February.

2.

The

28th May 1839.

Report V.

Case No. 37.

3. The Head of Police of Trincomalee states that "although the prisoner was apprehended on the 17th March, still he was not brought before him till the Evening of the 6th April."

4. The Joint Criminal Judge will bring this case also to the notice of the Magistrate who will be pleased to ascertain and report to the Court of Judicature Adalut where the prisoner was during the intervening period.

Case No. 42.

5. In explanation of the delay in holding the preliminary proceedings in this case, the Head of Police of Tondirwanam states that "having been occupied with the Principal Collector in the preparation of the Summaburdy account at his Station for several days, he was obliged to postpone the Examination of this and the two following Cases in which the prisoners are concerned."

6. The Court of Judicature Adalut observe that this circumstance shows that the order respecting the employment of an adequate number of Sub Police Officers are not observed in the District of South Arcot and they direct that the attention of the

28th May 1839.

the Magistrate be called to this subject, with a view to his employing the means within his power to prevent these similar delay in the administration of Justice in future cases.

Case No. 47.

7. The first prisoner in this Case was charged with having "burglariously entered the Prosecutor's house in the night of the 8th April 1839. and stolen therefrom property of the value of Rupees 10/- 6."

8. He was convicted and sentenced by the Sudr Ameen to imprisonment with hard labour in Irons for one year, and to receive fifty lashes of a Cat of nine tails, "under Clause fourth, Section III. Regulation VI of 1822."

9. The Court of Judicature Adalut observe that there is nothing in the Charge to bring the case within the scope of the provision cited. If "housebreaking" was proved. Clause Sixth, Section II, of the same Regulation would apply.

10. The Sudr Ameen must be required to amend his sentence.

Case No. 48.

11. In this Case the prisoner Arumachella Coundan was charged with "abuse of authority in having sent an official Report to the Tahseeldar falsely implicating the

the Prosecutor in a charge of "Highway Robbery".

12. It appears that the prisoner was detained in the Talook 29 days. and the Head of Police states as his reason for the detention that he examined him on the 20th and 21st and sent for some more witnesses who arrived on the 26th; that he was occupied in examining them up to the 28th, and on the 29th March he went on duty to other villages and did not return till the 8th April Vt.

13. The Court of Foujdaree Adalut direct that the Proceedings in this Case be laid by the Joint Criminal Judge before the Provincial Court of Circuit, who will be pleased to submit a Report on the conduct of the Tahseeldar, which would seem to indicate an abuse of authority on the part of that Officer.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge at Cuddalore, with instructions to furnish a copy of paras 1 & 7. to the Magistrate of South Arcot for his information and guidance by Precept returnable within seven days from and after its receipt.

(Sent following Precept No.)

Ordered

Ordered also that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division (paras 11 to 13) by Precept returnable within 15. days from and after its receipt.

(Sent following Precept No.)

Read Letter dated the 18th Ultimo from the First Judge late on Circuit in the Northern Division, submitting for the final Judgment of the Court of Foujdaree Adalut the Record of Case No. 4. of the Chicacole Calendar of the Second Sessions of 1838.

(Here enter F.R. No. 709 of 1839.)

Read also Letter dated the 19th Instant from the same Officer, forwarding a copy of a communication from the Assistant Criminal Judge in charge of the Zillah Court of Chicacole, reporting the death of Madunayedoo the second prisoner in the case above mentioned.

(Here enter F.R. No. 799 of 1839.)

It is observed that the Prosecutor's wife Seetah in her answers to the third and fourth questions put to her by the Serishtadar of Itchapoor, distinguishes the two Dundasies who attacked their party as the "red man" and the "dark Dundasee".

page 6. of the Record.

Before

28th May 1839.

2. Before proceeding to a final Judgment in this Case, the Court of Tonjdarai Adalat are desirous of ascertaining whether there was any decided difference between the Complexions of the two prisoners in this Case, named Aswadheyadoo and Madeswayadoo (deceased) and if so, whether the surviving prisoner the first named is of the lighter or darker complexion.

3. The Court of Tonjdarai Adalat accordingly resolve to direct the First Judge late on Circuit to issue a Precept to the Officer in charge of the Criminal Court of Chinsurah, calling for the requisite information on the point indicated in the preceding paragraph, which can it is presumed be obtained by an Examination of the Jailor and other persons in the Jail who knew the said deceased prisoner, and to submit the same when received, to this Court.

Ordered, that Extract from these Proceedings be sent to the First Judge late on Circuit in the Northern Division by Precept returnable within ten days from and after the Precept I sent following Precept &c &c &c

L.A.C

E.H.L.

F. 86

At a Court of the Foujdaree Adalut

Present,

Thursday 30th May 1839.

Thos. Alexander Oakes Esqre. Actg. 1st Puisne Judge
William Kudleston Esqre. 2nd Puisne Judge
Henry Dickinson Esqre. Actg. 3rd Puisne Judge

Read the Criminal Reports for the month of April 1839 Submitted by the Acting Criminal Judge at Madura -

L.D.O

/Here enter No. 796./

Case No. 34. 1. In this Case the Prisoner is charged with having on the 18th February 1839 committed perjury before the Acting Magistrate of Tinnevelly: altho' by the Circular Order of the Foujdaree Adalut of the 12th May 1832 in cases of perjury the full indictment is not required to be given in the Criminal Reports. The Court request a short note of the circumstances of the Case to be specified, in order to enable them to form a correct judgment as to the propriety of the manner in which the Cases have been disposed of. In the present instance the Acting Criminal Judge will be pleased to Explain more fully the charge on which the Prisoners were forwarded to the Criminal Court -

In

Case No. 45.

2.

In this case the prisoners are charged simply with receiving stolen property. The Court conclude that they were in fact tried for the offence of receiving it, knowing it to be stolen, and the charge should have been so expressed in the report.

3.

The Sentence recorded in this case appears to the Court of doubtful propriety, and they therefore resolve to direct the Acting Criminal Judge to refer to the depositions recorded in view to his ascertaining whether there are not in his opinion grounds sufficient to authorize the conviction of the prisoners concerned.

Case No. 46.

4.

In this case also the Court require a more full explanation of the grounds on which the order of the Sudr Ameen was founded. The prisoners are charged with having stolen from the Prosecutor 2 bulls, which the Prosecutor, it is recorded, states do not belong to him, and regarding the theft and sale of which by the prisoner the Prosecutor and the witnesses allege utter ignorance. The prisoners would therefore appear to have been unnecessarily sent up to the Criminal Court. The Court of Sunjdaree Adalut however require it may be explained whether the bulls were or

discovered

discovered in the possession of the prisoners, or whether it was proved, that they had been sold by them, and if so what account they gave of having become possessed of the animals. The Sudr Ameen should also be desired to specify on what principle he directed that one of the bulls should be brought to the account of the Circar and whether any measures have been adopted to discover the owner of the animal. as the Court are not aware that Cattle under the circumstances represented in this case become the property of the Circar.

5.

The delay which occurred in the transmission of this case to the Criminal Court being unsatisfactorily accounted for, the Acting Criminal Judge will transmit copy of this case as it stands in the report and of this Sporah to the Magistrate, who will be pleased to take such notice of the Conduct of the Police as may appear to him proper, reporting the result to the Court of Sunjdaree Adalut.

Cases Nos. 42. 47. 48. 53. and 54.

6.

The explanations of the delay in the disposal of these cases viz. "under Examination" and "Prosecutors and Witnesses to come," are not what is

required

required under the Circular Order 11th April 1832 to which the Acting Criminal Judge's attention is particularly called. The Acting Criminal Judge will explain what measures he has adopted to procure the attendance of the required witnesses in Cases Nos. 42. 47. 50 & 53. and how he anticipates they will make their appearance before him.

No explanation having been afforded of the delay which occurred in the Talook in the transmission of case No. 47. by the Head of Police of Melloor to the Criminal Court, the Acting Criminal Judge will require the Magistrate to report direct to this Court, why the Prisoners who were apprehended on the 27th March could not be forwarded to the Criminal Court before the 4th April.

Ordered, that Extract from these proceedings be furnished to the Acting Criminal Judge at Madura, for his information, by Precept returnable in five days, from and after its receipt.

/ Sent following Precept No. /

Read return dated the 21st Instant from the Assistant Criminal Judge in charge of the Zillah Court of Trivacole, to the precept of the Tondiarpet

F. M.

30th May 1839.

Tondiarpet Adalut of the 14th Instant, conveying their observations and orders on the Criminal Reports for the month of March 1839.

/ Here Enter No. 833. /

Read Return, dated the 25th Instant, from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Tondiarpet Adalut of the 18th Instant, requiring him to report the circumstances which occasioned the detention of certain witnesses in Nos. 2 & 11. 16. and 21. of the Calendar for the 1st Quarter Sessions of 1839.

/ Here Enter No. 835. /

Read Return dated the 22nd Instant from the Officiating Joint Criminal Judge of Tinnevelly, to the Precept of the Tondiarpet Adalut of the 17th Instant, directing him to cancel the Bail Bonds of the prisoners in Case No. 21, or if the Prisoners be still under detention in default of finding the Security, to discharge them forthwith.

/ Here Enter No. 840. /

Read Return, dated the 24th Instant, from the Acting Criminal Judge of Salem, to the precept of the Tondiarpet Adalut of the 13th Instant,

Conveying &

30th May 1839.

conveying their observations and orders on the Criminal Reports for the Month of March 1839

/ Here Enter No. 847 /

Read Return dated the 22nd Instant from the 3d Judge on Circuit in the Western Division, to the precept of the Tongdaree Udalut under date the 23d April 1839, directing him to look into Case No. 23 of the present Year on the File of the Criminal Court of Canara, disposed of in the Month of March last and to pass upon it such orders as to him may appear proper.

/ Here Enter No. 853 /

Read Return dated the 27th Inst. from the Acting 3d Judge late on Circuit in the Southern Division to the precept of the Tongdaree Udalut under date the 29th April 1839 calling for English translations of the Record in Case No. 52 on the Combaconum Calendar for the 2d Sessions of 1838.

/ Here Enter No. 854 /

Ent'd

L.A.O.

GHO

At a Court of the Conjeveram Adalut

Present,

Monday 1
3d June, 1839.

Thomas Alexr Oakes Esqre — acting 1st Puisne Judge,

William Rudleston Esqre — 2d Puisne Judge,

L.A.C.

Henry Dickinson Esqre — acting 3d Puisne Judge,

Read again letter dated the 8th April 1839 from the 2d Judge on Circuit in the Southern Division, transmitting the Record in Case No 8 on the Combaconum Calendar 1st Sessions of 1839.

(Here enter No 544.)

Read also return dated the 24th April 1839 from the 2d Judge on Circuit in the Southern Division, to the precept of the Conjeveram Adalut under date the 12th April 1839, calling for the original report said to have been made 4 or 5 years ago by Ramasamy Iyen. 17th witness on the part of the prosecution in Case No 8 Combaconum Calendar.—

(Here enter No 675)

Mr Oakes,
and
Mr Dickinson,

The Court of Conjeveram Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, seeing of opinion that the

the proof against the prisoner

Syan Tumarasee

is sufficient to convict him of the crime of Burglary committed in the perpetration of robbery by them with do, under the authority with which they are vested by Clause first Section II Regulation I of 1814, commit him thereof, and under the provisions of Clause first and fifth Section IV Regulation XV of 1808, and Clause third Section II Regulation I of 1825, sentence the prisoner aforesaid to receive one hundred and ninety five lashes of a cat of nine tails, and to be transported to such place or places beyond seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for, and during the term period of his natural life.—

(Sent following letter No. 619

Read Return dated the 16th ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah to the Registar of the Court of Sudder Adawlut under date the 8th May 1839 - communicating their observations and orders on the Criminal Reports of the Zillah Courts for the Months of March—

(Vide minute Dated No. 760 of 1839.)

1.

In Paragraph 6 of the Proceedings of the 8th ultimo - the Court of Sudder Adawlut directed that the

8th June 1839.

the Punchait Sudr Ameen of the Zillah Court of Cuddapah should be called upon "to explain the grounds of his "Judgment" in Case No. 66 of the Report No. V - the Court being of opinion that the evidence as given in abstract in the Report was sufficient for the conviction of the prisoner.—

2. In the Return now recorded, the Assistant Criminal Judge states that "the Punchait Sudr "Ameen gives an explanation on which the grounds for * As in the Return "his judgment were founded in Case No. 66 are to the "following effect: the 1st witness saw the prisoner com= "=mit the act charged and gave information thereof "to the complainant and also to the 2d witness who "confirms the statement of the 1st witness, to the effect "that he, 1st witness gave him information on the subject "alluded to." That is, he offers as an explanation an exact ~~extract~~ transcript of the remark entered in the Report and cited in this Court's proceedings above referred to.

3. The Court of Sudder Adawlut repeat that they consider the evidence to be sufficient for the conviction of the prisoner: and they direct that the Punchait Sudr Ameen be required to explain why he considered it insufficient.—

Ordered, that Extract from these proceedings

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

(Sent following Precept No. 620)

Read the Criminal Reports for the Months of April 1839 submitted by the Joint Criminal Judge at Masulipatam.—

Cases Nos. 26 and 31. 1.

(Here enter No. 701)

With reference to the enumerations of these cases as stated in the Report, the Court of Enquiry Evidently resolve to direct the 3d Judge presiding at the Quarterly Sessions of 1839 at Masulipatam to call for the proceedings held in the case and pass thereon such order as may appear to him proper, with reference to Section XII Regulation X of 1816, reporting the result for the information of the Court of Enquiry Evidently.—

Cases Nos. 36. 36. 37 and 41. 2.

No explanation is given in the Report of the delay on the part of the Sessions Judge of Ellore in forwarding the Cases to the Criminal Court. The Joint Criminal Judge will send a copy of this Proceeding to the Magistrate, who will enquire into the proceedings in the Calendar, and note the conduct of the Police officials who forwarded the cases as he may then deem proper.—

Case No. 38. 3.

The prisoners in this case are charged with Coining. Perhaps the Presentment on the part of the Masulipatam

3d June 1839.

Masulipatam Serang, and on conviction were fined, the first prisoner 3 Rupees and the 2d Prisoner 5 Rupees commutable to imprisonment for one and two Months respectively.— The Court of Enquiry Evidently direct that copy of this case as it stands in the Report and of the Parah, should be sent by the Joint Criminal Judge to the Magistrate, who will be pleased to intimate to the Head Police of Masulipatam, that in cases of this petty nature, it is not necessary to forward cases to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Masulipatam by Precept returnable within five Days from and after its receipt.—

(Sent following Precept No. 621

Ordered also, that a Copy of Parah of these proceedings be sent to the Third Judge presiding at the Quarterly Sessions at Masulipatam by precept returnable within 20 days, from and after its receipt.—

(Sent following Precept No. 622

Read Letter dated the 18th ultimo from the Criminal Judge of Bellary, forwarding the Criminal Reports of that Zillah Court for the Month of April

(Here enter S.L. No. 807 of 1839)

the

Supplemental Report 1.
Case No. 84
Report V
No. 90 and 91.

In three cases, Clause fourth, Section III Regulation VI of 1822, is cited in support of the sentence passed on the prisoners.—

2.

The Court of Enquiry Kalutara observe that the offence brought home to the prisoners in all three cases is that of House breaking and falls within the provisions of Clause sixth, Section III of that Regulation.—

Supplemental Report 3
Case No. 87.

The four prisoners in this case were charged "with having stolen the complainants cattle while they were grazing in the field."

4.

They were sentenced by the Assistant Criminal Judge "to be imprisoned for two years with hard work in Irons and each to receive fifty Lashes of the Cat, at nine tails under Clause fourth, Section III Regulation VI of 1822."—

5.

By the abstract of the evidence for the prosecution, it appears that the first and second witnesses deposed "to having seen the cattle in the possession of the prisoners" and the third and fourth witnesses "that the cattle are the property of the respective prosecutors."—

6.

The Court of Enquiry Kalutara observe that the evidence above mentioned is, except that the prisoners stole the cattle: and they require information as to whether any, and if so, what evidence to that fact was adduced on the Trial.—

7.

In the mean while, the Criminal Judge will be pleased to suspend the sentence passed on the prisoners.—

Report V
Case No. 94.

8.

The first prisoner in this case was charged "with having attacked the Prosecutrix one day on the road and taken from her person certain gold and silver ornaments of the value of Rupees 5. 8. the second prisoner with having received the aforesaid ornaments, knowing them to have been stolen."—

9.

The prisoners were required by the Criminal Judge to find security for their future good conduct.—

10.

The Court of Enquiry Kalutara are not satisfied of the correctness of the judgment in this case.—

11.

It appears by the evidence of the first witness that the Prosecutrix "gave information to the Vidane and cumums that she had been robbed. and described the person who had robbed her as a short and black man": that "several persons were apprehended and the "Prosecutrix recognized the 1st. prisoner": and before the Criminal Court the Prosecutrix "swore positively that the 1st. prisoner was the person who robbed her."—

The

12. The Court of Conjdaree Adalat resolve to direct the Provincial Court of Circuit in the Centre Division to call for the Proceedings in this case, and upon consideration thereof to pass such orders on it as may appear to be necessary, with reference to the provisions of Section XXIII Regulation X of 1816. reporting the result to this Court.—

Case No. 96. 13. The prisoner in this case was released on the ground as stated in the Report of there being "no proof whatever".—

14. The Court of Conjdaree Adalat deem it necessary to direct the Criminal Judge to bring this case to the notice of the Magistrate, who will be desired to ascertain and report direct to this Court the grounds on which the Head of Police of Ghazipoor considered himself justified in forwarding the case to the Criminal Court.

Case. No. 99. 15. In this case also the prisoner cited by the Assistant Criminal Judge in default of bail is unapprehended. The case is one of murder and falls within the provisions of Clause sixth, Section II Regulation VI of 1829.—

Case. No. 111 16. Of the three prisoners in this case the first was charged with having stolen a gold ornament valued at Rupees 12 = 4 = — the property of the Prosecutor whose servant he was at the time and the second and third prisoner were charged with having received the ornament knowing it to have been stolen.—

17. The first and second prisoners were sentenced by the Assistant Criminal Judge to imprisonment with hard labour in irons. the first prisoner for twelve, the second for six months.—

18. The Report contains no notice whatever of the evidence in support of the prosecution in this case. There is nothing but the remark that "there is "no doubt left of the 1st prisoner being guilty of the "Robbery, and the 2d prisoner of having sold the stolen "articles knowing them to have been stolen".—

19. The Criminal Judge will be desired to require the Assistant to state for the information of the Conjdaree Adalat the nature of the evidence against the prisoners in this case: and will caution him against again omitting to insert the requisite abstract of the evidence.—

20. The prisoners, though apprehended on the 8th March were not forwarded to the Criminal Court until the 24th April: and the reasons assigned for the delay are unsatisfactory.—

21. The Criminal Judge will bring this Case

This confession was "evidence" though not evidence on which any conviction or detention of the prisoner could have taken place, unless it had been corroborated by other evidence.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Tanjore for the information of the Punditchen Ameen.—

(Sent in No. 625.)

Read return, dated the 29th Ultimo, from the Provincial Court of Circuit in the Centre Division, to the precept of the Conjeveram Zillah Court dated the 6th May 1839, directing them to call up the record of Case No. 57 of the Supplementary list of the Criminal Court of Chittoor for the month of March 1839. and pass such orders thereon, with reference to the provisions of Section XXIII Regulation X of 1816 as they may deem proper.—

(Here enter No. 867)

Read letter, dated the 28th Ultimo from the Acting Joint Criminal Judge of Guntoor, acknowledging the receipt of an Extract from the proceedings of the Court of Conjeveram Zillah Court under date the 18th May 1839.—

(Here enter No. 870)

Read

Read return dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division, to the precept of the Conjeveram Zillah Court dated the 20th May 1839, directing that the Officers of the Shroff Department in the Madras Presidency subject to the control of the Court of Conjeveram Zillah Court namely Captain Elwall and Captain Delaney be instructed thro' the Provincial Courts of Circuit in the Centre and Northern Divisions to discontinue the practice described by Lieutenant Birch, late Assistant to General Superintendent in the Shroff Department at Palmanair, of transcribing all proceedings in Persian and subsequently explaining the same to the parties undergoing examination in the examination of all cases falling within the Jurisdiction of the Company's local Courts.—

(Here enter No. 875)

Read return dated the 30th Ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Chittoor, to the precept of the Conjeveram Zillah Court dated the 27th May 1839, conveying their observations and orders on the Criminal Reports for the month of April 1839.—

(Here enter No. 876.)

Read

Read letter dated the 30th Ultimo from the acting Magistrate of Coimbatore, submitting an explanation relative to the conduct of the Police in Case No. 39 on the Coimbatore Criminal Reports for the month of March 1839 - called for in Extract from the Proceedings of the Conjeveram Adawlut under date the 2nd April 1839.

(There enter No. 878)

Read return, dated the 29th Ultimo, from the Provincial Court of Circuit in the Southern Division, to the precept of the Conjeveram Adawlut dated the 25th May 1839 - cancelling the Circular Order No. 102 of 1839.

(There enter No. 880)

Read return dated the 1st instant from the acting Criminal Judge of Combaconum to the precept of the Conjeveram Adawlut of the 18th May 1839, containing their observations and orders on the Criminal Reports for the month of March 1839.

(There enter No. 883)

Read return, dated the 1st instant from the acting Joint Criminal Judge at Cuddalore, to the precept of the Conjeveram Adawlut under date the 25th May 1839, containing their observations on the Criminal Reports for the month of April 1839.

(There enter No. 884)

F. 16.

At a Court of the Fouzdaree Udalut,

Present,

Tuesday, 4th June 1839

Thomas Alexander Oakes Esqre 1st Puisne Judge

William Huddleston Esquire 2nd Puisne Judge

Henry Dickinson Esqre 3rd Puisne Judge

Read again Letter dated the 10th april 1839 from the Second Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Fouzdaree Udalut, the Records of Cases Nos. 22 and 25 of the Ombaconum Calendar of the first Sessions of 1839.

L. N. C.

/ Here enter F. R. No. 567 of 1839. /

Read also Return dated the 30th / from the same Officer to the Precept of the Court of Fouzdaree Udalut under date the 25th april 1839, sending back the Records of Cases Nos. 22 and 25 of the Combaconum Calendar of the First Sessions of 1839. with instructions to take a Futwa from the Mahommedan Law Officer of the Court of Circuit in regard to the prisoner Sunatarayen and then return the Record of Case No. 25 to this Court and communicating the Courts observation that Case No. 22 was irregularly referred,

as

as the Presiding Judge concurred with the Mahommedan Law Officer in the acquittal of the prisoner Aroolan in that case -

/ Here enter T.R. No. 699 of 1839. /

Mr. Hudleston
and
Mr. Dickinson

The Court of Foujdaree Adalut, on having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, confirms the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, acquitting the Prisoners

1st Aroolan

and

2nd Iyanatarasen

and do accordingly acquit them: and direct that the Prisoner

1st Aroolan

be set at liberty -

The Court do not direct the release of the Prisoner

2nd Iyanatarasen

he having been convicted of Gang Robbery and Murder and sentenced in No. 8 of the Calendar to

to imprisonment and transportation for life -

1. In Parah 9. of his Letter of reference, the Second Judge on Circuit notices certain points to which, he observes, "the Prosecutors deposed: but the Court of Foujdaree Adalut do not find any such statements in the depositions of the first Prosecutor before the Court of Circuit -

2. The Court observe that the abstract of Evidence in the Letter is meant to give the Evidence as delivered at the trial with the notice of any discrepancy between that Evidence and the testimony of the Deponents at the preliminary investigation.

3. In the same letter it is stated that the 1st, 2nd and 3d witnesses deposed among other things that "they seized Sundee Moollah with the Bullocks which afterwards proved to be the property of the Prosecutors"

4. The Court of Foujdaree Adalut cannot find that the first witness made any such statement before the Court of Circuit. The second and third witnesses stated that they "came to understand" during the investigation before the Police Officer that the bullocks "belonged to the Prosecutors."

The

5. The Court of Sunjdarree Udalut are of opinion that there is no Evidence in the record of the Trial that the bullocks were stolen or belonged to the Prosecutors, which the Court see room to apprehend is owing to the defective Examination of the Prosecutors by the Judge of Circuit.

6. It is stated that Andee Mootoo confesses the Theft and the Court do not therefore see ground to doubt the propriety of this conviction by the Mooftee Sudr Ameen.

7. The Judge on Circuit would appear from parah 12 of his Letter to regard the conviction of Andee Mootoo as supporting the charge against the first prisoner in this case: but the Court of Sunjdarree Udalut observe, the Evidence on one trial cannot be taken to supply defects in that given on a different trial: the result of a trial must depend on the Evidence in that trial and no other.

8. The Court of Sunjdarree Udalut consider the prisoners entitled to the benefit of the doubts arising from the defects in the Trial, and have therefore confirmed the Futwa of acquittal delivered by their Mahommedan Law Officers.

Ordered

F.W.

4th June 1839.

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

/ Sent in No. 630 /

Read Letter dated the 15th Ultimo, from the Acting Criminal Judge of Combaconum, submitting the Criminal Reports for the months of April 1839.

/ Here enter No. 797. /

Case No. 66. 1. In this case, the Court of Sunjdarree Udalut observe that the detention of the Prisoner before the Head of the Police of Mauergoody from the 22d to the 28th March on which latter date, it appears that Officer sent the Case to the Shuzzoor, has not been accounted for. The Criminal Judge will be pleased to send copy of this parah to the Magistrate, who will cause the Head of Police to be informed that such information is always expected.

Cases No. 68 & 71. 2. The Court require further explanation of the grounds on which the orders for requisition of Security have been founded in these two cases.

3. Adverting to the abstract of the Evidence given in each case, it appears to the Court that the

the Sudr Ameens would have been warranted in convicting the parties, the Court therefore resolve to direct the Acting Criminal Judge to refer to the depositions recorded in the Case with a view to his ascertaining whether the Sudr Ameens have formed right judgments on the nature of the Evidence adduced against the respective prisoners respectively.

4. The Acting Criminal Judge will also be pleased to transmit copy of Case No 68 as it stands in the report and of this Parah to the Magistrate, who will be pleased to ascertain the cause of the prisoners having been detained for 6 days in the charge of the Taliary and take such notice of the conduct of that Officer as it may appear to him to be called for. the Magistrate will also be pleased to exhort the Police Ameen of Trivady to a more diligent discharge of his police duties than appears to have been shown by that Officer in the preparation and transmission of this case to the Criminal Court.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge for Combaconum for his information, and by guidance by Precept returnable in Five days, from and after its receipt.

/ Sent following Precept No 631 /

Read the Criminal Reports for the month of April submitted by the Criminal Judge of Rajahmundry.

/ Here enter F.H. No 849 of 1839. /

Supplemental Report Case No 23. of the Report No 5. for March 1839.

1. The Court of Sunjdaree Adalut resolve to direct the Provincial Court of Circuit in the Northern Division to call for the proceedings in this case and, with reference to the provisions of Section XXIII. Regulation X of 1816. to pass such orders thereon, as, upon consideration, may be deemed necessary - reporting the result to this Court.

Report v. Case No 35.

2. The Court of Sunjdaree Adalut require to be informed of the grounds of the suspicion which is declared to attach to certain of the prisoners in this case.

Case No 43.

3. In the abstract of the grounds of Judgment in this case, it is stated that although the Prisoner denied the charge before the Court, yet, the first prisoner in Case No 27 declared that he (the prisoner) was concerned with him in the commission of the Theft.

