250

118

350

F. 16.

Thursday,
1st July 1841.—

At a Court of the Tongidarce Udalut

Present,

Alexr. Duncan Campbell Esqre.— 1st Puisne Judge
Henry Dickinson Esqre.— 2d Puisne Judge
G. P. Castamajor Esqre.— 3d Puisne Judge

Ordered, that the petition

× to be returned.

Mr. Campbell.
Mr. Dickinson.
and
Mr. Castamajor.—

No. 1079 of 1841 received from the Chief Secretary to Government be forwarded to the Magistrate of Chingleput for his enquiry and report.—

Ordered, that a true extract from these proceedings be forwarded to the Magistrate of Chingleput for his information and guidance.—

Sent in a Slip

Read petition dated the 22d Ultimo from the 1st Judge late on Circuit in the Northern Division, to the precept of the Tongidarce Udalut of 18th May 1841, requesting him to call for the Proceedings held in Criml No. 5 on the Report No. V of the Criml

1st July 1841.—

Court of Sessions for the month of April last and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816. reporting the result for their information.—

/Here enter No. 1182./

Read return dated the 25th Ultimo from the Criminal Judge of Chingleput, to the precept of the Tonjadaree Udalut of the 24th June 1841. directing him strictly to interrogate the Duffadar in regard to the loss of the descriptive roll of the Convicts who were forwarded from Mangalore under sentence of transportation, and report the result for the information of this Court.—

/Here enter No. 1183./

Read return dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division, to the precept of the Tonjadaree Udalut of the 17th June 1841. directing the immediate release of the 2d Prisoner Chowreemuttoo in Case

1st July 1841.—

No. 2 on the Chittoor Supplemental Calendar for the 3rd quarterly Sessions of 1840. and that the 4th Prisoner Poloogandoo be required to find two sureties in 20 Rupees each, for his good behaviour and appearance when required within 3 years, or in default thereof, that he be detained for the same period in confinement; and that the circumstance of no list of property having been made out in this case, according to Circular Order No. 15, be brought to the notice of the Magistrate.—

/Here enter No. 1190./

Read return dated the 26th Ultimo from the Joint Criminal Judge of Trichinopoly, to the precept of the Tonjadaree Udalut under date the 23d June 1841, conveying their observations and orders on the Criminal Reports for the month of May 1841.—

/Here enter No. 1191./

Friday
2d July, 1841.

At a Court of the Bridewell Hospital.

Present

Alexr. Duncan Campbell Esqre — 1st Puisne Judge,
Henry Dickinson Esqre — 2d Puisne Judge,
George James Casamajor Esqre — 3d Puisne Judge,

Read the Criminal Reports for the Month of May last submitted by the Joint Criminal Judges of Trincomalee —

(Here enter C.R. No. 1141.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

Report No. V
Case No. 33.

1. The Court disapprove of the proceedings of the Joint Criminal Judges in this case. The evidence in the case as stated in the abstract appears to them sufficient to have warranted the committal of the prisoner not only on a charge of a rape, but also on one of murder, and they are of opinion that there has been a sad failure of justice by the omission of the Joint Criminal Judge to commit the prisoner —

2. The Court do not understand the meaning of the Joint Criminal Judge's remark that "there was no evidence to shew" the deceased "was under fear of death at the time beyond her saying commonly she should die" without attempting to divine what meaning the Joint Criminal Judge may attach to those last words "she should "die"

"die" to the Court they clearly convey the impression that the deceased appeared to be conscious of her danger had given all hope of recovery, and was in dread of the approaching death, and this is all that is required in these Cases to give value to a dying declaration.—

3. The Court resolve to direct the Provincial Court of Circuit in the Northern Division to call for the proceedings held in the case and dispose of it such orders as may appear to them proper, with reference to the provisions of Section XXIV Regulation X of 1816. and should there appear to be evidence to justify the committal of the prisoner, the Provincial Court will issue the necessary orders for his immediate re-apprehension and committal, reporting to this Court what they may do.—

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

(Sent in No. 954.)

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 in 15 days from and after its receipt.—

(Sent following Precept No. 955.)

Read

Read the Criminal Reports for the Month of May last submitted by the Acting Criminal Judge of Madura.—

(Here enter Cir. No. 1156)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,
Supplemental Report
Case No. 52.

1. The Court of Zuzjdara Adalut seeing reason, from the abstract of the evidence given in the report, to doubt the propriety of the conviction of the second prisoner, resolve to direct the 3d Judge on Circuit in the Southern Division to call for the proceedings and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Zuzjdara Adalut.—

Report No. V
Case No. 55.

2. If the prisoners in this case have not been before convicted and punished, the corporal punishment is to be remitted.—

It is hoped that the Acting Criminal

3. Judge has disposed of the numerous cases which were lying over at the date of this report, at which time it is observed that there were 14 cases containing 57 persons unexamined.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Madura for his information by precept returnable in 6 days

days, from and after its receipt.—

(Sent following Precept No. 956)

Ordered also, that parah. 1 of the proceedings be sent to the 3d Judge on Circuit in the Southern Division by precept returnable in 30 days, from and after its receipt.—

(Sent following Precept No. 957)

Read again letter dated 2 June 1841 from the 3d Judge of the Provincial Court of Circuit in the Southern Division, forwarding an English translation of the Record of the trial in Case No. 2 on the Pudiyiruppu 2d Supplemental Calendar for the 1st Quarterly Sessions of 1841.—

(Here enter F. D. No. 874)

Read return dated 14th June 1841 to the precept of the Conjeveram Detachment of the 7th June conveying their observations and orders on the case above recorded and calling for further evidence.—

(Here enter F. D. No. 1145.)

Mr. Dickinson, and Mr. Casamajor,

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

prisoners

1st Ramasamy Gyengar
2nd Nanjeppen
3rd Narrodayanaigher
4th Tyrapermal

and

6th Ramasamy.

is sufficient to convict them of a breach for which according to the Mahommedan Law as declared in fetwas of their Law officers discretionary punishment is awardable, do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803. do sentence the prisoner

1st Ramasamy Gyengar

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of seven years: and the prisoners

2nd Nanjeppen
3rd Narrodayanaigher
4th Tyrapermal

and

6th Ramasamy

severally to be imprisoned and kept to hard labor on the public roads or other public works, for the period of three years.

in establishments

put in irons

1.

There appears to the Court to be no comparison between the weight of the evidence that the deceased had poisoned himself and that for the assault. the latter consisting of the testimony of 9 eye witnesses appears to the Court to bear the strongest of internal marks of truth. There is a good deal of variation and contradiction about particulars (which is always considered as a proof that evidence is not concerted), while there is a general consent upon the leading points viz: that the 2d, 3d, 4th and 6th prisoners by order of the 1st Prisoner pushed and dragged deceased to a distance of 20 or 25 feet from the spot where the Prisoner was sitting - that they interlaced the fingers of both his hands and then squeezed them; and that him with their fists, that he cried out and struggled them to desist and then fell down. That the 2d, 3d, 4th and 6th prisoners passed, the 1st Prisoner threatened them and instigated them to renew the assault that the side as while deceased was lying where he had fallen. one or other of them stamping violently upon his chest. another sitting on his belly and striking him on the side repeatedly with his doubled fists, that the 2d and 3d witnesses interfered and raised him and took him to the Dial where he vomited. that was

led

led or rather dragged off by the 3d Prisoner -

With a good deal of variation and con-

2.

-tradiction these main facts are spoken to by nearly all the

9 witnesses -

3.

The variations and contradictions are easily accounted for by the imperfect light (a lantern and firesticks in the field) and by the shameful delay which took place in hearing the evidence -

4.

The Court see no objection to any of these witnesses. the fact of nearly all of them being cultivators and in arrear of revenue to the Circar. is in the opinion of the Court in favor of their veracity as the removal of the 1st Prisoner the Teacher by whom their revenue was collected would not relieve them from the arrear and it was obviously their interest rather to propitiate him and his Peons the other Prisoners. by withholding evidence against them than to exasperate them by exaggerating or giving testimony at all to their misconduct -

But there is a very serious difficulty

5.

arising from the Assistant Apothecary's evidence. which is rendered the more trustworthy by his voluntarily tasting the stomach to Mr. Swanston as it cut off the pretence of poison which the other party sought to establish. Had he been tampered with, he could no doubt have fabricated

fallen in with the story of Spicer set up by the Petitioner and by not taking the stomach might have given it any degree of credibility that he placed.—

6. Under the additional evidence submitted, the Court can not concur in the opinion recorded by the 3d Judge in the concluding Spark of his letter of reference that the 4 first and 6. prisoners "have rendered themselves liable to the punishment for murder" it appears to them that they can only be convicted of an assault which is greatly aggravated by the official station held by the Prisoners.—

7. With reference to the return of the Magistrate of Dickinson's, the Court of Enquiry Extraordinary are of opinion that it is a valid defence as to every thing, but the delay.—

8. The things objected to were 1st the delay of 6 weeks in nothing the Petition at all, 2nd 5th the not immediately examining the Petitioner, on finding the Petition to have been presented by him in person, and 3rd 4th the returning the Petition that the accused party himself with an endorsement calling on the Petitioner, to establish on oath the charge made by him.—

9. It appears uncertain from the Enclosure

F.16.

2nd July 1841.

Orderly's return whether the Petition was presented in person or not; if not, the 2nd objection does not in the opinion of the Court hold good, the primary inquiry in such cases when the complainant is at a distance being, such cases when the complaint last committed to the Cabildar unless the complaint is against himself.—

10. It also appears that the endorsed Petition was sent not to the Peshear but to the Cabildar to be returned to the Petitioner, the fault therefore in regard to the Petition being sent to the Peshear was the Cabildar's not the Collector's.—

11. The 3d Judge of the Provincial Court will be pleased to call again on the Mohr for his explanation, should it not have been submitted when these Proceedings reach him.—

Ordered, that Extract from these Proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Southern Division for his information.

(Sent in No 958.)

Ordered further, that Extract from these Proceedings, together with the Proceedings of this Court under date the 7th June and 8th Orderly explanation be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honble the Governor in Council, with reference to the order of Government

Government of the 9th May 1836. No. 402. and that it be reported, that of the 6 prisoners charged in the case 5 were convicted by the Court of Oyer and Terminer Statute of 4 Geo. IV. and were sentenced under the provisions of Clause third Section VII Regulation XV of 1803. the 1st to seven years imprisonment with hard labor in irons, and the 2d, 3d, 4th and 6th prisoners to three years imprisonment with hard labor in irons; the 5th Prisoner was acquitted by the Court of Circuit.—

(Court in Ac. 959)

Read letter dated the 19th instant from the 2nd Judge on Circuit in the Central Circuit, forwarding for the consideration and final sentence of the Court of Oyer and Terminer Statute an English translation of the record of the trial in Case No. 41 on the Calendar for the 1st Sessions of 1841.—

(Here enter No. 1157)

Mr. Campbell,
and
Mr. Dickinson,

The Court of Oyer and Terminer Statute on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1. Condado
2nd Delegado
and
3rd Seromahick

is sufficient to convict them of the crime of violently beating them

2nd July 1841.

thereby occasioning death, do convict them thereof, but considering that there are certain alleviating circumstances in the case which would render the punishment of death, to which the prisoners are liable, too severe, the Court, under the provisions of Clause second Section VI Regulation I of 1825, do sentence the prisoners to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of their natural lives.—

The Court of Oyer and Terminer Statute are quite satisfied that the confessions of the Prisoners taken before the Police are genuine. The very minuteness of their detail and the apparent inconsistencies in them on which the 2nd Judge on Circuit remarks is the best evidence that could be offered of their being true—since if they had been fabricated by the officers of Police they would doubtless be found in all respects to correspond. nor would any difference be discovered in the contents of the confessions of the 1st compared with the confessions of the other prisoners

2.

It is obvious that by accusing Commado of being a party to the murder, the 1st Prisoner hoped to neutralize the evidence which he knew that Commado could give against him.—

The

3. The alibi which the Prisoners attempted to prove is so manifestly false and so completely contradicted by the clear evidence of the Prisoners having been seen at or near to the spot where the murder was committed, that in the judgment of the Court it affords strong proof of their guilt.—

4. On these grounds the Court consider the Prisoners convicted of killing the deceased, but as it not proved that more was at first contemplated by the prisoners than a severe beating, the Court have resolved to mitigate the sentence to which the prisoners are liable to transportation for life.—

5. On the 27th and two following boards of his letter of reference, the 2d Judge notices an irregularity on the part of the Criminal Judge in taking the examination of the Prisoners.—

6. The 2d Judge was on a former occasion, under date the 6th April 1840, called on to notice a similar impropriety in the conduct of the Criminal Judge of Bellary, and he then pointed out forcibly and judiciously the very improper proceeding of the Judge, which is pregnant with danger to the individual and is in no way calculated to promote the ends of justice, but rather to impede and prevent them.—

7. If questions of an leading tendency are directed to be avoided in the examination of witnesses additional tenderness and circumspection is necessary when examining the prisoners themselves.—

8. The Court are pained to be under the necessity of calling the attention of the Zillah Judge of Bellary to this important and indispensable requisite of judicial procedure.—

9. The Court feel it of the utmost importance that such a proceeding as that pointed out by the 2d Judge on Circuit should be checked and discountenanced, and they trust that their present remarks will be found sufficient to produce this effect.—

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Centre Division for his information, with directions to communicate to the Criminal Judge of Bellary such parts as relate to him.—

(Sent in No 960.)

C.C.
2d July 1841.

Tilb.

Saturday,
3rd July, 1841.

At a Court of the Cuttack.

Present,

Alex.r Duncan Campbell Esq.re 1st Puisne Judge,

Henry Dickinson Esq.re ——— 2d Puisne Judge,

George James Casamajor Esq.re — 3d Puisne Judge,

Read the Bellary Criminal Return

for the Month of May 1841.

(Vide entry Tilb. No. 1148 of 1841.)

Alex.r Campbell
and
Mr. Casamajor,

Supplemental Return
No. 82.

The Court of Cuttack directs that a copy of the question and answer put by their Law Officers respecting this case be transmitted to the Criminal Judge, who will send a copy of the question and answer to their Law Officer.

The Circular Order of this Court respecting

2.

cases appearing more than once undisposed of, is not attended to by the Criminal Judge; his attention is again called to it.—

3.

In the case of A. Bidwa, who was returned by the Judge on Circuit to be disposed of by the Criminal Judge, the Court of Cuttack declare that they disapprove the remarks of the Criminal Judge. If the Criminal Judge thought that there was evidence enough to put off his committing that Prisoner, it requires to be explained

explained how when the order was returned to him in the same state as when he committed it he should have thought the evidence not sufficient to justify the taking of security. He thought that the evidence was sufficient for the latter purpose, his omitting to demand surety being as it was to be presumed that the Circuit Judge, if he had thought so, would have demanded such security, and thereby counteracting the express purpose for which the case was sent back to him and shewing disrespect to the Circuit Judge. The Criminal Judge will explain more what view of the Circuit Judge's wishes he took of the course which he pursued.—

Report Ad V
A. 88.

4.

The Court desire to rely and translation of both the questions sent to the Mahomedan Law Officer of the Zillah Court and of his answers.—

A. 89.

5.

The Court desire that the Head of Police of Goalpy may be called upon to explain on what ground he sent this case up to the Criminal Court.—

A. 90.

6.

It must be explained what the Prisoner was and why he was detained from the 8th to the 29th of April.—

A. 94.

7.

It must be explained why this case was sent by the Head of Police to the Head Assistant Magistrate instead of being sent direct to the Court.—

The

8.

The charge is incorrect; it should have specified "breaking in"—

A. 97.

9.

The cause of the delay should be explained by the Head of Police of Carputee.—

A. 109.

10.

The delay of a month in this case must be explained by the Assistant Magistrate.—

11.

The Court of Sudder Dewanny are of opinion, taking the case as stated in the Report, that the Prisoners ought not to have been discharged without punishment. Tho' the death of deceased was not caused by the kick given by him, the act of kicking a decrepit old woman was plainly an absurd and rather an aggravated one; and should have been punished.—

A. 109.

12.

The delay of 18 days is not satisfactorily accounted for. Three days could not be necessary for the Peishcar to examine such a simple case; and the Peishcar should be called upon to state under what Reputation he sent the depositions to the Head of Police without sending the Prisoners also.—

13.

Extract of case A. 89 as it stands in the Report, and Extract of cases 90, 94, 97 and 109 without the remarks of the Court to be sent to the Magistrate of Bellary, with copy of Paras 5, 6, 7, 9, 10 and 12 of these Proceedings for his information and guidance.—

Ordered

3d July 1841.

Ordered, that instant from the Pro-
=ceedings be sent to the Criminal Judge of Bellary for his
information, with directions to make the enquiry & communica-
=tion to the Magistrate by speedy return in 5 days
from and after its receipt.-

(Cont following Despatch No 961)

Mr Campbell,
Mr Dickinson,
and
Mr Casamajor,

A Return having been received from
the Criminal Judge of Bellary to the speedy of this
Court of the 17th May 1841, enquiring whether the circumstances
underwhich on the Criminal Reports for the Months of
March last.-

Ordered, that the Criminal Judge
of Bellary be required by speedy return to make in 2 days
from and after its receipt to make a return to the
speedy aforesaid without further delay.

(Cont following Despatch No 962)

Read a letter from the Acting Criminal Judge of Bellary, forwarding
the Criminal Reports of that Court for the Months of
May last.-

Mr Campbell,
Mr Dickinson,
and
Mr Casamajor

Report No X
Case No 16-

1.

Extract Proc. No 1129.

The Court of Sudder Adawlut having
for opinion that it is highly desirable that this case
should be completed without delay, resolved to write to the
Acting Criminal Judge to see no time in obtaining the
attendance

Ex C.
3d July 1841.

attendance of the important witness who has been
hitherto prevented attending the Court from sickness.-

Case No 25- 2.

In this case three prisoners are charged
with having in company with another person murdered
the Prosecutrix' daughter by spearing her through with a
stick to the ground and with having robbed her of
jewels to the value of 28 1/2 Rupees.-

All the prisoners have been committed

3.

for trial before the Court of Circuit.-

But adverting to the evidence in this
4.

case, as stated in the abstract given in the report the
Court of Sudder Adawlut are of opinion that it would
be advantageous to secure the testimony of the 3d Prisoner
and they accordingly resolve to grant to the Acting
Criminal Judge a general authority to offer a pardon
on the terms and conditions specified in Section XX Regula-
=tion VIII of 1802 to the said 3d prisoner

Communicate by Express.

In Case No 29, the Court of Sudder
Case No 29- 5.

Adawlut disapprove of the Acting Assistant Criminal Judge's
proceeding in sending back the Prosecutor to the head
of Police to be examined. Such a proceeding is no where
justified in the Regulations and must tend to the
obstruction of Criminal justice and the inconvenience
and

3d July 1841.

and injury of individuals. The Acting Criminal Judge should have examined the Executive fine itself and noticed to the Magistrate the insufficiency of the Police officer

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information by fourth returnable in 5 days from and after its receipt.

(Sent following Precept No 963)

5th July 1841.

Monday.

5th July 1841.

H.M. Court of the Sanjidarce Adalut.

Present

Hext Duncan Campbell Esqr 1st Puisne Judge

Henry Dickinson Esqr 2d Puisne Judge

and Jno. Jones Casamajor Esqr 3d Puisne Judge

Read return dated the 21st June 1841 from the 1st Judge late on Circuit in the Northern Division, to the precept of the Sanjidarce Adalut of the 24th April last, directing him to call for the proceedings held in case No 10 of the Sumboor Criminal Report No V for March last and pass on them such orders as may appear to him proper, reporting the result for the information of the Sanjidarce Adalut.

(Executive Ft. No 1179.)

With reference to the concluding para of the 1st Judge's proceedings dated the 19th ultimo, the Court of Sanjidarce Adalut direct that a copy of those proceedings be sent to the Magistrate of Sumboor, with instructions to make such enquiries as may satisfy him regarding the charge of corruption preferred against the Head of Police, his

5th July 1841

for the month of May last.-

(Here enter No 1197.)

Read letter, dated the 27th June 1841
from the Magistrate of Madura, submitting the
explanations called for in the Proceedings of the
Tongdaree Adalut dated the 9th Ultimo, relative to
Case No 49 on the Criminal report for the month
of April last.-

(Here enter No 1198. for

Read letter dated the 26th May 1841
from the Agent to the Governor of Fort St George at
Ganjam - transmitting
of 1841 in the file of the Agent of the Governor at Ganjam

(Here enter F.R. No 1036.)

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

1st Chuckra
and
2nd Riga.

is sufficient to convict them of the offence of
kidnapping and selling two lads to the Khonds, for
the purpose of being sacrificed as Meriahs, for

which

Mr Campbell

5th July 1841

Ordered, that Extract from these
proceedings be sent to the Magistrate of Cuttack for
his information - by precept returnable 30 days
from and after its receipt -

(Sent following precept No 946.)

Read letter dated the 29th June 1841
from the 2nd Assistant Agent in the Centre Division -
reporting the opening of the 1st Sessions of 1841 at
Cuddalore on the 29th Ultimo and
Calendar -

(Here enter No 1195.)

Read return, dated the 29th June 1841
from the Criminal Judge of Salem, to the precept
of the Tongdaree Adalut dated the 24th Ultimo, convey-
-ing their observations on the Criminal Reports for
the month of May last -

(Here enter No 1196.)

Read return dated the 28th June 1841,
from the Joint Criminal Judge of Coimbatore, to the
precept of the Tongdaree Adalut dated the 24th Ultimo
conveying their observations on the Criminal reports
for

5th July 1841.

which, according to the Mahomedan Law as declared in the fuhwa of their Law Officers, discretionary as to punishment is awardable, do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XX of 1803, and Clause third Section II Regulation I of 1825 and Clause first Section V Regulation VIII of 1831, do sentence the prisoner

1st Chuckra

to receive 195 lashes of the cat of nine tails each the prisoner

2nd "Rigar"

to receive 100 lashes of the cat of nine tails each prisoner to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of 3 years.

Sd/

(Sent following letter No. 967)

Fd. 11.

Tuesday 6th July 1841.

At a Court of the Foujdaree Adalut.

Present

Alexr Duncan Campbell Esqre 1st Puisne Judge.

Henry Dickinson Esqre 2d Puisne Judge.

Geo: Innes Casamajor Esqre 3d Puisne Judge.

Read letter dated 16th June 1841 from the Agent to the Governor of Fort St. George at Ganjam, transmitting the Criminal Depositions for the month of May

(Here enter Fd. No. 1176.)

Mr Campbell.
Mr Dickinson.

Deposit No. 2.
Case No. 3.

The prisoners in this case are charged with having forcibly entered the house of the prosecutor and taken therefrom property to the value of 50 Rupees.

1.

The prisoners have been declared with the exception of the second prisoner guilty of the charge and have been sentenced the 1st and 3d prisoners to two months imprisonment and the 2d (who was found guilty with the exception of forcibly entering the house) to 1 Months imprisonment and to pay the amount of the property abstracted and in default each two additional months imprisonment. The 4th prisoner having absconded

"absconded on sentence was passed on him"

3. The prisoners are charged with gang robbery by open violence. The Agent will accordingly be pleased to refer to the proceedings with a view of ascertaining if the evidence established robbery of this description and he will also be pleased to call on his Assistant to explain under what provision of the Regulations he proceeded to pass sentence in this case as at present informed the Court cannot but view the sentence as illegal and unwarranted.

4. The Assistant will also be called on to explain whether any enquiry was made into the conduct of the Zemindar and his Dewan and if not the cause of his omission to be done.

Case No. 5. 5. With reference to the proceedings of the Assistant in this case, the Court of Foujdaree Udalut are of opinion that those who fabricated the charge against the prisoner should have been brought to justice, and they accordingly direct that the Agent be instructed to call for the proceedings held in the case and to pass the necessary orders for bringing the individuals in question to trial on a charge of perjury.

6. The Court observe that in none of the

the cases decided by the Assistant has the Regulation under which the sentence in it was passed been quoted. The Assistant will be instructed in future to supply this omission.

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of S.W. Provinces at Ganjam for his information by precept returnable in 30 days from and after its receipt.

(Enter following precept No. 968.)

Read return dated the 1st Instant from the Criminal Judge of Chittoor, to the precept of the Foujdaree Udalut of the 28th Ultimo, on the Criminal Reports for May 1841.

(Here enter No. 1205)

Read letter dated the 28th Ultimo from the Magistrate of Tiruvellore, submitting the explanation of the Assistant Magistrate called for in the Proceedings of the Foujdaree Udalut of the 23rd Ultimo, relative to Case No. 32 of the Tiruvellore Criminal report V for May 1841.

(Here enter No. 1206)

Read return dated the 28th Ultimo from the Acting Joint Criminal Judge of the Auxiliary

6th July 1841.

37.

Auxiliary Court at Tellicherry, to the precepts of the Foujdaree Udalut of the 23rd Ultimo, on review of the Criminal Reports for the Months of May 1841.

(Here enter No. 1211.)

Read letter dated the 22d Instant from the Joint Criminal Judge of the Auxiliary Court at Tellicherry transmitting a Statement of the labor of the Prisoners for the 2d Quarter of 1841.—

(Here enter No. 1213.)

Read letter dated the 2d Instant from the Magistrate of Tellicherry, enclosing in reference to his letter of this date, a further communication from Mr Cotton on the subject of the Proceedings of the Foujdaree Udalut of the 25th June 1841 para 7.

(Here enter No. 1214.)

F. Ue

Wednesday 7th July 1841

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre — 1st Puisne Judge

Henry Dickinson Esqre — 2d Puisne Judge

George James Casamajor Esqre — 3d Puisne Judge

Read the Cuddalore Criminal Reports for the month of May 1841.

(Here enter F. Ue. No. 1146.)

Mr Casamajor

There does not appear the slightest ground for a reference to the Head Assistant Magistrate; the Court desire that the point of reference may be stated, as it ought to have been in the Head of Police's Report under Circular Order No. 62 of the 26th February 1836.—

Report No. 5

Case No. 44.

1.

Case No. 45.

2.

The charge as regards the 3d to the 7th Prisoner, should have expressed that the Prisoners knew the money to have been obtained by forgery; otherwise the act charged is not Criminal.

3.

The Court desire that the Cullacoorchee Head of Police may be called upon

7th July 1841.

upon to explain on what grounds he sent these Prisoners to the Court.

4.

The Chief Head of Police should be called upon to explain why he sent this case up to the Court.

5.

Extract of the above 3 Nos as they stand in the Report, Nos 44 without Nos 45 and 51. with the remarks of the joint Criminal Court to be sent with a copy of paras: 1. 3 and 4 of these Proceedings to the Magistrate for his information and guidance

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Cuddalore for his information and guidance with directions to make the necessary communications to the Magistrate of the District.

/Sent in No 970/

Read the following letter dated 14th Ultimo from the Provincial Court and Mr Casamajor of Circuit for the Western Division.

/Here enter Ft. No 1152 of 1841/

The Provincial Court submit a copy of a letter dated 12th ultimo from

Case No 51.

7th July 1841.

from the Acting Joint Criminal Judge of Malabar, in which is referred the Question "whether persons convicted of having in their possession foreign or smuggled Tobacco, are amenable to the Penalty prescribed by — Section VI or to that prescribed by Section XI of Regulation VII of 1811."

2.

The Court of Sudder Udalut observe that the offence above indicated is expressly provided for by Clause second, Section VI of Regulation VII of 1811.

3.

The Court presume that the allusion in para: 2 of the Provincial Court's letter to "Section VII of 1811" is an error of inadvertence or of the copyist, and that Section VI Regulation VII of 1811 is intended: as Section VII has no reference whatever to the case put.

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

/Sent in No 971./

Read

7th July 1841.

Read letter dated 9th June 1841 from the Criminal Judge of Canara, forwarding the Criminal Report of that Court for the month of May last.

(Here enter J.U. No 1103)

Suppl. Report
Cases Nos 65 & 66.

1.

The Court of Foujdaree Udalut direct that the attention of the 3d Judge on Circuit be called to the remarks recorded by the Criminal Judge in these cases, and that he be required to submit his opinion as to the propriety of the fine imposed on the two witnesses Krishna and Iyaroo, and for this purpose they direct that a copy of the Cases as they stand in the Report be sent to the 3d Judge of the Provincial Court in the Western Division.

Mr Campbell
Mr Dickinson

Report No V
Cases Nos 69.

2.

The Court of Foujdaree Udalut are of opinion that the evidence in this case as detailed in the Report was sufficient to convict the prisoners of the charge of robbery, the testimony of the 1st witness confirmed by that of the 2d witness combined with

7th July 1841.

with the circumstance of their flight all tend to produce in the mind a violent presumption against the prisoners sufficient to have warranted their committal. The Court will not however now disturb the order passed by the Criminal Judge.

Case No 70.

3

The Court seeing reason to doubt the propriety of the conviction in this case, resolve to direct that a copy of it as it stands in the report and of this para be also sent to the 3d Judge on Circuit in the Western Division, with directions to call for the proceedings held in the case and pass in them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of this Court.