4. The Court of Sunjdaree Adalut direct

direct that the Pundit Sudr Ameen by whom this Case was disposed of be informed that the declaration of the first Prisoner in No. 27. was no Evidence against the Prisoner in this Case, and could not in fact be legally taken into consideration at all.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Rajahmundry by Precept returnable within five days from and after its receipt.

/ Sent following Precept No. 632 /

Ordered also, that Extract from these proceedings (para. 1) be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within fifteen days from and after its receipt.

/ Sent following Precept No. 633 /

Fd. L.A.C.

1842.

Read Letter dated the 18th Ultimo, from the Acting Magistrate of Malabar, affording the Explanation called for in the Proceedings of the Tinjdarah Udalut of the 22d April 1839 relative to Case No. 8 in the Crim.l Report of the Mayr.e Court at Cochin for the month of March 1839.

/ Here enter No. 801. /

F. 116.

At a Court of the Tinjdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Agt. & Puisne Judge

Wednesday, William Rudleston Esqre. — 2d Puisne Judge

5th June 1839. Henry Dickinson Esqre. — Actg. 3d Puisne Judge

Read letter dated the 14th Ultimo from the Acting 3d Judge of the Provincial Court in the Southern Division, transmitting the Record of Trial in Case No. 1. of the Trichinopoly 1st Supplemental Calendar for the 2d Quarterly Sessions of 1839.

(Here enter No. 782.)

L.A.C.

Mr. Oakes. and Mr. Dickinson.

The Court of Tinjdaree Udalut, having maturely considered the proceedings held before the Court of Quarter Sessions, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Tinjdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner

Athey

of Murder and awarding Kissaas; and under the provisions

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 a/c)

Read letter dated the 20th Ultimo from the Second Judge on Circuit in the Southern Division, submitting for the Final Judgment of the Court of Sudder Udalut, the Record of Case No. 5. of the Sessions Calendar of the first Sessions of 1839.-

(Here enter F.C. No. 81 of 1839)

1. In this case, the prisoner Coolundypiers was charged before the Court of Circuit with the murder of his wife Lutchmee by cutting her with a sword.-

2. The Court of Sudder Udalut cannot proceed to Judgment in this case without some inquiry as to the sanity of the prisoner-on which point not a single question has been asked.-

3. The prisoner has spoken before the Police (P. 9) in a strange manner. He appears to have slain his wife without any apparent provocation and then (P. 10.) to have tied her thumbs and toes together with a cloth, placed the body on a mat and covered it with a cloth. This seems an extraordinary proceeding under such circumstances. Then after repeatedly confessing the deed, he offers the defence that the deceased had dysentery and killed herself.-

4. The statement of the fifth witness (P. 58) that prisoner said he was obliged to kill his wife because she received a medicine from one of the witnesses and "applied it to him (the prisoner)" viewed in connexion with his story at page 6 about the "cloths" and "powder," seems to show that he has spoken inconsistently and absurdly on this point.-

5. Under these circumstances, the Court of Sudder Udalut resolve to direct the Second Judge of Circuit to issue a Precept to the Criminal Judge of Salem, requiring him to examine the Jailor in regard to the general conduct and manner of the Prisoner since he came under his observation and also to procure the attendance of two or three

5th June 1839.

three persons who may have known the prisoner for some years, and examine them as to whether he has ever been insane or whether his conduct during any period of their acquaintance has been such as to induce a suspicion of his insanity: and the Second Judge will forward English Translations of the examinations so taken for the consideration of this Court.

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept &c. returnable in 20 days from and after its receipt.

(Sent following precept &c.)

Read letter dated the 15th Instant from the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah, forwarding the Criminal Reports of that Court and the Principal Sudr Ameen's Court at Cumbum for the month of April 1839.

(Hereinafter F.M. No. 192.)

Cuddapah Report. Case No. 1. Report No. V. for January.

1. The prisoners in this case were charged with gang robbery (in having), on the night of the 23d of November 1838 with about 100 other persons, entered the houses of the Prosecutors by breaking down the doors, burnt the

2. F.M.

8th June 1839.

1st Prosecutor's grandfather and the 2d Prosecutor son and daughter with torches and stolen therefrom property of the value of Rs. 16,252-15-9.

2. Adverting to the abstract of the evidence given in the case, the Court of Foujdaree Udalut observe that if the property was proved to belong to the Prosecutor it should be explained why the evidence was not considered sufficient for the committal of the prisoners. If however the right of the Prosecutor in the articles produced was not established, the Court do not consider the Criminal Judge was justified in demanding security from the Prisoners, and the order should in that case be immediately cancelled. The Acting Criminal Judge will be pleased to submit an explanation on the subject.

Case No. 39.

3. There appears to the Court to be a clerical error in the charge in this case which states that the prisoner with others attempted to effect his escape from the ~~village~~ guard at Streepermadoor. In Cases Nos. 47 and 48 it is recorded that the prisoners therein included attempted to escape from the Jail guard. Should however the wording

wording "village guard" be correct, the Court of Fouzdaree Udalut direct that it be explained under what circumstances the convict Custa woolagadoo was committed to the charge of the village authorities.-

Case No 52. 4. Seen prisoners are herein charged with having with others in a gang, broken into the house of the prosecutor, beat and ill used the inmates, and stolen therefrom property to the amount of Rupees 55-6.

5. The Criminal Judge released the 1st, 4th and 10th prisoners, committed the 3d and 9th to take their trial before the Court of Circuit, and with reference to the 2d, 5th, 6th, 7th and 8th remarks that there is not sufficient proof to convict them, but as the 1st Witness declared that they were among the robbers, they are each under Sunds first Section IV. Regulation VI of 1822 sentenced to find security in the sum of 25 Rupees each for one year.-"

6. The Court of Fouzdaree Udalut observe, that if the recognition by the 1st Witness of the prisoners above specified was positive the Criminal Judge would in their opinion have

have been justified in committing them also to take their trial before the Court of Circuit.

Case No 54. 7. With reference to the abstract of the evidence given in this case, the Court of Fouzdaree Udalut observe that if the evidence of the 1st Witness and 2d Prosecutor to having seen the prisoners among the robbers on the night of the 5th March, was positive and given in a manner not open to suspicion or objection, these prisoners should have been committed.-

8. The Court therefore request to direct that Extract from these proceedings (marked No 8) be sent to the Provincial Court of Circuit in the Centre Division, with instructions to call for the Records of Case No 53 and 54 and pass such orders thereon with reference to the provisions of Section XXIII Regulation X of 1816, as may appear requisite reporting the result to this Court.-

Cases Nos 79 and 80. 9. In Case No 79 the prisoners are charged with having robbed "some body whose names are unknown of property, value unknown on the road."-

10. And in Case No 80 the prisoners are

this is orig.

5th June 1839.

are charged with having gone to the houses of somebody whose names are unknown in the village of Chintoodatum and stolen therefrom property value Rupees 18-6a.

11. This recorded in the report in explanation of the delay in disposing of these cases - that the examination is not finished awaiting the attendance of the Prosecutors who are not yet forthcoming.-

12. The prisoners in these cases arrived at the Criminal Court respectively on the 3d and 4th April, and there appears to the Court so little probability of the eventual appearance of the Prosecutors in each case, that they resolve to direct that if the cases have not been already disposed of, the Acting Criminal Judge be at once ordered to examine and dispose of them on the evidence that may be before the Criminal Court on the receipt of these orders. The Court of Foujdaree Udalut also direct it may be explained, under what circumstances the prisoners in these cases were apprehended.-

Cases Nos. 79. 81. 82 and 83.

13. With reference to these cases the Court of Foujdaree Udalut direct that the several

F. 16.

5th June 1839.

several Police Officers by whom they may have been transmitted to the Criminal Court be informed that whenever any delay may occur beyond the prescribed period in preparing a case for the Criminal Court, the reasons for the delay should be explained when transmitting the cases to that Court.-

14. The Magistrate is desired now to ascertain the cause of the detention in the Sulluk of the prisoners concerned in the cases specified, and should the reasons assigned by the Police Officers not appear satisfactory, he is required to take such notice of their conduct as may appear to him proper.-

Case No. 84.

15. The reason assigned by the Head of Police for the detention of this case in the Sulluk has been repeatedly denounced as unsatisfactory. The Acting Criminal Judge will therefore send copy of the case as it stands in the report and of this para to the Magistrate, who will be pleased to enjoin the Head of Police not to permit a delay of this nature in future.-

Case No. 85.

16. Adverting to the abstract of the evidence given in this case, the Court of Foujdaree

Foujdaree Udalut direct that copy of this case as stated in the report and of this perwanah be sent from their Registers Office to the Provincial Court of Circuit in the Centre Division, who will be pleased to call for the Proceedings held in the case with a view to ascertaining whether there is ground to impute undue practices to the Police in the preparation of it.—

17. The Court also direct that the attention of the Magistrate be called to this case, in order that he may take such notice of the conduct of the Police Officers for delaying the transmission of the case to the Criminal Court as may appear to him proper.—

Cases Nos. 86 and 94. 18. In these cases which were detained in consequence of a reference to the Magistrate, the Police Officer has not assigned any reason for the reference. The Court direct that copy of the cases as they stand in the report and of this perwanah be sent by the Criminal Judge to the Magistrate, who will require the attention of the Police Officers of Sooksaradha to the Circular Order of the Foujdaree Udalut No. 63

No. 63 dated 26th February 1836.—

Case No. 91. 19. With reference to the remarks of the Moofty Sudr Ameen, that the evidence of the 3d witness is not available in this case, the Court of Foujdaree Udalut direct the attention of the Assistant Criminal Judge in charge may be drawn to their Circular Order of the 15th April 1819. which refers to the principle on which the evidence of witnesses in Criminal Cases is to be rejected or admitted, and the Court of Foujdaree Udalut desire that the Acting Criminal Judge be required to refer to the depositions recorded in this case, with a view to his ascertaining whether the Moofty Sudr Ameen first, in his opinion, arrived at a correct judgment in the present instance.—

Cases Nos. 96 and 97.— 20. It is explained in the report that these cases have not been closed, as more witnesses are summoned.— It appears that these and other cases are sent to the Criminal Court in a very imperfect state. The Criminal Judge will therefore communicate this to the Magistrate and enjoin him to use his endeavors to secure the

the transmission of Criminal cases to the Court in a more complete form.—

21. The Court will not animadvert more strongly on the great arrears before the Criminal Court at Cuddapah under the impression that they have been already greatly reduced, and that no exertion will be spared to prevent the accumulation of arrears in future.—

Cumbum Report. Case No 16.

22. In this case, 8 persons are charged with having, with others in a gang, armed and with lighted torches, entered the houses of the Prosecutor and robbed them of property valued at Rupees 303.—

23. The 8th Prisoner was unconditionally released, the 4th, 5th, 6th and 7th required to enprodnce each two securities in the amount of Rupees 100.—

24. Upon reference to the abstract of the evidence recorded in the Report of this case, it appears that one of the witnesses deposes that he recognized the 4th Prisoner and another witness deposes that he recognized the 5th, 6th and 7th prisoners at the perpetration of the crime.—

25. Under these circumstances, it appears to the Court of Foujdaree Udalut that the Principal Sudr Ameen would have been justified in committing the 4th, 5th, 6th and 7th prisoners on the evidence brought against them.—

26. The Court however resolve to direct the Provincial Court of Circuit in the Centre Division to call for the proceedings held in the case and pass on them such orders as they may consider proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Court of Foujdaree Udalut.—

Case No 17.

27. Against the 2d, 3d, 4th and 5th prisoners in this case, there seems to have been no evidence beyond their police confessions. These are manifestly insufficient for their conviction, and should the Principal Sudr Ameen have no further explanation to offer, the Court direct that the said prisoners be released on the receipt of these instructions.—

Case No 19.

28. The prisoner in this case was charged with having at night entered the house

hender of the Prosecutor, and stolen therefrom property to the amount of Rupees 35.

The prisoner was convicted and sentenced to 6 months imprisonment with hard labor and to receive 50 stripes under the provisions of Clause sixth Section II Regulation VI of 1822 on the grounds that the Prosecutor and one of the witnesses depose to their having seen the Prisoner going with the property.

39. With reference to this remark, the Court of Fouzdaree Udalut direct it may be explained, whether the stolen property was discovered on the prisoner, and also to submit a fuller explanation of the nature of the evidence against the prisoner.

30. The Court also desire to be informed of the object of the reference of this case to the Sub Collector, by which it is stated the transmission of the case to the Criminal Court was delayed.

Case No 30. 31. Adverting to the evidence on record against the 4th prisoner, the Court of Fouzdaree Udalut are of opinion that if he was recognized by the witness, among the robbers at the perpetration of the crime, there would be sufficient

for Murder

evidence to warrant his committal also.

32. The Court therefore resolve to direct that copy of this parah be sent to the Provincial Court of Circuit in the Centre Division, who will be pleased to call for the proceedings held in the case and pass such orders thereon as they may deem fit, with reference to Section XXIII Regulation X of 1816, reporting the result for the information of the Fouzdaree Udalut.

33. The reasons assigned for the detention of the prisoners in this case have been repeatedly denounced to be inadmissible. The Acting Criminal Judge will therefore be pleased also to send a copy of this case as it stands in the Report and of this parah to the Magistrate, who will warn the Police Officer against in future detaining beyond the prescribed period, prisoners before him, on grounds so insufficient and unsatisfactory.

Case No 31. 34. A copy of this case also will be forwarded by the Acting Criminal Judge to the Magistrate, who will be pleased to ascertain and report where the prisoners were

from

5th June 1839.

from the 8th of April, the date on which they were apprehended to the 15th of April, the date on which it would appear they were brought before the Tashildar.—

Case No 22 35. From the Statement in the Report it appears to the Court of Tanjalore Udalut that the Principal Sudr Ameen would have been justified in convicting the Prisoner in this case on the evidence adduced against him.—

36. It appears that the Prisoner, who was charged with having at night, scaled the Prosecutor's house with the intention of committing theft, was seen by two witnesses on the top of the Prosecutor's house and that some of the witnesses hearing an alarm of thieves went out of their houses and apprehended the Prisoner whom they saw running away.—

37. The Court of Tanjalore Udalut accordingly resolve to refer copy of this case for the consideration of the Provincial Court of Circuit, who will on a consideration of the proceedings held thereon, pass such orders as they may deem fit, with reference to

5. S.R.C.

5th June 1839.

to Section XXVII Regulation X of 1816, reporting the result for the information of the Tanjalore Udalut.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Cuddapah by precept returnable within ten days, from and after its receipt.—

(Sent following precept &c.)

Ordered also, that Extract from these proceedings (paras: 4, 5, 6, 7, 8, 16, 17, 22, 23, 24, 25, 26, 31, 32, 35, 36 and 37) be sent to the Provincial Court of Circuit in the Centre Division, by precept returnable in 20 days from and after its receipt.—

(Sent following precept &c.)

Read letter dated the 31st May 1839 from the Magistrate of Cuddalore, reporting, with reference to the remarks of the Tanjalore Udalut in their proceedings of the 13th May 1839 on Cases Nos 26 and 27 of the Cuddalore Criminal Report V for March last, that no satisfactory explanation has been received either from the Cutwal of Cuddalore or the Head of Police of Chinamalay

an

5th June 1839.

and that the former had been removed from office and the latter fined &c.

(Here enter No 885.) &c.

Eq. No 1 L.A.O

Circle

Supreme Court of the Louisiana Adelaide.

Present,

Thursday 6th June, 1839. Thomas Alexr Baker Esqre — Acting 1st Puisne Judge,

William Huddleston Esqre — 2d Puisne Judge,

Henry Dickinson Esqre — Acting 3d Puisne Judge,

L.A.O.

Read letter dated the 12th April 1839 from the 2d Judge on Circuit in the Northern Division, transmitting the Record in Case No 1 on the Calore Supplemental Calendar for the 1st Sessions of 1839.

(Here enter No 634)

Mr. Baker. and Mr. Dickinson.

The Court of Enquiry Adelaide 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 Inulla Brotcheganda

2d Cawcawganda

3d Sullapully Nawaganda

and

4th Bundaroo Nardaganda

is sufficient to convict them of the crime of Shiphimay Robbery by open violence, &c, under the authority, with which they are vested by Clause first, Section II of Regulation

Regulation I of 1818, convict them thereof and under the provisions of Clause third Section IX and Clause third Section VIII Regulation XV of 1803. and Clause fourth, Section II Regulation II of 1826, sentence the prisoner

1st Mulla Boochaegundoo

to receive one hundred and ninety-six lashes of a cat of nine tails, and to be banished to the District of Dindigul-tanam, and imprisoned in the Jail of the Provincial Court, and kept to hard labor in Irons on the public roads or other public works, for, and during the period of fourteen years: and the prisoners

2d Cauderin gaundo,

3d Sulka pully Vurreyaundo,

and

4th Bundaroo Pundayandoo,

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

(Sent following letter No. 648)

Read Letter dated the 27th ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, forwarding the sentence of the Court of Circuit in Case No. 44 of the Calendar of the second Sessions of 1838. together with a copy of the Native Mahommedan Law Officer and an Extract from the Proceedings of the Acting Second Judge in regard to

the same case.—

(Here enter Sir No. 813 of 1839)

1. The orders of the Court of Coimbatore & Madura are required only in regard to the fifth and eleventh prisoners in this case, who are both convicted of Gang Robbery.—

2. In favor of the fifth prisoner "who is a youth not more than 17 or 18 years of age"— the Acting Second Judge recommends "a mitigated punishment of 4 years' imprisonment and labour."—

3. The Court of Coimbatore & Madura are of opinion that exceptions under peculiar circumstances, the sentence for the crime of Gang Robbery should exceed that prescribed by the Regulations for Theft: and that in the present case the proposed mitigation should be limited to eight years.—

4. The Court accordingly authorize the Acting Second Judge, to issue his warrant to the Joint Criminal Judge of Cuddalore for the imprisonment of the prisoner

5th Groovayen

for the period of eight years.—

5. The Court of Coimbatore & Madura direct further that the sentence of Banishment passed upon

upon the prisoner

Thamootien

be carried into effect in the District of Trichinopoly

Ordered, that Extract from these

Proceedings be sent to the Acting second Judge of the

Provincial Court of Circuit in the Centre Division for

his information and guidance.—

(Sent in No. 649

Read Letter dated the 31st ultimo from

the Joint Criminal Judge of Trichinopoly, forwarding the

Criminal Reports of the Auxiliary Court for the month of

April.—

(Here enter Cir. Rs. No. 821 of 1889)

Report V

Case No. 20.

1. In this case, the prisoner

Caroopen Gadavarayen

was charged with having stolen a Bullock belonging to

the Complainant valued at Rupees 7—.—

2. The prisoner was "cautioned and discharged"

on the ground, as stated in the abstract of the evidence

in the Report, of there being "no proof that" he "stole

the Bullock" "which was however found in his possession"

3. The Court of Enquiry Ootacamund deem it

proper to direct the Provincial Court of Circuit to call for

the Proceedings in this case and if the same record thereon

as may appear requisite, with reference to the Provisions

of

6th June 1889.

of Section XXIII Regulation X of 1816 - reporting the result

to this Court.—

Case No. 33. 4. In this case, the prisoners

Thamootien Marooday

and

Thamootien Caroomben

were charged with entering, during the night, the back

yard of the prosecutors house, and stealing there from

a shop valued at five Rupees.—

5. The first prisoner - "being an old offender"

was sentenced to "two years imprisonment with hard labour

"in Irons, and to receive five dozen lashes with a cat of nine

"tails:" and the second prisoner - "a boy of ten or twelve

years of age, but of bad character" ... "to be kept in

"solitary confinement for two months and at the expiration

"of that period to receive two dozen lashes with a cat of

"nine tails."—

6. The Court of Enquiry Ootacamund are of

opinion that two months solitary confinement will be

a sufficient punishment in the case of the second

prisoner "Caroomben" - and adverting to his youth and

the probability of his having been led away in the

present instance by the first prisoner - they resolve

to remit the Lashes.—

7. The Joint Criminal Judge will accordingly

be directed

6th June 1839

3

record that part of the sentence which adjudged the said second prisoner Caromban to receive corporal punishment.—

8.

It is observed that the Reports under consideration did not reach the Registrar's office until the 5th Instno.—

9.

The Court of Conjeveram Adalut direct the Joint Criminal Judge be enjoined to adhere strictly in future to the Rule contained in para 6 of the Circular Order of the 18th April 1835. No 68 - which requires the Criminal Reports to be dispatched so as to reach at Madras by the fifteenth day of the month succeeding that for which the said Reports are furnished."

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Trichinopoly by Express returnable within five days of the receipt and after its receipt.—

(Cont following Receipt No 650

Ordered also, that Extract from the proceedings (paras 1 & 3) be sent to the Criminal Court of Circuit in the Eastern Division by Express returnable within twelve days from and after its receipt

(Cont following Receipt No 651.

L.H.C.

4th

No 66.

At a Court of the Conjeveram Adalut

Present

Friday 7th June 1839. Thomas Alexr Oakes Esqre — Acting 1st Puisne Judge

William Huddleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — Acting 3d Puisne Judge

Read Letter dated the 14th Ultimo from the Criminal Judge of Nellore, submitting the Criminal Reports for the month of April.—

(Here enter No 776)

L.H.C.

Case No 21.

1. The Magistrate will be pleased to report why the evidence required in this case, which is stated to have reached the Court on the 18th March, could not be procured before the 3d and 11th of April.—

Nos 26 and 27. 2. The reasons assigned for the detention of these cases in the Calendar are not satisfactory, the Court of Conjeveram Adalut therefore direct that copy of the cases as they stand in the report and of this para be sent by the Criminal Judge to the Magistrate, who will enquire into the proceedings held in the Calendar and take such notice of the conduct of the Police officers as may seem to him proper. The Magistrate will also be pleased to require the Police officers to give clear information as to the object of references in future similar cases, agreeably to the

the injunction of the Circular Order No. 62 dated the 26th February 1836.—

Case No. 28. 3. Copy of this case also will be sent by the Criminal Court to the Magistrate, who will ascertain and explain how the prisoners were disposed of from the 17th to the 26th March the day on which it is reported they appeared before the Assistant Magistrate.—

Case No. 31. 4. It is stated in the report that the prisoner in this case who was convicted of the offence of entering during the day into the House of the Complainant and stealing therefrom jewels [illegible] of the value of Rupees 236— was sentenced to 2 years imprisonment without irons and with labor suitable to her sex under the provisions of Clause sixth Section III Regulation VI of 1822.—

5. The prisoner in this case does not appear to have been charged with housebreaking nor does there seem any proof of this offence against her. The case appears to be one of simple theft and the prisoner would therefore seem to be punishable under clause fourth Section III Regulation VI of 1822. The Pundit Sudr Ameen will accordingly be directed to amend the sentence passed by him.—

Case No. 32. 6. This case appears to have been under examination

examination for a protracted period in consequence of the non-attendance at the Criminal Court of the required witnesses. The Court of Sudder Dewanny Adawlut direct that copy of this case as it stands in the Report and of this Perwana be sent by the Criminal Judge to the Magistrate, who will be pleased to explain direct to this Court why the attendance of the necessary witnesses could not be procured by the end of April.—

7. The Magistrate will also be pleased to enjoin the Head Police of Cuda in every instance in which a delay may occur in transmitting a case to the Criminal Court, to submit an explanation of the cause of the delay.—

Cases Nos. 33. 34. 35. and 36. 8. The reasons assigned for the detention of these cases in the Calaboo are not at all satisfactory. The Court of Sudder Dewanny Adawlut therefore direct that copy of these cases as they stand in the Report and of this Perwana be sent by the Criminal Judge to the Magistrate of Vellore, who will inquire into the proceedings in the Calaboo and take such notice of the conduct of the several Police officers concerned, as circumstances may seem to render proper.—

Ordered

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bilara for his information and guidance, by precepte returnable in five days from and after its receipt.

Ent. No. 1.

(Sent following Precpte. No. 855.)

Read Letter dated the 28th ultimo. from the Magistrate of Vizagapatam, submitting translations of Depositions taken from three persons who acknowledge themselves to have been accessaries to the plunder of Contumatee Sporam a Village of the Calcondah Zemindary, and recommending that a conditional pardon be offered to them.

(Here enter F.C. No. 841 of 1830.)

1.

The Court of Sudder Adawlut, having maturely considered the circumstances represented in the Letter from the Magistrate now recorded - also one, under the discretion vested in them by Section XII, Regulation XII of 1832, to authorize that officer to offer a pardon to the three persons therein mentioned, namely,

1st Pantoma Gomarado

2d Pantoma Dutchmardo

and

3d Comatee Pilley Lumbady

on the terms and conditions specified in Section XX Regulation VIII of 1802.-

2.

Adverting to the remark of the Magistrate in Sparah 4 of his Letter that "for a considerable time" he "was unable to induce any of the persons apprehended,

to

F.C.
7th June 1830.

"to confess" the Court of Sudder Adawlut deem it necessary to observe that the Magistrate's proceedings in this part of the business appear to have been irregular. He was not warranted in using endeavours to "induce" the accused to confess:- and these confessional Declarations cannot be used as "free and voluntary confessions"; in the event of the parties failing to fulfil the terms of the offer of pardon and being in consequence of such failure put on their trial under the Circular Order of the 3d April 1828.-

3. Further - the Court of Sudder Adawlut are of opinion that the Criminal Judge and not the Magistrate is the proper authority to make application for an offer of conditional pardon under the Provisions of Section XX Regulation VIII of 1802, when the object in view is not the "apprehension" but the "conviction" of "the principal offender or offenders".-

4. In the case under consideration, it appears by the letter of the Magistrate (Sparah) that the principal offender is in custody.-

5. The Court of Sudder Adawlut have however passed by this irregularity from a consideration of the importance of avoiding delay in the preliminary proceedings in the case.-

The

6.

The Magistrate will be careful to conform on this occasion to the Circular Order of 30th April 1838.—

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

Sent in No 856.

Read further return dated the 5th instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Tonjadarce Udalut under date the 3d May 1839— requiring him to report what orders he issued in respect of the suggestion of the Magistrate of Chingleput to bring the witness Vedanayagum in Case No 6 of the Chingleput Calendar of the 2d Session of 1839 to Trial for Perjury, should a perusal of the proceedings appear to warrant that course: also to state his opinion whether there are sufficient grounds for instituting a Criminal prosecution against the Native Police servants who have been dismissed by the Magistrate for their conduct in regard to the same case.—

(Here enter No 855).

Ev. A. L.

E. A. C.

H. D.

No.

At a Court of the Tonjadarce Udalut.

Present,

Thomas Alexr. Oakes Esqre — Actg 1st Puisne Judge

Saturday 8th June 1839. William Hudleston Esqre — 2nd Puisne Judge

Henry Dickinson Esqre — Actg 3d Puisne Judge

Circular Order

No 107.

E. A. C.

1. It has been brought to the notice of the Court of Tonjadarce Udalut, that the Circular Order No 84, dated 27th April 1837, has been construed to supersede the necessity of causing confessions, put in on trials before the Court of Circuit, to be read in open Court.

2. The Court of Tonjadarce Udalut deem it proper, therefore, to explain by a Circular Order, that the Circular Order No 41 dated 30th April 1835 is not superseded by the said Circular Order No 84: and it is also considered necessary to observe that the subscribing witnesses to such confessions ought still to be examined as to the contents of the declarations attested by them, so far as to be

asked

asked the general purport of such declarations, the object of such examinations being, not to prove that particular facts were admitted by the accused, but that the witness was present at the confession, regarding which point they would be reasonable cause for doubt, if the witness should be unable to state, generally, the purport of such confession.—

Ordered, that Extract from these proceedings be sent to the 1st Provincial Court of Circuit by precept requiring them to communicate the same to the Judges on Circuit for their information and guidance, returnable within seven days from and after it's receipt.

(Sent following precept No.)

Read letter dated the 13th Ultimo from the First Judge late on Circuit in the Northern Division, submitting for the final judgment of the Tuijdanee Udalut the Record of Case No. 18 of the Chicacole Calendar of the Second Sessions of 1838.—

(Here enter F.U. No. 785 of 1839.)

1. The Court of Tuijdanee Udalut deem it necessary to over-rule the order issued by the Judge of Circuit for the commitment of

of the 1st Witness "Doollah" for Perjury.—

In this case, it appears to the Court that her examination on the trial was opposed to the latter part of the Circular Order of the 4th March 1830, which declares that "when other sufficient evidence exists, it would be, obviously, very objectionable to make use of the testimony of parties thus situated."—

Husbands and Wife

2. Moreover, the witness in question, is not, in the opinion of the Court of Tuijdanee Udalut, altogether clear of suspicion of improper intimacy with the deceased, on which account it was objectionable to make her a witness.—

3. The Circular Order of the 31st January 1834 viz, in the opinion of the Court of Tuijdanee Udalut, appeared in principle to bring for perjury a witness, called under such circumstances as this woman was, to give evidence against her husband.—

4. The First Judge will accordingly be pleased to issue the necessary order for the immediate discharge of "Doollah" from custody.—

Ordered

8th June 1839.

Ordered, that Extract from the proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division, by Precept returnable within seven days from and after its receipt.—

(Sent following precept &c.)

Read return dated the 31st Ultimo from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut dated the 25th May 1839 cancelling the Circular Order No. 10 dated 11th February 1839.—

(Communicates Circular Order &c. 1839)

(Here enter No. 892.)

Read letter dated the 1st Instant from the 3rd Judge of the Provincial Court of Circuit in the Northern Division reporting his intention to open the 2nd Sessions of 1839 in the Zillah of Nellore on the 1st Proximo.—

(Here enter No. 903.)—

T.A.O

F.A.O

F.A.O

F

Section II Regulation I of 1818, convict them thereof, and under the provisions of Clause second of the latter Section and Regulation, direct their Law Officer to declare by a second Futwa, to what sentence the prisoners would have been liable under the Mahomedan Law, if they had been convicted upon full legal evidence.—

Answer.

In the event of the crime of wounding being established against the prisoners by full legal evidence, they would be liable to Ookoobut.—

Mr. Dickinson.

The Court of Foujdaree Udalut, under the finding of Ookoobut declared in the foregoing Futwa, and under the provisions of Clause first Section V. Regulation VIII of 1831, and Clause third, Section VII Regulation XV of 1803, sentence the prisoner

1st Mulla Gaynadoo

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

The Court do not pass sentence on the prisoner

2nd Mulla Boocheegaundoo,

he having been convicted and sentenced in

Case

Case No. 1. of the Supplemental Calendar.

(Sent following letter No. 864)

Read letter dated the 24th Ultimo from the Acting First Judge of the Provincial Court of Circuit in the Centre Division, submitting for the Final judgment of the Court of Foujdaree Udalut the Record of Case No. 29 of the Calendar of the First Quarter Sessions of 1839— holden at Chittoor.—

(Here enter F. No. 839 of 1839.)

Before proceeding to Judgment in this case, the Court of Foujdaree Udalut deem it necessary to have before them the whole of the Police Officers' proceedings; and they accordingly resolve to direct the Provincial Court of Circuit in the Centre Division to transmit English Translations of the same for their consideration.—

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

(Sent following precept No. 885)

Read

Read letter dated the 19th April last from the Third Judge on Circuit in the Western Division, submitting for the final judgment of the Court of Sanjalawe Udalat the Record of Case No. 12. of the Calendar of the Zillah Court of Canara, for the first Sessions of 1839.

(Here enter F.C. No. 616 of 1839)

1. It is observed that the Declarations delivered before the Head of Police and the Criminal Judge by the first and second prisoners respectively, were not put in and proved at the trial before the Court of Circuit, and cannot therefore be taken into consideration by the Court of Sanjalawe Udalat.

2. Considering these Declarations to have an important bearing upon the case, the Court of Sanjalawe Udalat resolve to direct the Third Judge on Circuit in the Western Division to issue a Precept to the Criminal Judge of Canara, requiring him to cause the declarations in question to be proved in the usual manner by the writer of these before the Head of Police and the said Head of Police himself as he has not had them attested

and

and by the attesting witnesses to those in the Criminal Court, and read in the presence of the said prisoners before himself, the prisoners being allowed by the Criminal Judge to cross examine the witnesses and to offer any thing further in their defence should they wish it, at the close of the proceedings held under these instructions.—

3. In certifying conformity to these instructions, the Third Judge will send up English Translations of any additional evidence which may be elicited by the cross examination of the witnesses by the Prisoners and of any further statements which the latter may be fit to make, for the consideration and final judgment of the Sanjalawe Udalat.—

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

(Sent following precept to No. 666)

Read return, dated the 31st Ultimo from the Provincial Court of Circuit

in

At a Court of the Foujdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Tuesday — William Rudleston Esqre. 2d Puisne Judge.

11th June 1839. — Henry Dickinson Esqre. 3d Puisne Judge.

Read again letter dated the 4th May 1839 from the 3d Judge on Circuit in the Western Division, referring the trial in Cutcherry No. 15 on the Primary and 1 on the Supplemental Calendars for the 1st Sessions of 1839, to the Court of Foujdaree Udalut for their judgment, and the final orders of Government.

(Here enter No. 718.)

Read also order of Government dated the 4th Instant, confirming the sentence of the Foujdaree Udalut in Cutcherry No. 15 on the Primary and 1 on the Supplemental Calendars of the Zilla of Canara for the 1st Sessions of 1839.

(Here enter No. 894.)

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

L.A.C.

Mr. Rudleston and Mr. Dickinson

10th June 1839.

in the Centre Division to the precept of the Foujdaree Udalut dated the 25th May 1839 cancelling the Circular Order No. 102 dated 14th February 1839.

(Here enter No. 886.)

Read return dated the 29th Ultimo from the Joint Criminal Judge at Vizagapatam, to the precept of the Foujdaree Udalut dated the 15th May 1839, conveying their remarks on the Criminal Reports for the month of March last.

(Here enter No. 894.)

Read letter dated the 5th Instant from the 2d Judge on Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1839 at Coimbatore on the 5th Instant and the state of the Calendar.

(Here enter No. 905.)

Read returns dated the 4th Instant from the Acting Criminal Judge of Salem to the precept of the Foujdaree Udalut dated the 23d May 1839, conveying their observations and orders on the Criminal Reports for the month of April 1839.

(Here enter No. 908.)

L.A.C.

4 Encl. Pbs

JRD.

do accordingly direct that the Prisoner
1st Sabroo alias Gapturi Saib
be transported to such place or places beyond the
as the Governor in Council shall appoint,
there to be imprisoned and kept to hard labor
in Irons on the public roads or other public
works, for, and during the period of his natural
life: and that the Prisoner
2nd Oochubba
be imprisoned and kept to hard labour in
Irons on the public roads or other public
works, for, and during the period of fourteen
years.—

The Court likewise direct that
Extract from their proceedings under date
the 25th May 1839 in Cases Nos 15 of the
Primary and 1 of the Supplemental Calendar
of the Zillah of Canara for the first Sessions
of 1839 be sent for the information and
guidance of the 3rd Judge on Circuit in the
Western Division.—

(Sent in No 670)

Read Return dated the 28th
Ultimo from the Provincial Court of Circuit
in the Centre Division, to the precept of the
Court

Court of Sessions Udalut under date the
3rd May 1839 directing them to call for
the Proceedings in Cases Nos 25-29 and
46 of the Supplemental Criminal Report
of the Zillah Court of Cuddapah for the
month of March 1839, and pass the requisite
orders thereon, with reference to the provisions
of Section XXIII Regulation X of 1816.—

(Here enter Ffa No 852 of 1839.)

Case No 25. 1. The tenor of the remarks of the
Provincial Court of Circuit in the Extract from
their Proceedings under date the 23rd May
1839 which accompanied the Return now
recorded, affords room to believe that that
Court have misconceived the object of the
reference made to them in regard to the cases
above mentioned.—

Case No 25. 2. The Court of Sessions Udalut
did not doubt that there was "quite enough
to justify the demand of security from the
first prisoner" in Case No 25: but they doubt-
ed the propriety of dismissing the charge,
and their opinion on this point is confirmed
by what is now stated by the Provincial Court.

The

11th June 1839.

3. The Court accordingly resolve to direct the Provincial Court of Circuit to instruct the Acting Criminal Judge of Cuddapah to commit the prisoner

1st Yakkala Soobbadoo

to take his trial before the Court of Circuit for the murder of the deceased Ramadoo.

Case No 39. 4. The Court of Fouzdaree Udalut concur in the remarks of the Provincial Court on this case, observing only that the "further investigation" ordered by the Provincial Court must be made with a view to the eventual commitment of the prisoner, not to the discharge of the security.

Case No 46. 5. The Court of Fouzdaree Udalut observe that this case is beyond the jurisdiction of the Criminal Court, and with reference to the remarks of the Provincial Court in regard thereto, they resolve to direct that Court to instruct the Acting Criminal Judge of Cuddapah to commit the prisoners.

1st Moosmall Khan

and

2nd Goodda Naugadoo

to

2.

No.

11th June 1839.

to take their trial before the Court of Circuit for the offence charged against them.

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

(Sent following precept dated 17th)

W.B.

H.

L.C.

11th June

Case No 39

Case No 40

At a Court of the Fouzdaree Udalut

Present

Thomas Alexr Oakes Esqre Agt 1st Puisne Judge

Wednesday — William Rudleston Esqre — 2d Puisne Judge

12th June 1839 — Henry Dickinson Esqre — Agt 3d Puisne Judge

Read letter dated the 16th May 1839 from the 3d Judge on Circuit in the Cuttack Division, transmitting the record in Case No 39 on the Bellary Calendar for the 1st Sessions of 1839.

(Here enter No 804.)

L.N.C

Mr Oakes and Mr Dickinson

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-ul-Cozat and Mooftees of the Fouzdaree Udalut, confirm the said futwa of the Cazee-ul-Cozat and Mooftees aforesaid, convicting the prisoner

Capa Narapah

of murder on strong presumptive proof and awarding Ookoobut and not under the provisions

of

111

of Section X Regulation VIII of 1803, sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.

(Sent following letter at P. 673)

Read letter dated the 24th Ultimo from the Third Judge on Circuit in the Western Division, forwarding copies of the Calendars laid before the Court of Circuit at the first Sessions of 1839 - by the Principal Sudr Ameens of Honore and Sirsee - with a copy of the Statement of Facts required by the Circular Order of the Court of Sunjulance Udalut dated the 30th -

(Here enter F. Us. No 862 of 1839)

Sirsee Cal.r Case No 7

1. The prisoner, in this case, who was charged with Wilful & corrupt Perjury, under the Provisions of Regulation III of 1826, was discharged from the Bar without Trial, for the reasons recorded in the Extract from the Proceedings of the Court of Circuit under date the 16th May 1839 -

2. The Court of Sunjulance Udalut resolve to direct the Third Judge to send up for their consideration an English Translation

of the Record laid before the Court of Circuit.

3. In the Extract from his Proceedings above cited, the Third Judge remarks that "the Prisoner in this case must be discharged, for although there appears a contradiction between his examinations given on oaths before the Principal Sudr Ameen of Sirsee on the 21st February and 4th March 1839 - of what Shivoo had declared to him as to who had put Kempee to death, still the fact deposed to on his testimony "was not material to the issues of the Judicial Proceeding" against the said accused, as leading to his conviction - hearsay evidence being no ground for Perjury nor a confession admissible before any but an authority competent to receive it."

4. The Court of Sunjulance Udalut observe that the opinion put forth by the Third Judge in the concluding passage of the above quotation is altogether erroneous

5. Evidence of admission by the accused is not hearsay evidence and the testimony of any individual to such admission or confession, is not only "admissible but

but most important evidence in-

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

(Sent following precept № 674)

Read the following letter dated the 1st Instant from the Provincial Court of Circuit in the Centre Division-

(Here enter F.Ua № 888 of 1839)

1. With this Letter, the Provincial Court forward a copy of a communication from the Assistant Criminal Judge in charge of the Zillah Court of Chittoor, wherein that Officer refers the question of whether a Prisoner originally drafted from the Chittoor Jail to work on the Western Road within the Zillah of Chingleput and re-apprehended in that Zillah of Chittoor after escape from custody in the Zillah of Chingleput, is punishable by the Criminal Court at Chittoor or that at Chingleput-

2. It appears that the prisoner referred to by the Assistant Criminal Judge

was

F.Ua.

13th June 1839-

employed under the orders of Lieutenant Worster the Superintendant of the Great Western Road-

The Court of Sudder Adalut

3. are of opinion that the Provisions of Section III Regulation I of 1833 apply to offences by Convicts (under the charge of the Officers referred to in Clause first, Section II of that Regulation) which may not be punishable by those Officers-

And as "Escape" is not punishable

4. under the provisions of Regulation X of 1832, it follows that those Officers could not, under the Clause last mentioned, have cognizance of it-

5. The Proviso, in Section III of the Regulation being inapplicable to this case-(the prisoner being now in custody at Chittoor) The Court of Sudder Adalut are of opinion that the offender must be punished by the Criminal Judge of Chittoor-

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

(Sent in № 675)

P.A.D.

4th D.

At a Court of the Fujdaree Udalut

Present

Thomas Alexr. Oakes Esqre.—Actg 1st. Puisne Judge

Thursday 13th June, 1839.

William Hudleston Esqre.—2d. Puisne Judge

Henry Dickinson Esqre.—Actg 3d. Puisne Judge

F.A.B.

Read letter dated the 17th Ulto. from the Third Judge on Circuit in the Cuttack Division, forwarding a copy of the Ballary Calendar of the First Sessions of 1839.-

(Here enter F.C. No. 805 of 1839.)

Case No. 10.

1. The prisoners in this case were charged with having stopped the complainants on the Highway, beaten them with their hands, and robbed them of property of the aggregate value of Rupees 53 n 12.-

2. The Third Judge recommends that the prescribed penalty be reduced to imprisonment for five years in the case of the third and fourth prisoners who alone are convicted, "in consideration of their not being old offenders, their being entirely unarmed at the time they committed the robbery."

2nd Ramoodoo
3rd S. Lingadoo
4th W. Caravadoo
5th Pedda Mulloogandoo
6th Casteegandoo
7th B. Hurmadoo
8th Soonkadoo
9th Sippoogandoo
and
10th Adevegardoo

in Case No. 54:-

1st Lutchmana Sing
and
2nd Kristna Sing

in Case No. 55:-

1st Moonegandoo
2nd Poollarnah
and
3rd Sunjeevoogandoo

in Case No. 58:- and

1st Rungadoo son of Mudlapah
2nd Rungadoo son of Yellappah
and
3rd Rungadoo son of Rungappah

in Case No. 61:-

with hard labour in Irons for the period of eight

No.

13th June 1839.-

Ck. No. 38.

eight years respectively.-

In this case, the Prisoner

Timma japah

was charged with having, at midnight, broken into the house of the complainant and stolen therefrom property of the value of one thousand nine hundred Rupees.-

8. The prisoner was convicted by the Court of Circuit: but the Third Judge states that "it has been clearly established by the witnesses for the Defence that the Prisoner is subject to periodical fits of derangement" and "it is likely that the Prisoner in one of those fits removed the property not knowing what he was doing who is also reported to remove and throw about property when in that state": and "under these circumstances, the Third Judge thinks that the ends of justice will be fully satisfied on this occasion by ordering the prisoner to be delivered into the charge of his relatives," which he accordingly recommends.

9. The Court of Sudder Adalut observe that the circumstances of this case, so far as they appear in the Calendar, do not favour

favour the supposition of Insanity; and they resolve to direct the Third Judge to send up an English Translation of the Record, to enable them to determine whether his recommendation should be accorded to.

Case No. 53. 10. The two prisoners in this case were convicted by the Court of Circuit of Gang Robbery by open violence, property to a large amount being carried off.

11. The Third Judge recommends that the prescribed punishment be reduced to seven years' imprisonment "in consideration of their not being armed, nor having in any way ill-used the Prosecutor at the time of the Robbery and as this is the first offence with which they have been charged".

12. The Court of Sunjaur Ubaluk observe that it appears from the abstract of the evidence in this case, that the Prosecutor swore that he was burnt with a firebrand, and the Court therefore deem it necessary to call upon the Third Judge to explain with reference to his remark that the Prosecutor was not "in any way ill-used" whether or not the allegation in question was disproved before the Court of Circuit.

Case No. 16. 13. The Third Judge will be pleased to report whether the conduct of the Police in regard to the Prisoner in this case, has been brought to the notice of the Magistrate. If it has not, he will communicate with that Officer on the subject and will submit a copy of his reply for the consideration of the Sunjaur Ubaluk.

Case No. 19. 14. In this case, the prisoner was charged with having maliciously wounded the complainant on the head with a hatchet, and likewise cut off his left hand.

15. By the second Futwa of the Mahommedan Law Officer of the Court of Circuit, the prisoner was declared liable to Deyut, and was sentenced by the Judge of Circuit to seven years' imprisonment with hard labour in Irons "under Clause 4th Section II. Regulation XV of 1803" Seventh.

16. The Court of Sunjaur Ubaluk observe that the Provision here cited is not applicable, and that the sentence should have been passed under Clause Second, Section XXIX Regulation VII of 1802.

The

13th June 1839.

Case No. 31

17. The prisoner in this case was charged with having in concert with two others, armed with sticks, assaulted and beaten one Vengava with a stick and inflicted a severe wound on his head whereof he died on the following morning.—

18. The prisoner was required by the Court of Circuit to find security for his future good behaviour.

19. The Court of Sunjidarce Udalut observing that no notice is taken in the abstract of the grounds of judgment, of the statement of the second prosecutor that he "saw" the prisoner "by the light of the moon and he was the person who took the comboy and cloths from him" deem it necessary to call upon the Third Judge to explain on what grounds he has set aside the said prosecutor's evidence to the above effect.—

Cases Nos. 33. 34 and 38.

20. The Court of Sunjidarce Udalut disapprove of the acquittal of the prisoners in these cases by the Court of Circuit.—

21. In Case No. 34, the Court do not understand the remarks of the Third Judge

F. Ud.

13th June 1839.

Judge that the Police confession of the third prisoner is "not corroborated by any proof whatever." The evidence to enmity and the testimony of the second witness (the latter in particular) corroborates the confession: and the Court consider it to be regretted that the Futwa was confirmed.—

Case No. 35.

22. In this case, the prisoner was convicted of wounding the Prosecutor on the forehead with an axe.—

23. By the futwa of the Mahomedan Law Officer of the Court of Circuit, he was declared convicted of the crime of wounding and liable to Kissas: and the Third Judge, concurring in that finding, sentenced the prisoner "to pay a fine of ten Rupees to the Sirkar, or in default to be detained in custody for three months. under Clause first, Section XXXIX Regulation VII of 1802."—

24. The Court of Sunjidarce Udalut observe that this Provision is inapplicable, and that Clause Seventh, Section II Regulation XV of 1803 should have been cited.—

In

Case No 50.

25. In the abstract of the evidence of the first witness before the Criminal Court it is stated that "the first prisoner Yerra Doddeyandoo, on being apprehended, pointed out the three Bangles which he had thrown down under a tree, and he said they were the same taken from the Prosecutrix:" and that the 2d, 3d and 4th Witnesses deposed to the same effect.—

26. Before the Court of Circuit it appears that the first, second and third witnesses "denied" that "the prisoner confessed to them and pointed out the place where he had thrown the stolen property:" and stated that the two prisoners who have run away, confessed the crime to them, and that one of them pointed out the place where he had thrown the stolen property."

27. The Court of Sudder Udalut deem it necessary to direct that the Third Judge be called upon to submit an explanation in regard to the discrepancy in the evidence of the witnesses above referred to: and if their testimony before the two tribunals does really exhibit the direct variance indicated in the Calendar,

Calendar, to explain on what grounds he abstained from ordering the commitment of the witnesses for Trial for Perjury.—

Case No 51.

28. The Court of Sudder Udalut consider the reasons assigned by the Third Judge for confirming the Futwa of Acquittal delivered by the Mahommedan Law Officer of the Court of Circuit, unsatisfactory.—

Case No 52.

29. The prisoners in this case were charged with having, in concert with several others, armed with sticks, axes and other weapons, forcibly entered the house of one Chintaloo, inflicted on him a wound whereof he subsequently died, and plundered from the house, property of the value of five hundred Rupees.—

30. The first prisoner was convicted and sentenced by the Court of Circuit to imprisonment for fourteen years: the second and third prisoners were required to find security and the fourth, fifth and sixth prisoners were unconditionally released.—

31. It is observed that this case is beyond the jurisdiction of the Court of Circuit and falls under the provisions of Clause

Clause first Section IV Regulation XV of 1803.

32. The Third Judge will accordingly submit in due course an English and Persian Translation of the Record for the consideration and final judgment of the Court of Foujdaree Udalut.—

Case No. 60. 33. The prisoner in this case was declared by the Fatwa of the Mahommedan Law Officer of the Court of Circuit convicted of Theft on strong Presumptive Proofs and liable to Ookoobut and was sentenced by the Third Judge to four years' imprisonment with hard labour in Irons under the Provisions of "Clause Seventh Section II. Regulation XV of 1803."—

34. The Court of Foujdaree Udalut observe that the provision cited is inapplicable. A second future must be taken under the Provisions of Clause third, Section II. Regulation XV of 1803 and the Case thereby disposed of in conformity with the Provisions of the General Regulations.

Ordered, that a Transcript from these proceedings be sent to the Third Judge on Circuit in the Cuttack Division by Parcel Post returnable

returnable within twelve days from and after its receipt.—

(Sent following precept No. 77)

Read letter dated the 13th Ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Chicacole, forwarding the Criminal Reports of that Zillah Court for the month of April.—

(Annexed F.C. No. 803 of 1839)

Suppl. Report Case No. 15. 1. It is stated that "the Prisoner is fined for his prevarication five Rupees under Section VII. Regulation XIII of 1832, or to be imprisoned for one Month."—

2. The Court of Foujdaree Udalut observe that the fining a prisoner for Prevarication is totally illegal; and they accordingly direct that the Fine, if paid, be refunded to Chigrapilly Pothunnah, and that if he be detained in confinement, in default, he be immediately discharged.—

Case No. 27 3. The prisoner in this case was charged with having entered the Prosecutor's house with a drawn sword, and threatening to cut him, made some cuts on the door frame

frame and shutters of the inner door of his house.—

4. He was sentenced to be imprisoned for three months and to pay a fine of ten Rupees or to be further imprisoned for three months under Section VII Regulation X of 1816.—

5. It does not appear from the Abstract of Evidence in the Report, whether or no the Prisoner entered the house of the Prosecutor.—

6. If he did not, the Court of Sunjdaree Udalut considering that in that case the sentence is improper, direct that he be immediately discharged from custody, and that the fine, if paid be refunded to him.—

Report V.
Case No. 32.

7. In this case, the prisoner Mookoollah Uppeah was charged with having strangled the third of his wife Dauree with his hands, and thereby put her to death.—

8. He was ordered by the Sessions Criminal Judge to find security for his future good behaviour.—

9. The Court of Sunjdaree Udalut deem it necessary to direct the Second Judge on Circuit in the Northern Division, to look at the proceedings in this case, and pass such orders thereon as he may deem proper - with reference to the provisions of Section XXIII. Regulation X of 1816 - reporting the result to this Court.—

Cases Nos. 39. and 40.

10. In Case No. 39. the prisoner is charged "with having acknowledged to the Prosecutor that he had mortgaged for Rupees 3 - an red shawl belonging to the Prosecutor of the value of ten Rupees which had been stolen from him (Prosecutor) and with having received the said amount from the Prosecutor and then delivered him the shawl."—

11. The Court of Sunjdaree Udalut observe that if it was meant to charge "knowingly receiving stolen property" that should have been charged - The charge, as given in the Report, does not allege any offence.—

12. In Case No. 40 also, the Prisoner is

13th June 1839.

is charged with having purchased a sheep which had been stolen from the Prosecutor but the "guilty knowledge" which could alone render the prisoner liable to a criminal Prosecution, is not charged.—

13. The Assistant Criminal Judge will be pleased to report whether, in that case, the "guilty knowledge was charged or no.—

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Zillah Court of Chicacole by Precept returnable within four days, from and after its receipt.—

(Sent following precept &c.)

Ordered also, that Extract from these proceedings (Paras 1 & 2.) be sent to the 2nd Judge on Circuit in the Northern Division by precept returnable within one month, from and after its receipt.—

(Sent following precept &c.)

L.P.O

Ext.

Ex. 66.

At a Court of the Conjeevaram Adalut,

Present,

Friday 7th June 1839. Thomas Alex.r Baker Esq.re — Acting 1st Puisne Judge.

William Hudleston Esq.re — 2nd Puisne Judge.

Henry Dickinson Esq.re — Acting 3rd Puisne Judge.

Read the Criminal Reports for the Month of May, forwarded by the Acting Joint Criminal Judge of Coimbatore.—

L.P.O

(Vide inter alia No. 907 of 1839)

Report Case No. 82.

1. In this case, the prisoner Tomiah charged was charged "with having, one night, in April 1839, "stolen a Bullock valued at Rupees 20 from the "Prosecutors House".—

2. The Prisoner was released, and the following remark is entered in the Report: "the second "witness who is the Mother of the Prosecutor" states "that "she sold the Bullock to the Prisoner — and the "Prosecutor alleging that he has no grounds of Complaint "against the latter party".—

3. The Court of Conjeevaram Adalut deem it necessary to direct the Magistrate of Coimbatore to call upon

upon the Police Offisie of Collegal to explain on what grounds he sent up the case in question to the Criminal Court, and to submit a translation of his explanation to this Court.—

Ordered, That Extract from these proceedings be sent to the Magistrate of Coimbatore by Precept returnable within twelve days, from and after its receipt.—

(Sent following Precept. No. 690

Read letter dated the 3rd instant from the Second Judge on Circuit in the Southern Division, forwarding copies of the Primary and Supplemental Calendars of the Zillah Court of Salem, for the first Sessions of 1839.

(Here enter Pet. No. 95 of 1839)

Primary Calendar

Case No. 2.

1.

In this case, the prisoner was charged with having, on the evening of the 25th October 1838, taken his wife the Prosecutrix to Palamadoo Road in the Taluk of Andeyoor in the Zillah of Coimbatore, for privately and severely wounded her neck with a Knife, with an intent to kill her; and being convicted, was sentenced to two years imprisonment with hard labour in Irons.

2.