Case No 76

4

The Court entirely concur in the remarks recorded by the Criminal Judge in this Case, and are of opinion that the prisoner should not have been forwarded to the Criminal Court - the Cases alluded

to

7th July 1841

to by the Criminal Judge except the notes of the Court when perusing the Criminal Reports in which they were entered.-

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

Sent in No 972

Ordered also, that Extract of paras 1 and 3 of these proceedings be sent to the 3rd Judge on Circuit in the Western Division for his information and guidance by precept returnable within 30 days from and after its receipt.-

Sent following precept No 973

Read letter dated the 1st July 1841 from the 3rd Judge presiding at the Chittoor 2nd Quarterly Sessions, submitting for the consideration and final judgment of the Court of Foujdaree Udalut an English translation of the record of the trial in Case No 3 on the Chittoor Calendar for the 2nd Quarterly Sessions of 1841.

Here enter F.U. No 1209

7th July 1841

The Court of Foujdaree Udalut

Mr Campbell.

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners

1st B Lingadoo

and

2nd M. Canpadoo

is sufficient to convict them of the crime of gang robbery by open violence, attended with aggravating circumstances, and that the same against the prisoner

5th Vencategadoo

is sufficient to convict him of having received stolen property, knowing at the time that it had been stolen. convict them severally thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, Clause Second Section IV Regulation XV of 1803, and Clause Second Section IV Regulation VI of 1822

do sentence the prisoners

1st B Lingadoo

and

2nd M. Canpadoo

to be transported to such place or places beyond

7th July 1841.

L. J.

beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of their natural lives: and the prisoner

5th Venkatayadoo

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 being of opinion that the prisoners

3rd Pakiarayadoo

and

4th Venkatasoryadoo

are not convicted, on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of either of the crime above mentioned do acquit them thereof, but considering that strong suspicion, though not amounting to conviction, attaches to them the Court, under the provisions of Clause Sixth Section II Regulation XX of 1803, direct, that they be required each to furnish two Sureties of (30) Rupees fifty each, jointly for

7th July 1841

for their good behaviour and appearance, when required, within two years, or in default thereof that they be detained for two years in confinement.

Adverting to the confession of the 1st Prisoner made before the District Sub-Police of Calastry, the Court of Joydaree Udalut are of opinion that, with reference to Act 19 of 1837 he should be examined as a witness regarding the murder of the Toon referred to in Case No. 7 on the Chittoor Calendar for the 1st Sessions of 1841, and they desire that the necessary measures may be taken by the Provincial Court of Circuit in the Centre Division for giving effect to their wishes on this point.

Ordered, that Extract from these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Centre Division for their information.

Sent in No. 974

Read letter dated the 10th April 1841 from the Agent to the Governor

of

7th July 1841.

of Fort Saint George at Ganjam, submitting the Calendars of Criminal cases disposed of by him and his Assistants during the twelve months from the 1st January to the 31st December 1840.

/Here enter J. U. No. 2441/

4 Vol.

J. U.

Friday, 9th July, 1841.

At a Court of the Foujdaree Udalut.

Present;

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge,

Henry Dickinson Esqre. —— 2d. Puisne Judge,

G. I. Casamajor Esqre. —— 3d. Puisne Judge,

Mr. Campbell and Mr. Dickinson

Read return dated the 29th June 1841 from the Acting Criminal Judge of Nellore to the circuit precept of the Foujdaree Udalut dated the 23d Ultimo conveying their observations and orders on the Nellore Criminal Report for the months of May last.

/Here enter J. U. No. 1200 of 1841/

Adverting to the explanation given in parah 2 of the foregoing return. The Court of Foujdaree Udalut remark that they did not observe the difference of dates in the receipt of the Prisoners. The course followed under the circumstances explained was therefore right.

2 The Court regret to be again called on to notice the improper tone and style in which the explanations of the Acting Criminal Judge is couched.—

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

/Sent in No. 980/ Read

9th July 1841

Mr Dickinson

and

Mr Casamajor

Read letter dated the 29th June 1841 from the Magistrate of Trichinopoly submitting the explanation called for in the Proceedings of the Tanjadaree Adalut of the 23d June relative to the delay in the transmission to the criminal Court of case No 35 on the Trichinopoly Criminal Report for the month of May last—

/Here enter S.C. No 1215 of 1841/

The Court of Tanjadaree Adalut consider the explanation afforded by the Magistrate in his letter to be satisfactory, and they direct that this opinion be communicated to that Officer.

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

/Sent in No 981./

Mr Dickenson

Read the Criminal Reports for the month of May 1841 from the Officiating Joint Criminal Judge of Tinnevelly—

/Here enter S.C. No 1136 of 1841/

These reports do not appear to call for any remark from the Court of Tanjadaree Adalut

Ordered accordingly that Extract from these Proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly for his information

/Sent in No 982./

9th July 1841

Mr Campbell

Mr Dickinson

and

Mr Casamajor

Read return dated the 21st June 1841 from the 1st Judge late on Circuit in the Northern Division to the precept of the Tanjadaree Adalut of the 29th May, commenting on the sentence passed by him in cases Nos 5 and 9 of the Rajahmundry Calendar for the 1st Sessions of 1841

/Here enter S.C. No 1178 of 1841/

The Court of Tanjadaree Adalut having given all due consideration to the remarks recorded in the foregoing return, still continue of opinion that Mr Montgomerie has erred in judgment, but they do not consider it necessary to take any further steps in the matter—

Ordered that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information—

/Sent in No 983./

Mr Campbell

and

Mr Dickenson

Read returns dated the 26th June 1841 from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Tanjadaree Adalut of the 22d ultimo calling for the list of Stolen Jewels given in at first by the Prosecutor in No 11 of the Chittoor Calendar 1st Quarterly Sessions of 1841—

/Here enter S.C. No 1187 of 1841/

On a consideration of the circumstances of the case as evidenced before them the Court of Sanjdarree Udalut see no reason for questioning the propriety of the conviction of the prisoners or for disturbing the sentences passed on them by the 1st Judge -

Ordered that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information

/ Sent in No. 984 /

Read letter dated the 26th June 1841 from the Magistrate of North Arcot submitting the explanation called for in the Proceedings of the Sanjdarree Udalut of the 28th ultimo relative to certain cases in the thirteen Criminal Reports for the month of April last -

/ Here enter S. Gl. No. 1188 of 1841 /

Mr Campbell

and

Mr Casamajor

With reference to case No. 52 the Court of Sanjdarree Udalut consider that sufficient grounds have not been shown for sending up the 3d and 4th Prisoners to the Criminal Court -

2.

The Tahsildar should have remembered that what is stated by one prisoner is not evidence against another prisoner tho' it is proved for securing the latter under Section XXVIII Regulation XI of 1816. The fact that the 3d and 4th prisoners were seen in company with the prisoner

prisoner who confessed at a time and place not very distant from the Scene of the offence is, without other more direct evidence, no corroboration of the former having been concerned in the crime -

3

In regards to the explanation given in Case No. 65 the Court observe that the reference by the Police Ameen was improper -

The Police Ameen should have

4

known that if the prisoner confessed voluntarily before him it was obligatory on him to send the prisoner to the Court -

5

The explanations given in the remaining Cases are deemed satisfactory -

Ordered that Extract from these proceedings be sent to the Magistrate of the Northern Division of Arcot for his information

/ Sent in No. 985. /

Ed Wh.

9th July 184

Mr Camp
an
Mr Casa

J. U.

Saturday, 10th July, 1841.

At a Court of the Foujdaree Udalut.

Present.

Alexr. Duncan Campbell Esqre — 1d Puisne Judge,
Henry Dickinson Esqre — 2d Puisne Judge,
G. I. Casamajor Esqre — 3d Puisne Judge,

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read return dated the 3d May last from the Provincial Court of Circuit in the Southern Division submitting copy of a return from the Magistrate of Salem containing the explanation called for in para 67 of the Proceedings of the Foujdaree Udalut of the 31st December 1840 on review of the Half yearly Criminal Reports for the 2d Half of 1839, and copy of a letter from the Magistrate of Madura having reference to paras 52 of the same proceedings.—

/Here enter J. U. No 866 of 1841./

1 Ordered that copies of these returns be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

2 The Court of Foujdaree Udalut find on reference to Mr Blackburne's Report of the 24th January 1840 that the particular passage in para 5 of that Report from which they inferred that he overlooked the fact that in 21 Serious offences out of 73, none

of

of the perpetrators had been discovered, was a passage applicable, not to the District in general, as they supposed, but only to offences committed within the Fort of Madura; and is perfectly correct. The Court regret having misunderstood this passage.

3. As the Court made no remarks respecting the property charged to have been lost in the undiscovered cases, they are not aware of the object of Mr. Blackburne's remarks in the latter part of paras 2 and in para. 3 of his returns; and, with reference to the conclusions of that returns, they will only observe that they consider the whole of the observations, in their Proceedings of the 31st December 1840, upon the proceedings of the Magistrate of Madura and the State of his District, so far from being in any part reprehendatory, as highly commendatory.

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. 987/

Ordered also that Extract from these proceedings be forwarded to the Provincial Courts of Circuit in the Southern Division to be by them communicated to the Magistrate of Madura for his information and future guidance.

/Sent in No. 988/

Read again letter dated the 16th December 1840 from the late Acting 3d Judge late on Circuit in the Centre Division, transmitting an English translation of the Records in case No. 12 on the Sudder Calendar for the 2d Sessions of 1840.

/Here enter J. C. No. 896 of 1841/

The Court of Foujdaree Adalut,

Mr Campbell 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 Cattepermaul Cadiacher

2d Bovajee

4th Vitelingum

and

12th Gungan alias Gungaram,

is sufficient to convict them of the crime of gang robbery by open violence, attended with aggravating circumstances, do convict them thereof, and, under the provisions of Clauses second and fifth, Section IV. Regulation XV of 1803, do sentence the prisoners,

1st Cattepermaul Cadiacher

2d Bovajee

and

4th Vitelingum

to be transported to such place or places beyond sea

Sea, as the Governor in Council shall appoint, there
to be imprisoned and kept to hard labor in
irons, on the public roads, or other public works,
for and during the period of their natural lives;
and the prisoners,

12th Gungan alias Gungaraw

to be imprisoned and kept to hard labor in irons
on the public roads or other public works, for
and during the period of (11½) fourteen years.
The Court being of opinion that the prisoners,

3d Mohadin Shaw
5th Nunnepinb
6th Moottyan
7th Moottoosawmy
8th G. Moottoosawmy
9th Chokalingums
10th Ranan
11th Mauripadiachee

and

13th Sroonachellum

are not convicted on presumptive proof, or on the
evidence of credible witnesses, or on their own confession
of the crime aforesaid, do acquit them thereof, and,
under the provisions of Clause sixth, Section III.
Regulation XV of 1803, direct that the prisoners,

Mahadin Shaw

3d Mahadin Shaw
5th Nunnepinb
6th Moottyan
7th Moottoosawmy
8th G. Moottoosawmy
9th Chokalingums
10th Ranan

and

11th Mauripadiachee

be set at liberty; but considering that strong suspicion
though not amounting to conviction attaches to the
prisoner

13th Sroonachellum,

they direct, that he be required to furnish two securities of
Rupees 50 each thirty, each surety, for his good behaviour and
appearance when required, within three years, or in
default thereof, that he be detained for 3 years in
confinement.

Sent following letter No. 989

Ex 37/41

F. U.

Monday
12th July 1841.

At a Court of the Tonjdaree Udalut.

Present

Alexr. Duncan Campbell Esqr. 1st. Puisne Judge
Henry Dickinson Esquire 2d. Puisne Judge
Geo. James Casamajor Esqr. 3d. Puisne Judge

Read petition presented by Tandavaroya Sillary of Cuddalore complaining of the sentence passed by the Criminal Court on Case No. 22. of the Cuddalore Criminal Reports for March last.

/ Here enter Mr. D. No. 84. /

The Court of Tonjdaree Udalut in reviewing the Criminal Reports for March 1841, in which this case is entered, saw no Reason to doubt the propriety of the Sentence; and having again referred to it, see none now.

Petition is rejected and Extract from these proceedings ordered to be furnished to the Petitioner on his application.

Read letter dated the 5th Instant from the Acting Criminal Judge of Nellore, forwarding the Criminal Reports for the month of June 1841.

/ Here enter No. 1224 /

The

12th July 1841.

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

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

/ Sent in No. 992.—/

Read letter dated the 7th Instant from the 1st Judge late on Circuit in the Northern Division, forwarding Copy of the Batta Statement received from the Joint Criminal Judge of Vizagapatam as required by Circular Order No. 35.—

/ Here enter F.U. No. 1253 /

Read letter dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, reporting the opening of the 2d Sessions of 1841 at Nellore.—

/ Here enter No. 1254 /—

F. U.

Tuesday the 13th July 1841.—

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre.—1st Puisne Judge

Henry Dickinson Esqre.—2d Puisne Judge

G. J. Casamajor Esqre.—3d Puisne Judge.

Mr. Campbell and Mr. Casamajor.

Read letter dated the 1st July 1841 from the Joint Criminal Judge of Vizagapatam, forwarding the Criminal Reports of his Court for the month of June last.—

/ Here Enter F.U. No. 1240. /

These reports appear to call for no remark from the Court of Foujdaree Udalut.—

Ordered accordingly, that a Extract from these Proceedings be sent to the Joint Criminal Judge of Vizagapatam for his information.—

/ Sent in No. 993 /

Read return dated the 28th Ultimo from the Magistrate of Chingleput, to the precept of the Foujdaree Udalut of the 26th June 1841, relative to

to Caste No. 22 on the Chingleput Criminal Report for the month of May 1841.—

/Here enter No. 1192/

Read return dated the 3rd Instant from the 1st Judge late on Circuit in the Northern Division, to the precept of the Tanjore Udalut of the 8th ultimo, conveying their remarks on the Vizagapatam Supplemental Calendar for the 1st Quarter of 1841.—

/Here enter No. 1226/

Read return dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Tanjore Udalut of the 25th June 1841, directing them to refer for the decision of the 2nd Judge Caste No. 51 of the Chittoor Criminal Calendar the result he submitted for the consideration of the Tanjore Udalut.—

/Here enter No. 1229/

Read return dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, to the

precept of the Tanjore Udalut of the 31st May 1841, directing them to look into the record of Cases Nos. 51 and 61 of the Cuddapah Supplemental Report for the month of April 1841, and pass such orders upon them as may appear proper.—

/Here enter No. 1230./

Read letter dated the 1st Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, transmitting the Statement required by Circular Order No. 4.—

/Here enter No. 1234./

Read return dated the 7th Instant from the 1st Judge late on Circuit in the Southern Division, to the precept of the Tanjore Udalut of the 11th May 1841, directing him to call for the proceedings held in Cases Nos. 24. 27 and 31 on the Madura Criminal Reports for March last, and to pass upon them such orders as may appear proper, reporting the result for

13th July 1841.—

for the information of the Foujdaree Udalut—

/Here enter No. 1250./

Read return dated the 7th Instant from the Criminal Judge of Madura, to the precept of the Foujdaree Udalut of the 2d Instant, on perusal of the Criminal Reports for the month of May last.—

/Here enter No. 1251./

Read letter dated the 5th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, forwarding the Calendar of Cases disposed of by him during the quarter ending 30th June 1841.—

/Here enter No. 1252./—

F. 16.

Wednesday 14th July, 1841.—

At a Court of the Foujdaree Udalut—

Present,

Alexr. Duncan Campbell Esqre.—1st Puisne judge,
Henry Dickinson Esqre.—2d Puisne judge,
G. J. Casamajor Esqre.—3rd Puisne judge.

Mr. Campbell. Mr. Dickinson. and Mr. Casamajor

The Records of the trials in Cases Nos. 4-8-10-21-23 and 26 on the Salem Calendar for the 1st Sessions of 1841 under reference to the Court of Foujdaree Udalut not having been submitted to this Court.—

Ordered that the 1st Judge on Circuit in the Southern Division be required by precept returnable in 3 days from and after its receipt to shew what progress has been made in the preparation of the English translations of the trials in question, and to explain the cause of the delay in referring the above Trials for the final orders of the Court of Foujdaree Udalut.—

/Sent following precept No. 999/

Read the Cuddapah Criminal

13th

14th July 1841.

Mr. Cadamajor—

Suppl. Report
No. 66.

Criminal Report for May 1841.—
/ Store entry No. 1151 /

1. The Assistant Head of Police should be called upon to explain on what ground the 4th Prisoner was sent up to the Criminal Court.—

2. Nos. 70 and 75 in Report at 5. The propriety of demanding security from the 1st Prisoners in these Nos. seems doubtful. The Court of Sunjdaree would desire that the 3d Judge now on Circuit at Cuddapah will call for the Proceedings and order that shall appear to him proper.—

3. In No. 75 the Head of the Village in which the offence was committed should be required to explain why the case was not sent up to the Head of Police with the Prosecutor only and without the witnesses as required by Clause 5 Section V Regulation XI of 1816.—

4. In Nos. 78 and 79 of Report No. 5 delays are accounted for by references to the Magistrate &c. The Court desire that

14th July 1841.—

that certified translations of the references of the orders upon them in each of these cases may be sent.—

5. Extract of Case 66 as it stands in the report with the remarks of the Court respecting the 4th Prisoner and of cases 75, 78 and 79 without the remarks of the Court, with a copy of para.s 1, 3 and 4 of these Proceedings to be sent to the Magistrate for his information and guidance.—

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance with directions to make the necessary communications to the Magistrate of the Zillah.—

/ Sent in No. 1000 /

Ordered also, that Extract from these proceedings / para: 2 / be sent to the 3rd 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. 1001 /

Read

13

Read letter dated the 3rd July 1841 from the Magistrate of Chittoor submitting the explanation called for in the Proceedings of the Court of Tonjdaree Udalut of the 18th May last relative to certain cases on the Chittoor Criminal Reports for the month of March last.—

Mr. Castamajor.

/Here enter F. No. 1216./

1. The Court of Tonjdaree Udalut consider the explanation given in Case No. 26 to be satisfactory as regards the Magistrate.—

2. In Case No. 39 the Court of Tonjdaree Udalut concur with the Magistrate in considering that there was clearly no sufficient ground for a reference to the Magistrate and they trust that the Magistrate has expressed his disapprobation at the reference.—

3. With reference to the order which the Magistrate explains in the concluding paragr. of his letter, had been passed, the Court of Tonjdaree Udalut would suggest for his consideration whether this is not an unnecessary measure.—The practice

of his influence and above all the example which the Court trust is set of regularity and dispatch in the Magistrates own proceedings would probably be sufficient without harsher measures.—

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

/Sent in No. 1002./

Read letter dated the 5th Instant from the Criminal Judge of Chingleput forwarding the Criminal Reports for the month of June 1841.—

Mr. Castamajor.

/Here enter No. 1225./

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

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

/Sent in No. 1003./

16th July 1841

F. U.

Friday, 16th July 1841. At a Court of the Fonjdaree Udalut.

Present

Alexr. Duncan Campbell Esqr. 1st Puisne Judge

Henry Dickinson Esquire 2d Puisne Judge

Geo. James Casamajor Esquire 3d Puisne Judge

Read letter dated the 22d Ultimo

Mr. Casamajor from the 2d Judge on Circuit in the Centre Division, transmitting the Chingleput Calendar for the 1st Sessions of 1841.

/ Here enter No. 1169 /

Also read letter dated the 2nd Instant from the 2d Judge on Circuit in the Centre Division, transmitting his remarks on Case No. 5. of the above Calendar.

/ Here enter No. 1218. /

The above Calendar not requiring any remark from the Court of Fonjdaree Udalut.

Ordered, that Extract from these proceedings be forwarded for the information of the 2d Judge on Circuit in the Centre Division.

/ Sent in No. 1005. /

Read

16th C. C. to

16th July 1841.

Mr. Campbell.
Mr. Casamajor.

Read the Gaol Criminal or Reports submitted by the Provincial Court of Circuit in the Western Division for the month of May 1841.

/ Here enter No. 1170 /

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

Ordered therefore, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen at Sirey for his information.

/ Sent in No. 1006 /

Mr. Campbell
and
Mr. Dickinson

Read Letters dated 7th Instant, from the 2d Judge on Circuit in the Centre Division, submitting for the consideration of the Foujdaree Udalut, certain Papers relating to Cases Nos. 1. and 2. of the Cuddalore Calendar of the First Sessions of 1841. wherein the Prisoners Eratchee and Pitchum were severally charged with wilful and Corrupt Perjury under the Provisions of Regulation III of 1826. with his opinion that they should

16th July 1841.

should both be released without Trial.

/ Here enter F.C. Nos. 1217 & 1220 of 1841. /

The Court of Foujdaree Udalut

1.

entirely concur in the view taken of these Cases by the Second Judge: and are of opinion that Mr. Hordley's order to commit them, was very injudicious.

It is evident that the supposed

2.

contradictions arise wholly from confounding the two different occasions. when the Prosecutor's party were seized and bound by some of the Prisoners. one when Aberam was wounded. the other when the rest of his Party having run to Kelsoor, set out thence again to look for Aberam. all the examinations are conducted in a very loose and slovenly manner. the contradictions are any thing rather than direct and positive: and there is no ground to impute corrupt motive.

The Court authorize the Release

3.

of the Prisoners without Trial.

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

/ Sent in No. 1007 /

Read

13

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Read letter dated 3rd June 1841 from the 1st Judge on Circuit in the Western Division, submitting the Half yearly Statement required by the Circular Order No. 4 dated 5th July 1834.

/Hereunto F.R. No. 1221/

1.

From this Statement it appears that exclusive of case No. 5. on the Calicut Calendar the disposal of which was delayed by circumstances over which the 1st Judge had no control, the longest period consumed in the preparation of trials set down for reference to the Court of Foujdaree Adalut was five days: the shortest 1 day: while the average amounts only to 2 4/11 days.

2.

This result is considered to be most satisfactory, and to reflect the greatest credit on the arrangements adopted by Mr. Douglas.

Ordered, that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court in the Western Division for his information.

/Sent in No. 1008./

F.W.L.

No return having been received from the Criminal Judge of Bellary, to the precept of this Court of the 10th Ultimo, directing that the

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

F.R.
16th July 1841.

instant prisoner Chic Kapiah in case No. 1. of the Bellary Calendar of the 1st Sessions of 1839 be set at liberty upon his relatives or friends entering into Roocheikahs binding themselves to take such care of him as shall prevent the possibility of his doing further mischief.

Ordered, that the Criminal Judge of Bellary be required by precept returnable in 3. days from and after its receipt to shew what may have been done in pursuance of the instructions issued to him under date the 10th Ultimo, and that he be required to make a return to the precept aforesaid without delay.

/Sent following Precept No. 1009/

F.W.L.

L. C.

Saturday 17th July 1841. At a Court of the Foujdaree Udalut

Present

Hon.ble Duncan Campbell Esq.r 1st Puisne Judge

Henry Dickinson Esq.r 2d Puisne Judge

Geo. James Castamajor Esq.r 3d Puisne Judge

Read the following letter from the Acting Joint Criminal Judge at Tellicherry dated the 26th June 1841.

Mr Campbell
Mr Dickinson
and
Mr Castamajor

Here enter No. 1199

In the foregoing letter the question has been submitted to the Court of Foujdaree Udalut whether cases coming under the provisions of Section XXXIV. Act XVII of 1837 are to be disposed of by the Magistrate, Joint Magistrate, or Criminal Judge.

Section XXXIV. Act XVII of 1837 directs that persons convicted of

115

the offences enumerated therein shall be punished by the "Magistrate"

3. Section IX Act II of 1839 however declares, that in all Acts hereafter passed by the Governor General of India in Council, the term "Magistrate" shall Extend to all "Joint Magistrates" "Persons lawfully exercising the powers of a Magistrate", and "Justices of the Peace", accordingly under the Explanation of the term "Magistrate" the Sessions Judge has jurisdiction in the cases provided for in Section XXXIV. Act I of VII of 1837

Ordered that a Extract from these proceedings be forwarded to the Acting Joint Commissioner Judge at Tellicherry for his information and guidance.

(Sentence No 1044)

Read again order of Government dated 10th May 1841 No 756 communicating

Mr Campbell
Mr Dunkinson
and
Mr Casamajor

to the Sungdaree Adalut a letter from

the Secretary to the Medical Board and directing the Judges, should they approve — to issue instructions for giving effect to the suggestions therein contained in respect to the hours of labour and diet of the Prisoners in the Jail at Honore.

(Here enter F.C. No 894 of 1841)

Read also Return dated 31st May last from the Principal Sheristadar of Honore to the Receipt of the Court of Sungdaree Adalut under date the 22nd May 1841, directing him to explain the grounds of his disapproval of the suggestions of the Apothecary in regard to the hours of labour and diet of the prisoners in the Jail at that Station.

(Here enter F.C. No 1074 of 1841)

Read also Return dated 26th Ultimo from Mr Hooper late Third Judge of the Provincial Court of Circuit in the Western Division to

to the Precept of the Court of Judicature
Udalut under date the 18th June 1841
requiring him to explain why he omits
to reply to the reference made to him
under date 22d December 1840 by the
Principal Sudr Ameen of Thana
relative to the Prisoners at that Station.

(Vide enter F. C. No 1194 of 1841)

1.
The objection of the Principal
Sudr Ameen to the proposed change
in the hours of labour appears to
have been that it would be repugnant
to the Standing orders of the Judicature
Udalut on the subject.

2.
The Court do not consider
this to be sufficient in the present instance
the prisoners in question being reported
to be weak and sickly, the strictness
of the Rules must be relaxed in
their behalf.

3
In regard to the proposed
change of the diet it appears that
the Principal Sudr Ameen made a
representation

F. C.
17th July 1841

representation on that subject to
Mr. Hooper, who received it when
separated from his Circuit establish-
ment: and being immediately after-
ward, appointed to the Southern Division
lost sight of the matter in the
midst of the urgent Business
connected with his recent Circuit,
which he was called upon to dispose
of before finally quitting Tellicherry.

4.
The Court have already in
parah 2 of their proceedings of the
22d May last, directed the Principal
Sudr Ameen "as a temporary measure"
to give effect to the suggestions of
the Apothecary, both in regard to the
Diet, and hours of labour of the
Prisoners; and they now direct that
the same course be followed until
the Apothecary shall report that
the improved health of the prisoners
admits of a return to the ordinary
system of discipline.

This

5.

This order will be communicated to the Judge now on Circuit in the Western Division whose duty it will be to report on the subject at the close of his present Circuit

Ordered, that Extract from these Proceedings be forwarded to the Chief Secretary to Government for the information of Government with reference to the Proceedings of the Sangdaree Udalut of the 22d May last

(Sudr in Ac: 1015)

Ordered also, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Kurnool for his information and guidance

(Sudr in Ac: 1016)

Ordered also, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Western Division for his information and guidance

(Sudr in Ac: 1017)

17th July 1841

Read letter from the Mr Campbell Magistrate of Bellary dated the Mr Dickinson 28th Ultimo submitting a proposition and Mr Cavenagh from the Joint Magistrate of the District to make the tender of a conditional pardon to one "Errigo" one of the accomplices of the Gang of Limmareddy Nobalasoo &c who are alleged to have been the murderers of the late Surchedrier, Shaik Hoossain

(Here enter No 1227 A)

The Court of Sangdaree Udalut resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of pardon to "Errigo" on the terms and conditions specified in Section XX Regulation XIII of 1802.

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

(Sudr in Ac: 1018)

Monday,
19th July, 1841.

At a Court of the Tongdaree Udalut.

Present,

Hon.r Duncan Campbell Esq.r 1st Puisne Judge,

Henry Dickinson Esq.re —— 2d. Puisne Judge,

G. J. Casamajor Esq.re —— 3d. Puisne Judge,

Read letter dated the 30th June 1841 from the 3d. Judge of the Provincial Court of Circuit in the Western Division submitting for the consideration and final sentence of the Court of Tongdaree Udalut an English translation of the records of the trial in case tried on the Jalluchurry 1st Supplemental Calendar for the 2nd Quarterly Sessions of 1841.

Mr Campbell and Mr Dickinson

The Court of Tongdaree 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 Valasherry Narrainan Nambidy

2d. Perramana Govinden Nambidy

3d. Perrangerry Kristnen Nambidy

and

4th Koonnjerry Govindan Nambidy

is sufficient to convict them of the crime of

Murder

19th July 1841

Murder, do convict them thereof, and, under the provisions of Section X. Regulation VIII of 1802, and Clause second Section VI. Regulation I of 1825, do sentence the prisoner

4th Koongerry Coondan Nambidy

to suffer death, by being hanged, at the usual time and place of execution; and the prisoners,

1st Valashery Narrainan Nambidy

2d Corramana Goveren Nambidy

and

3d Coorangerry Kesthnen Nambidy

to be transported, to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of their natural lives; but being of opinion that the prisoners,

5th Nelloly Ramen

and

6th Ardonalathe Ammalan

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions of the crime aforesaid, do acquit them thereof; and, under the provisions of Clause second Section II Regulation XV of 1803, do direct that they be set at liberty:-

19th July 1841

Certificate of Pardon to Kowellary Ramen

Whereas under date the 30th April 1841 the Court of Sunjdaree Adalut were pleased to authorize the officiating Joint Criminal Judge of Tillechery to tender an offer of pardon to Kowellary Ramen on condition of his making a full disclosure of every circumstance within his knowledge relative to the murder of two persons named Kowrokoony Chator and Vanna palan Cannara committed on the night of the 26th January 1841 in a granary situated at Arimolla Deshom in Pottuddy Mushom in the Talook of Tynaad.-

And whereas the Court of Sunjdaree Adalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.-

Now these are to certify and declare that in consideration thereof, the Court of Sunjdaree Adalut have been pleased under the provisions of Section XX Regulation VIII of 1802, to confirm the pardon conditionally tendered to the aforesaid

Kowellary Ramen

so far as regards the acts herein referred to.-

And the Court do hereby confirm the

19th July 1841.

the said Pardon accordingly.