It appears that the first witness, before the Criminal Court, deposed that the prisoner was seen in a state of Intoxication for two months previous to the

the time when he cut his wife's throat.—

3. The Court of Conjeveram ordered observe that further evidence should have been taken in respect of the alleged insanity of the prisoner: and they deem it necessary to direct the Second Judge on Circuit to instruct the Acting Criminal Judge of Salem to call for and examine the prisoner's Neighbours, as also the Gaoler and others who may have had an opportunity of observing his conduct since his admission into Gaol — in regard to that point, and submit translations of their depositions for the consideration of this Court: and in the meanwhile to suspend the sentence passed on the prisoner.—

Case No. 4. 4. In this case, eight prisoners were charged with having, on the night of the 15th July 1838, beaten and thereby severely and dangerously wounded the Prosecutor, and carried away a Goat from his fold.—

5. The first, second, third and fourth prisoners were required to find security for their future good behaviour, and the other prisoners were unconditionally released.—

6. It is observed that the second prisoner admitted before the Criminal Court that on the night of the robbery, he went to the Prosecutor's field in Company with the 1st, 3d and 4th prisoners: and the first witness

witness before the same Court deposed that the eight prisoners arraigned before the Court of Circuit, same, on the night in question, to the field in which he and the Prosecutor were lying, and then and there perpetrated the outrage laid in the Indictment.—

7. The Court of Conjdaree Ndatut observe that unless the second prisoner could assign some good reason for having accompanied the other prisoners to the Prosecutor's field on the night of the outrage his admission before the Criminal Court, taken in connexion with the evidence of the first witness before the same Tribunal, sufficed in their opinion for his conviction as

Case No. 7. 8. the prisoner

Cara Kooreyan

in this case, was charged with having, at night, broken into the House of the Prosecutor and stolen therefrom property of the value of six Rupees and ten annas.—

9. The second Judge, concurring in the Futwa of conviction delivered by the Mahommedan Law officer of the Court of Circuit, submits his opinion that the punishment to which the prisoner is liable under Clause fourth Section II Regulation VII of 1822, is, "under all the circumstances of the case, must be reduced" and recommends that it be mitigated to four years imprisonment with hard labour in irons.—

The

10. The Court of Conjdaree Ndatut having maturely considered all the circumstances of this case, resolve to accede to the recommendation of the second Judge, and under the Provisions of Clause third, Section III Regulation I of 1825, authorize him to issue his warrant to the acting Criminal Judge of Salem accordingly.—

Case No. 8. 11. In this case, it is stated that the second Judge concurred in the Futwa of acquittal delivered by the Mahommedan Law officer of the Court of Circuit.—

12. The Court of Conjdaree Ndatut observe that the grounds in the Futwa should have been given in the Calendar.—

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division, by Precept returnable within twelve days from and after its receipt.—

Sent following Precept No. 691

Read return dated the 3d instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjdaree Ndatut under date the 20th May 1839, cancelling the Circular Order No. 102 dated

dated the 14th February last.—

(Here enter No. 931)

Read return dated the 5th instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjevaram Adalut dated the 20th May 1839, directing that the officers of the Shroff Department in the Madras Presidency subject to the control of the Court of Conjevaram Adalut—namely Captain Elwall and Captain Galloway be instructed that the Provincial Courts of Circuit in the Centre and Northern Divisions to discontinue the practice described by Lieutenant Birch late Assistant General Superintendent in the Shroff Department at Calamnoor, transcribing all proceedings in Persian and subsequently explaining the same to the parties undergoing examination in the examination of all cases falling within the Jurisdiction of the Company's Local Courts.—

(Here enter No. 932)

Read letter dated the 8th instant from the Magistrate of Cuddalore, submitting the explanation called for in the extract from the Proceedings of the Conjevaram Adalut under date the 28th May 1839, relative to certain Cases on the Cuddalore Criminal

Criminal Report for the month of April 1839.—

(Here enter No. 936)

Read return dated the 10th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Conjevaram Adalut under date the 18th Ultimo, directing them to call for the record in Case No. 52 of 1839 on the file of the Criminal Court at Combaconum, and submit a report upon it for the consideration of the Conjevaram Adalut.—

(Here enter No. 941)

Read letter dated the 8th instant from the 3d Judge late on Circuit in the Eastern Division, enclosing the original death Warrant issued for the execution of the final sentence on Comna, 3d prisoner in Case No. 14 on the Primary Calendar of the Zillah of Canara, for the 1st Session 1839, with copy of the communication from the Criminal Judge, showing that execution thereof has been made and done.—

(Here enter No. 940)

Read return dated the 8th instant from the Acting Criminal Judge of Madura, to the Precept of the Conjevaram Adalut under date the 30th Ultimo conveying

conveying their observations and orders on the Criminal
Reports for the Month of April 1839.—

(Here enter No. 946)

Read return, dated the 10th instant
from the Criminal Judge of Bellary, to the Sec.y to
of the Tonjdaree Adaulut under date the 18th Ultimo,
conveying their observations and orders on the Criminal
Reports for the Month of March 1839.—

(Here enter No. 947)

C.A.D.

E.J.

J.H.

J.H.D.

S. Ua.

At a Court of the Tonjdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. Agt. 1st. Puisne Judge

Saturday

William Hudleston Esqre. 2d. Puisne Judge

15th June 1839.

Henry Dickinson Esqre. Agt. 3d. Puisne Judge

Read letter dated the 23d May
1839 from the 3d Judge on Circuit in the Western
Division, forwarding the trial in No. 1 on the
Sirdy Primary Calendar for the 1st Sessions of
1839, for the final judgment of the Court of
Tonjdaree Udalut.—

J.H.

C.A.D.

(Here enter No. 863.)

Mr. Hudleston.

and

Mr. Dickinson.

The Court of Tonjdaree 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 Tonjdaree
Udalut, confirm the said Futwa of the
Cazee-ool-Cozat and Mooftees aforesaid,
convicting the prisoner

Syed Hoossain

of aiding in a Murder and awarding Tazeer
and

and under the provisions of Clause 3rd Section VII Regulation XV of 1803 and Clause third Section II Regulation I of 1825, sentence the said prisoner to receive one hundred and ninety five lashes of a Cat of nine tails and to be transported to such place 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 692)

Read Return dated the 6th Instant from the Second Judge on Circuit in the Southern Division, to the precept of the Court of Sunjdaree Udalut under date the 24th May 1839, conveying their observations and orders on the Cumbacorum Calendars of the First Sessions of 1839.-

(Here enter F.C. No 921 of 1839.)

Case No 53.

1. The Second Judge adverting to the remarks of the Court of Sunjdaree Udalut in paras 16 & 18 of their proceedings of the 25th Ultimo certifies that he has amended the sentence against the Prisoner in Case No 53

and sentenced him, under Clause third, Section IV. Regulation XV of 1803, to fourteen years' imprisonment with hard labour in Irons, but "as he is of opinion that under all the circumstances of the case, the sentence is too severe, he recommends a mitigation of punishment, and considers that two years' imprisonment with hard labour in Irons would be sufficient punishment."-

2. The Court of Sunjdaree Udalut having duly considered all the circumstances of this case, and the recommendation of the Presiding Judge, consider it inexpedient to sanction a mitigation of the prescribed penalty to the extent proposed by that Officer; but, under the provisions of Clause third, Section III. Regulation I of 1825, they resolve to authorize him to issue his warrant to the Criminal Judge of Cumbacorum for the imprisonment of the prisoner Moongeelaum with hard labour in Irons on the public roads or other public works, for, and during the period of five years.-

Ordered, that Extract from the proceedings

15th June 1839.

proceedings be sent to the Second Judge on Circuit in the Southern Division for his information.—

(Sent in No 693)

Read return dated the 7th Instant from the Acting Third Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 6th May 1839, directing him to submit for the Court's consideration, English Translations of the Records of Cases Nos 2. and 3. of the Combaconum Calendar of the Second Sessions of 1838.—

(Here Enter F.R. No 922 of 1839)

1. With this Return the Acting Third Judge sends up English Translations of the Records of the Trials above mentioned, together with the original Document on which the charge of Forgery in Case No 2. was grounded.—

2. On referring to the Calendar in which those cases were included, the Court of Foujdaree Udalut found that the prisoners were stated to have been sentenced

Ben 95

F.R.

15th June 1839.—

under the provisions of Clause first, Section III. Regulation VI of 1811 which provisions provide for the crime of "Forgery" whereas the prisoners did not, so far as could be inferred from the Calendar, appear to have been charged with committing forgery, but with having been "accessary to" a person not in custody "in fraudulently fabricating" &c. &c.—

3. Upon this charge, the prisoners could not be legally convicted as principals in the Forgery, and the Court of Foujdaree Udalut are of opinion that the said Section applies to principals, and under the latter part of Clause third, Section IV of the Regulation, to persons convicted of procuring or causing "forgery, only.—

4. With this latter offence the prisoners were not charged.—

5. The Court of Foujdaree Udalut were hereby led to question the legality of the sentence in Case No 2. and after again attentively considering the subject, the Court continue to be of opinion that the provision above cited does not apply.—

Ben

6. But, under the Fatwa of Ookoobut delivered by the Mahommedan Law Officer of the Court of Circuit, and the Provisions of Clause Seventh, Section II. Regulation XV of 1803, the sentence passed by the Court of Circuit is warranted: and, as the Court of Foujdaree Udalut consider the admission of the three prisoners to establish their guilt as accomplices of Virjia Sing in the forgery, they resolve to direct the Acting Third Judge of Circuit to amend his sentence by quoting the last mentioned provision, which authorizes its

7. Moreover the Court of Foujdaree Udalut, being of opinion that it is highly desirable that the absconded Virjia Sing should be apprehended and tried for the offence he is alleged to have committed, on resolve in virtue of the authority vested in them by Section XXI. Regulation IX of 1816, to sanction the offer of a Reward of Rupees (100) One hundred, payable under the provisions of Section VI. Regulation I of 1818, on the delivery of the said Virjia

Virjia Sing to the Magistrate of Trichinopoly or to the Magistrate in whose jurisdiction he may be apprehended: and the Court direct the Acting Third Judge to issue the requisite instructions on the subject to the proper authorities.-

8. The Court further direct that the original Document forwarded with the Return now recorded be sent back to the Acting Third Judge to be eventually used on the trial of Virjia Sing.-

9. The prisoner in this case is admitted to be more than eighty years of age: and with reference to this fact the Court of Foujdaree Udalut resolve to direct the Acting Third Judge to instruct the Acting Criminal Judge of Combaconum not to permit irons to be put on him, and to enjoin the Jailor that the labour be proportioned to his strength.-

Case No. 3. 10. The proceedings held in this case by the Court of Circuit are characterized by the most glaring and extraordinary irregularities.

There

15th June 1839.

11. There has been no trial at all.

12. The 1st 2nd 3rd and 5th witnesses were asked if they wished to say any thing further than what they had deposed in Case No. 21, and they answered in the negative.

13. It would seem that the Acting Third Judge requires to be told that evidence delivered in one trial is not evidence on another Trial.—

14. There is also a material flaw in the Indictment, the prisoner being charged with false swearing before two distinct tribunals "to the effect following" whereas the prescribed form of Indictment requires the recital of the words on which the perjury is assigned; and even had the proceedings been otherwise regular, no legal conviction of Perjury could have taken place.—

15. The fourth witness who was examined to the prisoner's declaration before the Criminal Court and deposed that he attested it does not appear to have been one of the attesting witnesses to the said Declaration.

F. 16.

15th June 1839.

Declaration.—

16. The name affixed to the deposition of the fourth witness is Saravanga Pauny; while the names of the attesting witnesses before the Criminal Court are given in the Record as "Chuckrum" and "Narrain Naick".—

17. The Court of Foujdaree Udalut deem it necessary to call upon the Acting Third Judge to submit an explanation on this last point.—

Ordered, that Extract from these proceedings, with the original Document received with his Return be sent to the Acting Third Judge late on Circuit in the Southern Division, by Precept returnable within seven days, from and after its receipt.—

(Sent following precept No. 694)

Read letter dated the 7th Instant from the Magistrate of Madura, submitting his explanation relative to certain Cases on the Madura Criminal Reports for the month of April 1839, called for in the

Extract

15th June 1839.

Extract from the Proceedings of the Tonjdaree Udalut under date the 30th May 1839.

(Here enter No. 917.)

Read return dated the 13th Instant from the Criminal Judge of Nellore to the precept of the Tonjdaree Udalut dated the 7th Instant, directing him to forward to the Magistrate copies of the Decrees 1. 2. 3. 6. 7. and 8. of the said Extract, and of the Cases Nos. 26. 27. 28. 32. 33. 34. 35. and 36 as they stand in the Report, and to direct the Pundit Sudr Ameen to amend the sentence in No. 31.-

(Here enter No. 953.)

T. C.

At a Court of the Tonjdaree Udalut

Present;

Monday, 17th June 1839.

Thomas Alexr. Oakes Esqre. 1st Puisne Judge
William Hudleston Esqre. 2nd Puisne Judge
Henry Dickinson Esqre. 3d Puisne Judge.

Read the Circuit Report prescribed by Section XXXVIII. Regulation VII of 1802. of the First Judge late on Circuit in the Northern Division for the second Half of the Year 1838. dated the 30th March 1839.

(Here enter T. C. No. 555 of 1839.)

It appears from the Statement of

Parah 4

1.

the Number of Cases on the Calendar of the Magistrate of Rajahmundry, that out of 330 Prisoners concerned in 51 Cases disposed of by that Officer- no less than 313. were released, and only 14 punished-

The Court of Tonjdaree Udalut

2.

deem it necessary to direct the First Judge to call upon the Magistrate of Rajahmundry for an Explanation in regard to the extraordinary Number of acquittals as compared with the convictions, which he will submit together with his own Remarks on the Subject for the consideration

consideration of the Court.

Parah 6. 3. The Court of Foujdaree Udalut trust that the apprehensions of the First Judge in Regard to the Jail at Guntoor will not be realized: but should it become unhealthy from either of the supposed defects which he has pointed out, the duty of the Officer in charge of the Jail, in such a case, is clearly laid down in the Circular Order of the 12th July 1830, to which it will be proper that the First Judge should call his attention. In the mean while, it is satisfactory to learn that on his late Circuit he found all the Jails clean and in good order. and the Prisoners healthy.

4. With reference to Mr Parker's remark in the concluding part of the same parah relative to the insecure State of the Jail at Vizagapatam, the Court observe that by the Order of Government dated the 11th March 1838. No. 280. (Sl. R.) the Estimate submitted by the Board of Revenue for rendering the Jail at Vizagapatam complete amounting to Rupees 1153. 15. 0 was sanctioned.

5. The Court resolve to direct the First Judge to call upon the Joint Criminal Judge of Vizagapatam to report what progress has been made in

in the work in question; and he will submit that the Officer's reply to this Court.

Parah: 8. 6. In parah 8. Mr Parker specifies the names of certain Villages "now included within the District of Nellore, but which on account of their greater proximity to Guntoor, might" he suggests "be transferred with advantage to their Inhabitants" to the latter District.

The Court of Foujdaree Udalut consider that there is weight in Mr Parker's remarks on this subject: and they beg leave to suggest that the matter be referred for the consideration and report of the Board of Revenue.

Parah: 9. 8. In this parah is noticed a proposition from the Magistrate of Guntoor for the improvement of the Police administration; which, briefly, is this - that in each Taluk a certain number of Village Moonsiffs should be selected to hold Quarter Sessions for the Trial of all offences brought before them within their Jurisdiction, and that their authority should be co-extensive with that of the Magistrates in Sessions in England. The proposed remuneration is a reduction in their Rents of Rupees 50 or Rupees 200 per annum in a District like Guntoor.

9. On this proposition Mr Parke observes. "I do not think the Village Moonsiffs are in a state to be entrusted with the large powers here proposed to be given to them; they are for the most part unlettered men, not even able to write their names."

10. The Court of Foujdaree Adalut entirely concur in the view taken of this subject by Mr Parke. They observe that the persons to whom these large powers are proposed to be entrusted, have been found unequal to the duties imposed on them by Regulation XI of 1816, which those in the Northern Division particularly are too ignorant to perform.

parahs 11 & 15. 11. The remarks in these parahs have reference to the Circular Order of the Foujdaree Adalut of the 11th February 1839. No. 102, which on the suggestion of the Supreme Government has been recalled and cancelled.

12. With reference to parah 12. the Court will observe that they have never before heard of the circumstance noticed by Mr Parke. namely. that "a Reward of three hundred Rupees is granted by the Government for every person convicted of being a Thug, which is divided between the accomplices, ex (the

(the Thug witnesses) the Jemadar and the Rajeeb of the Thug Department: and they have difficulty in believing that the Statement is not founded upon erroneous information.

parahs 15 & 19. 13. The Court of Foujdaree Adalut concur generally in the observations recorded by the 1st Judge in these parahs in regard to the character of the accomplices upon whose testimony the parties in Thug Cases are for the most part committed for Trial, and the degree of credibility that should be attached to their evidence: and the remarks (parah 17.) that "it is essential that in cases of the description adverted to, all the confirmatory evidence that is forthcoming should be procured" appears to the Court to be indisputably correct.

14. With reference to Mr Parke's suggestion (in the same parah) that as a remedy for the great inconveniences and hardships now experienced by "particular individuals" in the obtaining of necessary evidence. independent of that of the accomplices. "all Thuggee Cases be tried within the Zillahs where the Offences were committed or in the District where

I the

the collateral evidence required in each case is forthcoming as may be considered most expedient in each particular case, to which end, that the Officers employed in this (the Thugee) "Department travel with their accomplices from Station to Station as occasion may require" — the Court of Fouzdaree Udalut observe that they had the honor of bringing this subject to the notice of Government in their Registrar's Letter of the 11th February last. No. 25. and from parah 3. of the letter from the Officiating Secretary to the Government of India of the 15th April 1839. which accompanied the Extract from the Minutes of Consultation under date the 13th May 1839 — No. 396. it appears that the matter has been referred for the consideration and orders of the Right Honorable the Governor General: and from a Note to parah 2 of the same Communication. that "a Law is now in progress to enable any competent Court, without reference to local jurisdiction, to try persons accused of Thuggee"

15. The Copy of a Draft of a proposed Act to the above effect was published in the Fort St. George Gazette of the 26th April 1839 — No. 816.

parahs: 14 & 24. 16. In these parahs are noticed certain

Appendix E.

Petitions

Petitions presented both to the late Third Judge presiding at the Second Sessions of 1837 and also to the First Judge during the last Sessions at Vizagapatam by certain persons "who had been accustomed to act as agents for the Sale of Grain brought by certain individuals from the Country to the Town of Vizagapatam for Sale", and by one Goday Sowra Narrain Row "complaining" of the Joint Magistrate. Captain Vallancey having put a stop to their trade and interfered with the freedom of the Market at Vizagapatam" and "of certain other acts of that Officer".

In his Reply to the requisition

17.

Code accompaniments to appendix E.

made by the First Judge for information on these matters, the Joint Magistrate, Captain Vallancey — admits the direct interference of his Peons in respect to Grain brought into the Town, and he refers to his former communications to the late Third Judge on this subject — as containing his justification for this interference. In those communications, the Joint Magistrate admitted that he had put a stop to the transactions of the Petitioners on the grounds that they were forestalling the Market and states that he has formed a new Market place to which the dealers from the Country were directed

directed to take their grain and the people of the Town were ordered to proceed there to make their purchases.

18. In his letter of the 28th December 1837 to the address of the Third Judge on Circuit in the Northern Division, Captain Vallancey states that his attention having been called to a system of a trade of the Towns people carried on in the Town by two or twelve individuals under the denomination of Dadal, which in all its bearings appeared to be a monopoly he immediately determined to break through the system and to open the market to all, and his first step was to order all the grain &c to be brought direct into the market place in the Town &c. Further the Cutwal was directed to attend there every morning but by no means to interfere with the market but a complaint of interference on the part of that Officer having been soon made the Joint Magistrate, in order to prevent the possibility of a complaint of this kind being again raised, issued an order on the 15th September 1837 D; which directed the Head of Police of Vizagapatam to take care that when Rice &c are brought into the Town, from outside, every day, he

should

should cause the Bags to be taken to the Market Place at Cottapetta, that the people who may wish to purchase them do go there every morning and bargain with the Individuals who may bring those articles, and purchase such articles as they may require; that those who may bargain for ready money, do pay the individuals in ready money: but it is added - "if any individual agrees to sell to any one on Credit - he may do so" &c.

Again in his order of the 29th July 1837 Captain Vallancey directs the Head of Police of Vizagapatam "when individuals bring Rice for sale into the Town from the Villages &c to take great care that no Rayedadars or Superintendants go near them" and "that the individuals who bring the Rice do keep their Gunny Bags in the Market place at Cottapetta &c" and in other orders issued on the same subject. Captain Vallancey alludes to his having authoritatively discontinued all interference of the Rayedadars in this Town, while the latter part of the order &c (No 17) by the same Officer would appear to contain a prohibition of the purchase by the persons "called Raidadars" of the

articles

articles exposed for Sale.

20. The Court of Foujdaree Udalut concur in the opinion recorded on these matters by Mr. Paske in paras 21 and 22 of his Report. They observe that there are Courts of Justice established to remedy civil wrongs and that the Magistrate has no summary power, under the Regulations of this Presidency to interfere in matters of the nature under consideration. The proceedings of the parties designated "Raidadars" objected to by the Merchants or others in Vizagapatam as injuring their Market formed a matter for the exclusive determination of the Civil Courts: but the Joint Magistrate had no power, by Law, to issue the orders above cited, of which those which prohibited the Raidadars from 'going near' the persons bringing articles into the Town for Sale, and which enjoined both sellers and buyers to repair to one particular spot, and prescribed the conditions under which their bargains should be effected, appear to the Court not only to involve "direct infringements of the freedom of the market" as observed by Mr. Paske. but also to be positively illegal, vexatious and arbitrary.

The

21. The order by Mr. Sprize the late Magistrate dated the 8th October 1837. which, after adverting to the practice resorted to by the Merchants of the Town of Vizagapatam of buying up the rice brought in by the Dealers from the Country and storing it in Godowns and preserving its Sale so as to enhance the price to the consumers. prohibited a continuance of the practice on the ground of it being improper in the Merchants &c. to raise the price and benefit thereby, and to subject a large number of people to trouble by doing &c. is, in the opinion of the Court of Foujdaree Udalut, objectionable on general principles. It appears to them to be an interferance with the ordinary course of Mercantile Speculation, highly impolitic in itself, and directly opposed to the sentiments of Government as communicated in the letter from the Secretary to Government in the Judicial Department embodied in the Circular Order of the 11th January 1833. page 227. printed Vol.

22. An interferance of a similar nature on the part of the assistant Collector of Nellore was brought to the notice of the Government by this Court on their proceedings under date the 29th June 1838. on which occasion the Court recorded their opinion that all

interferance

articles exposed for Sale -

20. The Court of Foujdaree Adaulut concur in the opinion recorded on these matters by Mr. Paske in Paras 21 and 22 of his Report. They observe that there are Courts of Justice established to remedy civil wrongs and that the Magistrate has no summary power, under the Regulations of this Presidency to interfere in matters of the nature under consideration. The proceedings of the parties designated "Raidadars" objected to by the Merchants or others in Vizagapatam as injuring their Market formed a matter for the exclusive determination of the Civil Courts: but the Joint Magistrate had no power, by Law, to issue the orders above cited; of which those which prohibited the Raidadars from "going near" the persons bringing articles into the Town for Sale, and which enjoined both sellers and buyers to repair to one particular spot, and prescribed the conditions under which their bargains should be effected, appear to the Court not only to involve direct infringements of the freedom of the markets as observed by Mr. Paske but also to be positively illegal, vexatious and arbitrary -

The

21. The order by Mr. Freize the late Magistrate dated the 8th October 1837 - which, after adverting to the practice resorted to by the Merchants of the Town of Vizagapatam of buying up the rice brought in by the Dealers from the Country and storing it in Godowns and preserving its Sale so as to enhance the price to the consumers - prohibited a continuance of the practice on the ground of it being improper in the Merchants &c to raise the price and benefit thereby, and to subject a large number of people to trouble by doing &c is, in the opinion of the Court of Foujdaree Adaulut, objectionable on general principles. It appears to them to be an interferance with the ordinary course of Mercantile Speculation, highly impolitic in itself, and directly opposed to the sentiments of Government as communicated in the letter from the Secretary to Government in the Judicial Department embodied in the Circular Order of the 16th January 1833. page 327 - printed Vol:

22. An interferance of a similar nature on the part of the assistant Collector of Nellore was brought to the notice of the Government by this Court on their proceedings under date the 29th June 1822 - on which occasion the Court recorded their opinion that all

interferences

interferrence of this description is wholly unauthorized by any Provision of the Regulations.

parah: 24. 23. The proceedings on the inquiry regarding the Sum of Money which the Head of Police alleges was offered to him as a Bribe, likewise appear to have been altogether illegal and arbitrary. It seems that six of the Defendants were examined on oath, of whom five declared that the money was given to the Head of Police, he having consented to become a partner in their trade: but two witnesses on the part of the complainant having been brought forward the Case was disposed of upon their Evidence and the Money declared forfeited to Government: but no witnesses were heard on behalf of the accused.

24. The Court of Sonjdaree Adalut are clearly of opinion that the forfeiture should be over-ruled and they resolve accordingly to direct the First Judge to issue the requisite orders on the subject to the Magistrate of Vizagapatam and require him immediately to refund the money in question to the parties.

parahs: 25 & 32. 25. The remarks of the First Judge in these parahs have reference to certain Petitions Nos. 58. 59.

and

and 62. in appendices G and H. complaining of acts of oppression on the part of Mr. Mason, the Head assistant Magistrate of Vizagapatam, the Head of Police of Surrasiddee and certain other parties. of some of whom the First Judge recommends the dismission from their situations with a declaration of their ineligibility to be again Employed in the Public Service.

26. The Petition 58. states to be contained in appendix G is not to be found with that appendix. In a case of this description the Court of Sonjdaree Adalut cannot arrive at any determinate conclusion from a perusal of the mere recital of the substance of the complaint. They have called for the Petition and on its receipt will submit to Government their deliberate opinion on the whole matter.

27. In the mean while, the Court do promise sending up to Government the Appendices marked G and H. the Petitions 59 and 62. appearing as it regards the charge against the Head of Police of Surrasiddee to be closely connected with Petition No. 58.

parahs 32 & 36. Appendix I. 28. In parah 32. Mr. Parke adverts to another Petition dated 6th. presented by Royaraopoo Ganjiah

Gargiah the Carriman of Rayaveram complaining of personal violence received at the hands of the Head assistant Magistrate Mr Braden and of illegal conduct on the part of the Head of Police of Suvarakkidee in having confined him and others and carried them about with him for the period of twenty days."

29. The Head assistant Magistrate having been called upon by the First Judge to reply to the allegations against him contained in the said Petition simply observed in his Letter to the Magistrate that they are "incorrect."

30. The Court of Zoujdaree Udalut concur in the remarks recorded on this matter by the First Judge in parah 34 of his Return, wherein he observes "it appears to me also that the Enquiry has been most unadvisedly conducted. The Complaint contained more grave charges against the Head assistant Magistrate than against the Head of Police: and yet the Magistrate directed the former Officer to conduct the Enquiry "because, he states, he was not instructed to conduct it himself. I certainly" continues Mr Parke "did not consider it necessary to instruct the Magistrate to conduct this Enquiry in person and should not for a moment

moment imagine that he would refer it to his assistant for investigation when the Complaint was against himself: and he concludes by observing that "had the Magistrate been desirous of settling the Complaint he could not have adopted a more effectual method."

31. The Court of Zoujdaree Udalut are of opinion that a proper feeling on the part of the Magistrate would have at once pointed out to him the only course to be adopted in a matter so seriously involving the character of his European Subordinates: and that he is censurable for pursuing a course which, under the circumstances of the case, cannot be considered as furthering the ends of Justice.

32. It is plain that the charge of assault against the Head assistant Magistrate has not yet been legally investigated at all: and it remains with the Government to determine whether a further Enquiry shall be instituted in regard to that matter.

parah 36 and 37. 33. In parah 36. Mr Parke after expressing his belief that great irritation prevails in that part of the District adverts to the Proceedings regarding

preparing Extra Petition - No. 69 - in - Appendix J - which " shows that the Conatiers of Royavram were driven to abandon their village on account of the oppressions Exercised towards them: and he observes that when he was at Vizagapatam the Manager of the Proprietor of the Godrecherla, Corrapole and Sheeramporum Estates was obliged to leave the Country and fly to that Town for protection in consequence of a warrant having been issued against him by the Godrecherla Head of Police and afterwards by the Head Assistant Magistrate on "upon grounds" as far as the Latter Judge could learn - "as frivolous as those upon which Royavaram for Da-

*Note The proceedings relating to this individual will be laid before Government with the Remarks of the Court on the matter connected with the Petition No. 59.