Given under my hand and the seal
of the Court this 19th day of July in the year
of our Lord 1841. /Signed/ J. Glarken.

The Court of Sungdaree Udalut have
of opinion that the enmity of the 4th Prisoner against
the deceased is so clearly established, as to leave no
room to doubt that it induced the murder which
he instigated, counselled, and actively aided in
perpetrating; and they have accordingly sentenced
him to be hanged.

Ordered that Extract from these
proceedings be sent to the 3d Judge of the Provincial
Court of Circuit in the Western Division for his
information.

/Sent following letter No. 1021./

Mr. Casamajor

Read Miscellaneous Petition presented
on the 3d of May 1841 by Narsimmah of the Zillah
of Cuddapah.

/Here enter F.H. M.P. No. 83 of 1841./

1 The object of this petition is to obtain
a modification of the order passed by the Court of
Sungdaree Udalut under date the 26th April last
on Petition No. 61 of 1841 presented by the same party.

Mr. Dickinson

19th July 1841.

2 The Court of Sungdaree Udalut are
unable to comply with the prayer of this Petition
and direct that the Petitioner be referred to their
order of the 26th of April last which they confirmed
is final.

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

Read Miscellaneous Petition presented
on the 3d of May 1841 by Mootta Pillah of
the Zillah of Madura.

/Here enter F.H. M.P. No. 85 of 1841./

The Petitioner complains of several
acts of violence and aggression committed against
him by certain individuals named in the Petition
and states that though he has brought the same
to the notice of the Head of Police he has been
able to obtain no redress but that on the contrary
thro' favor towards his opponents the Tahsildar
has illused and oppressed him and on his intimat-
ing his intention of appealing to the Magistrate
placed him for three days in Confinement.

He now prays for the interference of this Court.

2 The Court of Sungdaree Udalut
3 do not feel themselves called on to interfere in
behalf

19th July 1841.

behalf of the Petitioner. If the Tahsildar do not afford the Petitioner redress he should apply to the Magistrate and the Provincial Courts of Circuit.

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

Mr Campbell and Mr Dickenson

Read Miscellaneous Petition presented on the 30th June 1841 by V. Tagunnah of the Zillah of Cudalapah.

/Here enter S.R. M.P. No 103 of 1841/

The Petitioner has been repeatedly before the Court of Sunjdaree Adalut and every enquiry has been made into the subject of her complaint.

2. The Court direct that she be referred to their order of the 7th October last and informed that nothing more can be done for her, and that there are no grounds on which any further interference on her behalf can be directed.

Ordered that the Petition be rejected, and that a Copy of these Proceedings be furnished to the Petitioner on her application.

19th July 1841.

Mr Campbell and Mr Casamajor

Read letter dated the 13th June 1841 from the Magistrate of Rajahmundry submitting the explanations called for on the Proceedings of the Sunjdaree Adalut of the 18th May relative to Cases Nos 13 and 20 of the Rajahmundry Criminal Reports for April last.

/Here enter S.R. No 1044 of 1841/

The Court of Sunjdaree Adalut are not at all satisfied with the explanations afforded in Case No 13 which is considered by the Court and unsatisfactory. The circumstance of the nature of the charge being such as to render necessary the transmission of the Case to the Magistrate or the Criminal Court, can in no ways justify an insufficient enquiry of the Case by the Native Police. Much confusion, unnecessary trouble and delay, hardship to parties, reiterated references to the Magistrate, by the Criminal Courts, for more evidence and information, must result from Cases being sent to the Criminal Court, but half investigated. The attention of the Magistrate

of

19th July 1841.

of Rajahmundry will be particularly drawn to the Circular Order No. 22 and he will be enjoined to prevent a repetition of similar irregularities.—

2. With reference to Case No. 20 the Court observe that the delay in this case might have been avoided had the Acting Criminal Judge followed the course laid down in the Circular letter of the 31st July 1834, and transmitted direct to the Native Officer of Police, instead of through the Magistrate, a memorandum indicating the points on which further investigation was necessary. The Court are also of opinion that the proceedings of the Criminal Judge in sending back to the Head of the Police the witness required by him, "after he had appeared before the Criminal Court," was highly irregular, and they direct that such a proceeding be not again adopted by the Acting Criminal Judge.

3. It will however be the duty of the Magistrate to see that the Police officers are made thoroughly to understand that they will be held answerable for the transmission to the Court of any cases imperfectly investigated.

Ordered

S.U

19th July 1841.

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

/Sent in No. 1022/

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

/Sent in No. 1023/

Mr. Campbell
Mr. Dickinson
and
Mr. Cavenagh

Extract from the Minutes of the Zillah Court of Cuddapah, moves the Court to return the enclosure in her Miscellaneous Petition No. 83 of 1841.

Ordered accordingly

Entered

F. No.

Tuesday, 20th July 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge,
Henry Dickinson Esqre. ——— 2d. Puisne Judge,
G. J. Casamajor Esqre. ——— 3d. Puisne Judge,

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 3d. instant from the 2d. Judge Presiding at the Third Quarter Sessions of 1841 at Masulipatam submitting for the consideration of the Foujdaree Udalut, copies of certain Papers relating to a Petition presented to the Court by two Persons complaining of an order of the Head Assistant Magistrate of Masulipatam dated the 11th May 1841.

[Here enter F. D. No. 1235 of 1841]

1 It appears by the Papers accompanying this letter that certain Ryots of Masulipatam have been fined by the Head Assistant Collector of that District, and that certain grain found in their possession was confiscated and sold and the proceeds were carried to the credit of Government.

2 It is not clearly explained who

who and of what class and description of persons the alleged offenders were to whom the grain belonged: and what is the precise nature of the offence which the parties became to, committed.-

3.

In the decision of the Head Assistant Collector dated 11th May 1841- the parties are declared to have been convicted of "Theft": but in the Extract from the letter from the same authority dated 1st July 1841 the act committed is designated as a fraudulent embezzlement of untythed grain." - and Mr Grant the Magistrate designates it as embezzlement of "unmeasured grain which was the joint property of the Government and the Ryots"

4.

The Court deem it necessary to call for a full explanation upon the points above indicated; which the Second Judge will accordingly be pleased to obtain from the Magistrate and submit without delay

It is obvious that if the supposed delinquents had a right to any part of the grain, as their own property, they could neither steal, nor

embezzle, that part of it-

5

The Second Judge will at the same time obtain and submit an explanation of the nature and of the system of "Kharanah Fines" stated to prevail in the Masulipatam District, under which it would appear that the Petitioners had rendered themselves liable to a Fine of Rupees 844-10. although only seventy Rupees were actually levied.

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

Sent following precept No. 1024/

Read return dated the 9th

Mr Dickinson and Mr Casamajor

July 1841 from the Provincial Court of Circuit in the Centre Division to the precept of the Court of Tongdaree Udalut of the 28th April 1841 directing them to prepare and submit an English translation of the records of the trial in case No. 15 on the Cuddalore Calendar for the 1st Sessions of 1840.-

Here enter J.R. No. 1246 of 1841

20th July 1841.

1.

It appears by the record now submitted that examinations were held before the Police Ameen of Cuddalore which are not in the records.

2

The Court accordingly direct that the Provincial Court be called on to procure and submit with as little delay as possible. English translations of these examinations.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 20 days from and after the receipt of

/Sent following precept No. 1025/

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read return dated the 12th July 1841 from the Provincial Court of Circuit in the Centre Division to the precept of the 20th June 1841 directing the release of Udaluk of the 8th June 1841 directing the release of the 5th, 7th 16th and 18th Prisoners in Case No 36 on the Bellary Calendar for the 2d Sessions of 1840

/Here enter F.C. No 1269 of 1841/

In this return the Provincial Court certify "that the necessary instructions have been issued to the Criminal Judge of Bellary under date the 24th June 1841."

241.

20th July 1841

2.

It would have been more satisfactory had the Provincial Court in this return reported that the warrant for the discharge of these prisoners had been duly carried into effect. The Provincial Court will submit this information by a supplemental return.

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

/Sent in No 1026/

Read letter dated the 10th May 1841 from the 1st Judge on Circuit in the Northern Division, reporting the receipt of a supplemental Calendar from the Joint Criminal Court of Vizagapatam for the 1st Sessions of 1841.

/Here enter F.C. No 919 of 1841/

Read letter dated the 1st July 1841 from the Joint Criminal Judge of the Auxiliary Court at Vizagapatam informing that the Quarterly Statements required by Circular Order No 88 has not been sent there being no

20th July 1841

20th

no entry to be made in it.

/ Here enter F.H. No. 1243 of 1841 /

Read letter dated the 9th July 1841
from the 2d Judge of the Provincial Court of Circuit
in the Northern Division, reporting his having received
the Primary Calendar from the Joint Criminal
Judge at Masulipatam.

/ Here enter F.H. No. 1260 of 1841 /

Read letter dated the 12th July 1841
from the Chief Secretary to Government
intimating that the Proceedings and the Circuit
Report of the 2d Judge of the Provincial Court
of Circuit in the Western Division for the 4th Quarterly
Sessions of 1840 and 1st Quarterly Sessions of 1841
do not appear to call for any remarks.

/ Here enter F.H. No. 1265 of 1841 /

Read Statement dated the 1st
July 1841 from the Criminal Judge of Combaconum
of the amount realized by the labor of the con-
prisoners in the 2d Quarter of 1841.

/ Here enter F.H. No. 1271 of 1841 /

Read return dated the 10th July 1841
from the Acting Criminal Judge of Rajahmundry
to the precepts of the Joint Commissioners dated the 3d Instant on the
returns of the Criminal Reports for the month of May 1841

/ Here enter F.H. No. 1275 of 1841 /

J. No.

Wednesday, 21st July, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge,

Henry Dickinson Esqre. ——— 2d. Puisne Judge,

G. J. Casamajor Esqre. ——— 3d. Puisne Judge.

Mr. Campbell

Mr. Dickinson

and

Mr. Casamajor

Read letter dated the 5th instant from the Provincial Court of Circuit in the Southern Division transmitting copy of a letter from the Officiating Joint Criminal Judge at Tinnevelly together with the Medical certificate referred to in it, and reporting that they have sanctioned the transfer of the sick prisoner Mootoosawmy to Madura as recommended by the Civil Surgeon of Tinnevelly.

(Here enter J. U. No. 1244 of 1841)

The Court of Foujdaree Udalut approve of the transfer of the abovementioned Prisoner to the Jail at Madura, and they direct that the same be communicated to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent in No. 1029)

Mr. Campbell and Mr. Dickinson

Read the Criminal Reports submitted by the Joint Criminal Judge of Coimbatore

Coimbatore for the month of June 1841.

/ Here enter J. D. No. 1259 of 1841 /

The above Respts do not appear to call for any remark from the Court of Fouzdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Joint Criminal Judge of Coimbatore for his information

/ Sent in No. 1030 /

Read letter dated the 8th July 1841 from the Acting Joint Criminal Judge at Cochin, forwarding the Criminal Returns for the month of June 1841.-

/ Here enter J. D. No. 1276 of 1841 /

Read letter dated the 13th July 1841 from the Chief Secretary to Government, intimating that the proceedings and the Circuit report of the 2d Judge on Circuit in the Northern Division for the first Sessions of 1840 do not appear to call for any remark.-

/ Here enter J. D. No. 1279 of 1841 /

Read letter dated the 12th July 1841 from the 3d Judge on Circuit in the Southern Division reporting the opening of the 2d Sessions of 1841 at Cuddapah on the 12th Instant and the State of the Calendar.-

/ Here enter J. D. No. 1286 of 1841 /

End 22d

J. D.

Thursday. 22d July, 1841.

At a Court of the Fouzdaree Udalut.

Present:

Alex. Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre ——— 2d Puisne Judge,

G. J. Casamajor Esqre ——— 3d Puisne Judge,

Read letter dated the 12th Instant from the 1st Judge late on Circuit in the Southern Division, transmitting an English translation of the record in Case No. 10 on the Salem Calendar for the 1st Sessions of 1841.-

/ Here enter J. D. No. 1301 of 1841 /

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

Lavaty,

is sufficient to convict her of the crime of procuring abortion and thereby causing death, for which according to the Mahomedan Law, as declared in the futwa of their Law Officers, discretionary punishment is awardable, do convict her thereof, and, under the provisions of Clause third Section VII Regulation XV of 1803, adjudge her to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the

Mr Campbell and Mr Dickinson

the period of (4) four years.

/Sent following letter No 1034/

Mr Campbell and Mr Dickinson

Read Extract from the Proceedings of the Joint Criminal Judge of Masulipatam dated the 5th July 1841 replying to the Presidency of the Foujdaree Adalut of the 2d Instant on the review of the Criminal Reports for the month of May 1841.

/Hereunder Ft No 1977 of 1841/

The Court of Foujdaree Adalut observe that there is nothing contained in the present returns which affects the views of the Court taken in their proceedings of the 2d Instant.

Ordered that Extract from these Proceedings be sent to the Joint Criminal Judge of Masulipatam for his information.

/Sent in No 1035/

Mr Dickinson

Read the Criminal Reports for the months of June last submitted by the Joint Criminal Judge of Trichinopoly.

/Hereunder Ft No 1298 of 1841/

Report No V
Case No 36.

From the wording of the Charge against the 1st Prisoner it would seem that the case ought to fall under the provisions of

Clause fourth Section III of the Regulations.

Unless therefore housebreaking

2.

was proved the Sentence was illegal and not warranted by the Regulations cited. The Joint Criminal Judge is called on to explain whether or not this was the case.

The Court also observe that the term

3.

feloniously used in describing the offence of the 2d prisoner in this Case is objectionable. Offences must in future be described as they are in the Code of Regulations.

In this Case the 2d 3d and 4th

Case No 38

Prisoners are charged with having retained in their possession a stolen bullock but the guilty knowledge which could alone render them criminal

to a Criminal prosecution is not charged.

Ordered that Extract from these Proceedings be sent to the Joint Criminal Judge of Trichinopoly for his information by precept returnable in 5 days from and after the receipt

/Sent following precept No 1036/

Read letter dated the 12th July

Mr Campbell and Mr Dickinson

1841 from the Joint Criminal Judge of Southern Division forwarding for the consideration and final sentence of the Court of Foujdaree Adalut

and

22nd July 1841.

an English translation of the records of the trial in Case No. 4 on the Salem Calendar for the 1st Sessions of 1841.—

/Here enter J.H. No. 1300 of 1841./

1 The Court of Soydaree Udalut seeing reason to doubt the state of intellect of the prisoner in this case, deem it right, before proceeding to — judgment in the case, to direct that some of the inhabitants of the village where the prisoner dwells and who may be well acquainted with her, be examined as to her general conduct and the weakness or otherwise of her intellect — they desire also the opinion of the Criminal Judge on this point. The records induces the Soydaree Udalut to consider her a silly creature of weak intellect.—

2 They also direct that evidence be taken in regards to the fact deposed to by the 1st witness rely on her answer to the 4th question put to her at page 9 of the records of the proceedings of the Court of Circuit, viz: that another woman produced beads before the Sahsildar who acknowledging that she had received them from the prisoner. The Court desire to be

informed if this fact stands and the person who is stated to have produced the beads must be examined accordingly.—

3 Further inquiry must also be made as to whether the well has been searched for the beads and cloth of the deceased, and if the search has not been made, the Court direct that one be immediately instituted.—

4 The 1st Judge will accordingly issue a precept to the Criminal Judge of Salem directing him to obtain the attendance of the requisite witnesses and in the presence of the prisoner, take their examination on — their solemn affirmation in regards to the conduct of the said prisoner, and on the other points enumerated above.— The Criminal Judge —

5 will permit the prisoner to cross examine the witnesses and to offer any thing further in her defence, should she wish it at the close of her examination.—

6. The 1st Judge will submit an English translation of the additional evidence to be taken for the consideration and final judgment

judgment of the Tanjadaur Udalut.—

Ordered that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Southern Division by precept returnable in 25 days from and after date receipt.—

/Sent following precept No. 1037./

Read letter dated the 13th July 1841

Mr. Dickenson

from the Criminal Judge of Combaconum—

forwarding the Criminal Reports of his Court for the months of June last;—

/Here enter J.H. No. 1311 of 1841./

These reports not appearing to call for any remarks from the Court of Tanjadaur Udalut.—

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

/Sent in No. 1038/

Read Statement dated the 30th Ultimo

from the Criminal Judge of Chingleput showing the amount realized by the labor of the Prisoners in the Gallies of Chingleput for the 2d Quarter 1841

/Here enter J.H. No. 1293 of 1841./

22nd July 1841

Read Statement dated the

30th Ultimo from the Acting Criminal Judge of Rajahmundry of the amount realized by the labour of the Prisoners in the 2d Quarter of 1841.—

/Here enter J.H. No. 1320 of 1841./

Read letter dated the 14th Instant from the 3d Judge on Circuit in the Southern Division, reporting his arrival at Madura and his having on the 14th Instant resumed the duties of his Office which he quitted on the 11th Ultimo on the leave lately granted him.—

/Here enter J.H. No. 1325 of 1841/

Read letter dated the 9th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding the Statement of Batta paid to Prosecutors and witnesses during the 2d Quarterly Sessions of 1841.—

/Here enter J.H. No. 1327 of 1841/

Read letter dated the 15th Instant

22d July 1841.

Instant from the Third Judge on Circuit in the Southern Division, reporting the opening of the 2d Sessions of 1841 at Madura on the 11th Instant and the State of the Calendar—

/Here enter F.H. No. 1335 of 1841/

Read return dated the 17th Instant from the 1st Judge late on Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 14th July 1841 directing him to shew what progress had been made in the preparation of the trials in certain cases on the Salem Calendar 1st Sessions of 1841 and to explain the cause of the delay in referring the Trials for the final orders of the Court of Fouzdaree Udalut—

/Here enter F.H. No. 1342 of 1841/—

Friday, 23d July 1841—

F.H.

At a Court of the Fouzdaree Udalut—

—Present—

Alexr. Duncan Campbell Esqr. 1st Puisne Judge—

Henry Dickinson Esqr. 2d Puisne Judge—

Geo. James Casamajor Esqr. 3d Puisne Judge—

Read letter dated the 13th Instant from the 2d Judge on Circuit in the Centre Division, transmitting translation of the record in case No. 6 on the Chingleput Calendar for the 1st Sessions of 1841—

/Here enter F.H. No. 1312./

Mr. Campbell and Mr. Dickinson—

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Pernal Naik" is sufficient to convict him of the crime of murder, do convict him thereof and under the provisions of Section X Regulation VIII of 1802 do sentence him to suffer death, by being hanged, at the usual time and place of execution—

(Sent following letter No. 1044.)

Read

23d July 1841.—

Read letter dated the 7th July 1841
from the 2nd Judge of the Provincial Court of Circuit
Mr Campbell — in the Western Division, forwarding for the consideration
and Udalut
Mr Casamajor. — and final Sentence of the Jongdaree, an English translation
of the record of the trial in Case No. 1 on the Tellicherry
Calendar for the 3d Quarterly Sessions of 1841.

(Here enter F.C. No. 1280.)

The Court of Jongdaree 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
Tekka Poowatan alias Pallipparambil Eddun
is sufficient to convict him of Culpable Homicide
for which the penalty of Deyut is awardable under
the Mahomedan law, as declared in futwah of
their Law Officers, do convict him thereof, and,
with reference to the Provisions of Clause Second
Section XI Regulation VII of 1803, do 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 ten (10) years.

The Court of Jongdaree Udalut
Considers

23d July 1841.—

consider the act committed by the prisoner to
amount only to culpable homicide and not to
murder — there is no proof of, nor ground to believe
malice prepense. the act was committed on sudden
provocation while the Prisoner was in an excited
state with a weapon ready at hand.—

Under this view of the case the
2.
Court consider that 10 years imprisonment with
hard labor in irons will prove a sufficient &
punishment.—

Ordered, that Extract from these
proceedings be sent to the 2nd Judge of the
Provincial Court of Circuit in the Western
Division for their information.—

(Sent following letter No. 1045.)

Read the Criminal Reports for
the month of June 1841 forwarded by the Officiating
Mr Dickinson — Joint Criminal Judge of Tinnevelly—

(Here enter F.C. No. 1313.)

These reports do not appear to
call for any remarks from the Court of Jongdaree
Udalut.

Ordered, that Extract from these
proceedings be sent to the Officiating Joint Crimina
Judge

23d July 1841.

Jnoſe of Tinnevelly.

(Station No. 1046)

Mr. Campbell.
Mr. Dickinson
and
Mr. Casamajor.

Read letter from the Agent to the Governor in Ganjam, stating that he has suspended execution of the sentence of the Court of Tongdare Udalut in the prisoners in the trial No. 55 of 1840, transmitting certain further evidence taken by him, and translations of other Papers received by him; and recommending that the sentence of death passed on the 2d Prisoner in that case be commuted.

(Sessions No. 1186.)

1. The Tongdare Udalut observe that if it is within the verge of possibility that Gounda Naik be still alive, as the Governor's Agent seems to think, it would be their duty, provided the doubt respecting his death could not be removed, to recommend a pardon by Government, in favor of the parties convicted of his murder, (as no conviction of such crime could take place). But, if the charge for murder is established against them, as the Governor's Agent also seems to admit, this necessarily implies that all doubt as to his existence has ceased, and

D 11.

23d July 1841.

such doubt can therefore furnish no just ground for any commutation of the capital part of their sentence.

2. The grounds upon which sentence was passed, in this case, are recorded at some length, in the Court's proceedings of the 10th May last, which were laid before the Government.

3. The actual death of Gound Naik was deposed to, on the Trial, by the Prosecutrix, the 1st, 2d, 3d, 4th, 5th, 7th, 8th, 9th, 10th, and 11th witnesses. The 5th witness whose character is not impeached, expressly said that "the Head of Police ordered the body to be carried to the house of the deceased." The Prosecutrix deposed to her receipt of it there. The 4th, 6th and 9th witnesses stated that they saw it carried home by 4 Dundasses; the 4th witness named two of them, viz. the 3d and 7th witnesses; and the 9th witness named them also, and a third likewise as Dosaj. and the 3d and 7th witnesses deposed that they, in company with Podra, and another, did so carry the corpse.

4. The 3d Prisoner at page 315, and 4th Prisoner at page 321, both in their defence admitted

admitted that Govind Naik was dead.

5. Under this positive evidence to the death of that person, the Sessions Judge did not deem the evidence as to the remains found to be of much consequence.

6. The Sessions Judge has now most maturely considered the further evidence, laid before them, representing Govind Naik to be alive.

7. The majority of the Puisne Judges consider this mass of the most gross Perjury and are of opinion that it furnishes no ground for the suspension of the sentence.

8. But one of the Judges who passed the sentence of death having, under the new circumstances disclosed in the Agent's last letter, declined to join in enforcing its execution, unless every practicable means be first used to ascertain whether Govind Naik is living, and having suggested with this view that a proclamation should be issued, offering a reward of Rupees 500, for the production or appearance of Govind Naik, within one Month after the publication, and promising immunity from all punishment to him, in consequence of such appearance; and the other Judge who passed the sentence on this

case (even with the concurrence of the other Puisne Judge who did not hear the case but who, since the receipt of Mr. Pomeranan's letter, has at the request of two of his Colleagues perused the record) entertaining doubts of the legal propriety of his enforcing a capital sentence, without the concurrence of his colleague who signed it with him, the majority of the Puisne Judges, under such unusual and peculiar circumstances, have resolved to recommend to Government the adoption of the course above suggested.

The Sessions Judge observes at page 323 of the Agent's Trial the following entry "The Prisoners having severally declined "to call any witness on their behalf; the examinations "in the case are here closed." and as stated in that proceedings of the 8th April last they concluded that this referred to the Agent having himself given them an opportunity to call any witness, until they received his present statement, that "in reference to the allegation, that at the Trial "I did not expressly enquire of the Prisoners, whe- "ther they desired any witnesses to be examined "on their behalf, I beg to state, that, to the best of

"of my recollection, I did not put that question
"to the Prisoners."-

Ordered, that Extract from these
proceedings be forwarded to the Agent to the Governor
in Galgam for his information and guidance.-

(Sent in No. 1047.)

Ordered also, that Extract from
these proceedings, together with a copy of the
Agent's letter, referred to above, be forwarded to the
Chief Secretary to Government; for the purpose
of being laid before the Right Honorable the
Governor in Council, for the orders of Government.-

(Sent in No. 1048.)

Read the Criminal Reports
for the month of June 1841. submitted by the
Criminal Judge of Salem.-

Mr. Dickinson
and
Mr. Casamajor.-

(Here enter F.H. No. 1274)

Report No. V
Case No. 99.

1.
In this case it is stated that the
prisoner confessed before the Moonsiff and it appeared
that the Prisoner declared that he was beaten and
consequently that his confession before the Moonsiff
was constrained.-

2.
The Court of Sunjdarce Adalut
direct that a copy of the case as it stands on the

report and of this parah be sent by the Criminal
Court to the Magistrate, who will point out to the
Village Moonsiff that he is forbidden by Clause
2nd Section V. Regulation XI of 1816 to take
a confession from the Prisoner and will enjoin
a strict adherence to this provision of the
Regulations for the future.-

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

(Sent in No. 1049.)

Read letter dated 10th July 1841.
from the Magistrate of Canara submitting the
explanation called for in the proceedings of the
Court of Sunjdarce Adalut dated the 22d Ultimo
relative to case No. 21 on the Bonore Criminal
Reports for the month of May last.-

Mr. Casamajor

(Here enter F.H. No. 1294.)

The Court of Sunjdarce Adalut
concur with the Magistrate in considering the
reference of the Police in this instance to have
been erroneous, and they approve of the orders passed
by Mr. Blair.-

Ordered, that Extract from these
proceedings

proceedings be sent to the Magistrates of Chicacole
for his information.-

(Sent in No. 1050.)

Read a letter dated the 9th July 1841
from the Agent to the Governor of Fort St George
Mr Campbell at Vizagapatam, submitting the Criminal Report
for the month of June last.-

(Were enter'd Fo. Ll. No. 1297.)

No 1 Supplemental
Report Acting Junior
Assistant Case No 1.- This case remains undisposed of in
consequence of the Agent at Ganjam not having sent
up the necessary witnesses in the cases (although two
different applications have been addressed to him
on the subject.- The Court of Sudder Adawlut direct
that the Agent to the Governor at Ganjam be called on
to explain the reasons of the witnesses not having
been forwarded by him to the Governor's Agent
at Vizagapatam.-

2. The Acting Junior Assistant will
at the same time be called on to explain what further
measures may have been adopted by him to procure
the attendance of the witnesses since the despatch
of the letter of the 25th May last.-

3. The Court of Sudder Adawlut
direct that the supplemental cases of the several
authorities

authorities of the Agent and his assistants be all
included in one report and not as is now the case
forwarded in separate reports. The distinctive
initial letters - As, P.A, Ad. J.A, J.As, being invaria-
bly appended in a separate column to shew by
which authority each case has been adjudicated -
The same rule will be observed with regard to
Report No V. All the reports should be written
on long paper ruled and written cross ways - and
should then be stitched together.-

4. The Cases should be numbered
consecutively in Column, and the number of the case
originally assigned to it in the Report in which it
first appears should on no account be afterwards
altered, but should remain attached to it even when
it is requisite that the case should appear in any
subsequent report.-

Ordered, that Extract from these
proceedings be sent to the Agent to the Governor
of Fort St George, at Vizagapatam by precept
returnable in 5 days, from and after its receipt.-

(Sent following precept No. 1051.)

Ordered also, that Extract from
these Proceedings (para 1.) be sent to the Governor

23d July 1841.-

Agent at Ganjam by precept returnable in 5 days from and after its receipt.-

(Sent following precept No. 1052.)

Read letter dated the 6th July 1841 from the Principal Sudr Ameen at Ichapoor, forwarding the Criminal Reports of his Court for the month of June last.-

Mr. Campbell.

(Here enter F.H. No. 1310.)

Supplemental Report Case No. 8.

The Court of Foujdaree Udalut see reason to doubt the sufficiency of the evidence recorded on the Report for the conviction of the 2nd Prisoner in this case, resolve to direct the 3d Judge in the Northern Division to call for the proceedings held thereon and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Foujdaree Udalut.-

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen at Ichapoor for his information.-

(Sent in No. 1053.)

Ordered also, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information by precept returnable in 15 days from and after its receipt.-

(Sent following precept No. 1054.)

Exd.

J. 16.

Saturday 24th July 1841.-

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre.-1st Puisne Judge.

Henry Dickinson Esqre.-2d Puisne Judge.

G. F. Cotsamajor Esqre.-3d Puisne Judge.

Mr. Campbell.
Mr. Dickinson.
and
Mr. Cotsamajor.

Read letter dated the 9th July 1841 from the Criminal Judge of Canara, transmitting the Criminal Reports for the month of June 1841.-

(Here enter F.16. No. 1283.)

Suppl. Report. Case No. 83.

The Court of Foujdaree Udalut being of opinion that there are not sufficient grounds shewn in the report for the requisition of security from the prisoners in the case, resolve to direct, if the Judge should have no further explanation to offer, that the prisoners be released from confinement, or that the bail bonds be cancelled, if the required security has been furnished.-

Case No. 85.

From the abstract of the evidence given in this case, it would appear that the prisoners had been forwarded to

24th July 1841.—

to the Criminal Court on insufficient grounds. copy of the case as it stands in the report and of this para: will therefore be sent by the Criminal Court to the Magistrate, who will be pleased to call upon the Tahsildar to explain on what grounds he sent it up.—

Report No. V. 3.
Case No. 97. The Court having reason to doubt the propriety of the commitment of the prisoner in this case, resolve to direct the 3rd Judge on Circuit in the Northern Division to call for the proceedings held in the case, and to pass on them such order as may to him appear proper, with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Court of Sudder Adalut.—

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

(Sent following receipt No. 1059)

24th July 1841.—

Ordered also, that Extract from those proceedings (para: 3.) be sent to the 3rd Judge on Circuit in the Western Division for his information by receipt returnable in 25. days from and after its receipt.—

(Sent following receipt No. 1060)

Read the Criminal Reports submitted by the Acting Criminal Judge of Malabar for the month of June 1841.—

(Here enter No. 1322.)

Mr. Dickinson and Mr. Cartomajor above Reports do not appear to call for any remark from the Court of Sudder Adalut.—

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

(Sent in No. 1061.)

J. No.

Monday. 26th July 1841

At a Court of the Fouzdaree Udalut—

Present:—

Hon.e Duncan Campbell Esq.re 1st Puisne judge

Henry Dickinson Esquire 2d Puisne judge

Geo. James Casamajor Esq.re 3d Puisne judge

Read Miscellaneous Petition pre-

sented on the 26th April 1841 by Jondoorno and Kistna

now late Hindovee Sommastah and Khoozoomadar

on the establishment of the Collector of Tinnevelly—

/Here enter N. P. No. 80 of 1841/

The Petitioners were charged in

Case No. 97 B 1840 on the file of the Joint Criminal

Court of Tinnevelly with having during the annual

Settlement negociated for a bribe amounting to 300

Rupees from inhabitants of the Town of Veroodoopully

for lowering the assessment on their Village, and

having been found guilty were sentenced to pay

a fine of 200 Rupees each commutable in default

of payment to imprisonment for 4 Months. They

complain that the Sentence was unjust and that

the charge was trumped up against them by the

inhabitants of the village and the Naib Serishtadar

and they pray the Court to take into consideration

the

GR

Mr. Dickinson

and

Mr. Casamajor

the circumstances stated in their petition, annull the sentence of the Joint Criminal Judge; direct the repayment of the fine, and their restoration to their former Offices.—

2. The Court of Foujdaree Udalut under the circumstances stated in the Petition, resolve to direct that a copy of the Petition be forwarded to the Collective Court of Circuit in the Southern Division, who will be pleased to call for and consider the proceedings held in the Case— and passing such orders as they may consider proper and reporting the result to this Court—

Ordered, that Extract from these Proceedings be sent to the Collective Court of Circuit in the Southern Division for information by Precept returnable in 20. days from and after its receipt.

/ Sent following Precept No. 1065 /

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

Read Miscellaneous Petition presented on the 3d. May 1841 by Kalapun Udevy and 3 others late Paons in the Jail of Bellore—

/ Here enter Mis. P. Pe. No. 89 of 1841 /

The Petitioners seek for a modification of the order passed by the Court of Foujdaree Udalut under date the 26th April last on their Petition No. 66 praying the Court to order their restoration to the situations formerly held by them—

The Court of Foujdaree Udalut see no reason to depart from their orders of the 26th April last to which they direct the Petitioners be referred, and that they be informed they are final—

Ordered, that Extract from these proceedings be furnished to Each of the Petitioners on their respective applications—

Read Miscellaneous Petition presented on the 19th April 1841 on behalf of Vedayp Pallote Cydel of Tellicherry by the Vakeel — Krishnanacharry—

/ Here enter Mis. P. No. 93 of 1841 /

Read also Miscellaneous Petition presented by the same Vakeel on behalf of the same party—

/ Here enter Mis. P. No. 91 of 1841 /

The Petitioner who declares himself to be the Prosecutor in Case No. 1. on the Tellicherry 4th Supplemental Calendar for the 1st Quarter

26th July 1841.

Quarterly Sessions of 1841 Complains of the acquittal of the Prisoners in the Case in question and States that the Prisoners (the Mayor of the Municipality of Killicherry who is Garnisons for keeping and bringing to justice those who have long studied detraction) had represented to the Judge presiding at the trials that it was in his power to prove the guilt of the prisoners in this case if allowed to do so but that the 2d Judge refused to comply with his request.

2. The Petitioner further adds that the 16th Prisoner has promised on the hindrance of a condetional pardon to give Evidence in the Case He therefore prays the Court to issue orders to the Judge presiding at the Quarterly Sessions to avail himself of the proffered assistance of Rammally

3. The Court of Longdaree Ordered that the Petitioner be informed that the 2d Judge having concurred in the acquittal of all the prisoners by the Mahomedan Law Officer before the Case was reported to the Court of Longdaree Ordered that no further proceedings can be held against the prisoners.—

Ordered that Extract from these proceedings

F. 11.
26th July 1841.

proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 3d of May 1841 by Madar Saib and 21 others Inhabitants of Tinevelly—

For Dickinson and Mr Casamajor

(Here enter F. 11. No. 82 of 1841)

The Petitioners complain that

1. they have been deprived of their lands and houses and that their property has been destroyed and their families ill used by certain individuals specified in the Petition.—

They further add that these

2. same persons having combined together falsely charged them with robbery before the Magistrate who forwarded them to the Joint Criminal Court but that that Officer entirely acquitted them of the charge—yet notwithstanding his having recorded his opinion that they were innocent, that he has required them to enter into a penal engagement to abide by the decision of the Collector, in regard to the lands, and on their refusing to do so put them into close confinement until they signed the Engagement.—

They

3.

They now pray the Court to pass orders for the punishment of their opponents, the restoration of their lands houses and property and the annulment of the bond which they were forced to enter into.

4.

The Court of Zoujdaree Udalut direct that the Petitioners be informed that they can should address the Judge on Circuit who will call for and consider the proceedings of the Sessions Court Judge of Tumrulty and pass such orders upon them as may appear to him proper.

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application.

Read Supplemental Return dated the 13th July 1841 from the Governor's Agent at Vizzyapatam to the precept of the Zoujdaree Udalut of the 22d June last calling for additional evidence in Case No 18 of 1841 on his file.

/ Hide vide Pet No 1337 /

Mr Campbell
and
Mr Dickinson

The Court of Zoujdaree Udalut, on a deliberate consideration of all the circumstances of the case in the evidence before them, are of opinion that the proofs against the prisoner Charoakoory Ramapah

is sufficient to convict her of the crime of murder, to convict her thereof, but considering that there are alleviating circumstances in her case, which justify the Court in passing upon her a more lenient sentence than that of death to which she is liable, the Court under the provisions of Clause second Section XI. Regulation I of 1825 sentence the prisoner to be transported, to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads, or other public works, for and during the period of her natural life.—

1.

It is satisfactorily proved that at the time the daughter of the Prosecutor left her Father's house on the morning of the murder, she had two neck ornaments called Mungala Sootrooloo on her person, and that with the exception of the said Mungala Sootrooloo, the whole of the ornaments which were worn by the murdered Girl on that morning were found in the house of the Prisoner.

The Court are of opinion that the

2.

strongest ground exists for believing that the daughter of the Prosecutor was actually murdered by the Prisoner.

Prisoner. The Prisoner however denies that she personally committed the deed and there is no direct evidence satisfactorily to establish it against her.

3. The finding of the body of the murdered child and the greater part of the ornaments which had been worn by her concealed in the house of the Prisoner are however facts sufficient to prove her to be, if not the principal in the murder, at least an accomplice in the crime, and the Court therefore resolve to sentence her to be transported for life.

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam for his information.

/ Sent in No. 1068. /

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

No returns having been received from the Criminal Judge of Bellary to the precepts of this Court of the 27th May and 3d July 1841 conveying their observations and orders on the Criminal Reports for the months of April and May last.

Ordered, that the Criminal Judge of Bellary be required by precept returnable in 2 days from and after its receipt to furnish returns to the precepts aforesaid without further delay.

/ Sent following Precept No. 1067 /

F. 11.
26th July 1841.

Read the Criminal Reports for the month of June 1841 submitted by the Joint Criminal Judge of Masulipatam.

/ Here enter F. 11. No. 1303 /

Report No. V.
Case No. 39.

The Court of Sunjdaree Adalut disapprove of the proceeding of the Joint Criminal Judge in having released without trial the 2nd Prisoner in this Case, since if it had been proved that he had calumniated the Prosecutrix he was undoubtedly liable to punishment, by fine or imprisonment.

2. The Court direct that the Joint Criminal Judge be called on to explain on what view of the Case he noted as shown in the Report in this respect.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Masulipatam for his information by precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1068. /

Read

26th July 1841.

Mr Campbell and Mr Dickinson

Read Letter dated 5th instant, from the 3rd Judge on Circuit in the Northern Division applying for the opinion and orders of the Court of Sunjdarce Uddalut in a case on the Calendar of the present Sessions at Nellore (Postponed Case No 7 of the Calendar of the first Sessions of 1841) in which five Persons are concerned.

(Here enter File No. 1236 of 1841.)

The Court of Sunjdarce Uddalut observe that the charge in Case No 7 is not for Forgery but for Conspiracy - and though the fabrication of a letter is specified as part of that Conspiracy, such fabrication clearly does not come within the legal Definition of Forgery as contained in the Clause third, Section IV Regulation XVII of 1817, which alone, and not the English Law, determines what is to be deemed Forgery in this Presidency. The Prisoners therefore cannot be tried for Forgery - but for the Conspiracy or Misdemeanor only; and it will be the duty of the 3rd Judge to try that charge alone; he must consult the Mahommedan Law Officer of the Court of Circuit as to the punishment to be awarded in the event of the Conspiracy being Established against the accused -

Ordered

7

26th July 1841.

Ordered, that Extract from these proceedings be forwarded to the 3d Judge on Circuit in the Northern Division for his information and guidance -

/ Sent in No 1069 /

Ent

Tuesday 27th July 1841.—

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre.—1st. Puisne Judge,

Henry Dickinson Esqre.—2d. Puisne Judge,

G. T. Casamajor Esqre.—3d. Puisne Judge,

Read letter dated the 6th. July 1841 from the 2d. Judge on Circuit in the Centre Division submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in Case No. 17 of the Bellary Calendar for the 1st. Sessions of 1841.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here enter F. C. No. 12/15./

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,

1st. Eroogah,

is sufficient to convict him of the crime of murder, do convict him thereof, but considering that there are alleviating circumstances in his case which would render the sentence of death to which he is liable

liable too severe. The Court under the provisions of Clause Second Section VI. Regulation I of 1825, do sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of his natural life. And the Court being of opinion that the Prisoner,

2nd Nursah,

is not convicted on presumptive proofs, or on the evidence of credible witnesses, or on his own confession of the crime aforesaid, do acquit him thereof; and, under the provisions of Clause Sixth Section IV. Regulation XV of 1803, direct that he be set at liberty.—

1. The Court of Foujdaree Udalut concur in the view taken by the 2nd Judge of the case of the 2nd Prisoner, but they look on the 1st Prisoner rather as principally aiding them as actively concerned in the murder.—

2. In his confession before the Criminal Court he states that the proposal of Nursa and Singa to which he consented, and to aid which, he watched on the top of the hut was not to murder Bawakah, but only to rob her. In his Police confession he says it was to murder her also, but the Criminal Court's confession is in the judgment of the Court better authority than the Police confession. The difference is immaterial as to the crime. As it is a fixed rule that he who counsels an unlawful act is accessary to all that ensues upon that act, and the same must be true of aiders and abettors. But as to the punishment the Court consider it may be allowed to make some difference. A man who only intended to aid and abet a robbery, should not be so severely punished as one who intended to aid and abet a murder.—

3. On these grounds the Court have mitigated the sentence to which the

27th July 1841

the prisoner is liable, and adjudged him to be transported.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information.—

Sent following letter Rs 10½/-

End 4th.

F. 16.

Wednesday
28th July 1841. At a Court of the Foujdaree Udalut.—

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge
Henry Dickinson Esqre ..... 2d Puisne Judge
George James Casamajor Esqre 3d Puisne Judge

Read letter dated 5th July 1841 from the Joint Criminal Judge of Guntoor, forwarding the Criminal Reports of that Court for the month of June last.—

Here enter F. 11 No 1239/

Case No 11
Suppl. Report.
Mr Campbell and Mr Dickinson.

1. The Court of Foujdaree Udalut observe that the prisoner in this case has been before the Criminal Court for nearly 7 months; and they desire to be informed of the result of the reference which may have been made to the Superintendant of Police at Secundrabad in consequence of the instructions issued in the Proceedings of the Court of Foujdaree Udalut under date the 14th May last.—

Case No 18
Report. No V.

2. The Court do not consider that sufficient grounds have been shewn

in

28th July 1841

in this case for binding over the 1st Prisoner to furnish security, and they direct that the bonds be cancelled or the prisoner released.

3. The Court observe that the, since the passing of Act 19 of 1837, the testimony of a Convict is admissible in any Criminal Case, yet they do not consider that such testimony unsupported by any collateral evidence can justify even a requisition of security.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Guntoor for his information by precept returnable in 5 days, from and after its receipt.

/ Sent following precept No 1076. /

Read letter dated the 8th Instant from the Acting Criminal Judge of Rajahmundry, submitting the Criminal Reports of that Court for the month of June last.

/ Here enter S.R. No 1299 /

Mr Campbells Mr Stokes Susp.d Report 1 Case No 29

The Prisoner in this case is charged with having maliciously killed the Prosecutor's buffalos by beating it with the back of an axe and being convicted was sentenced under Clause first Section XIII of Regulation XIII of 1832 to one years imprisonment with hard labor in irons. This sentence appears to the Court under the circumstances of the case to be too severe, and they direct that it be reduced one half.

Case No 31

2. Adverting to the note appended to this case, the Court of Foujdaree Udalut direct that a copy of the case as it stands in the report and of this para be sent by the Criminal Court to the Magistrate, who will be urged to use every possible means to procure the attendance of the Prosecutor and the three witnesses alluded to. since it appears to the Court that the issue of the trial mainly depends on their evidence.

Report No V Case No 35

3. The Provision of the Regulation quoted in this case is inapplicable, the sentence should have been passed under the provisions of Section VII Regulation X of 1816.

The

28th July 1841.

4.

The Section of the Regulation cited by the Acting Assistant Judge applies only to Peons.-

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information by precept returnable in 5 days from and after its receipt.-

/ Sent following precept No 1077 /

Read Supplemental Return dated 15th July 1841 from the 1st Judge Mr Campbell late on Circuit in the Northern Division, to the precept of the Court of Zoojdaree Udalut of the 18th May last, directing him to call for the proceedings held in Case No 34 on the Report No V of the Criminal Court of Nellore for the months of April last, and pass on them such orders as may appear to him proper, with reference to the Provisions of Section XXIII Regulation X of 1816, reporting the result for their information.-

/ Here enter S. C. No 1324 /

With

S. C.

28th July 1841.

1.

With this return the 1st Judge submits copy of his proceedings held in review of the case above recorded, from which it would appear that the evidence in the case was sufficient for the conviction of the prisoner who was released by the Assistant Criminal Judge.-

2.

The Court of Zoojdaree Udalut accordingly direct that a copy of the Proceedings of the 1st Judge dated the 14th July 1841 be forwarded to the Acting Criminal Judge of Nellore, with directions to communicate to Mr Daniel that his proceedings in this case appear to have been attended by a failure of justice.-

Ordered, that Extract from these proceedings be sent to the 1st Judge late on Circuit in the Northern Division for his information

/ Sent in No 1078 /

Ordered

28th July 1841.

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

/Sent in No 1079./

Read Supplemental return dated the 15th July 1841 from the Provincial Court of Circuit in the Centre Division, to the precept of the Tondaree Udalut of the 25th June 1841, directing them to refer for the decision of the 2d Judge case No 31 of the Chittoor Criminal file and submit the result for the information of the Tondaree Udalut.

Mr Campbell
Mr Casamajor

/Here enter T.U. No 1329./

In the proceedings of the 2d Judge on Circuit in the Centre Division under date the 6th July 1841, it is recorded that "it appears to me as the evidence has not been deemed by the 1st and 3d Judges sufficient for a conviction, that the prisoner should be required to find security" and this is borne out by the minute

28th July 1841.

of the 3d Judge wherein it is recorded. "I think the presumptive evidence against the 1st Prisoner is quite strong enough to warrant the demand of Security."

2. In the grounds of the order of the Provincial Court dated the 15th July, it is however stated that the 2nd and 3d Judges agreed in finding the 1st Prisoner guilty of the charge on strong presumptive evidence &c.

3. The Court direct that this discrepancy between the opinion recorded by the 3d Judge in his minute of the 1st June, and that recorded in the Proceedings of the 15th July, be explained.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 5 days from and after its receipt.

/Sent following precept No 1080./

Read again letters dated respectively

28th July 1841.

Mr Campbell
Mr Dickinson
and
Mr Casamajor

respectively the 10th and 12th ult. last, from the 2nd Judge on Circuit in the Centre Division submitting translation of a petition presented to him by certain of the servants attached to the Zillah Court of Bellary complaining of the ill treatment they are exposed to at the hands of the Judge, Mr Patemoster.

/Here enter Nos 933 and 934/

1. The Court of Foujdaree Udalut in their proceedings of the 28th May last desired the 2nd Judge on Circuit to furnish Mr Patemoster with a copy of the above petition, and at the same time to call upon him to state distinctly whether he admits, or denies, in whole or in part, the facts alleged by the Petitioners, and, if any part is admitted, what facts he admits, and what he denies.

2. No reply having been received from Mr Patemoster up to the 23d of June last, the 2d Judge on Circuit in the Centre Division was on that date requested by the Court of Foujdaree Udalut to call upon

28th July 1841

upon Mr Patemoster for an early reply to the proceedings of this Court of the 28th of May last.-

3. In a return dated the 16th ultimo the 2nd Judge on Circuit in the Centre Division has informed the Court of Foujdaree Udalut that previous to the receipt of this Court's letter of the 23d ultimo, he had, under date the 15th of that month, issued a second precept to the Criminal Judge of Bellary calling upon him to make a return without further delay to the precept addressed to him on the 1st June last that this second precept also "has failed of meeting with any acknowledgment."-

4. Mr Lewin adds that on receipt of this Court's letter of the 23d ultimo another precept was addressed to the Criminal Judge of Bellary, under date the 29th ultimo, but that "this also has remained in his hands without being acknowledged."-

5. As the Court of Sudr and Foujdaree Udalut have failed in the endeavours made

made by them to procure an explanation from Mr. Paternoster respecting the complaint preferred against him by the servants of his Court, the Judges have no alternative but to report the matter for the consideration and orders of Government, submitting at the same time a copy of the translation of the petition presented to the Judge late on Circuit in the Centre Division by the servants attached to the Zillah Court of Bellary and copies of Mr Lewins letters before mentioned -

6. The Court of Foujdaree Udalut deem it their duty at the same time to report for the information of the Right Honble the Governor in Council that this is not the only instance in which Mr Paternoster has completely disregarded the precepts issued to him by the Court of Sudr and Foujdaree Udalut, and by the Provincial Court in the Centre Division, for explanation respecting his proceedings in matters pending before the Zillah Court of Bellary -

7. It will be observed from a perusal of the papers noted in the margin (copies

Letter from the Prov. Court dated 15th May 1841.
Rec'd 24th May 1841

(copies of which accompany these proceedings) that the Provincial Court in the Centre Division reported for the orders of this Court that upwards of 50 precepts issued by them to Mr Paternoster, remained unexecuted and unreturned -

8. The Court of Sudr Udalut accordingly resolved under date the 24th May 1841 to call upon Mr Paternoster for an immediate explanation of his omission to make Returns to the Precepts of the Provincial Court, especially to those requiring him to make Returns to former Precepts; and they likewise directed him to make the requisite Returns to the Provincial Court without any further delay -

9. Upwards of a month however having elapsed, and no explanation having been received from Mr Paternoster the Court of Sudr Udalut required him by a further precept dated the 30th June 1841, (and made returnable in 24 hours from and after its receipt) to furnish an immediate explanation of his omission

and

and to explain his neglect to conform to the exigency of the former precepts, informing him at the same time that if he did not do so his misconduct would be reported to Government.

10. Notwithstanding this warning Mr Paternoster has up to the present moment, neglected to respond to these repeated calls, and the precepts of this Court yet remain unanswered.-

Precepts of the J. U. dated 20th April } 1841 respecting 30th June } the delay in executing a Sentence of Capital punishment.-

Precepts of the J. U. dated 17th May } 1841 on Criml 3d July } Reports for March 1841

27th May } 1841 on Criml 3 & 26 July } Reports for April & May

10 June } 1841 Conveying 16 July } instructions respecting an insane prisoner

11. In the margin of these proceedings is given a list of other precepts issued by the Court of Toydaree Udalut, which also remain unheeded by the Criminal Judge of Bellary.- and to two of these precepts the Court of Toydaree Udalut would direct the particular attention of Government.-

12. In the Proceedings of the 20th April 1841 Mr Paternoster was desired to explain the cause of the delay in carrying into execution the sentence of capital punishment awarded in Case No 46 of the Bellary Calendar for the 2nd Sessions of 1839 the warrant for its execution being dated the 9th October 1840.-

Mr

Mr Paternoster, in reply merely certified that the sentence of death was communicated to the prisoners in open Court on the 31st of May last, and executed upon them on the 2d of the following month.-

14. The Court of Toydaree Udalut on the 30th June 1841 desired that a full explanation be required from the Criminal Judge of Bellary of the enormous delay in carrying into execution this sentence of capital punishment dated so far back as the 9th October 1840, and the Court of Toydaree Udalut desired also that Mr Paternoster be required to state why such explanation was not furnished by him in conformity to the previous order of this Court of the 20th April 1841.-

15. The Criminal Judge of Bellary was also required to explain why, instead of immediately carrying into effect the warrant which had lain unheeded before him for the period of 8 months, he did not report

28th July 1841

report the circumstances connected with the
delay for the consideration and orders of
the Court of Foujdaree Udalut.-

16 The precept of the 30th June
1841 however still remains unanswered; and
in thus withholding compliance with the
orders issued for his guidance, in this
and in the other cases noted above, the
Criminal Judge has rendered it the imperative
duty of the Court of Foujdaree Udalut to
make his conduct the subject of a grave
and special representation to Government,
in order that measures may be taken for
enforcing obedience to the regulations of the
Superior Courts.-

Ordered that Extract from
these proceedings be forwarded to the Chief
Secretary to Government for the consideration
and orders of the Right Honorable the
Governor in Council.-

(Sent in No. 1081.)

Ordered also that Extract

from

28th July 1841

from these proceedings be forwarded to the
Provincial Court in the Centre Division
to be by them communicated to the Magistrate
the Judge in the Zillah of Bellary for
his information.-

(Sent in No. 1082).

Read letter dated the 21st
Instant from the 3d Judge on Circuit in the
Northern Division, forwarding the Record in
Case No. 9 on the Nellore Calendar for the
2d Sessions of 1841.-

(Here enter F. No. 136 of 1841.)

The Court of Foujdaree Udalut,

Mr Campbell. on a deliberate consideration of all the circum-
stances of the Case in evidence before them,
being of opinion that the proof against
the prisoners

2nd Kurmatoloo Dasah

3d Kurmatoloo Sonah

&

4th Kurmatoloo Tanker.

is sufficient to convict them of the crime
of gang robbery, by open violence, attended

with

28th July 1841

with aggravating circumstances, do convict them thereof, and under the provisions of Clause first Section V Regulation VIII of 1831, and Clause second and fifth Section IV Regulation XV of 1803 do sentence them to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of fourteen years, but considering that the prisoners,

1st Raumoo
&
5th Somah

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime aforesaid, the Court do acquit them thereof, but considering that strong suspicion, the not amounting to conviction attaches to them, they under the provisions of Clause sixth Section II Regulation XV of 1803 direct that they be required to furnish two sureties of (30) Thirty Rupees each surety for their

future

5/ 7.11

28th July 1841

future good behaviour and appearance when required within three years, or that in default thereof, they be detained for three years in confinement.—

Sent following letter No. 1083/—

Exd

F. Ud.

Thursday 29th July 1841.

At a Court of the Foujdaree Udalut.

Present.

Alexr. Duncan Campbell Esqre. 1st Puisne Judge.

Henry Dickinson Esqre. 2d Puisne Judge.

G. S. Casamajor Esqre. 3d Puisne Judge.

Mr. Dickinson.

Read letter dated the 14th July 1841 from the Agent to the Governor of Fort St. George at Ganjam submitting a report on the trial & Case No. 15 of 1841 as required by Clause fifth rule first of the rules passed by Government for the guidance of the Government Agent.—

(Here Enter F. Ud. No. 1384.)

1. In this case three Prisoners

1st Toomma Naiekoo alias Narching Naiko

2nd " Boodee Naiko

and

3rd " Govurdana Naiko.

were charged before the Agent with gang Robbery by open violence, and on the grounds of the evidence detailed in his letter the Agent proposes that the

1st Prisoner

1st Prisoner be sentenced to 14 Years imprisonment with hard labor in irons.— In consideration of the youth of the second prisoner and because he does not appear to have taken an active part in the Robbery the Agent recommends that he be sentenced to 8 years imprisonment with labor.—

2. The 3rd Prisoner had been previously discharged for want of evidence.—

3. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case, as in evidence before them, concur with the Agent as to the conviction of the prisoners,

1st Toomma Naikoo alias Nirshing Naikoo

and

2nd Boodda Naikoo,

of the crime of gang robbery by previously armed, but considering that the offence was not attended by circumstances of aggravation, the Court of Foujdaree Udalut under the authority vested in them by Clause fifth Rule 1st of the rules framed by

by the Government for the guidance of the Agent, Clause first Section V Regulation VIII of 1831, and Clause third and fifth Section IV Regulation XV of 1803, do 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 18 / Eight years.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam by precept, returnable in 20 days from and after its receipt.—

/Sent following precept No. 1087/

Read letter dated the 1st Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras, transmitting the Report of Cases tried under Act XXII of 1837 in the month of May 1841.—

/Here enter No. 1354./

Read letter dated the 20th Instant from the 3rd Judge on Circuit

pd

in the Western Division reporting the opening of the 2nd Sessions of 1841 at Madalut on the 20th Instant and the state of the Calendar.—

/Here enter No. 1379/

Read letter dated the 27th Instant from the Magistrate of Cuddapah submitting the explanation called for in the proceedings of the Tonjdaree Udalut of the 31st May last relative to Case No. 61 of 1841 of the Cuddapah Criminal file.—

/Here enter No. 1395/

Read letter dated the 32nd Instant from the Criminal Judge of Chittoor transmitting with reference to his return of the 22nd May last to the remarks of the Tonjdaree Udalut of the 18th of the same month, copy of a letter from the Magistrate of Cuddapah together with translate of the explanation of the delay offered by the Head of Police of Chittoor Talook in Criminal Case No. 46 of 1841.—

/Here enter No. 1384/

Ent'd

Saturday 31st July 1841.

At a Court of the Tonjdaree Udalut.

Present

Mr. Campbell
Mr. Dickinson
Mr. Casamajor

Alexr. Duncan Campbell Esqre.—1st Puisne Judge.
Henry Dickinson Esqre.—2d Puisne Judge.
G. S. Casamajor Esqre.—3d Puisne Judge.

No further return having been received from the 1st Judge on Circuit in the Northern Division to the precept of the Court of Tonjdaree Udalut dated the 3rd May 1841 forwarding copies of two Petitions presented to their address by Cotumreddy Venkooreddy and Naugpereddy Venkooreddy, and directing him to call for the Proceedings held in Cases Nos. 9. 11 and 12 of 1841 on the file of the Criminal Court of Nellore, and to pass on them such orders as may appear to him proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for their information.—

Ordered that the 1st Judge do proceed on Circuit in the Northern Division and be required by precept returnable in 5 days

days from and after its receipt to make a full return to the precept aforesaid.—

/Sent following precept. No. 1098/

Read letter dated the 6th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division submitting the Primary and Additional Calendars of Tellicherry for the 2nd Quarterly Sessions of 1841.—

Mr. Catamajor

/Here enter No. 1348./

The above Calendar not requiring any remark from the Court of Tangdarree Adalut.—

Ordered that Extract from these proceedings be forwarded for the information of the 3rd Judge of the Provincial Court of Circuit in the Western Division.—

/Sent in No. 1099/

Read letter dated the 8th July 1841 from the Principal Sudr Ameen at Honore transmitting the Criminal Reports of this Court for the month of June last.—

Mr. Catamajor

/Here enter T.U. No. 1284./

Suppl. Report Code No. 20.

1. The more facts of the 5th to 11th

prisoners having criminated the 1st, 2d, 3d and 4th prisoners in their confession and the 2nd and 3rd having been formerly convicted of smuggling are not sufficient grounds for a requisition of security. The Court of Tangdaree Adalut accordingly direct that the 1st, 2d, 3d and 4th prisoners be unconditionally released and if the security has been furnished the bonds must be cancelled.—

2. The Principal Sudr Ameen is of course aware that the confession of a prisoner is not admissible in evidence except against himself.—

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 1100/

Read letter dated the 15th July 1841 from the Criminal Judge of Salem requesting permission with reference to the Proceedings of the Tangdaree Adalut of

31st July 1841.