-rashee mentioned above was apprehended".

34. The Court of Sudder Adalut are of opinion that the allegations set forth in the Petition which the Head Assistant Magistrate designates as "Trivial" and "Petty" receive a strong confirmation from the Statements contained in that Officer's letter to the Magistrate under date the 13th December last. It appears by that Communication that whenever the Head Assistant Magistrate has made any stay at Royaveram - the Head of Police of Sunnaddee" - the individual whose name and alleged acts of oppression and misconduct occupy a prominent place in Mr. Parker's Report and the papers connected with it - "has taken care that the Conatiers of Sunnadiddee and Royaveram did by turns furnish sufficient supplies for People that might attend at his "Office, on business or for any other cause": and the whole tenor of his Reply seems to warrant the conclusion that the Conatiers were "compelled to furnish on credit the supplies required by the Peons of the Cutcherry and others -

35. From the Head Assistant Magistrate's remark that "the Conatiers have never yet complained to him but he has "immediately seen that they were paid" it may be safely inferred that instances of Payment being withheld have occurred: while he himself seems to admit that their complaints are not wholly without foundation though, in his opinion, the shortness of time - "not more than a month at a time" - during which the burden is usually to be borne, goes to deprive their complaints of all claim to consideration - His words are - "it is seldom, however, that I make a longer stay than a month at a time in Royaveram, so that their grievances are more imaginary than Real".

The

the 26th November 1838. the Court of Tondaree Adalut observed that "the requisition of the Summud was not strictly justifiable, but no penalty was attached to the breach of it, and the document itself had no legal force."

42. The Court of Tondaree Adalut, as at present constituted, are decidedly of opinion that the Summud is illegal, and they entirely approve of the order for its cancellation issued by the First Judge.

43. It is remarkable, as observed by the First Judge, in the Extract from his Proceedings under date the 30th January 1839 - appendix E - that while "the Magistrate has declared the Petitioner to be to his knowledge 'a most dangerous character' yet, in the Summud under notice he is described as one of the principal good characters among the inhabitants of Chodavaram".

parahs 41 to 43

44. The Court of Tondaree Adalut concur with the First Judge in opinion that while the public spirit evinced by the Inhabitants of Vizagapatam and Vizianagram is worthy of all admiration, yet the system of maintaining an Extra Police Establishment by means of a voluntary and therefore uncertain subscription among the lower people is objectionable.

It

It appears however that the subject has been brought by the Collector of the District to the notice of the Board of Revenue -

Parah 44.

45. In the forty fourth and subsequent parahs of his Report, the First Judge adverts to the proposed alteration of Judicial administration in the Vizagapatam and Ganjam Districts: and he expresses his doubts of its policy as it regards the Vizianagaram Zemandaree and the low Country generally, and as to its legality without the previous consent of the Zemindars whose Zemindaries will be affected by it. He then quotes certain parts of the Summud - i.e. Milkeyut - & Istimrar granted to those Zemindars by the Government when the permanent Settlement was formed, and, with reference to the conditions therein contained, he submits (parah 45) "whether the measure now proposed, if carried into effect to the extent contemplated in Sections III and IV of the revised Draft Act received with the letter of the Sudr Adalut of the 7th March last, would not amount to a breach of those engagements and consequently to a breach of faith on the part of the Government."

The

46. The Court of Fouzdaree Adalut observe that similar supposed objections to those raised by the Pasha were brought under the consideration of Government by this Court in their Registers Letter of the 17th January last No. 9. A. and that in reply thereto it was observed in Parah 1. of the Extract from the Minutes of Consultation in the Revenue Department under date the 19th February 1839. No. 222. that "the Right Honorable the Governor in Council is perfectly satisfied that the general Regulations are altogether unsuited to the condition and feelings of those Inmates and His Lordship in Council has all along been led to suppose that they themselves desire to be exempted from the Jurisdiction of the ordinary Courts"

Parah 47. 48. 47. In this parah. the First Judge adverts to the present mode of proving the confessions of Prisoners by the Evidence of the subscribing witnesses and, after giving Statements connected with several Cases which in his opinion "sufficiently established the insufficiency of this sort of proof" he proposes (see parah 49) "that Section XXII. Regulation IX of 1816 be rescinded and that the Method of proving confessions

followed

followed in the English Courts be adopted."

48. The Court of Fouzdaree Adalut observe that the First Judge having on a former occasion, mooted this question, they recorded at length their deliberate opinion on the subject in their proceedings under date the 30th December 1836 which was subsequently promulgated for the information of the Judicial Authorities generally by their Circular Order No. 84. dated the 27th April 1837

49. The Court see no reason to alter the opinion recorded on that occasion, and deem it unnecessary to enter into a further discussion of the subject.

50. With regard to Case No. 2. wherein the Prisoner confessed before the Head of Police and the confession was attested by the 7th and 8th witness but "the former did not hear him dictate it," the Court of Fouzdaree Adalut observe that the Head of Police was punishable for the irregularity.

51. And with reference to the remark of the First Judge in parah 50. that "the Magistrates do not like their Police Officers being called away from their Stations" to prove the confessions given by Prisoners before them, the Court will observe that it is

in

in the power of the Magistrates to obviate this inconvenience by issuing strict orders to the Heads of Police to be careful that such confessions are always attested by competent persons.

Parah 51.

52. It is expected that the entire abolition of the Mahommedan Law will be a prominent feature of the new Code of Procedure, preparing by the Indian Law Commission.

Calendar of Prisoners sent by the Magistracy of Nagapatam from 18th March to 10th September 1838.

53. With reference to Case No. 6. the First Judge will be pleased to ascertain and Report the grounds on which the Magistrates sentenced the prisoner in a case of "Fraud" to Caudan.

Ordered, that Extract from these Proceedings, together with a Copy of the Report and its Enclosures be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

/ Sent in No. /

also /

Ordered, that Extract from these Proceedings be sent to the First Judge Circuit in the Northern Division by Precept returnable within three weeks, from and after its receipt.

/ Sent following Precept No. /

Read

Read Letter dated the 8th Instant from the Second Judge on Circuit in the Southern Division, forwarding a Copy of the Statement required by the Circular Order No. 35. of Datta paid to the Prosecutors and Witnesses attending before the Court of Circuit at Salem during the first Sessions of 1839.

/ Here enter F.C. No. 926 of 1839 /

With reference to the number of days during which the parties in Cases Nos. 4. 9. and 12 were detained, the Court of Foujdaree Udalut deem it necessary to call upon the Second Judge to state whether or no Mr. Vaughan's plan of Summoning witnesses was adopted as required by the Circular Order of the 2d October 1837. No. 93. and if not, to explain the circumstances which rendered its adoption impracticable.

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

/ Sent following Precept No. /

Read

Read Letter dated the 7th Instant, from the Criminal Judge of Canara, forwarding the Criminal Reports of the Lillah Court for the Month of May.

/Here enter F.R. No. 928 of 1839/

Report v. Case No. 60.

1. The Prisoner in this case was appre-hended on the 20th January, but did not leave the Lillah until the 11th May.

2. It is stated in explanation of the delay that it appears from the Tahsseldars' Report that the Examination of this case was delayed in consequence of the Statement of the Prisoner's Character not having been received. and it being necessary that an inquiry should be made into it, and that on the 24th February and 6th of March he made a reference to the Magistrate recommending the Prisoner to be released on Security in consequence of there not appearing sufficient proof to convict him, to which an order was received on the 10th May, directing the Prisoner to be forwarded to the Court which was accordingly done on the 11th

3. The Court of Sunjdaree Adalut deem it necessary to direct the Criminal Judge of Canara to furnish a copy of these proceedings to the acting Magistrate of Canara, who will be pleased on the receipt thereof to submit direct to this Court an Explana-tion in regard to the great delay in answering the re-ference made by the Tahsseldar.

Case No. 61

4. The two Prisoners in this Case were charged with having, at eight, Stolen from the loft of the outer Chowdee of the Prosecutors house, Sixteen Seers of Paddy, a Bag and a Basket, valued altogether at Rupees 6. 2. 25.

5. By the abstract of the Evidence it appears that the conviction of the first Prisoner rests mainly on the discovery in the house of the second Prisoner of a small quantity of grain, and on the Evidence of the first Prisoner who admitted that he placed it there. to prove his assertion that it was his own and that he intended to make it over to an individual to whom he was in debt.

6. The Criminal Judge will be pleased to call upon the Pundit Sudr Ameen to report for the information of the Court of Sunjdaree Adalut, whether or not there was proof of the Theft?

Ordered

17th June 1839.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Canara by Precept returnable within five days from and after its receipt.

L.J.D.

Sent following Precept No. /

W.D.

F. 116

At a Court of the Fouzdaree Udalut

Present

Thomas Alexr. Oakes Esqre. Actg 1st Puisne Judge

Tuesday Wm. Rudlestone Esqre. 2d Puisne Judge

18th June 1839. Henry Dickinson Esqre. Actg 3d Puisne Judge

Read letter dated the 8th Instant from the Acting Third Judge of the Provincial Court of Circuit in the Southern Division, submitting copies of the Primary and the Second Supplemental Calendars of the Second Quarter Sessions of 1839 holden at Trichinopoly.

L.J.C.

(Here enter F.U. at 927 of 1839.)

Primary Calendar Cases at 1.

1. The four prisoners in this case were charged with having, on the night of the 18th February 1839, broken into the Prosecutor's house, plundered it of property valued at Rupees 48 and beaten and severely wounded the Prosecutor.

2. The first, second and fourth prisoners were convicted and sentenced by the Court of Quarter Sessions to seven years imprisonment with hard labour in Irons,

Sen 7 Yrs

in this Clause of the Section II Regulation VII of 1822.—

3. As the Prosecutor is stated to have received some severe wounds and the Prisoners were the Cultivators of the Village in which the Robbery was committed, the Court of Foujdaree Udalut consider the sentence in this case, very lenient.—

4. It is observed that the first Supplemental Calendar did not accompany the Acting Third Judge's Letter.—

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

(Sentence No. 703)

Read letter dated the 9th Instant from the Acting Joint Criminal Judge of Cochin forwarding the Criminal Reports for the month of May.—

(Here enter P.C. No. 939 of 1839.)

Report Orders No. 16 and 17.

1. It is stated that the prisoners in these cases were sentenced under Regulation X of 1816.—

Re

2. The Court of Foujdaree Udalut observe, that this is an improper mode of quoting the Law. The Clause and Section of the Regulation should invariably be cited.—

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

(Sentence No. 704)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 7th June 1839.—

No. 166. conveying the observations and orders of the Right Honorable the Governor in Council on the letter from the Court of Foujdaree Udalut of the 30th Ultimo submitting the application of Mr. Blaine the Magistrate of Cuddapah for sanction to confer a gratuity on the Widow of one Venkiah who died of the wounds he received in offering a manly and effectual resistance to the attack of a Gang of Robbers, and to bestow an honorary present on Appappa Reddy, who highly distinguished himself on a similar occasion and

and was mainly instrumental in effecting the capture of one of the Gang)—

(Here enter F.Re. No 933 of 1839.)

1. The Court of Singapore Ulubulu direct that copies of their Acting Registers Letter to Government of the 30th Ultimo and of the Extract from the Minutes of Consultation now recorded, be sent to the Provincial Court of Circuit in the Centre Division, with instructions to furnish transcripts of the same to the Magistrate of Cutchapah, and to direct that Officer to submit for the Courts consideration a sketch of the Inscription which he may deem proper to be recorded on the silver plate to be affixed to the stock of the Musket to be presented to Ayapappa

Read &c—

2. The Court of Singapore Ulubulu further direct that a copy of paragraph 2. of the order of Government of the 5th February 1838 No 108 referred to in paragraph 3 of the Extract from the Minutes of Consultation of the 4th Instant, be sent to the Provincial Court of Circuit, who will be pleased to furnish a copy of the same to the Magistrate

F.Re.

for his information and guidance on the occasion of bestowing the Rewards now sanctioned by Government—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, with reference to their Letters of the 3d April 1839 and 6th Ultimo, by Precept returnable within twelve days from and after its receipt—

(Sent following precept No 705)

Read letter dated the 14th Instant from the Criminal Judge of Singapore, transmitting the Criminal Reports for the Month of May 1839—

(Here enter No 964.)

Read return dated the 14th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Singapore Ulubulut of the 8th Instant, explaining by a Circular Order No 107 that the Circular Order No 31. dated 30th April 1836 is not superseded by the Circular Order No 84—

(Here enter No 971.)

Read return dated the 11th Instant from

from the Acting Joint Criminal Judge at Masulipatam, to the precept of the Foujdaree Udalut dated the 3d June 1839, containing their observations and orders in the Criminal Reports for the month of April last.-

(Here Enter No. 976.)

Read return, dated the 15th Instant, from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut dated the 21st May 1839, directing the examination of further witnesses in No. 11. of the Calendar 1st Quarterly Sessions of 1839 at Chittoor.-

(Here enter No. 977.)

Read letter dated the 8th Instant from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the month of May 1839.-

(Here Enter No. 979.)

Read return dated the 12th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division,

to the precept of the Foujdaree Udalut under date the 8th June 1839, overruling the order issued by the Judge on Circuit for the commitment for Perjury of the 1st Evidence on Doollah in Case No. 18. of the Chicacole Calendar for the 2d Sessions of 1838.-

(Here Enter No. 981.)

Read letter dated the 15th Instant, from the Acting 3d Judge of the Provincial Court of Circuit in the Southern Division, forwarding the Warrant for the execution of the Prisoner Authy in Case No. 1. on the Trichinopoly 1st Supplemental Calendar for the 2d Quarterly Sessions of 1839.-

P.P.C.

(Here Enter No. 982.)

G.A.D.

At a Court of the Conjdaree Adalut.

Present,

Wednesday
19th June 1839.

Thomas Alexr Oakes Esqre — Acting 1st Puisne Judge,

William Hudleston Esqre — 2d Puisne Judge,

Henry Dickinson Esqre — Acting 3d Puisne Judge,

Read letter dated the 13th Instno from the First Judge Sate on Circuit in the Northern Division, submitting for the final judgment of the Conjdaree Adalut the Record of Case No. 18 of the Chicacole Calendar of the Second Sessions of 1838.—

L.P.O.

(Here enter D.L. No. 785 of 1839)

Mr. Oakes, and Mr. Dickinson,

The Court of Conjdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the fatwa of the Provincial Law Officer and the fatwa of the Cazee-ool-Coozat and Mooftees of the Conjdaree Adalut, confirm such part of the fatwa of the Cazee-ool Coozat and Mooftees aforesaid as convicts the prisoner

2d Abdool Beesayee

of beating and awards Rupees and under the

provisions

provisions of Clause third, Section VIII Regulation XX of 1810,
sentence him to be imprisoned and kept to hard labour
in irons on the public roads, or other public works, for and
during the period of one year.

And being of opinion that the
prisoner

Thr Pindee Kee Beeryee

is not convicted of wilful murder, the Court do acquit
him thereof: but considering that the proof against him
is sufficient to convict him of Manslaughter, they direct
their Law Officers to declare by a sound of law to what
specific punishment the prisoner would have been
liable under the Mohammadan Law, if he had been
convicted on full legal evidence of the crime aforesaid.

Answer.

In the event of the fact of Prisoner having
proved by full legal evidence to have been guilty of
Manslaughter, his Akilas are liable to the full Deyat,
to be paid to the heirs of the deceased in three years.

The Court of Sudder Adawlut, in
commutation of the penalty of Deyat declared in the
foregoing fatwa, sentence the prisoner

Thr Pindee Kee Beeryee

to be imprisoned and kept to hard labour in irons on
the public roads or other public works, for and during
the period of (1) one year.

(Vide following Letter No. 709)

Re

1. The Court of Sudder Dewanny Adawlut deem it
necessary to over rule the order issued by the Judge of
Circuit for the commitment of the Mr witness "Doollah"
for Perjury. In this case, it appears to the Court that
her examination on the trial was opposed to the
latter part of the Circular Order of the 4th March
1830, which declares that "where other sufficient
evidence exists, it would be, obviously, very objectionable
husband and wife to make use of the testimony of parties thus situated."

2. Moreover, the witness in question, is
not, in the opinion of the Court of Sudder Dewanny Adawlut,
altogether clear of suspicion of improper intimacy with
the deceased, on which account it was objectionable
to make her a witness.

3. The Circular Order of the 31st January 1834
is, in the opinion of the Court of Sudder Dewanny Adawlut,
opposed in principle to trying for perjury a witness,
called under such circumstances as this woman was,
to give evidence against her husband.

4. The First Judge will accordingly be
pleased to issue the necessary order for the immediate
discharge of "Doollah" from custody.

Ordered, that Extract from these
proceedings be sent to the First Judge of the
Provincial

Provincial Court of Circuit in the Northern Division
by Precept returnable within seven days from and
after it receipt.—

(Sent following Precept No.)

Read Letter dated the 22d. ultimo
from the First Judge Sitting on Circuit in the
Northern Division, submitting for the final judgment
of the Court of Enquiry Adelaide, the Record of Case
No. 8 of the Chicacole Calendar of the Second Session
of 1838.—

(Here enter P.C. No. 837 of 1839)

Mr. Oakes.
and
Mr. Dickinson.

The Court of Enquiry Adelaide having
maturely considered the proceedings held before the
Judge on Circuit, the Jurors of the Provincial Court
of Appeal, and the Jurors of the Enquiry Adelaide
futura of the Case of Appeal and Enquiry Adelaide confirm the Sentence
convicting the prisoner

7½ Cummaya Naiks

of the crime charged and unanimously found; and
acquitting the prisoners

2d. Cooroodava Brodhany,
3d. Dundah Boroodo,
and
7½ Gumgalee Cabeerah,

and

19th June 1839.

and under the provisions of clauses third and fifth
Section IV Regulation XX of 1803, sentence the prisoner

7½ Cummaya Naiks

to be imprisoned and kept to hard labour in irons
on the public roads or other public works, for, and
during the period of eight years: and direct that
the prisoners

2d. Cooroodava Brodhany,
3d. Dundah Boroodo,
and
7½ Gumgalee Cabeerah,

be set at liberty.—

The Court of Enquiry Adelaide are
unable to convict the second, third and seventh
prisoners— in this case, considering the evidence of
the witnesses for the Prosecution as it regards those
prisoners to be, by reason of contradictions, unworthy
of credit.—

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

(Sent in No. 710

Read

Read Letter dated the 24th Ultimo & received on the 10th instant from the Provincial Court of Circuit in the Northern Division, submitting for the orders of the Court of Conjeveram Adalut, copies of Precepts issued by the Provincial Court to the Joint Criminal Judge of Guntoor and of Returns thereto by that officer relative to the dismission from his situation of a Peon named Chetrasingo late on the establishment of the Auxiliary Court.

(Here enter S.R. No. 912 of 1839)

1. The Provincial Court have disposed of the case of the Petitioner Chetrasingo & considering the Joint Criminal Judge's Return of the 23d ultimo to be "extremely disrespectful" they have deemed it necessary to bring the matter to the notice of the Conjeveram Adalut, with an intimation that it is not the first time they have had occasion to remark upon the improper style of the Asst. Judge's correspondence.

2. The Court of Conjeveram Adalut entirely concur with the Judges of the Provincial Court in considering the Return in question to be "extremely disrespectful" and as such deserving of severe censure and

and they resolve to direct the Provincial Court to enjoin Asst. Newberry to treat with proper respect and deference all communications he may receive from the Superior Court: and to warn him that a repetition of such conduct as that now brought under consideration, will be visited with the most serious notice.—

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

(Sent in No. 711.)

G.H.D.

Read supplemental return dated the 10th instant from the Provincial Court of Circuit in the Centre Division to the precept of the Conjeveram Adalut dated the 3d May 1839 directing that the Criminal Judges of Bellaree and Chingleput and the Acting Joint Criminal Judge at Cuddalore be instructed to prepare Indents for fire arms required in their Jails and send in the same to the Magistrates of their respective Districts in the manner pointed out in the letter from the Secretary to the Military Board to this Court dated the 14th November 1837.

(Here enter No. 940 of 1839)

F.U.

At a Court of the Foujdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. Actg 1st. Puisne Judge

Thursday, 20th June 1839. — William Rudleston Esqre. 2d. Puisne Judge

Henry Dickinson Esqre. — Actg 3d Puisne Judge

Read return dated the 10th. Instant from the Acting Criminal Judge of Cuddapah, to the precept of the Court of Foujdaree Udalut under date the 5th. June 1839. conveying their observations and orders on the Criminal Reports of the Zillah Court and of the Court of the Principal Sudr Ameen of Cuddapah, for the month of April —

(Here enter F.U. No 949 of 1839.)

Cuddapah. Case No 1. Report 1st. January — 1. The Acting Criminal Judge with reference to the Remarks of the Court of Foujdaree Udalut on this case - having explained the nature of the evidence for the Prosecution, requests further instructions "the examination having been imperfectly made" —

The

20th June 1839.-

2. The Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit to look into this case and pass such orders thereon as they may deem proper with reference to the Provisions of Section XXIII. Regulation X of 1816. reporting the result to this Court.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable within fifteen days from and after it's receipt.-

(Sent following precept to No 719)

Ordered also, that Extract from these proceedings be sent to the Acting Criminal Judge of Cuddapah for his information.-

(Sent in No 718)

Read the Criminal Report dated the 1st Instant from the Officiating Joint Criminal Judge at Tinnevelly for the Month of May 1839.-

(Here Enter No 961)

Read

20th June 1839.-

Read return dated the 12th Instant, from the Acting Criminal Judge of Cuddapah, to the precept of the Foujdaree Udalut of the 3d Instant, directing that the Pundit Sudr Ameen be required to explain why he considered the evidence in Case No 56 of the Report No V of the Zillah Court of Cuddapah for the month of March 1839, insufficient to convict the Prisoner.-

(Here Enter No 970)

Read further return dated the 16th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut dated the 18th May 1839. requiring him to report the circumstances which occasioned the detention of certain witnesses in Nos 3-4-11-16 and 21 of the Calendar for the 1st Quarter Sessions of 1839.-

(Here Enter No 978)

Read letter dated the 15th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar

20th June 1839.

Calendar for the 2nd Quarterly Sessions of 1839.-

(Here enter No. 992.)

Read return dated the 14th Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Tinjolaree Udalut of the 8th Instant, explaining by a Circular Order No 107 that the Circular Order No 21. dated 20th April 1835 is not superseded by the Circular Order No 84.-

L.A.Q.

(Here Enter No 984.)

Ent.J.

F.U.

At a Court of the Tinjolaree Udalut.

Present.

Thomas Alexr Oakes Esqre 1st Puisne Judge

Friday 21st June 1839.- William Rudleston Esqre 2d Puisne Judge

Henry Dickinson Esqre 3d Puisne Judge

L.A.Q.

Read again letter dated the 18th Ultimo from the First Judge late on Circuit in the Northern Division, submitting for the final judgment of the Court of Tinjolaree Udalut, the Record of Case No 4 of the Chinsurah Calendar of the Second Session of 1838.-

(Here Enter F.U. No 709 of 1839.)

Read also Return dated the 1st Instant from the First Judge late on Circuit in the Northern Division, to the Precept of the Court of Tinjolaree Udalut under date the 28th May 1839, calling for information in regard to the evidence of the Prosecutor's wife Belah before the Magistrate of Hoogly relative to the alleged difference of complexion between the two prisoners in

Case

Case No. 4 of the Sixteenth Calendar of the Second Sessions of 1838.

(Here enter F.R. No. 904 of 1839)

Mr. Oakes and Mr. Anderson

The Court of Sunjdaree Udalut having maturely considered the proceedings had before the Judge on Circuit, the future of the Provincial Law Officer and the future of the Cazee-ool-Cozat and Mooftees of the Sunjdaree Udalut, confirms the said future of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the Prisoner

1st Dundafe Sauradheeyadee

and discharging him; but considering that strong suspicion though not amounting to conviction attaches to him, the Court, under the provisions of Clause 5th Section II Regulation XV of 1803, direct that he be required to find two sureties in twenty five (25) Rupees each bound for his good behaviour and appearance when required or within one year, or in default thereof, that he be detained for one year in confinement.

1. The Court of Sunjdaree Udalut observe that by the Memorandum transmitted by the First Judge late in charge

in his Return above recorded, it would appear that the second prisoner deceased was intended by the term "red man" in the depositions to which he refers.-

2. It appears to the Court of Sunjdaree Udalut that in the prosecutors deposition at page 4. the first prisoner is meant when the "2nd prisoner" is mentioned. The statements regarding the wounds inflicted on the said prosecutor and his wife at pages 4. & 5. and "by the "red man" appear to the Court of Sunjdaree Udalut to be consistent with those at pages 32. 5 and 42. Before the Criminal Court and the Court of Circuit, the prisoners are distinguished by their numbers.-

3. The fourth witness's statement quoted in the First Judge's letter of reference that the first Prosecutor stated before the Police "that he did not know whether the prisoners were the persons who robbed him or not" agrees with the Prosecutor's answer to question 2 at page 5 when he said that the effects of his wound prevented his recognizing them.-

Jf

4. It appears to the Court of Fouj-
daree Udalut very probable, that the day
after so severe a wound the prosecutor might
not have been able to recognize the persons
of the robbers.—

5. On the other hand some of the
witnesses have deposed that the prosecutor
identified the prisoners immediately on on
first seeing them in custody; or within
one or two hours after the robbery.—

6. The second prosecutrix until
her examination before the Court of Circuit
said nothing about her previous knowledge
of the prisoners.—

7. The Statements respecting the
manner in which the prisoners were arrested,
are not consistent.—

8. The prisoners appear to have
followed the prosecutors into the village
and to have been seized merely because
the latter had stated that they had been
attacked by "two Dunda fellows".—

9. The Village Pioneer on their first
examination stated in opposition to all the
Statements of the Prosecutors, that they

F.H.C.

named the prisoners in giving their first ac-
counts of the Robbery.—

10. It appears evident to the Court
of Foujdaree Udalut that the police have
been very desirous of making out a case en
against the prisoners whom they had seize
merely as being the two first strangers that
arrived at the village after the news of the
robbery.—

11. Upon the whole, after a most
attentive and deliberate consideration of the
Record, the Court of Foujdaree Udalut
cannot consider the surviving prisoner clearly
convicted, but being of opinion that there is
sufficient ground for the requisition of Security
they have ordered it to the extent indicated
in the sentence which accompanies these
proceedings.—

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

(Sent in No 719)

Read the Circuit Report
prescribed by Section XXXVII Regulation VII
of

of 1802 of the Acting Second Judge late on Circuit in the Centre Division, for the Second Sessions of 1838 dated the 18th March 1839.

(Here enter F.M. No. 468 of 1839.)

paras. 6 @ 8. 1. The Acting Second Judge observes that "the Gang Robberies in Cuddapah and Bellaree were more of an aggravated character and exhibited more extensive combination"; that "the Highway Robberies which came before" him "were committed by persons in extreme poverty the amount in every case being small" and that he has "seen nothing in" his "Circuit which betokens the existence of any other than that ordinary description of crime which poverty begets in all parts of the world".