Mr. Campbell
Mr. Dickinson
and
Mr. Cadenhead

of the 28th Ultimo to review his proceedings and order for committal in Case No. 69 of 1841 on his Criminal file.—

/Here entr. F.M. No. 1330./

1.

The Court of Tongdarae Udalut observe that if on reconsideration the Criminal Judge finds he has on insufficient grounds committed a case, he is at liberty to dismiss it without any application to the Court of Tongdarae Udalut.—

2.

With reference to the remark of the Criminal Judge that he had "acted upon the impression that in cases where the sworn testimony of numerous witnesses should be adduced against a prisoner in whose behalf the Circuit Judge alone can receive evidence the responsibility of finally deciding in the case rested with that tribunal" the Court of Tongdarae Udalut direct that that officer's attention be drawn to the provisions of Section II Regulation XIII of 1832 and to their Circular Order 20th July 1829.—

Ordered, that Extract from these

F.M.
31st July 1841.

proceedings be sent to the Criminal Judge of Salem for his information.—

/Sent in No. 1101/

Mr. Campbell
and
Mr. Cadenhead

Read the Sirey Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of June 1841.—

/Here entr. No. 1332./

The above Reports do not appear to call for any remark from the Court of Tongdarae Udalut.—

Ordered therefore that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated for the information of the Principal Sudr Ameen at Sirey.—

/Sent in No. 1102/

Mr. Campbell.

Read return dated the 15th July 1841 from the Provincial Court of Circuit in the Northern Division to the precept of the Tongdarae Udalut of the 15th Ultimo directing them to call for the proceedings held in Case No. 15 on the Guntoor Criminal

Criminal Report No. V for the month of May last and pass on them such orders as may appear to them proper with reference to Section XXIII Regulation X of 1816 reporting the result to the Sudder Udalut.—

/Here enter F. No. 1358./

1. It appears from the Proceedings of the Provincial Court dated the 15th July 1841 which accompany the above return that this case had been very inefficiently examined by the Joint Criminal Judge of Cuntoor and that the evidence of four very material witnesses had not been obtained by that Officer.—

2. As the omission to obtain this evidence has not been explained, the Court of Foujdaree Udalut direct that the Joint Criminal Judge be called on to state how he proceeded to dispose of the serious case before all the evidence for the conviction in the case had been obtained.—

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

Judge of Guntoor for his information by precept returnable in 3 days from and after its receipt.—

/Sent following Precept No. 1103/

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

/Sent in No. 1104/

Read letter dated the 22d Ultimo from the 1st Judge late on Circuit in the Southern Division transmitting the translation of the Record in Case No. 21 on the Salem Calendar for the 4th Session of 1841.—

Mr. Campbell
and
Mr. Casamajor

/Here enter No. 1389./

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 proofs against the Prisoner

Dauden"

is sufficient to convict him of the crime of manslaughter for which the Penalty of

of Drugt is awardable under the Mahomedan Law as declared in the futwas of their Law Officers do convict him thereof, and with reference to the provisions of Clause second Section XV Regulation VII of 1802 do sentence him to be imprisoned & kept at hard labor in irons on the public roads or other public works, for, and during the period of three |3| years—

|Sent following letter No. 1105|

Read letter dated the 16th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, submitting the Calendar of the Masulipatam Third Quarter Sessions of 1841—

|Here enter S.C. No. 1370 of 1841|

In the case on this Calendar the Court of Foujdaree Udalut sanctions the proposed mitigation of Punishment and under the provisions of Clause third Section III, Regulation I of 1825, authorizes the Second Judge to pass on the prisoners the sentence of eight years' imprisonment with

Mr. Campbell.
Mr. Dickinson and
Mr. Cadamajee

The Court direct that the Joint Criminal Judge be cautioned in regard to the cross examination of the accused—Such a Proceeding is opposed to the Spirit of the Regulations and the principles of Justice—Questions tending to establish the defence may be put: but such as have the least tendency to lead the accused to criminate or inculpate himself, are wholly inadmissible and improper—

Ordered that Extract from these proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance—

|Sent in No. 1106|

Read return dated the 23d Instant from the 1st Judge on Circuit in the Southern Division to the precept of the Foujdaree Udalut dated the 11th Ultimo, relative to the Tinnevelly Criminal Reports for the months of February 1841—

|Here Enter No. 1394|

Read

31st July 1841

Read letter dated the 26th
Instant from the 3rd Judge on Circuit
in the Northern Division reporting his
intention to open the 2nd Sessions of 1841
at Cuntoon on the 17th Proximo

/ Here enter No 1399 /

5 Vol

Monday,
2d August 1841.

At a Court of the Tondaree Adalut

Present

Hexr Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre 2nd Puisne Judge.
Leo: James Casamajor Esqre 3d Puisne Judge.

Read return dated 29th July 1841
from the 3d Judge on Circuit in the Western Division
to the precept of the Tondaree Adalut of the 7th
July 1841 conveying their observations and orders on
the Canara Criminal Report for the Month of
May last.-

(Here enter Pcl. No. 1387.-)

Under the circumstances represented
in the foregoing return, the Court of Tondaree Adalut
direct that the fines imposed by the Criminal Judge
on the witnesses Vrishia and Ayavoo in Cases Nos
65 and 66 be remitted.-

Ordered, that Extract from these
proceedings be sent to the 3d Judge on Circuit in
the Western Division for his information by precept
returnable in 3 days, from and after its receipt.-

(Sent following precept No 1107.

Mr Campbell
and
Mr Dickinson

J. Uc.

Tuesday,
3d August, 1841. At a Court of the Zoojdaree Udalut.

Present,

Alexander Duncan Campbell Esqre 1st Puisne Judge,
Henry Dickinson Esqre 2d Puisne Judge,
George James Casamajor Esqre 3d Puisne Judge,

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read Return dated 15th ultimo from the Criminal Judge of Cuddapah to the precept of the Court of Zoojdaree Udalut under date the 30th June 1841 directing him to submit a Report on the Case of the Petitioner Mahommed Sibgatoola

Vide enter Jl. No. 1364 of 1841.

It appears to the Court of Zoojdaree Udalut that the Petitioner is entitled to the usual gratuity as Mavlla Koranee of the late Court at Cumbum and they direct the Criminal Judge to submit the requisite application for the payment of the same to him.

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

3d August 1841.

Judge of Cuddapah by precept returnable within ten days from and after its receipt

Ex'd Wm. sent following precept No 1111

fo

Wednesday

4th August 1841 At a Court of the Foujdaree Udalut

J. 76.

Present,

Alexander Duncan Campbell Esqr 1st Puisne Judge

Henry Dickinson Esqr — 2d Puisne Judge

George James Casamajor Esqr 3d Puisne Judge.

Read petition presented by Sreenevasangar of the Zillah of Chittoor

(Here enter Petn No 63)

The Petitioner repeats the prayer contained in his former petition of 1841 viz: that the Court will call for the record of the Trial in No 1 of the Chittoor Calendar for the 4th Quarterly Sessions of 1840 in view to the Foujdaree Udalut ordering the punishment of the prisoners charged in that case with forging certain documents having for their object to defraud the petitioner of certain lands.

Mr Campbell and Mr Casamajor

Petitioner is referred to the answer to his former Petition contained in the Proceedings of the Foujdaree Udalut under date the 15th March 1841 which

is

is final, and he is warned against troubling the Court further.-

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

Read Miscellaneous Petition presented on the 19th April 1841 by Ramasamy Chetty the Mooktyar Vakeel of Vasoya Chanapala Comara Krishnanah Chetty of Chittoor.-

Mr. Casamajor.

(Here enter T. U. No P. No 74 of 1841)

The Petitioner complains of an order passed by the Provincial Court of Circuit in the Centre Division on the 11th January last, whereby they refused to interfere to set aside an order of the Criminal Judge of Chittoor recalling a warrant which was issued by himself for the apprehension of certain Persons, whom the Petitioner had charged before him with forgery and perjury.

Read also Miscellaneous Petition presented on the 3rd May 1841 by B. Veerasamy

the

the Mooktyar Vakeel of Chanapala Ramasamy Chetty of Chittoor.

(Here enter T. U. No P. No 88 of 1841.)

This, which is a counter petition to the former, opposes the prayer of V. Comara Krishnama Chetty-

From the Extract from the Proceedings of the Provincial Court dated the 11th January - which accompanys the Petition. it appears that the alleged forgery has formed the subject of a Civil Suit and a Decree has been passed in the case, and that the view of the Lower Court appears to have been averse to the forgery.

Under these circumstances the Court of Foujdaree Adalut consider the order of the Provincial Court dated the 11th January 1841 to be quite correct, and they are therefore unable to interfere in behalf of the Petitioner, as prayed for in Petition No 74 of 1841.

Ordered accordingly,

that the Petition No 74 of 1841 be rejected, and that copy of these Proceedings

be

be furnished to each of the Petitioners, on their application.-

Read Miscellaneous Petition presented on the 30th June 1841 by Aydee Hussain of Chingleput

/Here enter M.P.J.U. No 96 of 1841./

Mr Casamajor.

The Petitioner complains that he has been deprived of certain Manium lands attached to the Mosque at Sydapett, and which had been registered in his name, by one Mahomed Sheriff who produced before the Collector of Chingleput two forged documents.-

He prays the Court to issue instructions to the Collector to institute an inquiry regarding the fraudulent document in question.-

The Court cannot take cognizance of this matter in its present state- The Petitioner should address the Collector, and if he fails to obtain redress from that authority, he is at liberty to institute a Civil Suit for the recovery of the

the lands.-

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

Read second Supplemental Return dated the 21st of July 1841 from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Zoujdaree Udalut of the 25th May last, calling for translations and copies of the lists sent up to the Court of Circuit of the property discovered and given up by the Prisoners in Case No 7 of the Chittoor Calendar of the 1st Quarter Sessions of 1841, and directing that efforts be made to ascertain the owner of the belt and badge said to have been given up by the 7th Prisoner in that case-

/Here enter J.U. No 1357./

Mr Campbell and Mr Casamajor.

The Court of Zoujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner 7th Vencatagandoo

is

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of gang robbery by open violence attended with aggravating circumstances. do acquit him thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that he be set at liberty, so far as this Trial is concerned.

(Here enter No 1116.

1.

With this return the 1st Judge sends up copy of a return from the Magistrate of North Arcot, reporting that the badge and belt stated to have been worn by the Prisoner did not belong to any Peon attached to the Police Force of the Zemindar of Calastry.-

2.

Under these circumstances the Court of Foujdaree Udalut deem it advisable that the badge and belt be sent to the Magistrate of Cuddapah, with directions to report whether they belong to any of the Peons attached to his District, and in that event the Court direct that the 7th Prisoner be forwarded to them, for which purpose he must be detained until a reply from the Magistrate

6 August 1841

Mr Campbell
Mr Hutchinson

Case No 26 on the 1st
Principal Assistants file

in Cuddapah is received with an Extract of the evidence of 5th and 6th Witnesses recorded at Pages 31 and 36 of the record of the trial No 7.-

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Centre Division by precept returnable in 30 days, from and after its receipt.-

(Sent following precept No 1117.)

Read letter dated 15th July 1841 from the Agent to the Governor of Fort St George at Ganjam, submitting the Criminal Reports for the month of June last.-

(Here enter No. 1372.)

In this Case the prisoner is charged with having struck the Prosecutor over the stomach with a knife with intent to do him a grievous bodily injury.-

The Principal Assistant to the Agent was of opinion that the Prisoner in a sudden fit of anger was incited by jealousy, and the abuse of the Prosecutor, did in a struggle inflict

a

a slight wound above the Prosecutor's stomach— The Assistant observes that the wounds were scarcely perceptible and the knife not a weapon in its present state likely to inflict much injury— The prisoner was sentenced to pay a fine of 6 Rupees or in default to be confined for 15 days under the Provision of Section XXXII Regulation IX of 1816.

3. The Court of Zoujdaree Udalut are of opinion that the punishment adjudged in this Case is not commensurate with the offence, in which a knife had been used, The Court will not now disturb the Sentence passed, but they direct that their remarks be communicated to the Assistant for his future guidance.

4. The Court direct that in Case No 28 the corporal punishment awarded the 1st and 2d Prisoners be remitted, unless they have been previously convicted and punished.

Case No 28 on the Principal Assists file.

Ordered, that Extract from these proceedings be sent to the Governor's Agent at Ganjam by precept returnable in 8 days.

Jun

J. U.

4th August 1841

from and after its receipt.

Sent following precept No 1115. J.

Read Miscellaneous Petition presented on the 30th June 1841 by Syed Hyder late a Jail Daffadar of the Zillah Court of Cuddapah—

Have enter J. Us. M.P. No 97 of 1841.

The Petitioner represents that he served in the Jail of the Zillah of Cuddapah in the situations of Peon, Daffadar and Jemadar for about a Period of 38 Years, and that while detached with a party of Convicts sent to Gundy— he was promoted to the office of Jailor, and he complains that he has been dismissed from Service without any cause being assigned.

2. The Petitioner prays that he may be restored to his situation, in consideration of his length of service and his numerous family.—

3. The Court of Zoujdaree Udalut direct that a copy of this Petition be sent to the Criminal Judge of Cuddapah, and that he be requested to report

Mr Campbell
Mr Richardson
& Mr Casamajor.

under

4th August 1841

under what circumstances the Petitioner was discharged from his Situation.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Cuddapah by precept returnable in 10 days, from and after its receipt.-

/ Sent following precept No. 1118. /

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

Vellyammal of Pichimoply moves the Court to return the enclosure in her miscellaneous Petition No. 70 of 1841.

Mr Campbell
Mr Wickinson
& Casamajor

Ordered accordingly.

Dasayer Dhanapala Eromara Krishnama Chetty, by his Mookhtyar Vakeel Ramasawmy Chetty, of the Zillah of Chittoor, moves the Court to return the enclosures in Miscellaneous Petition No. 74 of 1841.-

Ordered accordingly.

Read letter dated the 13th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Western Division, transmitting the Circuit Report prescribed by Section XXXVII

Mr Wickinson
Mr Casamajor

Regulation

4th August 1841

Regulation VII of 1802 for the 2nd Quarterly Sessions of 1841

(Here enter No. 1328.)

The above report not appearing to call for any particular remark from the Court of Sunjdaree Adalut.-

Ordered, that Extract from these proceedings, together with a copy of the above Report, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.-

/ Sent following letter No. 1114. /

F. 110.

Thursday, 5th August 1841.- At a Court of the Foujdaree Udalut

-Present-

Alexr. Duncan Campbell Esqre.-1st Puisne Judge.

Henry Dickinson Esqre.-2d Puisne Judge.

Geo: James Casamajor Esqre.-3d Puisne Judge.

Read letter dated the 1st July 1841 from the 3d Judge of the Provincial Court of Circuit in the Centre Division, forwarding copy of the Chittoor Supplemental Calendar for the Second Quarter Sessions of 1841.-

(Precedent No 1207.)

Case No 1.- 1 The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause third Section III Regulation 1 of 1825, to accede to the recommendation of the Presiding Judge: and accordingly authorize that Officer to pass the mitigated sentence of six Months imprisonment upon the prisoner Gungadoo."

Case No 2.- 2 The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause

Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge: and accordingly authorize that Officer to pass the mitigated sentence of 2y Months imprisonment upon the Prisoner.

"Convey and order."

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

(Vide Letter No 1321.)

Read Statement, dated the 1st Instant from the Criminal Judge of Salem, of the amount realized by the labor of the Prisoners in the 2d Quarter of 1841.

(Here enter No 1351.)

Read return dated the 19th Ultimo from the Magistrate of Guntoor, to the Precept of the Foujdaree Adalut of the 5th Ultimo, requiring him to make such enquiries as may satisfy him relative to the charge of corruption preferred against the Head of Police of Vellatoor, his establishment and the Punchayetdars in Case No 109 of the Guntoor Criminal Report for March last, and to report

the result.

(Here enter No 1353.)

Read further return dated the 12th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Adalut of the 21st April 1841, directing the Judge to call for the Proceedings held in Case No 18 on the Report of the Criminal Court of Rajahmundry for the Month of March last and pass upon them such orders as may appear to him necessary with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of this Court.

(Here enter No 1355.)

Read letter dated the 24th Ultimo from the Provincial Court in the Western Division forwarding a Statement shewing the amount realized by the labor of Prisoners in the Jail at Canara for the Quarter ending 30th June 1841.

(Here enter No 1405.)

Read letter dated the 27th Ultimo from the 3d Judge on Circuit in the Centre Division reporting his intention to open the 2d Sessions 1841 at Bellary on the 28th Instant.

(Here enter No 1417.)

Read

5th August 1841.

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Northern Division requesting a reply to his letter of the 7th Ultimo relative to a Case on the Nellore Calendar for the 1st Sessions of 1841.-

(Here enter No. 1419)

Read letter dated the 27th Ultimo from the 2nd Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Spicheinopoly Calendar for the 3d Quarterly Sessions of 1841.-

(Here enter No. 1422.)

Read letter dated the 31st Ultimo from the Provincial Court in the Southern Division, submitting an Extract from their Proceedings relative to Cases Nos. 34 and 50 of 1841 of the file of the Joint Criminal Court at Tinnevelly.-

(Here enter No. 1429.)

F. C.

Friday 6th August 1841.

F. C.

At a Court of the Tongdaree Adalut.

Present

Alexr. Duncan Campbell Esqre. 3d & 1st Puisne Judge.
Henry Dickinson Esqre. ——— 2d Puisne Judge.
Jno. James Casamajor Esqre. ——— 3d Puisne Judge.

Mr. Campbell Cause

Mr. Casamajor

Read letter dated the 19th July 1841 from the 3d Judge on Circuit in the Northern Division forwarding for the consideration and final sentence of the Tongdaree Adalut the record of the trial in Case No. 10 of the Nellore Calendar for the 2nd Sessions of 1841.-

(Here enter F. C. No. 1345.)

1. Before proceeding to judgment in this Case, the Court of Tongdaree Adalut are desirous of referring to the record of the Case No. 115 of 1833 referred to in the Arzee of the Head Police of Ongole addressed to the Criminal Court of Nellore, and they also consider it advisable that additional evidence should be taken as to where the Prisoner resided previous to the commission of the Robbery with which he is charged.-

2 The 3d Judge will therefore issue a precept to the Acting Criminal Judge of Nellore directing

directing him to obtain the attendance of such persons as shall be able to give evidence on the points above mentioned and take their examination in the manner prescribed by Act X of 1841 in regard to the residence of the prisoner at the time of the robbery.—

3. The Acting Criminal Judge will permit the prisoner to cross examine the witnesses and to offer any thing further in his defence should he wish it at the close of the examination.—

4. The 3d Judge will then transmit an English translation of the additional evidence so taken together with a translation of the record of the trial in Case No. 115 of 1833 for the consideration and final judgment of the Zoydaree Udalut.—

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information by precept returnable in 20 days, Perwanah after its receipt.—

(Sent following precept No. 1123.

Read letter dated the 26th July 1841 from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting for the orders of the Court of Zoydaree Udalut copy of a letter from the Criminal Judge of Chittoor requesting instructions as to

Mr Campbell.

the mode in which the trial of the person suspected to have committed the murder of the Peon referred to in case No. 7 of the Calendar 1st Quarterly Sessions of 1841 is to be conducted, also as to the detention of the 1st Prisoner in No. 3 of the Calendar for the 2d Quarter Sessions of 1841 to whom the process of Gooma has already been applied.—

(Here enter F.H. No. 402.)

1. With reference to the 1st point the Court of Zoydaree Udalut observe that the 1st Judge has rightly interpreted their wishes. It was not their intention that the 7th Prisoner in the case No. 7 above referred to should be placed on his trial for the alleged murder, merely on the evidence given by the 1st Prisoner in Case No. 3; but that the said 1st Prisoner should be examined as a witness in the case of the murder, in the event of other additional evidence being forthcoming, or merely as a preliminary measure for enabling the Magistrate to search for further evidence.—

2. With reference to the 1st Prisoner in Case No. 3, the Court direct that he be detained till the result of the charge for murder has been disposed of, and until the result of the enquiry ordered in

6 August 1841.

in their proceedings of the 4th Instant to be made by the Magistrate of Cuddapah, be known.

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information.

(Sent in Dft. 1124.)

Sup. J.

F. 16.

Saturday, 7th August 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. — 1st Puisne Judge
Henry Dickinson Esqre. — 2nd Puisne Judge
G. T. Casamajor Esqre. — 3rd Puisne Judge

Mr. Dickinson and Mr. Casamajor

Read letter without date from the 1st Judge late on Circuit in the Southern Division, transmitting the Record of Trial in Case No. 23 on the Salem Calendar for the 1st Sessions of 1841.—

(Here enter No. 1411.)

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

"Lutchmanarao"

is sufficient to convict him of the crime of murder, do convict him thereof, and under the provisions of Section X. Regulation VIII of 1802, do sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter Dft. 1128.)

7th August 1841.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Read the Chittoor Criminal Reports for June 1841.—

[Here enter No. 1346.]

Suppl. Rept. 1.

No. 97. From the remark "The attesting witnesses do not prove him (the Prisoner) having admitted the crime" the Court of Foujdaree Udalut conclude that there was some irregularity in the mode of recording the confession. In this case as communication, the Court trust, was made to the Magistrate.—

Report No. 5. 2.

No. 99. It requires to be explained where the Prisoner was from the date of his apprehension, the 10th till the 30th Augt when first he was brought before the Head of Police.—

3.

The irregularity noticed in the remarks, on this case, the Court trust, was brought to the Magistrate's notice.—

4.

The correction of the Sudr Ameen's sentence by the Criminal Judge was unnecessary; the Criminal Judge is referred to Section III Regulation VI of 1824.

No. 103. 5.

The irregularity of sending

7th August 1841.

up the Prisoner alone, without any witness, the Court trust was duly brought to the Magistrate's notice.—

No. 104. 6.

The Court desire that translations may be furnished of the reference made by the Head of Police to the Joint Magistrate and of the Joint Magistrate's reply.—

No. 107. 7

It is stated in the remark of the Sudr Ameen Pundit that a witness named by the Prisoner was not examined because he was single. This is not a sufficient reason for omitting to examine a witness. Where there were not more than one person who could have been cognizant of the fact spoken to a single witness, if deserving of credit, is sufficient to establish the fact he speaks to, if not contradicted by other superior testimony.

8. Extract of Cases 99 and 104, as they stand in the report, without the remarks of the Court, to be sent to the Magistrate with a copy of para.s 2 and 6 of these Proceedings for his information and guidance.—

Ordered

7th August 1841.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor, with directions to make the necessary communications to the Magistrate of the Zillah by precept returnable in 5 days from and after its receipt.—

/Sent following precept No 1129./

Read the Cuddalore Criminal

Mr Cassamajor Reports for June 1841.—

/Here enter No 1314./

Report No 5. 1.

No 60 The Court of Foujdaree Udalut desire that the Joint Criminal Judge will send to the Criminal Judge of Chicut copies of all the depositions taken in this case which relate to the conduct of the Dêloyt who accompanied the Convicts from Chicut.—

No 61. 2. The Court desire to receive certified translations of the Arzee addressed by the Head of Police to the Joint Magistrate and of that Officer's reply.—

3. Extract of No 61 to Magistrate without remarks and with copy of Parwah.—

Ordered, that Extract of these proceedings

2. 5th

7th August 1841.—

proceedings be sent to the Joint Criminal Judge of Cuddalore for his information with directions to make the necessary communications to the Magistrate of Cuddalore.—

/Sent in No 1130/

Read letter dated the 17th Ultimo from the 2nd Judge on Circuit in the Centre Division, submitting the Cuddalore Calendar for the 4th Sessions of 1841.—

Mr Campbell and Mr Cassamajor

/Here enter No 1392./

The Court of Foujdaree Udalut

Case No 5. 1.

having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated sentence proposed by him upon the prisoners

1st Narraina Naik

and

2nd Colacaurem.—

The Court of Foujdaree Udalut

Case No 8. 2.

having duly considered all the circumstances of

of this case, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated sentence proposed by him upon the prisoner "Ramasamy" alias "Coopen."

Cases Nos. 9. and 10.

3. The Court of Zoujdaree Udalut having duly considered all the circumstances of these cases, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge so far as respects the 2d prisoner, and accordingly authorize that Officer to pass the mitigated sentence proposed by him upon the prisoner 2nd "Ponnumbalum."

4. Doubting of opinion that the ends of justice will not be meet if any mitigated sentence is authorized in the case of the 1st prisoner, the Court of Zoujdaree Udalut resolve to direct that the 2d Judge do issue his warrant for the infliction of the measure of punishment to which that

prisoner has rendered himself liable, without mitigation.—

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.—

/Sent in No. 1131./

Read letter dated the 26th Ultimo from the Acting Criminal Judge of Malabar, submitting copy of a warrant issued by the 3rd Judge on Circuit in the Western Division, and requesting the orders of the Court as to the disposal of the prisoner sentenced to banishment

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here enter No. 1425./

The Court of Zoujdaree Udalut direct that the prisoner "Idooporyatkel-teroovil Cholyen Parapen" alias "Kundapen," be removed to the jail at Coimbatore, there to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these

7th August 1841.

these proceedings be forwarded to the Acting Criminal Judge of Malabar, and to the Joint Criminal Judge of Coimbatore for their information and guidance respectively.-

(Sentin Nos. 1132 & 1133)

Read return, dated the 31st Ultimo, from the Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the Fouzdaree Udalut dated the 23rd July 1841, on review of the Criminal Reports for the month of June last.-

(Here enter No. 1455)

Read return, dated the 31st Ultimo from the Joint Criminal Judge of Guntoor, to the precept of the Fouzdaree Udalut dated the 28th July 1841, on review of the Criminal Reports for the month of June last.-

Retd.

(Here enter No. 1460)-

F. U.

Monday, 9th August 1841.-

At a Court of the Fouzdaree Udalut.-

-Present-

The Hon.ble Alex.r Duncan Campbell Esq.re 1st Puisne Judge.

Henry Dickinson Esq.re 2d Puisne Judge.

Geo: James Casamajor Esq.re 3d Puisne Judge.

Mr. Casamajor.

Read Miscellaneous Petition presented on the 30th June 1841 by Vurdachariyar of the Zillah of Chingleput.-

(Here enter F. U. M. P. No. 94 of 1841.)

1. The Petitioner states his former services and represents the circumstances under which he has been dismissed from his situation of Swabiseis in the Taluk Cutcherry of Carangoly in the District of Chingleput.-

2. He points out an inaccuracy in the endorsement made by the Collector on his petition presented to the Board of Revenue and prays the Court to take his case into consideration, record their opinion on it, and instruct him how he is to proceed in regard to the circumstances of the false statement recorded by the Collector.-

3. The Court of Fouzdaree Udalut cannot interfere

interfere in this case. The Magistrate is the best judge whether to employ the Petitioner must. The Court however observe that the Petitioner was not sent up to the Criminal Court as a Prisoner as stated by the Collector in his endorsement to the Board of Revenue / but only as evidence.-

Ordered, that this Petition be rejected, and that copy of these proceedings be furnished to the Petitioner on his application.-

Mr. Dickinson - (Cur)

Mr. Casamajor.-

Read letter dated the 24th July 1841 from the 1st Judge late on Circuit in the Southern Division - transmitting the Record of Trial in Case No. 26 of the Salem Calendar for the 1st Sessions of 1841.-

(Here enter No. 1140.)

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

Sungodine

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No. 1142.)

Read

Read letter dated the 29th July 1841 from the 3d Judge on Circuit in the Western Division transmitting the record of Trial in Case No. 10 on the Malabar Calendar for the 2d Sessions of 1841.-

Mr. Campbell -

Mr. Dickinson -

(Here enter No. 1138.)

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

"Moorshanly Vudakeporakel Pungan"

is sufficient to convict him of the crime of murder, do convict him thereof, but considering that there are alleviating circumstances in the case which would justify the Court in passing on the prisoner a less severe sentence than that to which he is liable. The Court under the provisions of Clause Second Section VI Regulation I of 1825 do adjudge him to be imprisoned and kept to hard labor, in manacles, on the public roads or other public works, for, and during the period of nine years.-

(Sent following letter No. 1143.)

Read letter dated 30th July 1841 from the 3d Judge on Circuit in the Centre Division, forwarding for the consideration and final

6th August 1841.-

final Sentence of the Tongdaree Udalut the record of the trial in Case No. 11 Chittoor Supplemental Calendar for the 2d Quarterly Sessions of 1841- (Received enter F. U. No. 1432.)

The Court of Tongdaree 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

"Pollacoora Moonegaudoo"

is sufficient to convict him of the crime of gang robbery by open violence, attended with aggravating circumstances; do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831. Clause second Section IV Regulation XV of 1803. and Clause third Section II Regulation I of 1825 do sentence him to receive 195 (one hundred and ninety five) lashes of the cato 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 labor, in irons, on the public roads or other public works, for, and during the period of his natural life.-

Mr. Campbell-

1. The Prisoner in this case is charged with gang robbery by open violence attended with the aggravating

6th August 1841.-

aggravating circumstances- and has been convicted by the Court of Tongdaree Udalut of that crime and sentenced to be transported and to receive 195 lashes.-

2. In committing this case to the Criminal Court the Magistrate stated in his remarks "that the Prisoner is the most notorious burglar "and highway robber in the District and the terror "of the country- that for three years he has evaded "every endeavour to take him- though the highest reward "has been offered for his apprehension, that there is no "doubt of his having been the ringleader of the gang "who murdered Rampee Row, a pensioned Havildar "in 1838, for which crime several of the gang were "transported, and that he cannot ensure the peace "of the District, if the Prisoner is released."