2. The Court of Sunjdaree observe that in Bellaree and Cuddapah the Gang Robberies were formerly and until lately of a very serious character. The result of the experience of the Acting Second Judge as above recorded must therefore be considered satisfactory; and should his views be confirmed by the results of succeeding Circuits there will be room to hope that an gradual

gradual though decided and permanent improvement in respect of the state of crime, is taking place in both those Districts.

paras. 9 @ 12. 3. In comparing the amount of crime in Cuddapah with the amount of crime in Bellaree the Acting Second Judge observes that "crime will always be more numerous in Cuddapah from the greater natural facilities for its commission from circumstances over which the Police can exercise no control" but he adds that "in the quality of its Police Cuddapah cannot vie with Bellaree" and he adverts to a "practice" existing as he believes among "the higher grades of native Police" "in the former District" of transferring to their subordinates duties which were better performed by themselves".

4. The Court of Sunjdaree also observe that the remarks of the Acting Second Judge on this point merit the most serious attention of the Magistrate of Cuddapah; whose unremitting exertions should be used for improving the efficiency of his Native Police Officers; and checking the irregularities adverted to by the Acting Second

Judge

Judge.—

5. Although the remarks of the Acting Second Judge that "the country of Cuddapah is well calculated for the shade and shelter of robbers" and natural facilities are thereby afforded for the commission of crime, is doubtless just—yet it is clear from what has been above stated that all has not yet been done for the repression of crime which it is within the power of the authorities of that District to effect. For its Police is deliberately declared to be inferior to that of the adjoining Districts and "the higher grades of Native Police Officers" are considered to be "less active than they might be."—

6. While the conduct of the people of Bellary as alluded to in paragraphs 12 and 13. of this Report must be admitted to be highly satisfactory—it is proper to bear in mind—with reference to the Acting Second Judge's remarks on this subject that several instances of spirited resistance to the attacks of Robbers by the Inhabitants of Cuddapah have been brought to the notice of the Sessions Judge and Magistrate of that District

District and have recently formed the subject of a communication from this Court to Government.—

paras: 18 & 24. and paras: 34 and 35.

7. The Remarks of the Acting Second Judge in these paras appear to be generally just.—

8. The question of remunerating the Village Police has long been under the consideration of Government and it is hoped that the financial difficulties which have hitherto stood in the way of it's satisfactory settlement will eventually be overcome.—

para: No. 25.

9. In this para, the Acting Second Judge observes that "when the Village Police has failed in its duty or been otherwise culpable, means of punishment have been wanting.—Mr. Cochrane mentions in the case that the arrestee appeared but this ought to Report. I have referred to, do this was more than questionable, however expedient the act might have been."

10. The Court of Sessions Cuddapah observe that in his Report of the 22d March 1837—on the operations of the Police of Cuddapah during the year 1836—Mr. Cadenhead, at that time Acting Magistrate of that District

give evidence in a Criminal Case without reference to his real or supposed condition in life - of a regulated amount of Batta for each day's attendance and journey".-

13. On this subject the Court of Foujdaree Udalut will observe that the order to which the Acting Second Judge alludes - which is the Court's Circular Order No. 36 - is based upon the existing Law:- the provisions of Section XXXIII Regulation X of 1816 restricting the grant of Batta to those Prosecutors and Witnesses before the Courts of Circuit "who may appear to be actually in need of such assistance".-

14. The Court have little doubt that good effects would result from the adoption of the English practice in this particular. In Cases of felony, the Courts of Justice in England are empowered to order payment to the prosecutor and witnesses for the prosecution of such sum of money as the Court shall deem reasonable and sufficient to reimburse such prosecutor and witnesses for the expences they shall have severally incurred in attending before the examining Magistrate &c. and in otherwise

otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein.- But the great increase of expence which such a measure would entail upon the State, must, it is apprehended, at least for the present, prove an effectual bar to it's adoption.-

Paras. 28. 15. The Court of Foujdaree Udalut are not able to say upon what grounds the Acting Second Judge has arrived at the opinion expressed in the latter part of this paragraph that "to sensible are they" the regulated Police "of the discredit into which they have fallen that even where the evidence in a case is good and abundant they always doubt if coming from their hands, it will meet with belief".-

Paras. 29. 16. In the opinions of the Court of Foujdaree Udalut, the Acting Second Judge has gone somewhat too far in remarking that "the evidence of a Police Officer carries so little weight with it, that in any case in which he has had a personal concern, he is virtually placed on his own trial - his success is assumed to have resulted from fraud

Inconsi-

means, and is always the first object of an inquiry."—

17. Cases frequently occur in which the evidence of a Police Officer carries great weight with it, and as corroborative and collateral testimony, is of great importance and value. At the same time the Court of Foujdaree Udalut readily admit that there is but too much reason for discrediting "bare uncorroborated confessions" before any native Officer of Police.—

parah. 32. 18. Neither can the Court of Foujdaree Udalut yield their assent to the remarks of the Acting Second Judge in parah. 32. that "the standard and character of the persons appointed as guardians over the lives and general interests of the community are so low that they cannot appear in a Court of justice on an equal footing with the rest of the inhabitants of the country."—

19. Although, among the inferior agents of the Police, there are doubtless many persons of very indifferent character, yet the experience of many years of the Judges of the present constituting the Court of Foujdaree Udalut

Udalut does not go to affirm the sweeping sentence of condemnation passed on the whole body in the parah just cited.—

parah. 38. 20. With reference to the remarks in this parah. respecting the Cuddapah Jail, the Court of Foujdaree Udalut observe that sanction for the construction of a new Jail at Cudalapah at the estimated cost of Rupees 5,284-14-0 was conveyed in the Extract from the Minutes of Consultation under date the 18th December 1838. No. 1172.—

21. Opposite opinions of the Medical Board have been laid before the Government by this Court when submitting the Circuit reports of the Judges in the Centre Division.—That of Mr. Oakes has always been in favor of the present Jail which has been condemned however by the Chief Engineer and the Quarter Master General of the Army in their Reports which accompanied the Extract from the Minutes of Consultation under date the 1st February 1837.—No. 112.—

22. The Court of Foujdaree Udalut beg

21st June 1839.

beg leave to call the attention of Government to the observations in paras 42 and 44 of the Report.

Ordered, that Extract from these proceedings, with copy of the Report and Petition be sent to the Chief Secretary to Government, to be laid before the Right Honorable the Governor in Council.

(Sent in No)

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

(Sent in No 7)

L.A.O

At a Court of the Conjeveram Zillah.

Present,

Saturday

22nd June 1839 — Thomas Alexr Baker Esqre — Acting 1st Puisne Judge,

William Hudleston Esqre — 2d Puisne Judge,

Henry Dickinson Esqre — Acting 3d Puisne Judge,

Read the Criminal Reports of the Auxiliary Court of Chingleput for the Month of May.—

(Vide entry in Proc. dated 18th June 1839)

L.A.O

Report V

Case No 38.

The Court of Conjeveram Zillah observe

1.

that the explanation offered by the Cahsildar of the Cottayam Taluk in regard to the delay in forwarding the prisoner in this case to the Criminal Court appears to them satisfactory; and they direct the Acting Joint Criminal Judge to communicate this remark to the Magistrate, in order that the Police officer may be duly warned on the subject.

Case No 39.

2.

The prisoner in this case was charged with having, at night, perforated the wall of the Prosecutor's house, put his hand through and removed the latch of the door, entered in and stolen therefrom property of the value of Rupees 1-9-7.—

The

3.

The prisoner was convicted and sentenced to two Months imprisonment with hard labour in Irons, under Clause sixth, Section III Regulation VI of 1822.

4.

The Court of Sudder Adalut are of opinion that for the crime of Burglary this sentence was too lenient: and the same remark applies to cases No 40 in which the prisoner was charged with having, at night, entered the Prosecutor's house by climbing the wall thereof and stolen from the person of her sister, while asleep, property of the value of Rupees 3 — and having convicted was sentenced to imprisonment with hard labour in Irons for one month.—

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

(Sent in No 175.

Read return, dated the 18th instant from the Acting Criminal Judge of Combaconum to the precept of the Sudder Adalut under date the 4th June 1839, containing their observations and orders on the Criminal Reports for the Months of April 1839.

(Here enter No 999)

(B)

C.C.

At a Court of the Sudder Adalut.

Present,

Monday, 24th June, 1839.

Thomas Alexr Oakes Esqre — Acting 1st Puisne Judge,
William Rudleston Esqre — 2d Puisne Judge,
Henry Dickinson Esqre — Acting 3d Puisne Judge,

Read Return, dated the 14th instant from the Joint Criminal Judge of Trichinopoly to the Precept of the Court of Sudder Adalut under date the 5th June 1839. conveying their observations and orders on the Criminal Reports of the Auxiliary Court for the Months of April.—

(Here enter No 969 of 1839)

The Court of Sudder Adalut direct that the attention of the Joint Criminal Judge be called to Parah 3 of their Circular Order of the 4th September 1820. which requires that Returns to Precepts be "not made by a simple endorsement to the effect that the Precept has been executed;" but that the substance of "the order, contained in the Extract of the Court's proceedings "accompanying the Precept, be recited in the Return, "and a report subjoined, as to how far execution may "have been done.—

Ordered, that Extract from these proceedings

proceedings be sent to the Joint Criminal Judge of Ensheemoyly for his information and future guidance.

(Sent in No.

Read the Criminal Reports of the Gillah Court of Enadua for the Month of May.—

(Here enter P.R. No. 960 of 1839)

Supplemental Report 1. Cases Nos. 44 & 47 &c. The Court of Conjdara Debattut resolved that these cases will be disposed of without further delay. The length of time during which they have been under examination is much to be regretted.—

Report 2. Case No. 57. The Court of Conjdara Debattut deem it necessary to direct the Provincial Court of Circuit in the Southern Division to call for the proceedings in this case and pass such orders thereon as they may deem proper — with reference to the provisions of Section XXIII, Regulation X of 1816, reporting the result to this Court.—

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

(Sent in No.

Ordered also, that Extract from these proceedings (Paragraph 2) be sent to the Provincial Court of Circuit in the Southern Division by Precept of this date returnable

returnable within 20 days, from and after its receipt.—

(Sent following Precept No. 731

Read Letter dated the 12th instant from the Acting Joint Criminal Judge of Guntoor forwarding the Criminal Reports of the Auxiliary Court for the Month of May.—

(Here enter P.R. No. 960 of 1839)

Supplemental Report. Cases Nos. 14 and 15. The Court of Conjdara Debattut deem it necessary to direct the Provincial Court of Circuit in the Northern Division to call for the Proceedings in these cases and pass such orders thereon as they may deem proper — with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to the Conjdara Debattut.—

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

(Sent following Precept No. 732

Read the Criminal Reports of the Auxiliary Court of Ensheemoyly for the Month of May.—

(Here enter P.R. No. 965 of 1839)

The

3.

The Court of Enquiry Ordered to not see what there is to bring the case within the proviso of the clause above cited: and they direct that the Assistant Criminal Judge be required to submit an explanation on this point.—

Case No. 119.

4.

The Court of Enquiry Ordered observe that the "guilty knowledge" is not charged against the fourth Prisoner in this case.—

Ordered, that Extract from these proceedings (paragh: 1) be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twenty five days from and after its receipt.

(Sent following Precept No.

Ordered also, that Extract from these proceedings be sent to the Criminal Judge of Chittoor by Precept returnable within four days from and after its receipt.—

(Sent following Precept No.

Read order of Government dated the 17th June 1839.— No. 491 authorizing under the Provision of Regulation III of 1827.— the Joint Criminal Judge of Vizagapatam to try "Jaffier" alias "Veeramal" and "Syed Ally" charged with Murder by Thuggee & Trial before the Court of Circuit.

(Here enter S.R. No. 983 of 1839)

Read

Read also Return dated the 20th ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Enquiry Ordered under date the 10th May 1839. directing them to send up a copy of the extract from the Proceedings of the First Judge late on Circuit in the Northern Division which Directed that Special Sanction should be obtained before the Trial of the fifth Prisoner therein referred to, was proceeded with. alluded to in the letter from the Joint Criminal Judge of Vizagapatam to Captain Delaney under date the 23d April 1839.—

(Here enter S.R. No. 884 of 1839)

Read also Letter dated the 3d instant from the First Judge of the Provincial Court of Circuit in the Northern Division, forwarding copies of a Return from the Joint Criminal Judge of Vizagapatam and other papers relative to the prisoners referred to in the correspondence submitted to the Court of Enquiry Ordered by Captain Delaney - Assistant General Superintendant for the suppression of Thuggee under date the 29th April 1839.—

(Here enter S.R. No. 913 of 1839)

It seems clear from the papers sub-

1.

-mitted with the letter of the First Judge of the 3d instant

assistant that as observed by Mr. Crake, there has been some misunderstanding on the part of Ry. Lewis Pelham in regard to the communication of the Joint Criminal Judge dated 23d. of last month; and that he seems to have forgotten that the fifth prisoner in the case referred to was charged with "murder by Thuggee" as well as with the offence punishable under Act XXX of 1836.

2. In his Return of the 29th. ultimo, the Joint Criminal Judge of Vizagapatam observes that in his letter to Captain Pelham of the 23d. of last month he requested that officer to obtain the Special sanction of Government for the 5th. prisoner alone in Case No. 83 of 1858 - "who is to be tried under Act XXIII of 1837 on a charge of Murder committed beyond the Jurisdiction of the Joint Criminal Court at Vizagapatam;" and he further explains that, he conceives the directions issued from the 7th Judge Late on Circuit, a list of which were forwarded to Captain Pelham, pursuant to his copy and Extract ally the Prisoner in No. 97 of 1858 - without further orders from the Court of Sudder Dewanny Adawlut; and therefore he has hitherto postponed that trial.

3. The explanations thus furnished have sufficed to clear up the matter under discussion. The fifth

Pd.
24th June 1859.

fifth prisoner in Case No. 83 - being charged with Murder by Thuggee - and not with the offence made punishable by Act XXX of 1836 - only - as the Court of Sudder Dewanny Adawlut were led to imagine - the Joint Criminal Judge of Vizagapatam acted quite right in requiring that the special sanction of Government for the trial of that prisoner should first be obtained: and with reference to his remarks in the passage of his Return above cited - the Court of Sudder Dewanny Adawlut resolved to apply to Government for sanction to bring to trial both that prisoner and also Syed Ally - which has been granted in the order of Government now recorded: and the Joint Criminal Judge will accordingly proceed to dispose of those prisoners without further delay.

4. The Joint Criminal Judge will hereafter take for his guidance the orders contained in paras 7 and 8 of the Proceedings of the Court of Sudder Dewanny Adawlut under date the 10th. instant.

5. With reference to the remark in the last para of the Joint Criminal Judge's Return of the 29th. ultimo - to the effect that the instructions conveyed to the Joint Criminal Judge by the Sudder Dewanny Adawlut in their remarks dated the 15th instant (Para 5) on his Criminal Report for the months of March last a/year

appear directly opposite to the orders contained in the Precept now under Reply" meaning the Precept of the First Judge dated the 18th May 1839- the Court of Conjeveram Ed.alut observe that in prohibiting any further detention of the prisoners in the cases inquestion and directing "the Joint Criminal Judge immediately to proceed "to Judgment in each case"- they supposed the previous fulfilment of all conditions required by the existing Regulations-

6. The correspondence howsoever on this matter, abundantly shows the necessity of affording the fullest explanation in regard to all references connected with cases of the nature of those under consideration-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and to be communicated to the Joint Criminal Judge of Vizagapatam for his information and guidance-

Sent in &c.

Read

Read Statement required by the 2nd Circular Order of the Court of Conjeveram Ed.alut - No. 35 - dated the 26th March 1835- showing the amount of Batta paid to the Prosecutors and Witnesses attending before the Court of Circuit at Bellary during the First Sessions of 1839- submitted by the Third Judge on Circuit in the Centre Division -

(Here enter S.R. No. 973 of 1839)

Adverting to the unusually heavy charge for Batta - amounting as shown by the Statement now recorded, to more than eleven Hundred Rupees - and to the detention of the parties in several cases for periods exceeding thirty days - the Court of Conjeveram Ed.alut deem it necessary to call upon the Third Judge to report whether he adopted Mr. Vaughan's Plan of summoning witnesses as required by the Circular Order of the 2nd October 1837- No. 93- and if not, to explain the circumstances which rendered its adoption impracticable or inexpedient -

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division by Precept returnable

24th. June 1839.

returnable within seven days from and after the
receipt.—

(Sent following Precept No.

F. 96.

At a Court of the Tongdaree Udalut—

Present,

Tuesday, 25th. June 1839. Thomas Alexr. Oakes Esqre. 1st. Puisne Judge
William Rudleston Esquire 2nd. Puisne Judge
Henry Dickinson Esqre. 3d. Puisne Judge

Read Return dated the 20th.—

Ultimo from the First Judge late on Circuit in the Northern Division, to the Precept of the Court of Tongdaree Udalut under date the 24th May 1839—

L.P.O. directing him to send up a certified translation of the Petition No. 58. referred to in parah 25 of his Circuit Report for the Second Sessions of 1838 and in Appendix C. which accompanied that Report.

(Here enter F.U. No. 87a of 1839.)

The Magistrate of Vizagapatam at page 12. of the Appendix C. disposing of the complaint of Cadarusetty Ramalingum the Petitioner in No. 58. of oppression and ill-usage exercised towards him by Mr. Braton, the Head Assistant Magistrate, Anchery Soomiah the Head of Police of Surrasiddee, and Mr. Braton's Dubash named Munnum Ramajogy and others the relations or dependants of the said Head of

Police,

Police,— observes that the charge against the second Defendant Manuem Ramajogy of taking "the prosecution and other Comaties by force" cannot be considered proved by reason of the contradictions previously noticed in the Evidence—

2. It appears to the Court of Sonjdaree Udalut, on the contrary, that the said second Defendants admission at page 34 of the appendix that he "brought" the said individuals to the Cutcherry and "kept them there" is of itself sufficient to show that "undue authority" as Mr Pasbie states in Parah 25 of his Report was in this case "exercised towards the parties".

3. Mr Mason (p. 9) speaks of his "Summons" as "executed upon the Petitioner and others" and it is quite evident that the person "entrusted" with the "Summons" acted as if he had possessed a warrant for the apprehension of the persons named in the said Summons.

4. Mr Mason at p. 12 admits his detention of the petitioner in Custody which was illegal and it was not competent to him to have ignored

even

even a "Summons" for the attendance of the parties without a charge on oath against them—

Mr Mason's examining the Petitioner

3. finately the day before he examined him on oath was a most improper proceeding and his taking an examination on oath from him, while under illegal restraint (as the Court of Sonjdaree Udalut consider it clear that he was) was also highly improper.

The inconsistencies as to other details of the Evidence which are apparent on the proceedings, have not escaped the notice of the Court of Sonjdaree Udalut, but the Court consider them comparatively immaterial, and are of opinion that the main fact of the illegal apprehension of the petitioner and others is fully proved by the Deloyets own admission

Contradictions in the depositions given

Petition No. 7. in this case are pointed out and, it cannot, perhaps,

Appendix C. be affirmed that the charge is proved in all its extent but here also at page 79 of the Appendix C. is the admission of the Deloyet Manum Ramajogy that he took into custody; as on a warrant, persons for whose attendance he held only a Summons. The

whole

whole proceeding against the Complainant was that prescribed by the Regulations on charges of offences "not bailable" or when a party may not have attended according to the Exigence of a Summons.

8. But, there seems so much reason to suppose that the Poon has been upheld by Mr. Mason in these proceedings - and that the distinction between a Summons and a warrant and the cases to which those processes apply respectively has not been attended to by Mr. Mason - that the Court of Fouzdaree Adalut do not consider the Poon liable to dismissal from the Service for what he admits that he has done -

9. The variances in the Evidence are sufficient, in the opinion of the Court of Fouzdaree Adalut, to prevent and order for the dismissal of the Head of Police in whose instance also the irregularities of the Assistant Magistrate must be taken to palliate those of his Subordinate -

10. It will be observed that in para 28 of his Report, Mr. Taske recommends "that the Head of Police and the Poon Mamun Ramajee be

be dismissed from the Service and be declared incapable of being entertained in the Public Service again" -

In this case it is admitted that the

Petition No. 89. 11.

Appendix H. Deloyet Sheikh Hossain went to the houses of the complainants before day to serve a "Summons" and knocked at their doors with sticks: and the Complainants having run away, the said Deloyet, on their return "apprehended and pinioned their arms with cloths and took them to the Cutcherry of the Headman assistant to the Magistrate" -

Mr. Arbuthnot, in his decision

12. observes that "of the acts committed by the said Deloyet only that of pinioning is objectionable: and this act he deems excusable on the ground of the Complainants having absconded -

The Court of Fouzdaree Adalut

13. are of opinion, that the proceeding, before day, to serve a Summons was very improper, and that the tying and pinioning the Complainants was an outrageous violence under the circumstances for which no palliation is to be found in any provision of the Regulations which the Poon could be supposed to have misapplied

misapplied or misunderstood.

14. The Magistrate's defence of the Peon tends to show that he partakes of the indifference exhibited by his Head Assistant regarding illegal conduct on the part of his Native establishment.

15. Where such principles are avowed by the Head of the Department, it would, in the opinion of the Court of Tonjadore Adalut, be hard to visit the misconduct of the Peon with dismissal: (it will be observed that in Parah 31. of his Report Mr Paske recommends that the Peon concerned in this last case be also "dismissed the Service"): but the Court of Tonjadore Adalut resolve respectfully to suggest to the Government that such notice be taken of the Proceedings of the Magistrate and the Head Assistant as may serve to impress forcibly upon them the obligation to adhere to the Provisions of the Regulations themselves, and take care that those provisions are not disregarded by their subordinates.

16. With reference to Mr Paske's remark in Parah 27 of his Report, that the "Head of Police" (Sp Sarvasiddee) "here referred to is the party who preferred the charge against Royavarapoo Dasadhee which has been already submitted to the Higher Court, and in which the Proceedings of the Head Assistant and Magistrate have been denounced as illegal and he warned against a repetition of similar injustice" the Court of Tonjadore Adalut direct that a copy of the Proceedings which accompanied the First Judge's letter of the 8th January 1839. relative to the case in question and of the Proceedings of the Tonjadore Adalut of the 29th January 1839. thereon - be now submitted to Government.

Ordered, that Extract from these Proceedings, together with copies of the appendices A and B and of the Petition No. 58. be sent to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, with reference to paras 26 and 38 of the Extract from the Proceedings of the Court of Tonjadore Adalut under date the 4th June 1839.

Ordered also that Extract from these Proceedings be sent to the Judge late on Circuit in the Northern Division for his information.

Sent in No. 84

Sent in No. 85

Read Letter dated the 9th Ultimo, from the Second Judge late on Circuit in the Western Division

Division, Submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the Second Sessions of 1838.-

/ Area enter F.H. No. 734. /

parah 8. 1. It is satisfactory to learn that of the fourteen cases actually tried at Bangalore, only two terminated in the acquittal of all the prisoners.

parah 12. 2. In this parah the Second Judge remarks that in the District of Malabar "there has happily been for the last few years a gradual falling off in the number of Gang Robberies, which used formerly to make the business of the Criminal and Circuit Courts so much heavier than it is at present."

3. The Court of Sunderar Adalat consider this result very satisfactory.-

4. From parah 4 it also appears that "the cases of Wounding" an offence which in Malabar has always hitherto been most prevalent. "were unusually few" in that District "there being but two, in both of which the Prisoner was one and the same".-

parah 11. 5. In the communication referred to

to in parah 11 as explaining the cause of the non-observance of the Calicut Sessions of the plan recommended by Mr Vaughan and now ordered to be universally adopted for Summoning Prosecutors and Witnesses before the Court of Circuit- the Second Judge states that he had not considered it necessary to send particular instructions on the subject to Mr Cockburn; but on his arrival at Calicut, he was surprized to find that owing to the lightness of the Calendar, it had not been deemed requisite to observe that course and according by the attendance of the parties in about 1/3 of the Calendar) had been fixed for cases on the Primary one and the same date.

Ordered, that Extract from these Proceedings, with a copy of the Report be sent to the Chief Secretary to Government, to be laid before the Right Honorable the Governor in Council.-

/ Sent in No. /

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

/ Sent in No. /

Read.

Read Letter dated the 24th Ultimo from the Acting First Judge of the Provincial Court of Circuit in the Centre Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of Case No. 19 of the Chittoor Calendar of the First Quarter Sessions of 1839.

/ Here enter F.H. No. 638. /

Mr. Baker
Mr. Dickinson.

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

1st Anoom Chitty

and

4th Yellooyadoo

is insufficient to convict them of the Crime of Gang Robbery by open violence, &c. under the authority or with which they are vested by Clause first Section II Regulation I. of 1818, convict them thereof; and under the provisions of Clauses second and fifth Section IV Regulation XV. of 1803. sentence the prisoner

1st Anoom Chitty

to be imprisoned and kept to hard labor in irons on the

the public roads or other public works, for, and during the period of eight years; and the prisoner

4th Yellooyadoo

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

The Court, further being of opinion that the prisoner

2d Maula Coolaloo

is not convicted on presumptive proof, or on the Evidence of credible witnesses or on his own confession, notwithstanding the fatwa of their Law Officers do acquit him accordingly; but considering that strong suspicion thereof not amounting to conviction attaches to him, they direct that under the provisions of Clause fourth Section II Regulation XV of 1803, he be required to find two Sureties in 25 Rupees each Surety for his good behaviour and appearance when required within two years, and in default thereof, that he be detained for two years in Confinement.

The Court of Foujdaree Udalut observing

p. 42 of the Record.

observing that the Sixth prisoner Manka Vyradee, on his Examination before the Assistant Magistrate, admitted that the declaration then read to him, had been given by him before the Police Officer and was "correct" deem it proper to call upon the Acting First Judge to Explain on what grounds he threw that admission out of consideration.

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

/ Sent following Precept No. /

Read Letter dated the 6th instant from the Assistant Criminal Judge in charge of the Tillah Court of Chavagacherry forwarding the Criminal Reports for the month of May.

/ Here enter S.C. No. 962 of 1839 /

Report No. 1.
Case No. 67.

In this case, the prisoner Kuncharla Ramiah was charged, "with having, with some others, attacked one Palcondah Andeppah under the District Moonsiff of Sentanagarum as he was taking an order of the said Court

Court to the village of Cottavalsah for the purpose of executing a Decree of the said Court, and with having forcibly taken from the said Peon, the said order and a bundle containing some other orders with the intent that the said order may not be enforced, and with having buried the said order with the other orders in a water-course in consequence of which the order "first" mentioned "was" mutilated and the other orders were damaged &c.

It is stated that the case could not be disposed of in consequence of the District Moonsiff of Sentanagarum not having sent any Evidence what-ever.

2. The Court of Zoujdaree Udalut deem it necessary to direct the Assistant Criminal Judge to ascertain and report under what circumstances the District Moonsiff held the Preliminary Proceedings in this case.

3. The Court observe that the Dis-trict Moonsiff is not a Police Officer, and the charge was regularly cognizable only by a Police Officer or the Magistrate.

Ordered,

observing that the 16th Prisoner Manika Vyraden, on his examination before the Assistant Magistrate, admitted that the declaration then read to him, had been given by him before the Police Officer and was "correct" deem it proper to call upon the Acting First Judge to explain on what grounds he threw that admission out of consideration.

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

/ Sent following Precept No /

Read Letter dated the 8th instant from the Assistant Criminal Judge in charge of the Tillah Court of Chavagacherry forwarding the Criminal Reports for the month of May.

/ Here enter F.H. No 962 of 1839 /

Report V. Case No 47.

1. In this case, the Prisoner Kunchorla Ramiah was charged, "with having, with some others, attacked one Palcondah Andeppah under the District Moonsiff of Sattanagarum as he was taking an order of the said Court

Court to the village of Cottavalsah for the purpose of executing a Decree of the said Court, and with having forcibly taken from the said Peon, the said order and a bundle containing some other orders with the intent that the said order may not be enforced, and with having buried the said order with the other orders in a water-course in consequence of which the "order" first mentioned "was mutilated and the other orders were damaged".