3. The Tongdaree Udalut observe that if, instead of contenting himself with a bare recital of the several crimes in which the prisoner is supposed to have been implicated, the Magistrate had obtained and forwarded proof to the Criminal Court of Pollacoora Moonegaudoo having really been concerned as a leader in any of the several crimes enumerated, it would have tended more to the advancement of

advancement of the ends of justice; for had it been established in evidence on the trial, that the Prisoner was the leader of a gang, or had been concerned in repeated instances of gang-robbery, the Court would have deemed this a proper case, in which to have passed the sentence of death, authorized by Clause Second Section IV Regulation XVII of 1803.

4. Referring to the capture of the prisoner, the 3d Judge of Circuit observes, that it was "at last effected by the praiseworthy exertions of the Rajah of Punganoor." The Court of Foujdaree Udalut have much satisfaction in recording their sense of the service performed by the Rajah of Punganoor in apprehending and bringing to Justice so great an offender; and should the measure appear to the Governor in Council unobjectionable, they would respectfully suggest as an encouragement to others to similar conduct, that Government should communicate to him their approbation of his conduct and the estimation in which his services are held on this occasion.—

5. The Court of Foujdaree Udalut conclude that the necessary orders will be given by the Judge on Circuit for the due distribution of the reward offered for the apprehension of Doollaccora Mooroy and Dao.—

Ordered

9th August 1841.

Ordered, that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Centre Division for his information, with directions to make the necessary communication to the Magistrate of South Arcot.—

(Sent following Letter No. 1144.)

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

(Sent in No. 1145.)

Read petition presented by Syed Ufsadoollah.—

(Here enter M. P. No. 106.)

Mr Campbell.
Mr Dickinson.
and
Mr Casamajor.

1. The Petitioner requests that the Mahomedan Law Officers of the Court of Foujdaree Udalut may be instructed to ascertain his qualifications for employment as a Law Officer, and that the Court will then enter his name in the List of persons qualified for such employment.—

2. The Petitioner is informed that there are other persons who like himself were formerly attached to the College, but were not furnished with Certificates of Qualification previous to the abolition

abolition of that Institution.

3 These people equally with the Petitioner have claims for employment in the public Service, and when a vacancy may occur among the Mahomedan Law Officers in the Provinces to which those already holding Certificates may not be appointed, due notice will be given in the Official Gazette, and a day fixed for the qualifications of all applicants being ascertained in the manner provided for in Act No. 27 of 1836.-

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

Read Miscellaneous Petition presented on the 19th July 1841 by Tullyamah of the Zillah of Madura.-

Mr. Dickinson.

(Here enter F. U. M. P. No. 119 of 1841)

1. The petitioner states that she preferred a complaint of robbery against certain individuals before the Collector of Madura, but that that Officer refused to inquire into it, that she then appealed to the Judge on Circuit, who also took no notice of her complaint.-

2. The Petitioner prays the Court to issue instructions to the Provincial Court of Circuit to

to institute an inquiry into her complaint and afford her redress.-

3. The Court of Sudder Adawlut direct that the Petitioner be informed that they can pass no orders on her case, unless she produce a copy of the order of the Judge on Circuit passed on the Petition said to have been presented to that authority.-

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

Read letter dated the 27th July 1841 from the Magistrate of Cuddapah, submitting the explanation called for in the Proceedings of the Sudder Adawlut dated the 22d of May last, relative to certain cases in the Cuddapah Criminal Reports for the Month of March last.-

Mr. Campbell.
and
Mr. Cassamajor.

(Here enter F. U. No. 1421.)

1. The Court observe that the offence charged in Case No. 39 was a simple theft of property to the amount of Rupees 6. 12. 0 unattended with any aggravating circumstances.-

2. The Prisoners should have been sent up by the Head of Police to the Joint Magistrate at once, as it was a petty theft within the Joint Magistrates

Magistrate's power of punishment, but it could not be reported under Section IV Regulation IV of 1821 as the value stolen exceeded 5 Rupees.-

3. The reply of the Joint Magistrate ordering the Case to be sent to the Court, was wrong.-

4. The explanation regarding Case No 49 is satisfactory.-

5. The Court think that the reference in Case No 56 was not improper and that the Magistrate might have disposed of the case.-

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

(Sent in No 1146.)

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division under date the 28th July 1841, communicating a copy of the Minutes recorded by the 1st and 2d Judges of the Provincial Court in the Centre Division, respecting the conduct of Mr Paternoster, the Judge and Criminal Judge of Bellary.-

Mr Campbell.
Mr Dickinson
and
Mr Rosamajor.

(Here enter No 1427.)

Ordered, that a copy of the above be forwarded to the Chief Secretary to Government, with reference

6th August 1841.

reference to the proceedings of the Sudder Adalut of the 28th July 1841, and to the Minutes of Consultation thereon dated the 3d Instant No 576.-

(Sent in No 1147.)

Read Extract from the Minutes of Consultation under date the 3d August 1841 No 576 directing that Mr Paternoster be suspended from Office and that the Judge proceeding on Circuit to Bellary be instructed under the provisions of Regulation VIII of 1822 to enquire into the cause of Mr Paternoster's non execution for so long a period of the sentences of death referred to in Para.s 12 to 16 of the Proceedings of the Sudder Adalut and into the several orders of the Superior Courts, and into the several complaints preferred by the Native Officers of the Court; and to report his proceedings and sentiments through the Sudder Adalut for the information and orders of Government.-

Mr Campbell.
Mr Dickinson
and
Mr Bourning.

(Here enter No 1147.)

Ordered that a copy of the Minutes of Consultation above recorded together with a copy of the Proceedings of the Sudder Adalut of the 28th July 1841 be forwarded to Mr Babington the 3d Judge on Circuit in the Centre Division

6th August 1841.—

Division for his information and guidance.—

Mr. Babington will call upon the Provincial Court in the Centre Division to furnish him with copies of any papers before them, connected with the subject of inquiry, which he may require for the purpose of the investigation; and in other respects Mr. Babington will be governed by the provisions of Regulation VIII of 1822.—

(Sent in No. 1148)

Read petition presented by Veneita Sutchinnonnah and Kollah Ramanah of the Villah of Cuddapah, complaining of the sentence passed by the Court of Circuit upon the 2d and 3d prisoners in Case No. 23 of the Cuddapah Calendar for the 1st Sessions of 1841.—

Mr. Casamajor.

(Here enter M. Ds. Nos. 86 & 90.)

Also read letter dated the 31st Ultimo from the 2nd Judge of the Provincial Court of Circuit in the Centre Division in reply to the Tuydaree Adawlut's letter of the 24th July 1841, forwarding to them translations of Petitions Nos. 86 and 90, and requesting that, after reference to the cases, he will state whether any effect in favor of those Prisoners is produced on his mind by those Petitions.—

(Here enter No. 1135.)

F. 11.

6th August 1841.—

The Court of Sudder Adawlut having referred this Petition to the Circuit Judge who tried the case, sees no reason to doubt the propriety of the Sentence.—

The Petitions are accordingly rejected, and Extract from these proceedings ordered to be furnished to the Petitioners on their application.

S. U.

Tuesday,
10th August, 1841.

At a Court of the Sonjdaree Udalut.

Present

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge,

Henry Dickinson Esqre. ——— 2d. Puisne Judge,

G. I. Casamajor Esqre. ——— 3d. Puisne Judge,

Read letter dated the 20th Ultimo from the 1st Judge late on Circuit in the Southern Division, transmitting a part of the translations composing the Valandanpit case

(Here enter S.U. No. 1376 of 1841)

Read also letters dated the 21st. and 22d. Ultimo from the 1st Judge late on circuit in the Southern Division transmitting further portions of the Valandanpit case—

(Here enter S.U. Nos. 1377, 1390 and 1391 of 1841)

Read also letter dated the 22d. July 1841 from the 1st Judge late on circuit in the Southern Division forwarding for the consideration and final sentence of the Court of Sonjdaree Udalut the record of the trial in case No. 1 of the Special Sessions held at Cooch Behar during the 1st Sessions of 1841—

(Here enter S.U. No. 1408 of 1841)

Mr Campbell and Mr Dickinson

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

that the proof against the prisoners

1st Sanyrow gotegay alias Motegee Engalay
2d Venkatachala Soobidar
3d Cheng anaiama Appasawmy alias Govindarow
4th Maidola Ramasawmy
5th Venkan Soobidar
6th Vosthamoondan Andy
7th Vosthamoondan Auraw
8th Cundor
9th Carospew Soobidar
10th Iyasawmy Jemidar
11th Ramroyjadoo
12th Poreamoorty
13th Poreamma
14th Venkatarow Govindarow alias Chinniana
15th Dattagee Mootturoo
16th Soobboo Soobidar
17th Ramasawmy Munnay Soobidar
18th Rungamala Jemidar
19th Swamy a Jemidar
20th Mootta Moonisamy
21st Soon Poloondan
22d Chocalingam
23d Mungan
24th Ramasawmy
25th Muttusawmy Moyadee
26th Annamuttoo Comdan
27th Tarramalay Vauvien
28th Verrapalengarrow
29th Chedumba Jemidar
and
30 Permalee

is sufficient to convict them of the crime of wounding

so as to endanger life, for which, according to the Mahomedan Law as declared in the fatwas of their Law Officers, discretionary punishments are awardable, do convict them thereof, and, with reference to the provisions of Clause third section VII. Regulation XV of 1803 adjudge the prisoners,

1st Sanyrow gotegay alias Motegee Engalay

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of his natural life; the prisoners

2d Venkatachala Soobidar
3d Cheng anaiama Appasawmy alias Govindarow
4th Maidola Ramasawmy
13th Parsamma

and

30th Permalee

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of fourteen years;

and the prisoners,

5th Venkan Soobidar
6th Vosthamoondan Andy
7th Vosthamoondan Auraw
8th Cundor
9th Carospew Soobidar

Iyasawmy

10th Sygasawmy Jemidar
11th Ramrowgadow
12th Peracawmooty
14th Vencatarow Govindarow alias Ishmaua
15th Dattoje Mottarow
16th Soobba Soobidar
17th Ramasawmy Mumay Soobidar
18th Pungainada Jemidar
19th Sivanga Jemidar
20th Morter Moonasawmy
21st Seven Pothoondan
22d Chocalingum
23d Rengen
24th Ramasawmy
25th Mistasawmy Voyoday
26th Annamoya Coundan
27th Seeromalay Vaundie
28th Veerapatumy Servai

and

29th Chedumbra Jemidar

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.

1

The Court of Foujdaree Udalut are of opinion that the deaths of Perian Poolian is highly probable from the circumstances stated in parah 13 of the 1st Judge's letter of reference, yet

10th August 1841

it is not legally proved; the accused therefore cannot be convicted of murder or of having mortally wounded him. The inference as to his death is not founded on positive, but on negative evidence, quite insufficient to convict the prisoners of murder.—

2

The Court consider all the prisoners convicted of wounding so as to endanger life for the Act of the 1st prisoner, their leader, is the act of all, they have therefore sentenced the 1st prisoner as the chief to be transported, the 2d 3d 13th and 30th as the most active leaders, and the 6th prisoner, who dangerously wounded the 12th witness, to 14 years imprisonment, and the rest to 7 years imprisonment.

3.

The Court of Foujdaree Udalut, with reference to para 7 of the Circuit Judge's letter, feel inclined to recommend the Government to make good any loss that may have been actually sustained by the Sufferers, on this occasion. But the amount, in several instances appear exaggerated; and in preparing a list, the Circuit Judge must confine it to such articles as are proved, by "unexceptionable evidence

10th August 1841.

evidence, to have been actually taken from them, by violence.—

Ordered that Extract from these proceedings be sent to the 1st Judge Latecaere Circuit in the Southern Division for his information

/Sent following letter No 1150/

Mr Campbell

Read letter dated the 26th May 1841, from the Agent to the Governor of Fort St George at Gangaroe, submitting an English translation of the record of the trial in case No 11 of 1841 on this file for the consideration and final sentence of the Court of Sudr.

/Here enter Ill. No 1039 of 1841/

In transmitting these sentences in this case to the Government Agent, the Court of Sungdaree Udalut direct that a copy of their letter to Government dated the 5th July 1841 — together with a copy of the Minutes of Consultation thereon dated the 3d August 1841 No 570, be forwarded to the Government Agent at Gangaroe for his information and in pursuance of this order of Government the Court of Sungdaree Udalut resolve to direct the Government Agent to suspend the infliction of the corporal punishment passed on the prisoners until the

10th August 1841

until the receipt of further Orders.—

Ordered that Extract from these proceedings be sent to the Governor's Agent at Gangaroe for his information.

/Sent in No 1151/

Mr Campbell
Mr Robertson
and
Mr Casamajor

Read the following letter dated the 27th ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division—

/Here enter Ill No 1030 of 1841/

The Second Judge requests to be informed in what way a Judge of a Provincial Court sitting alone at the Sudr Station in the absence of the other Judges, should proceed in regard to Cases called up from the lower Courts under Section XXIV Regulation X of 1816, in which he may be of opinion, from consideration of the Records, that the punishments awarded by the lower Court and which the Prisoners are actually undergoing is not justified by the evidence.—

The Court of Sungdaree Udalut observe that in such a case, it will be the duty of the Judge sitting alone to instruct the Court below to suspend its sentence, and to refer

the

10th August 1841.

the Case for the Consideration and orders of the Soujdaree Udalut.—

Ordered that Extract from these proceedings be sent to the 2d Judge of the [illegible] Provincial Court of Circuit in the Southern Division for his information.

End. W. G.

Sentence No. 1152/—

F. 16

Wednesday 11th August 1841.

At a Court of the Soujdaree Udalut.—

—Present—

W. G. Alex: Duncan Campbell Esqre. 1st Puisne Judge.

W. H. Henry Dickinson Esqre. 2d Puisne Judge.

G. M. Geo: James Casamajor Esqre. 3d Puisne Judge.

Read Cuddapah Criminal

Mr. Campbell.

&

Mr. Casamajor's

Supplemental Report.

No. 49.

Reports for June 1841.

(Here enter F. 16. No. 1424)

The Court of Soujdaree Udalut do not approve the course pursued by the Criminal Judge of deferring the disposal of this case till he could ascertain the sentiments of the Judge on Circuit. Criminal Judges should determine on the committal of cases on their own judgment and cannot with propriety apply for the opinion of the Judge on Circuit, or the latter give his opinion.—

F. 81.

2. The Court being cause to doubt the propriety of the manner in which this case has been disposed of, direct the 3d Judge now on Circuit to call for the record and pass such orders as he shall consider proper, reporting the same.—

Report W. V. No. 93 and 94.

3. It would appear that the same Prisoner has been sentenced by the Assistant Criminal Judge

Judge to 6 months Imprisonment for each of two thefts,
under Section XII Regulation X of 1816. This is contrary to
Circular Order 28th October 1823. Six months imprisonment
is sufficient for both offences together. The Prisoner,
having been a Servant of the Prosecutor in one of the
cases, should have been sentenced under Section III
Regulation VI of 1822.-

No 97. 4. The Court trust that this case was
brought to the notice of the Magistrate, and they direct
that the Cumbum Head of Police be called upon to
Explain on what grounds he sent it to the Court.

No 98. 5. The Court desire that the point of
reference to the Magistrate may be stated. The Magistrate
will call the attention of the Head of Police to Circular
Order No 62 of the 26th February 1836.-

No 103- 6. The cause of the delay in this case
must be explained.-

No 104- 7. There appears to have been some neglect
of Clause 1 Section IV Regulation XI of 1816 to which
the attention of the Head of the Village should be
called.-

8. Extract of Cases Nos 98, 103, and 104 -
without the remarks of the Court, to be sent to the
Magistrate, with copies of paras 5. 6 and 7 of these
Proceedings

Proceedings for information and guidance.-

(Sent in No 1)

Ordered, that Extract from these proceed-
-ings be sent to the Criminal Judge of Cuddapah for
his information, with directions to make the necessary
communications to the Magistrate by precept returnable
in 5 days, from and after its receipt.-

(Sent following precept No 1158.)

Ordered also, that Extract from these
Proceedings (para 2 be sent to the 2d Judge on Circuit
in the Carnatic Division for his information and
guidance by precept returnable in 20 days, from and
after its receipt.-

(Sent following precept No 1159.)

Read letter dated the 23d Ultimo
Mr Campbell- from the Magistrate of Tachinopoly, requesting the proper
Mr Dickinson- of the Tondaree Adalut to expunge from their records
and the 17th, 18th and 19th paras: of their proceedings of the
Mr Cassamajor- 7th June 1841, and such part of the 20th paras as relates
to the resolution of the proper to bring his conduct
to the notice of Government.-

(Here enter No 1403.)

Whatever of censure there was in the
1. Proceedings of the 7th June, the Court observe has been
in

in a great measure removed by those of the 2d July, and both have been already laid before Government.— But there are no grounds for expunging any part of them, as the Proceedings of the Magistrate, without the explanations subsequently given, were open to the remarks made.—

2. The Court observe that the Proceedings of the 9th July had no reference to the matter which was the subject of the Proceedings of the 2d July.—

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

(Sent in No. 1160.)

P. 16.

Thursday, 12th August 1841.

At a Court of the Foujdaree Adalut.

—Present—

Alex: Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre 2d Puisne Judge.
Geo: James Casamajor Esqre 3d Puisne Judge.

Read letter dated the 13th Ultimo from the Acting Joint Criminal Judge of Tellicherry, forwarding the Criminal Reports for the month of June last.—

Mr Casamajor.

(Here enter F. 15a No. 1323.)

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

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

(Sent in No. 1162.)

Read letter dated 30th Ultimo from the Third Judge on Circuit in the Northern Division, submitting for the orders of the Foujdaree Adalut, a copy of a correspondence with the Criminal Judge of Nellore regarding the Prisoner Nursegiadoss in Case No. 2 of the Nellore Supplemental Calendar for

Mr Campbell.
Mr Dickinson.
and
Mr Casamajor.

for the First Sessions of 1841.-

(Here enter F.H. No. 1437 of 1841

The Zillah Surgeon having certified that the Prisoner in question is of unsound mind and unfit to be set at liberty, the Court of Sunjdaree Adalut direct that he be sent to the Lunatic Asylum at Madras, in accordance with the Circular Order of the 1st June 1829.-

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

(Sent in No. 1163.)

Read letter dated the 29th Ultimo from the Acting Magistrate of Cuddalore, submitting the information called for in the Proceedings of the Sunjdaree Adalut of the 7th Instant, relative to certain Cases on the Cuddalore Criminal Reports for the Month of May 1841.-

(Here enter F.H. No. 1446.)

Read return, dated the 31st Ultimo from the Criminal Court in the Centre Division, to the precept of the Sunjdaree Adalut of the 28th July 1841, directing them to explain the discrepancy between the opinions recorded by the 3d Judge in his Minute of the

1st June and that recorded in the Proceedings of the 15th July 1841. relative to case No. 51 of the Chittoor Criminal file.-

(Here enter F.H. No. 1428.)

Read return dated the 31st Ultimo from the 3d Judge on Circuit in the Centre Division, to the precept of the Sunjdaree Adalut of the 11th July 1841. directing him to call for the proceedings in Cases Nos. 70 and 75 of the Cuddapah Criminal Reports for May 1841. and pass any orders that shall appear to him proper.-

(Here enter F.H. No. 1436.)

Read return dated the 31st Ultimo from the Joint Criminal Judge at Masulipatam. to the precept of the Sunjdaree Adalut of the 26th July 1841, conveying their observations and orders on the Criminal Reports for the Month of June 1841.-

(Here enter F.H. No. 1444.)

Read return, dated the 29th Ultimo from the Criminal Judge of Canara, to the precept of the Sunjdaree Adalut of the 24th July 1841, on perusal of the Criminal Reports for the Month of June last.-

(Here enter F.H. No. 1445.)

Read

12th August 1841.

Read letter dated the 2nd Instant from the 3d Judge one Circuit in the Southern Division, reporting his intention to open the 2d Sessions of 1841 at Tumcotty on the 23d Instant.

(Here enter F.H. Vol. 1452 p/s)

F. H.

Friday, 13th August, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,
Henry Dickinson Esqre. ——— 2d Puisne Judge,
G. I Casamajor Esqre. ——— 3d Puisne Judge,

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read again Miscellaneous Petition presented on the 26th April 1841 by Ringanathien of the Zillah of Salem.

(Here enter F.H. M.P. No. 78 of 1841)

Read also return, and supplemental return, dated respectively the 10th June and 13th July 1841, from the 1st Judge late on Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 3d of May, relative to the foregoing Petition.

(Here enter F.H. M.P. Nos. 1090 and 1326 of 1841)

The nature of the Petition was briefly set forth in this Court's proceedings of the 3d May last, and the Court deeming it advisable that an investigation should be made into the Circumstances represented by the Petitioner, directed the 1st Judge "on Circuit in the Southern Division &c. "immediately to call for all the documents referring

"referring to the case, - to institute a full and
"particular inquiry into the allegations set
"forth in the Petition, to examine personally
"(besides the other persons referred to,) the Sotiny
"Head Assistant Magistrate Mr Strathand
"Soobah Moodelly, named at the close of
"the petition, and to submit all the papers
"for the consideration of this Court, with his
"opinion on the matter."

2 The 1st Judge has omitted to forward, as required, all the papers that he was to submit to his opinion, the witnesses before the Head Assistant Magistrate, "though not called on to prove that the Petitioner and his brother had been ill-used in the immediate presence of the Sahsildar & the Village of Letchmana Samoodrum, or Kurungaum, positively proved that they were subsequently and near to their own houses at Appasamoodrum, beaten, more or less, and tortured with the Kittu by the Peons, on account of an arrear of revenue;" and "that had the Head Assistant Magistrate been permitted to act, and send up the case

"to the Criminal Court, as he states he intended
"to do, the Peons at least, it is to be
"supposed, would have been punished."

3. With reference to the charges brought by the Petitioner against the Sahsildar the 1st Judge represents that although it is undoubtedly "exaggerated" and "highly coloured," yet he considers there are strong grounds for believing that, had it been properly investigated, either by the Head Assistant Magistrate, or his Superior, it might have been found that the Peons had not acted without instructions from the Sahsildar, and he instances the very suspicious "fact of three Peons having been sent with the Petitioner on a "revenue message," as one which should have led the Head Assistant and the Magistrate "to have strained every "point" to ascertain the truth; instead of which "the former officer does not "appear to have entered at all upon the "subject of the Sahsildar's conduct, or "orders, at Letchmana Samoodrum, nor

yet

yet the Magistrate".

4. The 1st Judge's description of the Magistrates' proceedings implies partiality in them, and is unfortunately too strongly supported.

5. No complete partiality is attributable to Mr Glen, who, on account of the public services of the Tahsildar, may have a bias in his favor; but, by whatever means his mind may have been influenced and directed, the tendency of this proceeding was manifestly to prejudice the investigation of the complaint brought by the Petitioner against Timmapier.

6. The neglect of the Magistrate to summon all the witnesses named by the Complainant bears a strong appearance of such desire to support the Tahsildar; and nothing could have been more calculated to diffuse this idea than his order of the 3d September 1840, which allowed the Tahsildar to return to the duties of his office, before the examination of the complaint was closed.

In

In the conclusion of his
7
return the 1st Judge has expressed his expecta-
tion "that good may arise were the case ordered
"at once to be renewed before the Criminal Judge".
From the information before
8
the Court there appears to be a sufficiently
strong prima facie case made out against
Timmapier the Head of the Police of Salem,
and the three Peons, to render it highly
advisable that the case should be investi-
gated.

9 The too great confidence
apparently reposed in Timmapier by the
Magistrate, and the appearance of partiality
towards him, evinced in the proceedings now
under consideration, however, have determined
the Court to intrust this duty to the Acting
Head Assistant Magistrate, to whom
the 1st Judge will issue a precept directing
him personally to re-examine the Complain-
ant, and to take all additional evidence
forthcoming as to the conduct of the Tahsildar
at Tatcherave Sanvedrum; and then send
it up to the Criminal Court. The Petitioner
will

will of course be allowed, and called on, to name his witnesses.- The 1st Judge will at the same time call on the Acting Head Assistant Magistrate to explain why he did not personally pursue such investigation of the Tahsildar's conduct as forsit.-

10 In the 16th parah of his return it is observed by the 1st Judge that "the 20th August (1840) is", in the decision of the "Magistrate, "quoted as the day on which the 1st "Defendant, or Tahsildar, had brought to his notice "that the Head Assistant Magistrate had made "a very unjust inquiry, whereas upon referring "to the 16th Parah of this return it appears that "the Tahsildar actually complained to the "Magistrate, as aforesaid, by letter, dated the 30th "May 1840, also that he had heard of it on the 27th "Ditto"

11 "With the petition of the Defendant to refer to, among the records of his office the Court are unable to account for the discrepancy in the dates above pointed out; but they direct that the Magistrate be called on for an explanation on this point, as well as of the circumstance noted in the

the 16th para. of the 1st Judge's return.-

12. The Judge on Circuit further brings to the notice of the Court, in the 13th parah of his return, that "the Tahsildar is now returned "to influence and power".-

13. In a letter dated the 10th July 1841 the Magistrate of Salem reported that the Tahsildar of Shenkegherry, who, in a case of murder still before the Foujdaree Adalut was suspended under their direction, was still out of employ, and requested that he might be reinstated, or another servant appointed.-

16 The 1st Judge will be pleased to ascertain whether Immapier formerly Tahsildar of Salem is not now the Tahsildar of Shenkegherry, and, if so, he will explain the discrepancy observable between the statement made by the Magistrate in his letter of the 10th Ultimo, and that above quoted from his return.

15. The 1st Judge will also call on the Magistrate to explain his most extraordinary

13th August 1841.

extraordinary delay in proceeding in the case noticed in paras 18 and 19 of the 1st Judge's return, with an entire copy of which the Magistrate should be furnished, in order that he may be enabled to offer any further explanations of his Conduct that may appear to him called for.—

16. In Conclusion the Court deem it necessary to forward to Government together with a copy of these proceedings, a copy of the 1st Judge's returns of the 13th of July, and to request the particular attention of Government to the effects of Mr Glig's continued residence at Ossoor, the extreme verge of his District.—

Ordered that Copy of the translation of Petition No 78 and of the Courts proceedings thereon of the 3d of May, and of Mr Waters return of the 13th July 1841 be transmitted with Extract from these proceedings to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent in No 1166

Ordered also that Extract from these

3 F. H.

13th August 1841

these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Southern Division for the information and guidance of himself and of the Magistrate in Salem by precept returnable in 30 days from and after its receipt.—

/Sent following precept No 1167./

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read return dated the 20th July 1841 from the Provincial Court of Circuit in the Northern Division to the precept of the Sunderee Adalut dated the 2d July directing them to call for the proceedings held in Case No 33 of the Masulipatam Criminal report No V for the month of May last and pass on them such orders as may appear proper reporting the result for the information of the Sunderee Adalut.—

/Here enter F H No 1415 of 1841/

The opinion of this Court that Mr Pebble had erred in unconditionally releasing the prisoner in this Case is confirmed by the remarks recorded by the Provincial Court in their proceedings of the 20th Ultimo

which

which accompany the foregoing return and the
Court observe that Mr Rohde's decision in the
case reflects greatly on his judgment.—

2. The Court Concurs with the the
Provincial Court that "the enquiry might have
"been rendered more complete, if it had gone
"the length to ascertain from the witnesses
"whether the Prisoner," on leaving the Hut, "had
any offensive instrument about his person"; and
considering it not improbable that Evidence
may be forthcoming on this point, the Court
direct that the Magistrate be instructed by the
Provincial Court of Circuit to re-apprehend the prisoner
and either personally or by his Assistant to
proceed with the Inquiry for this purpose.—

3. The Court of Sungdaree Udalut
direct that the Provincial Court will furnish
the Magistrate of Masulipatam with a copy
of their proceedings of the 20th July 1841 and
the whole record of the case in the Criminal
Court.—

Ordered that Extract from these
proceedings be sent to the Provincial Court

of

of Circuit in the Northern Division for their
information and guidance by precept returna-
able in 15 days from and after its receipt.—

(Sent following precept No 1168)

Read the Crimn[illegible] Reports

Mr Dickenson
and
Mr Casamajor

for the Month of June last submitted by the
Criminal Judge of Madura

(Here enter J. C. No 1623 of 1841)

The Court do not clearly

Supplemental
Report Case No 41

understand from the wording of the Sentence
in this Case (Case No 41) whether the
prisoners are bound over in one or more
Sureties each and they require further
explanation on this point.—

With reference to the remarks

Report No V
Case No 53

recorded in this Case (Case No 53) the Court
of Sungdaree Udalut would suggest to the
Criminal Judge whether the offer of a pardon
to one of the Prisoners would not tend to
bring the murder to light and should the
Judge see reason to concur in this opinion
the Court of Sungdaree Udalut direct that
he will submit to them the usual application

to

13th August 1841

to that effect.

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

Sent following precept No 1169/

Saturday, 14th August, 1841.

At a Court of the Foujdarree Udalut.

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre ——— 2d Puisne Judge.
G. I. Casamajor Esqre ——— 3d Puisne Judge.

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read letter from the Provincial Court in the Southern Division under date the 30th Ultimo requesting instructions as to the precise head under which the crime of enticing a child from the street in which it was playing to a distance of a mans call from the Village in which that street was situated, and there having stripped him of ornaments to the value of 19 Rupees, is to be classed.—

(Herewith No 1463 of 1841)

Ordered that the Provincial Court in the Southern Division be informed that the case in question should be entered as a simple theft or Robbery, according as it was attended, or not, with violence.—

Ordered that Extract from these proceedings be forwarded to the Provincial Court in the Southern Division for their information.— (Sent in No 1171) Read

14th August 1841

Read letter dated the 6th Instant from the 2d Judge of the Provincial Court of Circuit in the Centre Division transmitting an English translation of the record in case No 6 on the Calendar 1st Sessions of 1841.

/Have enter F.U. No 1474 of 1841/

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 Dickinson and Mr Casamajor

"Pavaday"

is sufficient to convict him of the crime of Murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, adjudge him to suffer death by being hanged at the usual time and place of execution.

/Sent following letter No 1172./

Ent'd.

Monday
16th August 1841.

At a Court of the Toydaree Udalut

Present

Alex. Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre 2nd Puisne Judge.
Geo. James Casamajor Esqre 3d Puisne Judge.

Read letter, dated the 4th August

Mr Campbell
and
Mr Casamajor.

1841 from the 3d Judge on Circuit in the Western Division, submitting for the consideration and final sentence of the Toydaree Udalut an English translation of the record of the trial in Case No 2 on the Malabar Calendar for the 2d Sessions of 1841.

(Here enter F. 116 N. 1478.)

The Court of Toydaree 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

"Toyootharee Yekkaden Mamod Ommy"

is sufficient to convict him of the crime of murder, do convict him thereof, but considering that there are alleviating circumstances in the case, which in justify them in mitigating the sentence to which the prisoner is liable, the Court of Toydaree Udalut, under the provisions of Clause Second Section VII Regulation

Regulations of 1825, adjudge the prisoner to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of his natural life.-

(Sent following letter No. 1175)

1. The Prisoner is fully convicted of Murder and is clearly liable to a sentence of death. It does not appear however that he had originally designed to kill the deceased. He was from the beginning armed with the knife, but he refrained from using it, and commenced beating the deceased with a stick. and it was only when urged on by his mother, in the heat of passion, that he drew his knife, and inflicted the fatal wound.-

2. In consideration therefore of the youth of the prisoner, and that the act was that of a moment in its conception and committed under the influence of parental authority, the Court have resolved to mitigate the sentence in favor of the prisoner.-

3. The Court are also of opinion that if there is any other evidence, than that of the deceased,

forthcoming, to prove that the mother of the prisoner urged him on to kill the deceased, she should be brought to trial; and they direct that the necessary measures be taken by the 3d Judge on Circuit to give effect to the wishes of the Court on this point.-

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division by precept returnable in 20 days, from and after its receipt.-

(Sent following precept No. 1176.)

Read the following Petitions presented by Chulla Soobbiah and Cumale Sastry of the Zillah of Chittoor.-

Mr. Dickinson.
and
Mr. Casamajor.

(Here enter Mins. Petns. Nos. 42. 55. 59. 67 and 69 of 1841.)

The petitioner in No. 42 having been relieved by this Court from the demand of security made against him by the Judge of the Provincial Court of Circuit in the Eutre Division who presided at the Chittoor 3d Quarterly Sessions of 1840, he prays that the Court of Foujdaree Adalut will also direct the Circuit Judge to recall the declaration made by him to the effect that the Mortgage Bond, charged to have been forged, was not a genuine document,-

16th August 1841.

document. he prays also that the sale of the house pledged in the said Mortgage Bond and which has been sold on account of the Decree passed by the District Moonsiff of Vellore, in Suit No. 196 of 1838, may be cancelled, and that he may be permitted to institute a fresh Suit in the Civil Court to substantiate his prior claim to the house under the Mortgage Bond now in his possession. He prays also that the Court will suggest to him the mode in which he can carry on a prosecution in the Civil Court without incurring losses.-

2. The answering petitions are respectively for and against the prayer of No. 42; those of Annasawmy praying also that the Prisoners in Supplemental Calendar No. 15 of the 3d Quarter Sessions at Chittoor for 1840 may be severely punished;- that the Mortgage Bond in question may be declared incapable, as being a forgery, of constituting the ground of a Civil action;- and that the Prisoner in No. 15 may be declared responsible for the expences and losses incurred by him in consequence of presenting these petitions.-

The Court of Circuit could not annul the Mortgage Bond; nor can any declaration

2/ F.H.

16th August 1841.- made by it prejudice Chullah Sobriah in any Civil action he may bring upon it.-

3. It is not the office of this Court to instruct him how to bring his suit.- Any application for cancelling the sale by the District Moonsiff of Vellore of the mortgaged house must be made in the first instance to the Zillah Court of Chittoor.-

4. The Court of Foujdaree Udalut cannot, under any circumstances, order Prisoners to be punished after they have been acquitted and discharged; nor can they pass any orders respecting the Mortgage Bond or Annasawmy's expences and losses; none of which would have been incurred if he had abstained from presenting these very foolish and useless Petitions.-

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

Read Miscellaneous Petition presented on the 30th June 1841 from Carcopoo Dillay of the Zillah of Salem.- (See enter F.H. M. D. No. 95 of 1841.)

Mr Dickinson.

(and)

Mr Casamajor.-

At

16th August 1841.-

1.

It is difficult from the rambling nature of this petition to ascertain precisely what the prayer of it is.-

2.

It would seem however that the petitioner seeks the interference of the Court to prevent his ejection from the village in which he dwells, and also to direct his restoration to the situation of Don under the Sayer Ameen of the Village of Ayempolliem.-

3.

The Court are unable to accede to either of these requests, and they observe that if any person should interfere to prevent the Petitioner from living in his village, the Petitioner should bring the matter before the Head of Police or Magistrate.-

Ordered, that the Petition be rejected, and that copy of these Proceedings be furnished to the Petitioner on his application.-

Read petition presented by Ponpummah of the Zillah of Cuddapah.-

Mr. Casamajor.-

(Here enter M. P. No. 99-)

1.

The Petitioner complains of the order of this Court of the 8th February 1841 whereby the recommitment of her Son to take his trial on a charge of Forgery was ordered by the Foujdaree Adalut.-

16th August 1841.

2.

The order of the 8th February 1841 was passed on full consideration of the case; and the Petitioner has adduced nothing to shew that it was wrong.-

3.

Her Son was not tried and acquitted by the Court of Circuit, but discharged without trial.-

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

Read petitions presented by Poodrapachary of the Zillah of Chittoor.-

(Here enter M. P. Nos. 105 & 110.)

and

Mr. Casamajor.-

1.

The Petitioner complains of an order passed by the Court of Circuit in the Centre Division under date the 29th March 1841, confirming the proceedings of the Joint Magistrate in a dispute which arose between the inhabitants of the Village of Mamoondoor, and the Petitioner and certain other Mecrassie Son Smiths and carpenters of the same Village.-

2.

Before passing orders on this petition, the Court of Foujdaree Adalut desire to have before them a copy of "the return of the Joint

16th August 1841.

"Joint Magistrate" and of his former letter of the "5th February 1840," referred to in the proceedings of the Court of Circuit dated the 29th March 1841.-

Ordered accordingly, that the Provincial Court of Circuit in the Centre Division be required to submit a copy of the papers referred to above, without delay.-

(Sent in No. 1177.)

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

Mr. Dickinson - and Mr. Casamajor -

Read Miscellaneous Petition presented on the 30th June 1841 by Mootiyegar Thekel Kanly Comdon on behalf of Pilanyarla Comdon and Assuppa Comdon of Salem.-

(Here enter F.C. Mis. P. No. 107 of 1841.)

1. The Petitioner represents himself to be a relation of the 13th and 20th prisoners in Case No. 9 on the Salem Calendar 2d Sessions of 1840. and states that they have been unjustly sentenced by the Court of Circuit. the 13th Prisoner to furnish security, and the 20th Prisoner to 14 years' imprisonment, on the grounds of their having been concerned with the Gang of robbers who broke into the house of Appanimgar and plundered it of property valued

valued at upwards of 2000 Rupees.-

2. The Petitioner urges their innocence and refers the Court to the remarks of the 1st Judge recorded in Case No. 20 on the Salem Calendar 1st Sessions 1841 in which 4 prisoners alleged to have been concerned in the same robbery were released, and he prays that an order may be issued for the release of the prisoners in question.-

3. The Petitioner also complains that no orders have been passed on his petition No. 10 presented on the 8th January last.-

4. The Court observe that orders were passed on petition No. 10 of 1841 on the 8th March 1841.

5. And adverting to the remarks made by the 1st Judge late on Circuit on Case No. 20 of the Salem Calendar 1st Sessions 1841, as well as upon No. 9 of the Calendar of the same Court 2nd Sessions of 1840. The Court deem it proper to direct that rough translations in English of the record of Cases No. 9 on the Salem Calendar for the 2d Sessions of 1840 and No. 20 on the Salem Calendar for the 1st Sessions of 1841 be submitted for their consideration.-

Ordered, that Extract from these proceedings

proceedings be sent to the Provincial Court of Circuit
in the Southern Division for their information and
guidance by precept returnable in 20 days from and
after its receipt.-

(Sent following precept No. 1178)

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

Read Miscellaneous Petition pre-
sented on the 12th July 1841 by K. Shaik Mohadeen
Mr. Campbell. and 7 others late Peons in the Jail of the Auxiliary
Court of Guntoor.-

(Here enter M. P. No. 111 of 1841.)

1. The Petitioners state their services,
and represent that through the sinister influence
of the European Jailor, who falsely reported that
they had neglected their duty, they have been removed
from their situations of Peons in the Jail of
Guntoor.-

2. The Petitioners add, that they have
applied to the Provincial Court of Circuit in the
Northern Division for redress, and the Judges of
that Court having declined to interfere in their behalf,
they pray this Court will be pleased to direct their
restoration

restoration to Office.-

3. The Court see no sufficient cause
to disturb the order of the Provincial Court, and
they accordingly direct that this Petition be rejected,
and that copies of these proceedings be furnished
to the Petitioners respectively on their application.-

Read petition presented by
Mr. Dickinson Pommumaul of Pichinopoly.-
and
Mr. Casamajor. (Here enter M. P. No. 120.)

1. Petitioner prays for the release of
her Grandson, the Police Peshcar of the Taluk
of Pichinopoly, prisoner concerned in Case No. 2
of the Pichinopoly 2d Supplemental Calendar
for the 1st Quarterly Sessions of 1841.-

2. The Prisoner referred to in this
Petition has been convicted and sentenced to a
definite period of imprisonment by the Court of
Foujdaree Udalut.-

3. His release, as prayed for, is
therefore impracticable.-

Petition dismissed, and Extract
from these proceedings ordered to be furnished to
the Petitioner on her application.-

Read

16th August 1841.-

Mr. Casamajor. Read petition presented by Veneata Lutchmummah.-

(Here enter N. D. N°. 124)

The Court of Zoujdaree Udalut observe that the subject of this Petition was disposed of in the proceedings of this Court of the 9th Instant,- to which order the Petitioner is accordingly referred.-

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

Mr. Campbell. and Mr. Casamajor. Read letter dated the 2nd Instant from the Joint Criminal Judge at Vizagapatam, submitting the Criminal Reports for the Month of July 1841.-

(Here enter N°. 1488.)

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

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

(Sent in N°. 1179.)

Read

4/ Z.U.-

16th August 1841.-

Mr. Campbell. and Mr. Casamajor. Read letter dated the 4th Instant from the Acting Criminal Judge of Rajahmundry forwarding the Criminal Reports for the month of July last.-

(Here enter N°. 1469.)

The above Reports do not appear to call for any remarks from the Court of Zoujdaree Udalut.-

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

(Sent in N°. 1180.)

Mr. Campbell- Mr. Dickinson and Mr. Casamajor- Read Letter dated the 5th Instant from the Provincial Court of Circuit for the Centre Division, submitting a copy of a return dated 31st Ultimo from the Criminal Judge of Cuddapah affording the information called for in the Proceedings of the Zoujdaree Udalut of the 18th June last- relative to the property of the individual who entered into Security for the good conduct of the Prisoner referred to in the Papers which accompanied the Letter of the Provincial Court of the 10 April last.-

(Here enter C.U. N°. 1466 of 1841.)

J

1. It appears by the Return of the Criminal Judge that subsequent to Pawoola Ramanmah becoming surety in behalf of the Prisoner, he has made away with the property then pledged by him - and is still confined in the Civil Debtors Jail.-

2. The Court of Fouzdaree Adalut observe that any sale of the Property in question under the circumstances of its being already pledged, be null and void.-

3. The confinement of the Surety should, however, terminate with the period for which he became Security for the Prisoner.-

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

(Sent in No. 1184.)

Read petition presented by Seetum Nagunnah of the Zillah of Cuddapah, complaining of the Sentence passed by the Court of Circuit upon her younger brother Bejaredy.-

(Here enter M. P. No. 117.)

Mr. Casamajor.-

1. The Court of Fouzdaree Adalut see no reason when perusing the Calendar to doubt the propriety

propriety of the Sentence passed on Bejaredy; and having referred again to the Calendar, with this Petition before them, see none now.- Bejaredy no doubt committed wilful perjury; the state of his mind when he deposed before the Joint Magistrate was pleaded by him at the trial and was investigated by the Judge on Circuit; but there was no evidence to prove that he was not perfectly conscious of what he then said.-

2. This petition is therefore rejected.-

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

Mr. Campbell.-
Mr. Dickinson.-
and
Mr. Casamajor.-

Yerrum Lingunnah of the Zillah of Cuddapah, moves the Court to return the enclosures in her Miscellaneous Petition No. 99 of 1841.-

Ordered accordingly.

Read letter dated 24th July 1841 from the 1st Judge late on Circuit in the Southern Division, forwarding for the consideration and final sentence of the Fouzdaree Adalut the record of the trial in Case No. 8 on the Salem Calendar first Sessions of 1841.-

(Here enter F. A. No. 1412.)

The

16th August 1841.-

The Court of Zillah Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner

Mr. Campbell
&
Mr. Dickinson

Pellian,

when affected by temporary alienation of mind, put to death the deceased Morton, resolve to acquit him of the charge of murder. But considering that his release without security, would be unsafe and improper, the Court of Zillah Udalut under Clause 2d Section X Regulation VI 1827 direct that the prisoner be held to security for good behaviour in two sureties, each for 500 Rupees, or that he be detained in confinement and at the expiration of 3 years be brought before the Judge in Circuit as provided in Clause 3d Section X, and Clause 2d Section IX Regulation XI 1827.-

1. This does not appear to the Court a case for conviction, and they cannot but express their surprise at Mr. Waters having proposed capital punishment. There is not the least shadow of proof of any previous malice or assignable cause for the act committed by the Prisoner, which alone is a strong presumption of insanity, while the evidence of the 4th 5th and 9th witnesses for the prosecution and the 3d

witness

8 of 86

16th August 1841.-

witness for the prisoner is in the opinion of the Court free from all suspicion of bias and establishes the existence of such a habit of mind in the Prisoner as may well account for a sudden ebullition of lunacy, especially under the circumstances mentioned before the Criminal Court, by the 6th witness viz: that he never drank to excess before. Now it is clearly proved that he did drink to excess of arrack that night, and the effect of this unaccustomed beverage, on an habitual lunatic was likely to be unusual excitement.-

2. The total absence of all motive for the crime, combined with the other evidence, satisfies the Court that the Prisoner is a lunatic who excited by liquor committed the offence under temporary derangement of intellect, and the Court do not consider that he can be convicted or held responsible for it, and have acquitted him accordingly.-

Ordered, that Extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information and guidance.-

(Not following Ls Rs. No. 1182.)

125

Approved

Tuesday 17th August 1841.— At a Court of the Fouzdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge,
Henry Dickinson Esqre. 2d. Puisne Judge,
G. F. Castamajor Esqre. 3d. Puisne Judge.

Read again Miscellaneous Petition presented on the 19th. April 1841, by Gyanchurn Reddy of the Zillah of Huddaspore [Here enter F. U. M. P. No. 77 of 1841.]

Mr. Dickinson and Mr. Castamajor

Read also Supplemental return, dated the 12th. July 1841, to the precept of the Fouzdaree Udalut under date the 11th. June last, calling for an English translation of the record of the trial in Case No. 446 of the Cuddapah Calendar for the 1st. Sessions of 1841.—

[Here enter F. U. No. 1302.]

1. On a consideration of the circumstances of the case in evidence before them, the Court of Fouzdaree Udalut are of opinion that the prisoner in the case above recorded should be released.— The recognition of him by the 1st. 2nd. and 3rd. witnesses

witnesses cannot be depended on, none of them had even seen him before the night of the 18th November, and it was not till many days after the robbery that they again saw the prisoner and the three others, in confinement on the charge, and, considering the state of alarm into which the witnesses must at the time of the robbery have been thrown, it is most improbable that they should have so deliberately marked the features of four persons, as to be after the lapse of several days able to swear to them with certainty.—

2. The prisoner never confessed before the Police, but only in the Village, as it is said, where there was nobody authorized to receive his confession, and it was not taken down in writing.—

3. There remains nothing but the torn piece of a Gunny which he dug and gave up. This of itself the Court do not think sufficient for conviction, and the Court are even of opinion that it never belonged to the Prosecutor. If indigo had been tied up

up in it, it must have acquired the smell of the drug, and have been discoloured by it, neither of which, as is to be inferred from the questions put to the witnesses by the Head of Police, was the case.—

4. On these grounds the Court consider the Prisoner entitled to his acquittal, and they accordingly direct that he be set at liberty.—

Ordered that Extract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Centre Division by precept returnable in five days from and after its receipt.

/Sent following precept No. 1183/

Read letter dated the 9th August 1841 from the Acting Criminal Judge of Nellore forwarding the Criminal Reports of that Court for the month of July last.—

/Here enter F.U. No. 1190./

Mr Campbell and Mr Dickinson.

With reference to the remarks of the Assistant Criminal Judge in this

Case No. 19 Suppl. Report.

1. Case, (Case No. 19) the Court of Foujdaree Adalut

17th August 1841.—

Udalut resolve to direct that a copy of it, as it stands in the Report, and of this parat be sent by the Acting Criminal Judge to the Magistrate, who will be instructed to use every possible means to ascertain whether additional evidence cannot be procured, in the case, either, satisfactorily to establish that the deceased was not murdered, or, to bring to justice the perpetrators of the murder.—

Case No. 52. 2. The Court are of opinion that the punishment adjudged, in this case, is too severe, and they direct that the amount of the fines imposed on the prisoners be reduced to 5 Rupees, and that in default of payment the imprisonment be limited to 12 days.— This term having long expired the prisoners will if in confinement be immediately released.—

Ordered, that Extract from the proceedings be sent to the Acting Criminal Judge of Nellore for his information by precept returnable within 3 days from and after its receipt.—

/Sent following precept No. 1184/

2. S. No.

17th August 1841.—

Mr. Campbell and Mr. Dickinson.

Read letter from the 1st Judge of the Provincial Court of Circuit in the Western Division representing that the 8th prisoner who was tried and convicted in Case No. 10 of the Mangalore Calendar for the 2nd Sessions of 1836 who was set at liberty by the rebels in that year, has been re-apprehended, and the Criminal Judge of Canara having applied for his sentence.— the 1st Judge requests the orders of the Foujdaree Udalut as to the disposal of the 8th prisoner "Billa Doma."—

/Here enter No. 1456./

1. Mr. Vaughan who tried the case as 2nd Judge of the Provincial Court of Circuit in the Western Division convicted all the prisoners concerned in the said case No. 10 of the crime of Gang Robbery, and sentenced the first seven prisoners to 14 Years imprisonment, recommending in favor of the 8th prisoner a mitigated sentence of 5 Years imprisonment.—

The Court of Foujdaree Udalut

2. not satisfied of the legality of the sentence called

called up the record of the Trial.—

3. Upon receipt of the Trial the Court of Foujdaree Udalut observed that no sufficient reason had been given for the non-examination of the 9th and 10th witnesses, and accordingly they returned the record to the 2nd Judge with instructions to take their examination upon oath, and to proceed to dispose of the case in conformity with the provisions of the General Regulations.—

4. The 2nd Judge in his return of the 16th March 1837 recorded his opinion that the Prisoners were convicted of Robbery by open violence, and that he saw no reason for altering the sentence already passed in the case.—

5. The Court of Foujdaree Udalut did not however, by their order of the 10th January 1837, intend to sanction any mitigation of the punishment as regards the 8th prisoner,—so far from agreeing to such mitigation the Court of Foujdaree Udalut saw reason to believe that the evidence against the prisoner would be found sufficient to convict them

of the crime of Robbery and Murder, which would have rendered the 2nd Judge incompetent to dispose of the case.— The 2nd Judge however continuing of opinion that there was no evidence as to the Murder, he was left to dispose of the case under the Regulations and no second specific application having been received from the 2nd Judge for permission to pass a mitigated punishment on the said 8th prisoner, Mr Vaughan should have issued his warrant for the infliction of the punishment prescribed by the Law.—

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

/Sent in Ps. 1185/

Read return dated the 1st Instant, from the Acting Criminal Judge of Rajahmundry to the precept of the Foujdaree Udalut dated the 28th Ultimo on the review of the Criminal Report for

for the month of June last.—

/Here Enter No. 1472./

Read return dated the 5th Instant, from the 1st Judge late on Circuit in the Northern Division to the precept of the Fouydaree Udalut dated the 31st Ultimo, calling for a further returns to their precept of the 3rd May 1841, relative to Cases Nos. 9-11 and 12 of 1841 on the file of the Criminal Court of Tellore.—

/Here Enter No. 1479./

Read return dated the 7th Instant, from the Principal Sudr Ameen at Honore to the /precept of the Fouydaree Udalut dated the 31st July 1841, conveying their observations and orders on the Criminal Reports for the months of June last.—

/Here Enter No. 1511./

No. 46.

Wednesday, 18th August, 1841.

At a Court of the Fouydaree Udalut.

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre —— 2d Puisne Judge,

G. S. Casamajor Esqre —— 3d Puisne Judge,

W. Campbell and W. Dickenson

Read Extract from the Minutes of Consultation in the Judicial Department, under date the 5th August 1841— No. 580. —— conveying the Resolution and orders of Government on the Proceedings of the Court of Fouydaree Udalut under date the 23d July 1841 relative to Case No. 55 of the Criminal file of the Agent to the Governor in Ganjam.

/Here enter F.H. No. 1461 of 1841./

The Court of Fouydaree Udalut direct that a copy of the Extract from the Minutes of Consultation above recorded be sent to the Governor's Agent in Ganjam for his information and guidance with instructions to use his utmost endeavours to ascertain what has become of Govinda Naik, and, until further orders, to suspend execution

18th August 1841

execution of the Sentence in the Case in question.

2 It is conceived that if the evidence of the 2 witnesses examined since the trial be true, many more persons in his village must have seen Govindoo Naik since the date of the alleged murder; and at all events that a strict local enquiry might place the truth or falsehood of their testimony beyond all possibility of doubt.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Ganjam District for his information and guidance.

/Sent in No. 194./

Mr Campbell and Mr Dickinson

Read letter dated the 4th August 1841 from the Joint Criminal Judge of Guntoor forwarding the Criminal Reports of his Court for the month of July last.

/Here enter S.R. No. 1489 of 1841/

Case No. 4 Supplimental Report.

1 The Court of Zoujdaree Adalut are of opinion, that if no reply is received during the present month, from the Superintendent of Police at Secunderabad, to the communication

of

18th August 1841

of the Joint Criminal Judge, dated the 22d July, the Prisoner in this Case should be released - He had already been more than 8 months in confinement.

The Court of Zoujdaree Adalut,

Case No. 21

2 Seeing reason to doubt the propriety of the sentence passed, in this Case, resolve to call for the proceedings, and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Zoujdaree Adalut.

Case No. 23.

The Court do not observe any 3. circumstances of aggravation attending the commission of the offence in this Case, which renders necessary so severe a sentence as that passed by the Joint Criminal Judge, but they request a further explanation of the grounds on which the Joint Criminal Judge awarded it.

Case No. 24 Report No. 5.

In this Case, also, the Court 4 of

of Tonjdaree Udalut consider the punishment awarded by the Joint Criminal Judge to be too severe, and they direct that it be reduced one half.—

Ordered that Extract from these proceedings be sent to the Joint Criminal Judge of Guntoor by precept returnable in 5 days from and after it's receipt.—

/Sent following precept No 1195/

Ordered also that Extract of para. 2 of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by precept returnable in 15 days from and after it's receipt.

/Sent following precept No 1196/

Read letter dated the 31st July 1841, from the 3d Judge on Circuit in the Northern Division, submitting, for the consideration and final sentence of the Tonjdaree Udalut, an English translation of the records of the trial in Case No 7 on the Nellore Calendar for the 2d Sessions of 1841.

/Here enter F.H. No 1175 of 1841/

The

710

18th August 1841

Mr Campbell

and

Mr Dickinson

The Court of Tonjdaree 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 Gonepanty Venkataramareddy

2d Soobbareddy

3d Pitchareddy

4th Dammay gountah Vurdareddy

and

5th Vellunty Venkatadry gandoo

is not sufficient to convict them of the crime of Gang robbery by open violence, do acquit them thereof, but considering that strong suspicion, tho' not amounting to conviction, attaches to them, the Court of Tonjdaree Udalut, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the prisoners

1st Gonepanty Venkataramareddy

2d Soobbareddy

3d Pitchareddy

and

4th Dammay gountah Vurdareddy

be required to furnish two Sureties in 50 Rupees
each Surety and the Prisoner
5th Vellandy Venkatachy gaundon
to furnish two Sureties in 25 Rupees each Surety
for their good behaviour and appearance when
required within three years, or in default
thereof that they be detained for three years
in confinement.

[Sent following Letter No 1197.]

1 The Court observe that the evidence
as to the recognition of the Prisoners is so very
unsatisfactory, that it is impossible to convict
any of them on such testimony; and they do
not consider the evidence, which has been offered
respecting the finding of the gold Seagan
and 26 Rupees near to the house of the 1st
Prisoner, to be more deserving of credit.

2 It appears that the robbery took
place on the 22d September, and the prisoners
were apprehended on different dates the 5th on
the 24th September the 2d on the 15th October, the
2d and 3d on the 30th October, and the 1st on the
9th November. It is possible that the 5th Prisoner

may have been arrested on the information given
by the Prosecutor and 1st Witness, who recog-
-nized him - but the Court do not find that
the 3d Witness declared that he recognized the
1st and 2d Prisoners until he came before
the Criminal Court, and there appear strong
grounds to believe that the confessions of the
3d and 5th prisoners were not voluntarily
given.

3 The Court observe it stated, at
page 338 of the Proceedings held before the
Criminal Court, that the Hoozoor Moonshee
Sunnasimooloo and a Hoozoor Deloyet Jay
Sing were deputed by the Magistrate to
investigate this Case, and they deem proper
to call on the Magistrate for an explanation
of these Proceedings as there does not seem to
have been any Course shown why the inves-
-tigation could not have been conducted
by the regular Police authorities.

4 The evidence in the trial goes
to shew, that the Deloyet took the 3d Prisoner,
in a most suspicious manner, into the Jungle,
and this Circumstance coincided with the fact
of

of the 3d and 5th Prisoners having, before the Magistrate, recanted the confessions made by them before the Police, and with the recantation of the approvers before the criminal Court, impresses the Court strongly with the belief that the two Hoozoor Servants above mentioned have committed mal-practices in this case.—

Ordered that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Northern Division by precept returnable in 25 days from and after the receipt.—

/Sent following precept No. 1198/—

Ed 4th

F. No.

Thursday 19th August 1841.— At a Court of the Foujdaree Udalut.

Present.

Alexr. Duncan Campbell Esqre. 1st Puisne Judge.

Henry Dickinson Esqre. 2d Puisne Judge.

G. S. Casamajor Esqre. 3rd Puisne Judge.

Read letter dated the 7th Instant from the Criminal Judge of Canara forwarding the Criminal Reports for the month of July last.—

Mr. Campbell and Mr. Casamajor.

/Here enter No. 1510/.