It is stated that the case could not be disposed of in consequence of the District Moonsiff of Sattanagarum not having sent any Evidence whatever.

The Court of Tonjadore Udalut deem it necessary to direct the Assistant Criminal Judge to ascertain and report under what circumstances the District Moonsiff held the preliminary proceedings in this case.

The Court observe that the District Moonsiff is not a Police Officer, and the charge was regularly cognizable only by a Police Officer or the Magistrate.

Ordered,

25th June 1839.

Ordered, that Extract from these proceedings be sent to the Assistant Commissioner of Circarde by Precept returnable within seven days from and after its receipt.

Sent following Precept No. /—

1739.

Ex'd.

L.A.C.

L.A.C.

F. Ca.

At a Court of the Foujdaree Udalut

Present

Thomas Alex.r Oakes Esq.re Judge 1st Puisne Judge

Wednesday Wm. Rudleston Esq.re — 2d Puisne Judge

26th June 1839. Henry Dickinson Esq.re — 3d Puisne Judge

Read letter dated the 15th Instant from the 2d Judge on Circuit in the Northern Division, transmitting the record in Case No. 3 on the Rajahmundry Calendar for the 1st Sessions of 1839.—

(Here Enter No. 938.)

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

Mr. Rudleston and Mr. Dickinson.

Mootteea Poliah.

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

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 &c.)

Read letter dated this day from the Acting Criminal Judge of Combaconum forwarding the Criminal Reports of the Lilly Court for the month of May.

(Here enter S.C. No 958 of 1839)

Case No 78.

1. The prisoners in this case, eleven in number were charged with having riotously assembled in a mob, contrary to the orders of the Joint Magistrate, and proceeded to the Grain floor at Cadiengal Ramachendra Aiyen Coilputt, assaulted and beaten the first, second and third witnesses with sticks, and forcibly carried away a quantity of grain valued at Rupees 1275. belonging to the Prosecutor Subba Row Gola Rowta.

2. The Prisoners were committed for Trial by the Assistant Criminal Judge.—

3. As some time must elapse before the next Sessions of the Court of Circuit

is held at Combaconum the Court of Sunjidaree Udalut doubt not to be to direct the Criminal Judge to admit the Prisoners in this case to bail.—

Case No 79.

4. The prisoners in this case were charged with having, at about noon, on the 29th April 1839 together with some others, proceeded to the house of the second witness in which the Prosecutor was living, with having entered therein by getting over the Roof and forcibly carried away Property belonging to the Prosecutor valued at Rupees Six hundred and odd:— and were committed for Trial.—

5. The Court of Sunjidaree Udalut observe that if this charge was intended to be one of Robbery, that Offence should have been stated as charged: and they deem it proper to call for an explanation on this point.—

Ordered, that Extract from the proceedings be sent to the Acting Criminal Judge of Combaconum by precept returnable within seven days from and after its receipt.

(Sent following precept &c.)

Read

and after its receipt.-

(Sent following precept to)

Read the following letter
dated the 13th Instant from the Magistrate
of Vizagapatam.-

(Here enter F.R. No. 988 of 1839)

1.

In the letter now recorded the
Magistrate of Vizagapatam submits an
explanation of the measures he adopted to
"induce" the prisoners to whom, in his letter
of the 23d Ultimo, he recommended that
a conditional pardon should be offered, to
"confess" - with reference to the remarks in
parah: 2. of the Extract from the Proceedings
of the Court of Sudder Adalut under
date the 4th Instant.-

2.

The Court of Sudder Adalut
consider it only necessary to observe that
the Circular Order of the 3d April 1828.
and the Provisions of Section XXVI Regula-
tion IX of 1816, must be strictly conformed
to in these cases. No inducement whatever
should be held out to a Prisoner &c &c
&c &c to make a confession intended to be
used against him.-

The

3.

The Magistrate further adverts
to the remark of the Court of Sudder Adalut
in Parah: 3. of the Proceedings above cited.-
to the effect that the Criminal Judge and
not the Magistrate is the proper person
to make application for an offer of conditional
pardon under the provisions of Section XX,
Regulation VIII of 1802.- when the object
in view is not the apprehension but the
conviction of the principal offender or offenders
and he proceeds to argue that "if a Magis-
trate be debarred from holding out the hope of
pardon to accessaries, it will frequently
be impossible to procure any evidence
whatever against the leader of a Gang;
though this being so, may be notorious to
the whole country."-

The Court of Sudder Adalut

4.

direct that the Magistrate be informed
that upon a further consideration of this
question, and on reference to Precedents, the
Court find that it is open to the Magis-
trate to make the application with a view
to the conviction of the principal offenders
Order, that Extract from

these

these proceedings be sent to the Magistrate of Vizagapatam for his information.—

(Sent in Ltr. [illegible])

Read the Criminal Reports of the Auxiliary Court of Ganjam for the months of May.—

Here enter F.R. No. 994 of 1839.)

Suppl. Report. Cases Nos. 37 and 38.

1. The Court of Zillah Judges direct that the Acting Joint Criminal Judge be instructed to bring these cases to the notice of the Magistrate, in order that the Head of Police may be strongly warned against sending up Cases to the Criminal Court wherein the evidence against the accused is palpably insufficient.—

Case No. 42.

2. The three prisoners in this case were charged with having at midnight entered the Prosecutor's house and stolen therefrom Paddy valued at Rupees 16 & 8. and were required by the said Ameen to find security for their future good behaviour.

3. The Court of Zillah Judges are of opinion that the evidence as given in abstract in the Report was sufficient for the conviction of the accused.—

By

Report 4.

Case No. 54.

4. Of the five prisoners in this case who were charged "with aggravated abuse of authority and cruel and violent assault and continued ill-treatment of the Prosecutor for several days", the first Prisoner who is the Village Moonsiff was sentenced to pay a fine of twenty Rupees and the second Prisoner a Duffadar a fine of fifteen Rupees under Regulation III of 1819.; and the other three prisoners were released on the ground that they were "mere subordinates namely a Peon and two Talaries and appear to have acted entirely under the orders of the two first prisoners."

5. The Court of Zillah Judges are of opinion that some punishment should have been awarded the last mentioned parties. Peons must not be allowed to suppose that they will be held harmless for obeying illegal orders.—

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

(Sent in Ltr. [illegible])

Read

Read return dated the 15th
Instant from the Criminal Judge of Rajah
mundry to the Precept of the Court of Sunjeeva
Udalut under date the 4th June 1839 enclosing
their observations and orders on the Criminal
Reports of the Zillah Court for the month
of April.-

Report V
Case No. 35.

(Here enter F. Ua. No. 995 of 1839)

1.
The Criminal Judge having
been required by the Court of Sunjeevee Udalut
in Parah. 2 of their proceedings under date
the 4th Instant, to state the grounds of
the suspicion declared to attach to certain
of the prisoners in this case - explains that
the Prisoners referred to are stated by
two witnesses to have been apprehended while
absconding with the other Prisoners. they
also confess before the Head of Police;
and that "this evidence and confession by
the Criminal Judge are insufficient to
commit them, but fully warrants holding
them to security."

2.
The Court of Sunjeevee Udalut
resolve to direct the Provincial Court of
Circuit in the Northern Division to call for

the Proceedings in this case and pass such
orders thereon as they may deem proper -
with reference to the Provisions of Section
XXIII Regulation X of 1816 - reporting the
result to this Court -

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

(Sent following Precept No.)

Read return, dated the 21st
Instant, from the Acting 3d Judge late
on Circuit in the Southern Division, to
the precept of the Sunjeevee Udalut of the
15th Instant, containing their observations
and orders upon Cases Nos. 2 and 3 of the
Cuttacumm Calendar for the 2d Sessions
of 1839 -

(Here Enter No. 1014.)

Read return, dated the 19th
Instant from the Provincial Court of Circuit
in the Northern Division, to the precept
of the Sunjeevee Udalut dated the 8th June 1839
Explaining

26th June 1839.

explaining by a Circular Order No 10? that the Circular Order No 61 dated the 20th April 1835 is not superseded by the Circular Order No 84.—

(Here enter No 1015.)

Read return dated the 10th Instant from the 3d Judge on Circuit in the Western Division, to the precept of the Sanjdars Udalut of the 20th Ultimo, directing him to call for the record of the proceedings in Case No 29 on the Supplemental Return of the Zilla of Canara for the month of April 1839, and after a review thereof to pass such orders thereon, with reference to the provisions of Section XXIII Regulation X of 1816, as may appear necessary, reporting the same for the information of the higher Court.—

(Here enter No 1016.)

At a Court of the Sanjdaree Udalut

Present

Thomas Alexr Oakes Esqre 1st Puisne Judge

Thursday William Rudleston Esqre 2d Puisne Judge

27th June 1839. Henry Dickinson Esqre 3d Puisne Judge

Read letter dated the 24th Ultimo from the First Judge late on Circuit in the Northern Division, submitting for the final judgment of the Court of Sanjdaree Udalut the Record of Case No 1 of the Chittagong Calendar of the Second Sessions of 1838.—

(Here enter No 872 of 1839.)

The Court of Sanjdaree Udalut having on deliberate consideration of all the circumstances of the case in evidence before them, are of opinion that the proof against the prisoner

2d Ragoonadha Sawoo

is sufficient to commit him of having aided in the disposal of the dead body of the deceased, &c. &c. under the authority with which they

they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and under the provisions of Clause Second of the same Section and Regulation, they direct their Law Officers to declare by a second Futwa, to what Specific punishment the Prisoner would have been liable under the Mahomedan Law, if he had been convicted by full legal evidence of the crime.

Answer.

In the event of the Prisoners being proved by full legal evidence to have murdered the deceased, and having subsequently disposed of the dead body of the deceased, he would have been liable to Retaliation.

Mr Ruddleston and Mr Dickinson.

The Court of Sunjdarees 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 Corat and Mooftees of the Sunjdarees Udalut, confirm the said futwas of the Cazee-ool Corat and Mooftees aforesaid, convicting the Prisoners

1st Juganadha Sawoo

and

2d Ragoonadha Sawoo

of the crimes of which they are respectively charged and awarding to Koobut, and under the provisions of Clause third Section VIII Regulation XV of 1803. Sentence the Prisoner

1st Juganadhat Sawoo.

to be transported to such place or places beyond Seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for, and during the period of his natural life: and the Prisoner

2d Ragoonadhat Sawoo alias Ragoonadha Baharo:

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

The Court of Sunjdarees Udalut deem it necessary to notice the irregular system of Correspondence between the Criminal Judge and a Jawab Nawees of the a Magistrate's Establishment, instead of the a Magistrate himself corresponding with the Magistrate in regard to Criminal Cases pending before the Court: and to direct that

that the practice, if still in force, be
forthwith discontinued.-

Ordered, that Extract from the
proceedings be sent to the First Judge Sitting
on Circuit in the Northern Division to
be communicated to the Criminal Court
of Chicacole for his information and
guidance.-

(Sent in No)

Read letter dated the 8th Instant
from the Provincial Court of Circuit in the
Centre Division, forwarding a copy of a
communication from the Acting Criminal
Judge of Cuddapah relative to cases Nos
on the Supplemental Criminal Report
of the Zillah Court of Cuddapah for the
month of March 1839. and requesting the
orders of the Court of Sunjdaree Adawlut
in regard to the disposal of those cases.

(Here enter F.Ols. Nos 934 of 1839)

It seems necessary only to observe
in reply to this reference - that orders as
to the disposal of the cases Nos - were
given in the Proceedings of the Court of
Sunjdaree Adawlut of the 11th June 1839.-
the

F.Ols.

24th June 1839.

the letter from the Register to the Provincial
Court dated the 8th not being received in
the Office of the Sunjdaree Adawlut until
the 12th Instant.-

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

(Sent in No)

Read letter dated the 21st
Instant from the 2d Judge on Circuit in
the Southern Division, forwarding a State
ment of Batta paid to the Prosecutors and
Witnesses attending before the Court of Circuit
at Cuddalore for the 1st Sessions of 1839.

(Here enter No 1022)

Read returns dated the 21st
Instant from the 2d Judge on Circuit in
the Northern Division, to the precept of
the Sunjdaree Adawlut of the 15th Ultimo
directing him to call for the proceedings
in Case No 115. on the Criminal File of the
Zillah Court of Chicacole for the months
of December 1838. and pass such orders
thereon

27th June 1839.

thereon as may appear to him proper.

(Here Enter No. 1030.)

Read letter dated the 21st Instant from the 2d Judge on Circuit in the Northern Division, reporting his intention of opening the 1st Sessions of 1839 at Chicacole on the 8th Proximo.

(Here Enter No. 1031.)

Read return dated the 22d Instant from the 2d Judge on Circuit in the Southern Division, to the precept of the Tonjdaree Adalut of the 11th Instant, conveying their observations and orders on the Salem Primary and Supplemental Calendars for the 1st Session of 1839.

(Here Enter No. 1032.)

Friday. 28th June 1839.

J. Ils

At a Court of the Tonjdaree Adalut.

Present,

Thomas Alexr Oakes Esqre 1st Puisne Judge
William Rudleston Esquire 2nd Puisne Judge
Henry Dickinson Esqre 3rd Puisne Judge

Read Return dated the 6th instant from the First Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Tonjdaree Adalut under date the 9th May 1839. requiring him to call upon the joint Criminal Judge of Vizagapatam and the Assistant Criminal Judge in charge of the Tellah Court of Chicacole, for an explanation in regard to the extreme incorrectness of the Translations of the Records of the Criminal Trials laid by those Officers before the Court of Circuit.

(Here Enter J. Ils. No. 980. of 1839.)

The first Judge adverting to the remarks of the Court of Tonjdaree Adalut in former proceedings relative to the delay in passing Sentence in Case No. 3 of the Chicacole Calendar of the Second

Second Sessions of 1838. observes "it is true that the Sentence was given on the 19th November, but the sentence of the Court of Circuit was not passed till the 28th December 1838": that he "believes it is usual with all the Judges on Circuit to pass the Sentence in all the Cases in the Calendar at the same time, at the close of the Sessions excepting in some particular instances" and that he "followed this course at Chicacole and the Sentence was given on the above mentioned date with the sentences in the other Cases".

2. The Court of Foujdaree Adalut, referring to the Calendars which have from time to time been submitted to the Court, do not find that the Judges of Circuit generally follow the practice indicated by the First Judge on the contrary the practice appears to be to pass the Sentence in each case immediately upon the close of the Trial. This appears to be the most regular course and is indeed distinctly enjoined in Clause first Section XV. Regulation VII. of 1802: it is also the most fair towards the convicted prisoners: since by the Circular Order of the 11th February 1831 it is ruled that the "Sentences of imprisonment on Convicts are

are held to take Effect from the dates of the Sentences, and the practice adopted by the First Judge would therefore, in the Case of a protracted Sessions, have, in fact, the Effect of enhancing the punishment.

3. In Explanation of the many Errors and inaccuracies in the English Translations of the Records above referred to, the Joint Criminal Judge of Vizagapatam states that "the Head Translator and Deputy Translator" are both of them totally unable to translate a single Sentence "Grammatically": and the "Assistant Criminal Judge of Chicacole" states that the "many gross mistakes" in the Translations "arose from the total incapacity of the Head Translator".

4. The Court of Foujdaree Adalut observe that the Servants in question, being unfit for their situations, should be immediately dismissed; and steps taken to replace them by duly qualified persons. If such are not to be procured at Vizagapatam or Chicacole, it will be proper to endeavour to obtain them from the Presidency, and upon an application to that Effect from the Officers in charge

28th June 1839.

of those Courts, persons might be invited to undergo an examination at the Office of the Registrar of the Sanjedaree Udalut, and the most expert translator be retained for the Office.

Ordered, that Extract from the proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for the information.

L.P.C.

Sent in No. /

Exd.

F. W.

At a Court of the Sunjedaree Udalut

Present,

Saturday, 29th June 1839.

Thomas Alexr Dakes Esqre 4th Puisne Judge
William Hudleston Esqre 2nd Puisne Judge
Henry Dickinson Esqre 3rd Puisne Judge

L.P.C.

Read again Extract from the Minutes of Consultations under date the 10th October 1837, No. 965, communicating the observations and orders of the Governor in Council on the Report of Mr. Major, Acting 2nd Judge of the Central Division for the 2nd Provincial Court in the Centre

Also the Extract from the proceedings of the Sunjedaree Udalut under date the 15th September 1837 No. 2106 of 1837

Read also letters dated respectively the 5th 12th 16th 19th November and 3rd December 1838 and 1st and 8th March 1839 from the Provincial Courts of Circuit in the Northern, Centre, Southern and Western Divisions, submitting copies of Reports from the several Criminal and Civil Criminal Judges and Magistrates within their Divisions relative to the habits of the Thieving and predatory tribes in the Provinces

Provinces and their opinion as to the means best
calculated for effecting their Reformation.
(Here enter Nos. 1448. 1511. 2218. & 2320 of 1838. and
114 and 123 of 1839.)

In Parah 8 of the Extract from the
Minutes of Consultation above recorded it was directed
"that Sir Thomas Munro's plan for reforming Thieving
"tribes of Thieves and Robbers and other vagabonds, em-
"ployed by the Tinnivelly Polygars may be required for the
Parah 13 to 16. "consideration of the Board of Authorities"

2. The same subject was again ad-
verted to by Government, in the 30th Parah of their
Extract from the Minutes of Consultation under date
the 19th of January 1838 No. 113, upon review of the
half yearly report of the administration of Criminal
Justice for the 2d half of the year 1836 submitted by
the Tinnivelly Zillah under date the 1st of November by
and this Court were directed "to call upon the several
"Magistrates, in the Districts under their Superintendency
"to furnish full and particular reports upon the se-
"veral tribes and castes commonly found in their
"respective Districts, calculated to ascertain whether

"or occasionally, theft and robbery as a profession, or
"embracing such particulars of their history, character,
"habits and mode of life, as they may be enabled,
"from their own experience, and from enquiries, to supply
"or accompanied with such suggestions either for their
"reformation or coercion as may occur to them." The
Superintendent Zillahs were further requested to "specify the
"precautionary Enactments into which those which may
"have been issued in conformity with Parah 8 of the
"Minutes of Consultation under date the 10th October
"shall be understood to surrender."

Western Division 3. The Magistrate of Malabar has
Magistrate of Malabar reported that the following tribes of Thieves and Robbers, such
(Mr Thomason) as are described in the proceedings of the Tinnivelly
Zillah of the 18th September 1837, are said to be found
in Malabar.

Canara 4. It is stated by Mr E. Malthby the
Sub Magistrate Acting Magistrate, that the principal tribes known
Superintendent Malthby in Canara who lead an unsettled life, and are suspected
to resort to robbery, are the Lumbaddies
or Banjarries, or the Waddars or tank diggers, and
the Korachas or Stone Cutters, that from the Castes

castes reside in the District, but enter it occasionally from the Mahratta and Mysore Frontiers.

5. The Lambadies, he observes, enter the District and carry away salt and Bullock, and they come also to graze their Cattle in the Canara forests; It is to be feared that they murder travellers as well as plunder them.

6. The Waddas and Kulcoodas tribes he states, are less numerous than the Lambadies: they come in strolling parties, commit their robberies by torch light, and if resisted, are guilty of cruelties.

7. In the 8th para of his letter, the Joint Magistrate expresses an opinion that with the exception of the Lambadies, whose trade as carriers of Grain and Merchandize prevents a settled life, it appears "practicable to make the wandering tribes settle down to agricultural occupations, provided the system "was generally introduced in adjacent Districts, and "the local authorities possessed the necessary powers of "reward and punishment."

8. He states however that in Canara "too many circumstances are unfavorable to the proposed system

"system to render it likely to be successful" because those "tribes are not inhabitants of Canara, but only enter the "District occasionally and would always be able to effect "their escape. "Two of the robberies in Lower Canara" he adds "are consequently committed by these Stranger tribes, "who have no means of concealment and must trust to "flight alone for escape from apprehension."

9. In the Talooks above the Ghauts, he "generally observes, these descriptions of Robbers have more "facilities, and he is of opinion, that if the Police were "empowered to permit strolling parties for not obeying "orders to keep at night within the Villages and report "their movements, these measures, joined to a selective sur-"veillance over their numbers and conduct, would leave "few opportunities for committing crimes. The local Police "might also with advantage be authorized to detain one "member of the gang in Nuzzerbundi or under surveillance, "as a hostage for the good conduct of the rest, during "their stay in the village when the party failed in giving "security." He "actually states in addition, that many ob-"jections might be urged against the plan of giving "the pistols which are so liable to prove a screen for "guilt, as a check to crime."

The

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Opinion of the J. Court 10.
Mr. Anderson 3d Judge
Mr. Bird 4th Judge

The Provincial Court are of opinion "that the adoption of these measures would be attended with the "best effects and that Mr. Mallett's letter shews they are "necessary."

Northern Division
Guntoor Magistrate
Mr. Goldingham.

11.

The Magistrate reports that in the district under his charge, there are two principal tribes of the description referred to, namely the Lambadies and Yanadies. In respect to the former he observes that in consequence of Police surveillance, thefts and robberies are not often committed by them, and that it does not appear necessary to make any further Police provisions regarding them.

12.

The Yanadie tribe, Mr. Goldingham observes, "systematically procure theft and nothing "else: they are two classes, that are basket making, who seldom commit depredations, and the others, retailers of salt and of a leaf called Karumpak. he observes that the strongest measures of Police working in this District a few years ago "and it have been a standing Ordinance that none should be allowed to remain in "the District" that latterly this Order has not been

Mr. Jones d.

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suppressed "the consequence has been that depredations have been again practised in an organized form" Mr. Goldingham "have grounds to justify the measure of Expulsion - "but efforts have been made without success to induce this "tribe to cultivate land, and Mr. Goldingham is of opinion "that it is not likely that they will leave of their own con- "sent, change their present habits" but he deems it think that the experiment may be tried.

The Magistrate of Masulipatam

Magistrate of Masulipatam
Mr. J. Grant.

12.

states that there are "numerous tribes of strolling vagabonds in his District, who are justly suspected of being concerned in committing thefts and burglaries." He mentions first the

Yanadies

who "live entirely in the Jungles" and "have no other "habitations than a cave and go about almost naked"

Dasta Yukalu

inhabit the Sea coast and get their livelihood by smuggling salt, fishing, &c. in boats of 30 or 40 tons burden. The Dombies and Jellingas

Kanikapulus

who "practice Jugglery and beg, and do not commit robberies

Kallingulu Chenchu

Pirates

Gypsies

Bayagoo

Jungles

who are described as Pirates to the inferior classes, and have often been detected in theft.

The Court of Sudder to attribute these depredations

depredations of these tribes to the connivance of the Village Police, and does not recommend or consider warranting any extraordinary measures.

Magistrate of Rajahmundry Mr. P. A. Smith.

15. The Magistrate in his letter treats of the Crimes committed in his District, and of the Police in general without referring to the subject upon which he was called upon to report that there are probably no wandering tribes in that District.

Magistrate of Vizagapatam Mr. Arbuthnot.

16. Mr. Arbuthnot observes that he has no doubt that in common with other Districts, this has been infested by Thugs, but that he has no reason to suppose that they have ever been permanently settled there. He alludes also to another body of men called "Mootawallahs" who associate with small bodies of travellers and having drugged their victims or drunk, rob them while in a state of stupidity, and that frequently the drugs are so strong as to deprive their victims of life.

17. The Bringaries or Lumbadees, he observes, "carry a very considerable traffic through the "district, bringing grain, Cotton &c. and from the Ryapoor "Territories, and returning with Salt, and that they are sometimes guilty of violence, but that in general they give little trouble or annoyance to the inhabitants

of

of the Country" and he states that the only known tribe of wandering plunderers who infest the District, are the tribes of Jungles and mat makers, which are common to be found in all the Peninsula - the Magistrate refers to the inhabitants of the District by whom depredations are committed, and he suggests the employment of the Village Police who at present receive no remuneration and who poorly can write or read.

Magistrate of Ganjam Mr. Bannerman.

18. The Magistrate mentions the following tribes and castes found in his District, who are supposed "to exercise habitually the profession of theft and robbery" these are Dundasies, Lambadies, Bedars, Malahs, Khonds, Lumbies, Eatas, Chadramalas, Doorys, Chacka Jogies, Yatas the principal of which he describes

19. The Magistrate expresses the hope "that the system of administration about to be provided for the hill tracts in this and the adjoining districts, will prove efficacious."

20. The "system of surveillance" he observes "over the tribes known habitually to commit "theft and robberies, and the restrictions which have been imposed in respect to their not being permitted "upon pain of forfeiture in respect to their not being permitted "to go out of the limits of their respective Villages without a pass

from

"pass; subject to the penalty of being imprisoned with
"hard labour, would doubtless be very effectual if they
"could be duly enforced, but from the inadequacy of the
"Village Police Establishments, and the local peculiarities
"of this District, it would be impracticable to carry such
"a rule fully into effect."

Magistrate of Vellore 21.

Mr Stokoe.

The Magistrate states that the
habitual thieves and robbers in the District under his
charge may be divided into two classes, those who live
about the country, and those who have formed habitations.
Of the former there are 5 tribes namely the Lambadies,
the Uppatakies, the Snake people, the travelling Bhats,
Dombs, the Donnas, or rope dancers of the latter
there are 6 tribes viz the Yerumbers, Irulas and Chenchus
the Woddarwahs, the Boyas, the Pultramdlers and
Yatkanapaundlers, all of which Mr Stokoe describes,
and has concluded with the following remarks.

22. "The Magistrate's opinion is decidedly
"adverse to the greater number of the tribes, against the
"practicability of settling them down to fixed habitations
"and more especially of weaning them to Religious
"habits which form a second nature, and have been
"handed down to them by their progenitors from time

memorial

"immemorial. To place a personal restraint on them,
"as proposed by Sir Thomas Munro, is a measure
"perhaps suited to the period when it was recommended
"& to the state of the country was unsettled, and dis-
"orderly, when the country was unsettled, and dis-
"turbed with disapprobation than at the present day, but
"even were it practicable without considerable expense for
"additional establishments of Police, would I think be
"present in policy and unjust.

"If regards the Yanadies it may
"be stated that nothing would induce them to take to
"cultivation. They neither understand it themselves,
"nor would any body employ them. To proclaim these and other
"tribes, it is not only necessary to provide them a

subsistence

"Subsistence but to keep them from idleness and the latter
"object would not be gained, if others are to cultivate for
"them. To steal and rob is a natural nature, and their
"profession; moreover it is much more profitable than
"any other means of subsistence which can be found
"for them. A Single Burglary or Highway robbery
"probably brings them more than they can get in a whole year
"by cultivation or other honest livelihood.

2dly. The Lumbadars and Zemindars will
"never relinquish the profession of their forefathers, and
"that which they have themselves hitherto followed as they
"have done for subsistence so they will continue to do in
"spite of any precautions short of personal restraint, or
"which may be adopted, and it is very questionable, even
"if practicable, whether it would be politic to do so. They
"are the Chief carriers of the inland traffic of the country
"and others must and would be found to supply their
"places if they were brought to relinquish their profession
"and come into settled habits of life while those who
"took their places might, and to a certain degree no
"doubt would, follow the same occupation of robbery as
"the present tribes are guilty of.

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"The Lurias and Chucklers would
"willingly engage in cultivation, and except in unfavorable
"seasons would probably give up their bad practices, but
"even now they are much less addicted to stealing than
"the other tribes. The Mootlarachas, Boyas, Pullers, and
"Yerkalas would also engage in cultivation, but they
"would still continue to rob though not probably to the
"same extent as if they had not other means of subsist-
"ence. There are about 40 or 50 Mootlarachas in the
"Ceded Districts in this District who have a large
"portion of land which they have held for years on account
"of their thieving, and they are known to be in the
"habit of frequently committing robberies, though it has
"not been possible as yet to bring sufficient proof against
"them. It is well known that the Cavilgars and Cutlers
"are often the greatest rogues and commit thefts in
"many parts of the country. They hold grants of land for the ex-
"press purpose of preventing them or apprehending the
"offenders.

It is stated that the Judges of the
Provincial Courts have nothing to say on the subject
beyond what has been already offered by the Magistrates,
but they consider that the imposition of personal
restraint

Southern Division
Magistrate of Madura
Mr Blackburne

"restraint on the wandering tribes reported to, from it be
"unjust, impolitic, and impracticable, without incurring
"very considerable Expence; it would involve a very large
"increase to the Present Police establishment"

Mr Blackburne has described the
"Kullers" to be found in some of the Talooks of Madura, to
be "of predatory habits" but "unobtrusive by nature" he
explains the manner in which they are accustomed to
effect their robberies, and the measures he has taken
and is still taking to prevent them
he observes that when the Subject was submitted to Mr
he was of opinion that the time was not come for the
"future and sudden removal of the two summoned,
"but illegal interference with the personal liberty of the
"Subject of low grade, and the moderate surveillance
"exercised over them by the Village Schoy but that
"strictest orders were given that it should cease
"entirely" whether those orders "the Magistrate continues
have been faithfully carried into effect or not he
is not prepared to say" but he fears some have
"disregarded since the issue of those orders and continued

to

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"to be offered of the impolicy of those measures or prin-
"ciples, and no longer considers them desirable from
"expediency" and he is of opinion "that no legislative enact-
"ment is required on the subject"

Mr Blackburn next refers to the
"Maravers" as a marauding tribe and quotes the 354th
page of the Madras Journal of Literature and Science
(No 5 October 1837) as containing "a more succinct and
authentic account of the particulars required regarding
"the people" than he has the means of affording
Mr Thompson expresses his opinion
that besides Maravers, there are no other tribes or castes
habitually or occasionally exercising theft and robbery
as a profession. It is calculated, he observes, that
there are not less than 57000 Maravers in the Dis-
trict of whom 7466 are employed by Government as
Cavilgars or watchers. The individuals thus employed
receive certain emoluments and likewise enjoy particular
privileges. They are never thieves, as well as all others
of the same caste, robbers, and although they do
not confess as the Kullers do, that they live by
stealing, yet they really do so, and have done so for
"centuries past"

The

30. The Magistrate gives an interesting account of the observances and mode of proceeding of these people, and expresses his opinion in the following words. "From this state of things I fear it is in vain "to look for any improvement without extensive measures are "adopted; no inducements that can be held out to them "wd prevail to lead a more respectable life would be of "any avail."

31. The Shelly and the Gold Amulet are, in the opinion of Mr Thompson, very influential in keeping up the system of plunder, and he observes that it is worthy of consideration what check or restrictions ought to be placed on their use.

Tpichinopoly Asst Magistrate Mr W.C. Ogilvie

32. The Acting Magistrate reports that there are 5 distinct tribes of people residing in Tpichinopoly who are supposed to entertain theft and robbery as a profession most of them habitually and some of them occasionally, namely the Callers, Calady Pullers, Valuers, Crawers, and Calady Snatchers.

33. The two first and the last of these he describes as engaged in cultivation the 3d as a watchman commonly called Coolgars, and the 4th as

a wandering tribe, practising basket making; the measures to be adopted "for the suppression of the systematic crimes committed by these several tribes" should, he thinks, be "of a gradual kind, and of a conciliatory nature, so as to wean them, as it were by degrees, from their customary habits" employing them as Peons and giving them some responsibility; he is averse to Punishment of Coercion, and is persuaded that an active and efficient Police can keep such an effectual Surveillance over these gangs as to render it unnecessary to intrench upon their liberty of action, until they should commit themselves by some misdemeanor.

Magistrate of Tanjore Mr Kindersley

The Magistrate reports that thefts are committed by individuals of all castes, but chiefly by the lower, such as Callers, Lorias, Pullers, and Coolies, and that these last are the only wandering tribe in the district under his charge who are addicted to habitual theft.

Gang Robbery which Mr Kindersley

35. considers as the disgrace of the Country, may be observed in Tanjore to be peculiar to the Callers, who are said to be organized as a body they are agricultural, some of them

among

"amongst the largest land holders in the Province. The
"most either enjoying the Monopoly of most useful land, or
"farming the lands of others on Paraconies. many of
"these, especially those whose property is considerable
"are perfectly respectable characters, and quite un-
"connected with the Gangs. Mr Hinderday describes
"the habits of those people and the manner in which they
"perpetrate their Robberies and the atrocities and tortures
"which they frequently commit. In the 9th Para of his
letter Mr Hinderday observes "that all persons of this
"description, the Suppositions of the Thomas Pennes
"alluded to in the Enclosure, however assembled to murder
"any tribes, are friendly not to the Coolies, who have
"for centuries been settled as apprentices, and are
"the perspiration of many hundred Villages in Jungles,
"as well as the adjacent Villages. Their Encouragement
"is for the same practice equally unpossible as the Head
"of the Village is one of themselves, and the whole en-
"tire individual of the other Castes would not dare to
"dwell amongst them, but with their full consent, and
"dependent on their protection would hold upon them

there

first is absolutely none. For these and other reasons
the Magistrate is of opinion that the prevention of Gang
robbery by surveillance is quite out of the question,
and he urges very strongly the necessity of enforcing
the provisions of Section IV. Regulation XII of 1803, which
declares Gang Robbery of an aggravated nature to be
a capital crime, and recommends that the property
of every convicted gang robber should be held liable for
the amount of property lost or destroyed and not re-
covered in which the Gang have
participated.

Mr Hinderday is of opinion that
the Coolies are equally applic-
able to Gang robbery,
as those of Tinnevelly

Mr concludes by stating that the
Head of Police are empowered
to punish with
to award petty corporal punishments in a subject of ridicule with
all classes, and he recommends that the power of
inflicting corporal punishment should be restored to
the Heads of Police being the only one by
which petty depredators of the lower Castes can be
restrained

"restrained, and prevented from proceeding from one
"crime to crime till they take their degree as Gang
"Robbers".

Salem
Magistrate Mr Sleig.

38. The Magistrate states that the
castes supposed to carry on theft & robbery as a
profession are the Coravers, the Woodcutters, the Pullers
the Dedars, the Valoovars, the Cullers, the Vellalayer
and the Lambadies.

39. That the Coravers form the largest
portion: that some partially settle in villages and earn
a livelihood by basket and mat making, that others
have small portions of land, but that the greater part
live on gangs and plunder systematically, that the remain-
-ing tribes, excepting the Lambadies, have generally
"small holdings of lands, and that with the exception
"of a small portion of the Woodcutters they are settled
"residents but are generally ready to go out on ex-
"pedition to plunder".

40 Mr Sleig states that the Lambe-
-dies are not so numerous in the Salem District
as they are further North that their ostensible means

of livelihood is the carriage and sale of salt and grain,
but that many of them are addicted to theft, highway
robbery, and the plunder of Cattle and that they
carry on their system of depredation with the aid
of the Village watchers, and others in the Villages, and
frequently assisted by the head men.

Mr Sleig recommends a more
41 efficient village Police, and a more summary proced-
-ure in "speedily following up crime by the awarded
"punishment" That Village Monegars should receive
the distinction dependent entirely on their good conduct.
All crimes now cognizable by the Judge of Circuit
should be disposed of by the Zillah Court, so as to
prevent the double attendance of witnesses, which is
considered as great an annoyance. Mr Sleig states
on one occasion the instance of his attempt to prevail
upon some Coravers to settle
upon some Coravers to settle

Salem Magistrate Mr Sleig
The Acting Joint Magistrate sub-
-mits a Statement of the several Castes and tribes
in which they are supposed habitually or occasionally, theft or
robbery,

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robbery, but he observes that "no caste exists in Coimbatore which can be said to correspond exactly with the description of those alluded to in Mr. Mayo's letter, as quoted in the 53d Para of the proceedings of the Court of Foujdaree Adalut under date the 15th September 1837."

43. The Lumbadies are found, he states, in only one Taluk, and in very small numbers, and who occasionally travel from place to place for the purpose of petty trading and not unfrequently rob individuals. He instances a very daring robbery which was perpetrated by that tribe in 1836. The other castes addicted to theft and predatory habits already occupy the villages and are found in many instances to exercise a lawful calling as labourers and cultivators and "it would seem therefore that these Castes differ materially in their natures from those to which the proposition of Sir Thomas Munro has reference."

44. Such being the case, observes Mr. Speir, "it would appear that any rule which would subject the castes indiscriminately to any other surveillance or liability to confinement than what the Magistrate and the Native Police are always employed

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by the Regulations to exercise in individual cases, would be extremely unequal in its operation and calculated to produce abuses, perhaps more to be deprecated than the irregularities which it would be intended to prevent. Under the existing Regulations the Magistrate is authorized to commit to Jail any suspicious person who may be unable to produce competent security for good conduct, and in no case without personal examination and enquiry into the circumstances of the case. It is evident however, continues Mr. Speir, that the benevolent intention of the legislature in providing the means which might otherwise be employed by the Authorities, would be completely frustrated by any part of the nature abovementioned, which would render whole classes of the Community liable to partial restraint, without proof upon any specific charge, and of the necessity of which as regards Individuals, the Authorities alone must be permitted to be Judges without the possibility of the exercise of effectual control over their proceedings on the part of the European Magistrate."

The Provincial Court are inclined to

Provincial Court
Southern Division
Mr. Speir's letter

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to agree with the Magistrate of Tanjore "in the sentiments
"expressed in his report regarding the measures sug-
"gested for the suppression of that offence by rendering
"simple Gang Robbery a capital crime."

46 They are also of opinion "that the
"provisions contained in Regulation II of 1822 and Regu-
"lation VI of 1829 are amply sufficient to accomplish
"the object for which they were enacted, and that it
"would be impolitic and unjust to interfere with the
"personal liberty of the inferior classes by subjecting
"them to the vexatious surveillance and restraint of
"the Village Police," and "that no further legislative
"enactment is requisite on that subject." They observe
"of the measure suggested by the Magistrate of Salem
"of granting fixed Salaries to the Village allowances."

Centre Division
North Arcot
Mr. G. K. Ogilvie

47. The Magistrate observes that the
principal tribes of Gang robbers and thieves within
his District are Lumbadies and Combaivars. "The
"Lumbadies traverse the Country in large bodies carrying
"with them numbers of bullocks laden with wheat,
"tamarinds, Jaggery, and small articles of food with
"which they traffic, and thus conceal their profession

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of robbing or stealing." They commit Gang robberies
and term "Murder" and are at all times ready to per-
petrate crimes.

"The Combaivars" he observes "form another tribe of
"wandering thieves travelling also for the ostensible pur-
"pose of carrying on a traffic in Salt and Small
"articles of food and all the Gang robberies, burglaries
"and highway robberies, are committed by this Caste of
"people" he describes the habits of these people and states
that both the tribes are professionally thieves and
that they are dangerous to the public peace and welfare
robbers dangerous to
of the community that can be no doubt and to
effectually prevent the evil the strictest surveillance,
"some coercion is requisite" but that at present
they are merely watched and no interference with
their personal liberty, unless any aggression is com-
mitted, is at present allowed.

The Magistrate observes that
there are other tribes of professional thieves and robbers,
but that they have fixed places of abode, namely
the "Vannias" who never leave the Jungles, and
may be said not to travel.

The

49. The "Ekhuyaars" who live dispersed in different Villages "where they hold small portions of "Government land, and carry on pettyings and theefts, "and of the same description are the Bedars" The Allegherry Gomstor who frequent feasts and processions and cut away ornaments from the persons

50. The Magistrate expresses his opinion "that the enforcement of the plan suggested "by Sir Thomas Munro would not be practicable, "inasmuch as it would be impossible to apprehend all "these travelling bands of persons who would if sought "resist and refuse to receive lands for cultivation "under the terms specified, in lieu of the combined "profit at present arising from their trades and "robberies: Even could this step of the plan be at- "tained it would not I am of opinion effect the "desired reformation as may be deduced from the "case of the Ekhuyaars and Bedars who are already "in the position aimed at by Sir Thomas Munro" The Magistrate is of opinion "that to the exertion of the "Village Police it must be looked for checking and "putting a stop to the evil practices of those tribes which

"can be effected only by the heads of Village communities "being careful to watch and report the approach and "movement of any parties of the sd tribes, when their "functions will be assisted by Surveillance and co- "operation of the Established Police force, who ought to "be allowed the power of questioning Strolling parties "touching their abodes, and causing them to move on "from the halting places without delay"

The Acting Magistrate of this District specifies the Lumbadies or Brinjaries, the Coorla or Combaaars and the Yanadies and Chandrons, as wandering tribes who are addicted to, or generally suspected of committing Robbery

The first, he observes, "are generally "employed to count numbers of bullocks with which they "journey in the beds or salt between the Coast and the "interior, and convey grain to different Places all over "the Country" In war time they are the Carts by whom "the armies in the field were principally supplied with "grain" Mr Stone describes their habits and practices and states that it does not appear that they have been frequently in the habit of Robbing in the Cuddapah

The

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53 The Coorkawars, he describes as "a wild class of people wandering from Village to Village with their families conveying their huts on Asses" and never living "in a permanent habitation;" they are employed by the Natives, in making baskets" and gather leaves and "herbs in the Jungles, which they sell as medicine" they are addicted to theft and burglary, and are sometimes associated with other Gang robbers," but are not "supposed to plan or organize such attacks themselves"

54 The Yanadies and Chenchus, Mr Blane observes, "though some what similar in their habits are not "of a different caste" There are few of the Chenchus "in this District but such as there are, they are of the "wildest and most unsettled habits of any people in "the Country they live entirely in the hills in the thickest "Jungles" they wear scarcely any Cloth, speak a very distinct and peculiar unknown language, are subsist by hunting and upon honey and bamboo and other seeds"

55 Mr Blane states that "a few "years ago some of these people who lived in the "hills near Cummum and who were supposed to "rob travellers passing over them, were induced to

abandon

56

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"abandon this habit, and were entirely won over to the "interests of the circar by merely giving up to them the "small amount which had previously been collected as "rent on the honey gathered by them in the Jungles; "since this there have been few or no robberies committed "in the Jungles they frequent, and they faithfully "guard against the robbing travellers who may pass "that way"

57 The Yanadies commit "thefts "highway robbery and house breaking at night, but "are not frequently engaged in gang robbery"

Mr Blane is of opinion that no "more than slight privileges granted to these people "would induce them to "lead as are mentioned above might induce them to "abandon robbery"

58 He doubts the practicability of "settling any of the above wandering tribes in fixed "places of residence and inducing them to adopt a "regular and industrious habits" and states that it "would not be possible to restrain Lambadies or "Banjaries from travelling about the Country, and "even if they could by any means be reconciled to

Speak

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"such an entirely new mode of life," he does not see good
ground for supposing that "they would be morally improved and reformed from their habits of theft"

59.

The Exercise of some degree of Surveillance the Acting Magistrate considers necessary "Where no robberies have taken place in the neighbourhood these people might be safely left to the free "enjoyment of their liberty, according to their own inclinations, but where in any particular district robberies "have been frequent, and there is reason to believe that "they are connected in them, the Magistrate should "have the power to make them select them dwell on "some particular spot where their conduct and actions "might be watched, or to compel the men to sleep in the "village at night, and the head men of the tribe who "have the greatest influence over them should be in some "degree held responsible for the conduct of them people"

60. If this is not found to answer, Mr Blane would recommend the adoption of those provided of the Bombay Code which confer upon the Magistracy the power of expelling suspicious characters and punishing "their persons are measured

29th June 39

The Acting Magistrate has given
61 many strong reasons in the 1st and following paragraphs
of his letter in favor of the Exercise of a Surveillance
over the wandering tribes and he has quoted "Mr
Elphinstone" and Sir J. Malcolm the former as
favorable to the confinement of suspected persons and
the latter as shewing the necessity of an alteration
of our Criminal Laws in order to thwart the secret
Laws in order to thwart the secret
Lodge association of Criminals.

Mr Cochrane is of opinion that
62 the plan proposed by Sir Thomas Munro for reform-
ing the Roving tribes, Robbers and other vagabonds &c &c
would considerably lessen the number of robberies
and the committal of crime he recommends confinement
and hard labour for limited periods of those who break
through the rules to be established for the security of
the community he advocates a rigid Surveillance of
Police in their persons, and that they should not be
allowed to quit their respective villages without a
pass for confinement and hard labour
keep for under pain of
63 It is observed by the Acting Mag
that the District under his
charge is not being infested with characters of the
description
Thoughtful
duty suggested
to Mr Cochrane

description which Sir T. Munro's plan contemplates
"it is unnecessary as regards this District to discuss
"its expediency".

64. Mr Pearce is of opinion however
that a surveillance of the nature contemplated by
the Acting 2d Judge & Mr Hay would "both be
"inconsistent with and subversive of all Police, and
"discreditable to Government" that the plan has
"reference only to Districts in disorder, recently
"assumed by British authority and where Police is
"of course in its infancy, and not to those Districts,
"where order and authority have been or ought to be,
"established and maintained".

65. In a subsequent letter Mr Pearce
observes "that the Coomars have no fixed place of
"residence" that "they traverse the country ostensibly
"engaged in the trade in Salt and other articles and
"halt generally in Jungles and near the public roads
"and are known frequently to commit Highway
"robbery both while sitting and having the District

Magistrate of South Arcot Mr Ashton

66. Mr Ashton remarks "that the
"reports of cases of a grave nature forwarded to the

Criminal

Criminal Court do not show that the wandering classes
"are those most implicated in these crimes, that "the
"Coomars, a wandering tribe who are ostensibly employed having
"in the Salt carrying trade, are included among the surveillance
"suspected classes, but it does not appear, in this dis- sted in
"trict at least, that any great preponderance of crime of 1837
"is to be attributed to them"

Mr Ashton recommends the
employment of the Village Police as the only means, to arre
that suggest themselves to him for the prevention of because
robbery and theft. would

In a subsequent return the Magis trate
68. states that the
state of South Arcot expresses his opinion that the
system of restraint proposed by Sir Thomas Munro is
"not only at variance with the Spirit of the existing
"Regulations, but is quite unnecessary to the due
"prevention of crime. It appears to him that any
"such system would be unjust and oppressive to the
"suspected classes".

Mr Bebb is decidedly of
The Sub Magistrate in charge of Bellary Mr Bebb opinion that "the Magistrate should have the power
"of keeping an effectual watch over individuals who
"from the character of notorious infamy that robbery" the
by

by strictly watching such notorious characters taking
"Security from them, enquiring about them, and obliging them
"to sleep in the village chiefly or otherwise give a pretence
"if their being in the village, a most salutary check is
"put to their cruel robberies."

70.

The Joint Magistrate observes that
"as regards the wandering and Nomad castes of Lum-
"badies, Corechawars &c and the plan suggested of re-
"forming them by locating them in villages, it is impra-
"ticable" that they may be induced to locate themselves
in villages and perhaps to cultivate for a time, but
that they will not remain permanently that they are
"necessary to the merchant as they are chiefly now and
"were formerly the sole carriers of his goods" that by
locating them in villages no reformation of their characters
can be expected. Mr Tilly describes their habits and
practices and instances a case of their having come
100 Miles to perpetrate a robbery "At the Nuspunchilly
Talook last year" he observes "the gang which com-
"mitted the several robberies on the high roads in
"the Jungle were indeed chiefly Lumbadies
"headed by a Mussulman, but they were collected

from

from several Tandahs in the Nizams Country where they
are in large numbers just across the River, and
where they reside, going and returning on their occu-
pations as carriers, and collecting a band when they go
on a predatory expedition" He is of opinion that
indiscriminately to fine all Strolling persons of these
castes and send them to Jail would be attended
with great injustice and no good, they should as far
as practicable be watched and occasionally on Suf-
ficient grounds be apprehended and made to give
Security

Byragies and Jungs observes the
Joint Magistrate "constitute another set of these wan-
dering Castes the latter are not known" He is of
opinion that the Magistrate ought to have large
discretionary powers for preserving the peace of this
District" and that power of keeping a mild restraint
"of personal liberty (which it has always been customary
"to exercise) should not be withdrawn from him"

After a deliberate consideration of
the several Reports above noticed the Court of Sudder
Adawlut are of opinion that there is little encouragement to

to make any attempt either for the reformation or the coercion of the wandering tribes, and particularly of those unquestionably the most to be dreaded, the Lambadies and Coracharuwars.

73. Employed as they are, especially the Lambadies, as the Carriers of India, and, in time of war, the Lambadies or Banjaries being the only body upon whom dependance can be placed for the supplies of armies, it might be impolitic to attempt to influence their habits as a wandering tribe, and there can be little doubt that any measures of coercion affecting their personal liberty would induce them to abandon altogether those Districts where they may be enforced.—

74. The power which some of the Magistrates have recommended to be vested in the Officers of Police, of compelling suspected persons to sleep in the Village Choultry, could be of no avail in respect of the large and formidable bodies of Lambadies who are represented as travelling "with vast "numbers of Bullocks" and in regard to this tribe and also to the Concharavans, there appear to the Court of Tanjore

Tanjore Udalut to be no other practicable means of preventing or checking their depredations, than having them strictly watched, Exceeding all legal Surveillance and carrying into Effect those ample powers vested in the Magistrates by Regulations II of 1802 and VI of 1827 over suspected persons.

75. But beyond those legal and authorized measures, the Court of Tanjore Udalut are not prepared to advise the Government to go, because while the measures of coercion recommended would be unquestionably arbitrary and oppressive, it seems by no means certain that they would produce the beneficial results anticipated by the Officers who recommend their adoption.

76. Any powers of the kind recommended by the Acting Magistrate of Combaconum and other Officers, would, undoubtedly, be the source of the greatest abuse on the part of the Police Officers, conducing not only to oppression and violence but to the most extensive bribery and corruption.

77. There cannot, however, in the opinion of the Court of Tanjore Udalut be the least

least objection, but, on the contrary, it is highly desirable
to give every encouragement to the Settlement of the tribes
in question: and Collectors and Magistrates should,
in the opinion of the Tanjore Adalut, be authorized
and required to use their utmost endeavours and all
practicable means to induce them to settle down to
agricultural and other peaceable occupations, and
this notwithstanding the accounts given of the Cullers and
Maravars Castes who, though ostensibly employed in
Cultivation and having the means of obtaining an honest
livelihood, are of the worst description of habitual Robbers

78. The Court of Tanjore Adalut are
likewise of opinion that the measures reported by Mr
Goldingham the Magistrate of Trichinopoly and noticed in
para 12 of that proceedings of expelling Maravalar
from that District as illegal, as well as of questionable
expediency.

Ordered that Extract from these Pro-
ceedings together with Copies of the Reports be sent
to the Chief Secretary to Government to be laid
before the Right Honorable the Governor in Council.

(Sent in No.)

(To be Contd

Read Letter dated the 15th Inst
from the Acting First Judge of the Provincial Court of
Circuit in the Centre Division submitting for the con
firmation Judgment of the Court of Tanjore Adalut
the Record of Case No. 21 on the Criminal Calendar
of the First Quarter Sessions of 1839.

(Here enter Ft. No. 989 of 1839.)

The English Translation of the State-
ment of the third prisoner in this case in answer to
the second question in his examination by the Crimi
nal Judge, runs as follows: namely—

"I did not commit the crime, but
on the night of Thursday previous to the last Pongal
feast I was in my Jowari field, where about ten
people, whose names are not known to me, came; I
went to them, they supplied me with some food, I
was not afterwards in my right mind. Some in
my house, the aforesaid people went and came back
and landed something which they brought at one time
before day break, one of them gave me also a small
piece, afterwards they went away. I put it near
the door in the morning. I then went to my house,

but

but Peons seized me, I gave the said purse to the Peon

The following is an English translation of the Persian version of the above portion of the record viz

"I did not do so, but on the Thursday before the Pongal feast I was in my Jonnah field, when about 10. persons, whose names are unknown to me, came. I went up to them they ordered me to Eat some food, after which my Bullocks were disordered. I accompanied the said two persons. meanwhile the day broke. The said persons brought and divided something and one gave (me) before them a small purse. afterwards they departed, and I deposited the said purse under a tree, after which I went to my house. Subsequently Peons apprehended me, and I delivered the said purse to them"

The Law Officers of the Tongdore Udalut convicted the said 3rd Prisoner of going in Company with the robbers and buying a part of the plundered property knowing the same to have been plundered. Upon his said declaration before the Criminal Judge, the English version of which contains the said confession &c

The Court of Tongdore Udalut

deem it necessary to direct that the English and Persian Translations of the Record be sent to the Provincial Court of Circuit in the Centre Division with instructions to make the necessary correction of one & the other, on reference to the original Examination

Ordered, that Extract from these proceedings, together with the English and Persian Translations of the Record be sent to the Provincial Court of Circuit in the Centre Division by Peon returnable within seven days from and after its receipt.

/ Sent following Precept &c /

Read Supplemental Return dated the 18th Instant from the Acting Criminal Judge of Coddapah to the precept of the Tongdore Udalut dated the 5th June 1839 containing their observations and orders on the Criminal Reports for the month of April 1839.

/ Here enter No. 1007 /

Read letter dated the 22nd Instt from the 3rd Judge on Circuit in the Centre Division reporting the opening of the 1st Sessions of 1839 at [illegible] and the state of the Calendar being kept on that date

/ Here enter No. 1010. /

L.R.D

"Subsistence but to keep them from idleness and the latter
"object would not be gained, if others are to cultivate for
"them. To steal and rob is a natural nature, and their
"profession; moreover it is much more profitable than
"any other means of subsistence which can be found
"for them. A Single Burglary or Highway robbery
"probably brings them more than they can get in a whole year
"by cultivation or other honest livelihood.

2dly. The Lumbadars and Zemindars will
"never relinquish the profession of their forefathers, and
"that which they have themselves hitherto followed as they
"have done for subsistence so they will continue to do in
"spite of any precautions short of personal restraint, or
"which may be adopted, and it is very questionable, even
"if practicable, whether it would be politic to do so. They
"are the Chief carriers of the inland traffic of the country
"and others must and would be found to supply their
"places if they were brought to relinquish their profession
"and come into settled habits of life while those who
"took their places might, and to a certain degree no
"doubt would, follow the same occupation of robbery as
"the present tribes are guilty of.

29th June 1837.

"The Lurias and Chucklers would
"willingly engage in cultivation, and except in unfavorable
"seasons would probably give up their bad practices, but
"even now they are much less addicted to stealing than
"the other tribes. The Mootlarachas, Boyas, Pullers, and
"Yerkalas would also engage in cultivation, but they
"would still continue to rob though not probably to the
"same extent as if they had not other means of subsist-
"ence. There are about 40 or 50 Mootlarachas in the
"Ceded Districts in this District who have a large
"portion of land which they have held for years on account
"of their thieving, and they are known to be in the
"habit of frequently committing robberies, though it has
"not been possible as yet to bring sufficient proof against
"them. It is well known that the Cavilgars and Cutlers
"are often the greatest rogues and commit thefts in
"many parts of the country. They hold grants of land for the ex-
"press purpose of preventing them or apprehending the
"offenders.

It is stated that the Judges of the
Provincial Courts have nothing to say on the subject
beyond what has been already offered by the Magistrates,
but they consider that the imposition of personal
restraint