The above reports do not appear to call for any remark from the Court of Foujdaree Udalut.—

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

/Sent in No. 1202/

Read letter dated the 9th Instant from the Agent to the Governor of Fort St. George in the Vizagapatam District, submitting with reference to Clause 5. Rule 1 of the Rules framed by

Mr. Campbell. and Mr. Dickinson.

by Government for his guidance, a summary of the evidence against a prisoner charged with culpable Homicide, and communicating his opinion as to the punishment to be passed on the prisoner.—

/Here enter F.H. No. 1524 of 1841./

The Court of Foujdaree Udalut having maturely considered the Summary of the evidence taken before the Agent, the Statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of 6 months simple imprisonment on the prisoner "Gowkar Alley."—

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.—

/Sent in No. 1203./

Read letter dated the 2nd Instant from the 3rd Judge on Circuit in the Centre Division, submitting the Statement

of Batta paid to the Prosecutors and Witnesses who attended the Court of Circuit during the Chittoor 2nd Quarter Sessions of the present year with explanation of the causes of the detention of the parties in some of the cases.—

/Here enter No. 1457./

Read letter dated the 4th Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras, transmitting the Report of Cases tried under Act XXII of 1837 in the month of June 1841.—

/Here enter No. 1476./

Read return dated the 31st Ultimo from the Agent to the Governor of Fort St. George at Ganjam, to the precept of the Foujdaree Udalut of the 6th July 1841 on review of the Criminal Reports for the month of May 1841.—

/Here enter No. 1497./

Read return dated the 5th Instant from the Agent to the Governor of Fort St. George at Ganjam, to the precep

19th August 1841.

of the Tanjdaree Udalut of the 29th Ultimo, communicating the sentence of the Court of Tanjdaree Udalut passed on the prisoners on the trial No. 15 of 1841.—

/Here enter No. 1501/

Read return dated the 10th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Tanjdaree Udalut dated the 22nd June 1841, directing him to instruct the Criminal Judge of Chittoor to cause an inquiry to be instituted into the circumstances attending the death of the Pram to whom the belt and badge discovered in Case No. 7 on the Chittoor Calendar for the 1st Quarter Sessions 1841 are supposed to belong.—

/Here enter No. 1503/

Read letter dated the 19th July 1841 from the Magistrate of the Northern Division of Arcot, submitting the explanation called for in the Proceedings of the Tanjdaree Udalut of the 28th Ultimo, relative to certain cases in the Chittoor Criminal Report

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Ent'd

FC.

19th August 1841.

the month of May last.—

/Here enter F.C. No. 1366/

1. The Court consider the explanation given in paras. 1 to 3 of the above letter regarding Case No. 78. to be satisfactory.

2. In the opinion of the Court the reference of the Police to the Head Assistant Magistrate in Case No. 90 was unnecessary. The Court approve of the order of the Head Assistant Magistrate.—

3. The Court of Tanjdaree Udalut cannot however approve of the fines mentioned in this letter, but they do not direct them to be refunded, it has before been suggested to the Magistrate that other means of procuring on the part of the Police an efficient discharge of their duty, were to be preferred.

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

/Sent in No. 1204/

Ent'd

Friday,
20th August, 1841. At a Court of the Foujdaree Udalut-

Present,

Alexander Duncan Campbell Esqre 1st Puisne Judge,
Henry Dickinson Esqre 2nd Puisne Judge,
Geo. James Casamajor Esqre 3rd Puisne Judge,

Read letter dated the 30th Ultimo from the 3d Judge on Circuit in the Northern Division transmitting copy of the Nellore Calendar for the 2nd Sessions of 1841 /Here enter No. 1431/

Mr Campbell
Mr Dickinson

The 3d Judge having omitted

Case No. 1. 1. to forward a copy of the proceedings addressed by him to the Criminal Judge of Nellore, under date the 11th January 1841, directing that Case No. 1 of this Calendar be traversed to the next Sessions, the Court of Foujdaree Udalut desire that they may be furnished with a copy thereof without delay-

The Court of Foujdaree Udalut

Case No. 2. 2. seeing reason to doubt the propriety of the acquittal in Case No. 2, resolve to direct

- that

20th August 1841.

that an English Translation of the Record of the Trial be submitted for their consideration.

Case No. 13 3. The Court of Zoujdaree Udalut resolve to direct that the two prisoners concerned in Case No. 13, if still in confinement, be unconditionally set at liberty, and if released on Security, that the Bail Bonds entered into for their good behaviour be cancelled.

4. Under the circumstances of the case the beating (to the extent proved against them) was justifiable.

Case No. 15. 5. In Case No. 15 an abstract of the grounds recorded by the Law Officer in his Futwah of acquittal should have been entered in the Calendar. The grounds of the 3d Judge's concurrence in the Futwah should also have been stated in the Calendar, vide Circular Order 19th June 1828.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information and guidance.

(Sent in No. 1208.)

Read

20th August 1841

Read letter dated the 5th instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, transmitting the Warrant for the execution of the Sentence of death passed by the Court of Zoujdaree Udalut on Koorinjeny Govinden Nambidy the 4th prisoner in Case No. 1 on the additional Calendar of the Auxiliary Court at Tellicherry for the 2nd Quarter Sessions of 1841 and a copy of the Report of the Joint Criminal Judge.

(Here enter Pl. No. 1492 of 1841)

Observing it stated in the Report of the Acting Joint Criminal Judge that the 4th prisoner, when at the Scaffold, urged that "bribery had been resorted to, and Vangoly Nandy Govinan and Poothenvittil Ramony were the persons chiefly concerned &c." the Court of Zoujdaree Udalut direct that a copy of that communication be sent to the Magistrate of Malabar, with instructions to inquire into and report on the matter.

Ordered that Extract from

20th August 1841 from these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Western Division by precept, returnable within twenty five days from and after its receipt.-

Sent following precept &c 1209/-

F. 26.

Saturday 21st August 1841.- At a Court of the Tongdarce Adalut

-Present-

Alex: Duncan Campbell Esqre 1st Puisne Judge.-

Henry Dickinson Esqre 2d Puisne Judge.-

Geo: James Casamajor Esqre 3d Puisne Judge.-

Read Letter, dated 11th August 1841, from the 3d Judge on Circuit in the Centre Division, submitting, for the consideration and final sentence of the Tongdarce Adalut, an English translation of the record of the trial in Case No 21 of Mr Campbell. and Mr Dickinson- Cuddapah Calendar 2d Sessions 1841.-

(Here enter F.H. No 1508)

The Court of Tongdarce Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner

"Thibeer Deen"

when affected by temporary alienation of mind, did to death the deceased Sheik Inadar, and stabbed Weeroo Pabee and Jauffer Saheb, resolved to acquit him of the charges of murder and wounding but, considering that his release without security

Two

would be unsafe and improper, the Court of Tinjdaree
Edalut, under the provisions of Clause Second Section X
Regulation VI of 1827, direct that he be required to
furnish two sureties, in 100 Rupees each surety, for
his good behaviour, and appearance when required,
within three years, or in default that he be detained
in confinement and that at the close of 3 years he
be brought before the Judge of Circuit, to be dealt
with as provided in Clause third Section X and
Clause Second Section IX of the Regulation above
quoted.

4. The Court of Tinjdaree Edalut observe
that it is most clearly proved that the prisoner killed
the deceased, and wounded the other two persons, as
charged in the indictment, but they consider it equally
established that he had, for some time previous to
the commission of the act charged, been deranged
in intellect.

2. It has lately been in evidence before
the Court, that a common symptom of mental
derangement, is the impression on the mind of
the person affected, that poison has been
introduced into his food. In the present case
it

it has been proved that the prisoner was laboring
under this delusion, and that the acts charged
against him were committed in a quarrel, originat-
ing in the idea that his food was drugged. Under
these circumstances, the Court are unable to convict
the prisoner of any offence, or to pass on him the
anticipated punishment, recommended by the
Judge on Circuit.

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

(Sent following letter No 1214)

Read return dated the 27th July
1841, from the Joint Criminal Judge of Jorhatmosoky
to the precept of the Tinjdaree Edalut of the 22nd
July, conveying their remarks and orders on the
Jorhatmosoky Criminal Reports for the
month of June last.

(Here enter No 1420)

Mr Dickinson
and
Mr Casamajor.

Code No 36

1. It has been ruled on several occasions
by this Court that a box is not a place used for
the custody and preservation of property within
the meaning of Clause 1st Section II Regulation
VI of 1822; and that treating open a box is not
a

a breaking within the meaning of that Regulation.-

2. Ordered, that the prisoner in this case is liable to punishment under Clause 4th Section III Regulation VI of 1822.-

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

(Sentin No. 1215)

Read Letter dated 6th Instant from the Criminal Judge of Bellary - reporting the attempt of five convicts to escape, while working on the Roads in the Cantonment of that station - on the afternoon of the 10th July last - of whom three were badly wounded and beaten by the Peons, after they had surrendered.-

(Here enter F. H. No. 1493 of 1841.)

1. With reference to para 4 of this letter, the Court of Zoujdaree Udalut observed that the Dom Sheikh Nuckhtoon should certainly be committed for Trial before the Court of Circuit, for wounding the two convicts: and the Court concurs with the Criminal Judge in opinion that it will not be necessary again to take the evidence of the witnesses who have

already

already been examined.-

2. The Court direct that the rewards authorized by the Circular Order No. 104 - dated 8th March 1839 - be distributed among the persons mentioned in para 9 of the Criminal Judge's Letter - in such proportions as may be deemed equitable - and that it be intimated to those persons that their exertions in apprehending the fugitives have been viewed by the Zoujdaree Udalut, with approbation.-

Ordered, that Extract from these Proceedings be sent to the Officer in charge of the Criminal Court of Bellaree for his information and guidance.-

(Sent in No. 1216.)

Mr. Campbell-
Mr. Dickinson-
and
Mr. Casamajor.

Read Extract from the Proceedings of the Second Judge late on Circuit in the Centre Division, under date 10th August 1841 - submitting with reference to the Proceedings of the Court of Zoujdaree Udalut under date the 3rd June last - a copy of a further correspondence relative to the European Prisoner John Dowling confined in the Jail at Bellary.-

(Here enter F. H. No. 1502 of 1841.)

Having

27th August 1841.

Having taken into consideration the Letters of the Zillah Surgeon of Bellary under dates 17th June and 6th August - the Court of Foujdaree Adalut authorize the Prisoner John Dowling being sent to Cuddalore instead of to Madras.-

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

(Sent in No. 1217.)

Read the Criminal Reports submitted by the Officiating Joint Criminal Judge Mr Dickinson - of Tinnevelly for the Month of July 1841.-

(Here enter No. 1533.)

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

Ordered therefore, that Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge of Tinnevelly for his information.-

(Sent in No. 1218.)-

F. C.

Monday, 23d August 1841.

At a Court of the Foujdaree Udalut,

Present,

Alex.r Duncan Campbell Esq.re 1.st Puisne Judge,

Henry Dickinson Esq.re —— 2.d Puisne Judge,

G. J. Casamajor Esq.re —— 3.d Puisne Judge,

F. C.

Mr. Casamajor.

Read petition presented by Hooka Rammuah of the Zillah of Chittoor.—

/ Here enter F. C. M. P. N.o 109 of 1841 /

The Petitioner complains of the Magistrate of Chittoor having neglected personally to enquire into certain complaints of Robbery, and of being forcibly dispossessed of certain lands situated in the village of Cudloor, and he prays that this Court will therefore direct the Magistrate to investigate the charges himself, instead of leaving the matter to be investigated by the Head of Police.—

The Court of Foujdaree Udalut

2.

cannot issue the order prayed. It appears from the attested copies of the Proceedings of the Court of Quarter Sessions, filed by the Petitioner, that the Magistrate was not (as Petitioner states) required by that Court to hold a personal examination

examination in Petitioner's Case, and that there is nothing inconsistent in the orders of that Court dated respectively the 22d April and 1st May last. When the enquiry into Petitioner's Case has been completed by the Head of Police, the Court of Quarter Sessions have ordered the records to be sent up to them; and if there is any thing irregular in the proceedings, that Court will no doubt take the proper steps. If the enquiry is not yet completed owing to Petitioner's non attendance before the Head of Police, the fault is his own.—

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

M. Casamajor

Read petition presented by Kulla Annah of the Zillah of Chittoor.—

[Here enter P. D. M. P. No 115 of 1841]

the Petitioner repeats the prayer contained in her previous petition No 3 of 1841, viz. that the Court of Foujdarry Udalut will call for the records of the Trial in Case No 1 of the Chittoor 9th Supplemental Calendar for the 3d Quarterly Sessions of 1840, in view to the release of her husband, who she asserts has been unjustly

unjustly convicted of Forgery.—

2 The Petitioner is referred to the Court's answer of the 22d February 1841, to her Petition No 3 of that year.—

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

M. Campbell
M. Dickinson
and
M. Casamajor

Vurdacharyar of the Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No 94 of 1841

Ordered accordingly

Worka Ramunnah of the Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No 109 of 1841.—

Ordered accordingly

Ex 27th

F. U.

Tuesday,
24th August 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge
Henry Dickinson Esqre. 2d. Puisne Judge
G. J. Casamajor Esqre. 3d. Puisne Judge

Read letter dated the 11th. May 1841 from the Magistrate of Rajahmundry, submitting for the consideration of the Foujdaree Udalut, copy and translation of a report from the Amildar of the Amlapoor Talook, bringing to the notice of the Foujdaree Udalut certain frauds practised by the vaccinators, and suggesting the desirableness of meeting this species of offence by some enactment similar to Regulation IX of 1822 and XXXVI of 1837.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here Enter F. U. No. 928 of 1841./

The Court of Foujdaree Udalut are of opinion, that if the vaccinators pay depends on the document to which he has affixed forged signatures, (that is, if he would not receive his pay were he not to furnish

furnish a document containing the entries stated or entries of a similar nature vouched for by the persons whose names he has forged or some others in similar situations) then it is forgery; but, otherwise, it is punishable under the Mahomedan Law, as a mere misdemeanour.—

2. With reference to the concluding part of para: 2 of this letter, the Court of Foujdaree Udalut observe that in passing their orders of the 28th of January they acted upon the report of the Criminal Judge drawn from the record, that the only object of the prisoner in Case No. 78 of 1840 on the Rajahmundry Criminal file was, by a false return, to shew a zealous discharge of his duty.—

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

/Sent in No. 1221./

Read further return dated the 31st Ultimo from the First Judge late on Circuit in the Northern Division, to the

precept of the Foujdaree Udalut dated the 31st May 1841, directing him to ascertain the name of the Criminal Judge who gave verbal orders to the Acting Assistant Criminal Judge to have the witnesses in the commit cases ready by the 17th or 18th of February and to call upon him to account for his inattention to the orders of the Court of Circuit respecting the attendance of the witnesses.—

/Here enter No. 1458./

Read letter dated the 9th Instant from the 2nd Judge late on Circuit in the Centre Division, transmitting the original death warrant in Case No. 6 on the Chingleput Calendar for the 1st Septr of 1841.—

/Here enter No. 1506./

Read return dated the 9th Instant from the 3rd Judge on Circuit in the Western Division, to the precept of the Foujdaree Udalut dated the 2nd Instant, directing that the fines imposed by the Criminal Judge of Canara on the witnesses

24th August 1841.

witnesses Krishna and Iyaroo in Cases Nos 65 and 66 of the Criminal Reports for the month of May last be permitted.—

(Here enter No. 1507.)

Read return dated the 11th Instant from the 3rd Judge on Circuit in the Southern Division, to the precept of the Tanjore Udalut of the 24th June 1841, directing him to call for the proceedings in Case No. 85 of the Salem Criminal Reports for May 1841, and to pass such orders upon it as may appear proper under the provisions of Section XXIII Regulation X of 1816.—

(Here enter No. 1520.)

Read Statement, dated the 13th Instant from the 2nd Judge, late on Circuit in the Centre Division, required by Circular Order No. 1.—

(Here enter No. 1525.)

Wednesday 25th August 1841.

At a Court of the Tanjore Udalut

Present

Alexr. Duncan Campbell Esqre 1st Circuit Judge

Henry Dickinson Esqre —— 2d Circuit Judge

George James Casamajor Esqre 3d Circuit Judge

Read letter dated 9th August 1841 from the Officiating Joint Criminal Judge of Cochin submitting the Criminal Reports for the month of July last.—

(Here enter E. R. No. 1577.)

These Reports do not appear to call for any remark from the Court of Tanjore Udalut.—

Mr. Dickinson,

Ordered therefore that Extract from these Proceedings be sent to the Officiating Joint Criminal Judge of Cochin for his information.—

(Sent in No. 1224).

Read letter dated 13th August 1841 from the Criminal Judge of Combaconum transmitting the Criminal Reports for the month of July last.—

(Here enter E. R. No. 1579.)

These reports do not appear to call for any remark from the Court of Tanjore Udalut.—

Mr. Dickinson,

Ordered

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

(Sent in No. 1225)

Read the Criminal Report submitted by the Joint Criminal Judge of Tranquebar for the Month of July 1841.—

(Here enter No. 1547)

Mr. Campbell,

The above reports do not appear to call for any remark from the Court of Circuit.—

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

Sent in No. 1226.)

Read the Criminal Reports for the Month of July last submitted by the Joint Criminal Judge of Trichinopoly.—

(Here enter C. R. No. 1576.)

Mr. Dickinson,

With reference to the remarks of the Joint Criminal Court in Case No. 48, the Court of Circuit observe, that it has been ruled by them, in their Circular Order of the 13th July 1829, that the offence of an escape is distinct from all

Report No. V
Case No. 48.

others, because it must lie in addition to a former offence, or at least an accusation of one a separate and distinct punishment should therefore have been passed on the prisoner in this case.— The Court will not now however disturb the order of the Criminal Judge but they direct that his attention be drawn to the Circular Order above quoted for his future guidance.—

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

(Sent in No. 1227.

Read return, dated 4th August 1841, from the Joint Criminal Judge of Guntoor, to the precept of the Circuit Court, of the 31st July last, calling on him to explain how he proceeded to dispose of so serious a case as No. 15 on the Guntoor Criminal Report No. V for the Month of May last, before all the evidence forthcoming in the case had been obtained.—

(Here enter C. R. No. 1470.)

Mr. Campbell,

and

Mr. Cockburn,

The Court of Circuit consider the explanation afforded in this return to be not satisfactory, and they direct, that the result of the further

25th August 1841.

further inquiry ordered to be instituted, by the Provincial Court, in their Proceedings of the 15th July last, be communicated to the Zoojdaree Adaulut.—

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

(Sent in No. 1228.)

Ordered also that Extract from these proceedings be sent to the Joint Criminal Judge of Guntoor for his information.—

(Sent in No. 1229.)

End

J. N.

Thursday 26th August 1841.

At a Court of the Foujdaree Adalut.

Present

Alexr. Duncan Campbell Esqre. 1st Puisne Judge.

Henry Dickinson Esqre. 2d Puisne Judge

G. I. Casamajor Esqre. 3d Puisne Judge

Mr Campbell and Mr Casamajor

Read return dated the 13th Augst. 1841 from the Criminal Judge of Chittoor to the precept of the Foujdaree Adalut of the 7th Instant conveying their remarks and orders on the Chittoor Criminal Reports for the month of June last.—

(Here enter J. N. No. 1526 of 1841)

With reference to para 4 of the above return, the Court observe that the Criminal Judge has misunderstood the meaning of the latter part of para 5 of their proceedings 16th March 1841. It is not there stated that previous conviction of a heinous offence renders it necessary to sentence the increased punishment of Regulation VII of 1822; but only that it exposes to that increased punishment: it could not have been stated to render it necessary, because Section III Regulation

Regulation VII of 1827 expressly gives the Criminal Judge a discretion in all cases of Conviction under Clause fourth Section III Regulation VII of 1822 - The object of that remark was to point out a certain class of Cases which was not exposed to the increased punishment by not to lay down any thing respecting those cases which are exposed to the increased punishment or to committal.

2 The Court observe that the use of the words "require" in the same paragraph may lead to a similar misapprehension respecting the Committable Cases mentioned in the parenthetical part of Clause Second Section III Regulation VII of 1822; to obviate which they here remark that a discretion is expressly left to the Criminal Judge respecting the Committal of these Cases.

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

/Sent in No 1232./

Read Letter dated the 12th Instant from

W Campbell
and
W Dickenson

from the Agent to the Governor of Fort St George at Vizagapatam forwarding the Criminal Reports for the month of July

/Here enter F.R. No 1568 of 1841/

The prisoners in this Case have,

Supplemental Report Case No 1. -

it is observed, been in Confinement ever since March last, the Court resolve therefore to direct that if the necessary evidence be not immediately forthcoming they be released. -

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St George at Vizagapatam for his information by precept returnable in 5 days from and after its receipt. -

/Sent following precept No 1233/

Read return dated the 12th Instant from the Agent to the Governor of Fort St George at Ganjam to the precept of the Sunderee Adalut dated the 6th Instant conveying their observations and orders on the Criminal Report for the months of June last.

/Here enter F.R. No 1568 of 1841/ Read

26th August 1841

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Northern Division, transmitting with reference to the precept of the Tongdaree Udalut dated the 3d May last an Extract from the Proceedings of the Collective Court held on the Records of the Trial in Case No 9 of 1841 on the file of the Criminal Court of Nellore.—

/Here enter F.H. No 1671 of 1841/

End 11th

W

W

N

F. 46

Friday 27th August 1841.

At a Court of the Tongdaree Udalut.

Present

Alexr Duncan Campbell Esqre 1st Puisne Judge

Henry Dickinson Esqre 2d Puisne Judge

G. J. Casamajor Esqre 3rd Puisne Judge

W

Dt

FL

Read the Criminal Reports for the month of July 1841 submitted by the Criminal Judge of Salem.—

Mr Dickinson and Mr Casamajor.

/Here enter F.H. No 1514./

From the Statement required by Tongdaree Udalut Circular Order 19th January 1831 it is observed that six prisoners in the Jail are employed on a Circar garden. The Court direct that this mode of employing the prisoners be discontinued and that they be employed on the roads.

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

/Sent in No 1240./

Read return dated the 11th Instant from the 3rd Judge on Circuit in the Southern Division to the precept of the

27th August 1841.-

the Fouzdaree Udalut of the 24th June 1841 directing him to call for the proceedings in Cases Nos. 40 and 41 of the Coimbatore Criminal reports for the month of May 1841 and to pass such orders upon it as may appear proper under the provisions of Section XXIII Regulation X of 1816 and in return thereto to forward copy of an Extract from the proceedings in the matter.—

/Here enter No. 1521./

Read return dated the 12th Instant from the 3rd Judge on Circuit in the Western Division to the precept of the Fouzdaree Udalut of the 31st Ultimo directing him to call for the proceedings in Case No. 97 of the Report No. V of the Criminal Court of Canara for June last and pass such orders thereon as may appear to him proper reporting the result for the information of the Court of Fouzdaree Udalut.—

/Here enter No. 1544./

Read returns dated the 19th Instant from the 2nd Judge of the Provincial

Court of Circuit in the Centre Division to the precept of the Fouzdaree Udalut dated the 17th Instant on Case No. 44 of the Cuddapah Calendar for the 1st Sessions of 1841.—

/Here Enter No. 1562./

Read return dated the 17th Instant from the Criminal Judge of Madura to the precept of the Fouzdaree Udalut of the 13th August 1841 on the review of the Criminal Reports for the month of June last.—

/Here Enter No. 1572./

Read return dated the 21st Instant from the Acting Criminal Judge of Nellore to the precept of the Fouzdaree Udalut of the 17th August 1841 conveying their observations and orders on the Criminal Reports for the month of July 1841.

/Here Enter No. 1577./

Read letter dated the 14th Instant from the Provincial Court of Circuit in the Northern Division, submitting an Extract from their Proceedings of the same

27th August 1841.

Mr Campbell
Mr Dickinson
and
Mr Castamajor.

same date and suggesting the necessity of the Provincial Courts being vested with authority to sanction, without previous reference to the Foujdaree Adalut, the removal or transfer of sick Convicts, on Medical Certificates.—

/ Here enter F.C. No. 1553 of 1841. /

The Court of Foujdaree Adalut resolve to issue a Circular Order on the subject of this Reference, which will be communicated in due course to the Provincial Court.—

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

/ Sent in A. 1241. /

Circular Order
No. 144.

1. The Court of Foujdaree Adalut direct that henceforth every Officer in charge of a Jail shall have authority, without previous reference to this or to the Provincial Court of Circuit to transfer to any other Jail to which may be indicated by the

Mr Campbell
Mr Dickinson
and
Mr Castamajor.

2. F.C.
27th August 1841.

the Medical Officer of the Jail any Convict whose removal on account of sickness may be certified by the latter Officer to be urgently necessary, reporting the circumstance to the Foujdaree Adalut, and at the same time forwarding a copy of the Medical Certificate of the case.—

2. The original Warrant for the confinement of the Convict shall be sent with him, and shall be endorsed over to the Officer in charge of the Jail to which he is sent; and the latter Officer shall receive the Convict and deal with him in all respects the same as if originally sentenced to be imprisoned in the Jail under his charge.—

/ Sent following Circular Order No. 1242 /

Ext. F.C.

Saturday
28th August 1841.

At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre 1st Puisne Judge

Henry Dickinson Esqre ——— 2d Puisne Judge

G. S. Casamajor Esqr ——— 3d Puisne Judge

Read letter dated the 7th Instant from the 2d Judge of the Provincial Court of Circuit in the Western Division, transmitting the Record of the Trial in Case No. 1 on the Sellichery 3d Additional Calendar for the 3d Quarterly Sessions of 1841.

/Ans. enter F.U. No. 1531 of 1841./

Mr. Campbell and 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 prisoner,

"Pedro,"

is sufficient to convict him of the crime of rape, for which, in the absence of the requisite conditions of Hud, discretionary punishment is awardable under the Mahomedan Law, as declared in the futwas of their Law Officers, do convict him thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence him

him to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of Seven (7) years.—

/Sent following letter No 1245/

Read letter dated the 18th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the Record in Case No 2 on the Chittoor Calendar for the 3d Quarterly Sessions of 1841.—

/Here enter S.R. No 1561 of 1841/

Mr Casamajor

The Court of Sunjdara Udalut, on a deliberate consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner,

Kristna Gowdoo

is sufficient to convict him of the Crime of wounding, for which, according to the Mahomedan Law, as declared in the futwas of their Law Officers, discretion -ary punishment is awardable, do convict him thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, and Clause first Section V Regulation VIII of 1831, adjudge him to be imprisoned without irons, for and during the period of six months.

/Sent following letter No 1246/

Read letter dated the 19th Instant from the 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the Records in Case No 3 on the Cuddalore Calendar for the 1st Sessions of 1841.—

/Here enter S.R. No 1560 of 1841/

Mr Campbell and Mr Dickinson

The Court of Sunjdara Udalut, on a deliberate consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners,

1st Valoy dapullay and
2d Para Chinnapien

is sufficient to convict each of them of the Crime of murder, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1802, adjudge each of them to suffer death, by being hanged at the usual time and place of execution.

/Sent following letter No 1247/

Read the Chingleput Criminal

Mr Casamajor

Reports for July 1841.

/Here enter S.R. No 1473 of 1841/

The Magistrate will state what

Report No V
Case No 29

notice was taken by him, with reference to

Circular

28th August 1841

Circular Orders of this Court, 26th July, 28th October and 18th November 1823, and 29th April 1833, of the Navagr Head of Police's omission to take down at the first in writing the Prosecutor's complaint.

Case No. 36. 2 The Magistrate will state what the point of reference by the Head of Police was in this Case; and the Head of Police's attention should be called to the Circular Order of this Court No. 62 of the 26th February 1836.

Case No. 39. 3 If the only ground of demanding security in this is the Prisoner's confession before the Head of Police, the Security should be discharged, or the Prisoner released - the attention of the Criminal Judge is called to this Court's Circular Order of the 9th February 1835 No. 30.

4 Extracts of Nos. 29 and 36 to the Magistrate with copy of paras 1 and 2 of these Proceedings for his information and guidance

/ Sent in No /

Ordered that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information and guidance with direction to make the necessary

28th August 1841

communications to the Magistrate by precept returnable in 8 days from and after its receipt.

/ Sent following precept No 1248 /

Read return dated the 11th

Mr Campbell
Mr Dickenson
and
Mr Casamajor

August 1841 from the 3d Judge on Circuit in the Southern Division, to the precept of the Sunjdarce Adalut of the 2d July 1841, directing him to call for the proceedings in Case No 52 of the Madura Supplemental Criminal Reports for the month of May last, and to pass on them such orders as may appear proper with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Sunjdarce Adalut.

/ Here enter S.A. No 1522 of 1841 /

The Court of Sunjdarce Adalut observe that this return is characterized by a want of official accuracy and precision in stating the substance of their order - In the Extract from the Proceedings of the Provincial Court of the 11th August it is observed that this Court is represented to have expressed a doubt as to the propriety of the acquittal of the Prisoners instead

28th August 1841.

instead of which they questioned the propriety of the Conviction of the 2d Prisoner alone.

Ordered that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information.

/Sent in No 1249./

Mr Dickinson and Mr Casamajor

Read the Cuddalore Criminal Reports for July 1841.

/Here enter J. Dt. No 1567 of 1841./

Report No V

In No 68 there appears to have been a neglect of the concluding provision of Clause first Section V Regulation XI of 1816, which should be brought to the notice of the Magistrate that the Head of the Village may be called to account for it.

2 Extract of this Case to the Magistrate with Copy of para 1.

Ordered that Extract from these proceedings be forwarded to the Joint Criminal Judge at Cuddalore, with instructions to make the necessary communications to the Magistrate for his information and guidance.

/Sent in No 1250./

Read letter dated the 9th August 1841

28th August 1841

from the 3d Judge on Circuit in the Southern Division submitting for the consideration and final sentence of the Tongdarce Adalut an English translation of the records of the trial in Case No 2 on the Madura Calendar for the 2d Sessions of 1841.

/Here enter J. Dt. No 1512 of 1841./

Mr Campbell and Mr Dickinson

The Court of Tongdarce Adalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoners,

5th Odien
6th Cuttien
7th Kadoon Soobun
8th Vellain
9th Secunder
11th Chinna Ebram
and
15th Carootan

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the Crime of murder, do acquit them thereof, and, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that they be set at liberty.

The Court defer passing judgment to on the Prisoners.

1st Moonsiffs

28th August 1841

1st Moonegen,
2d Carea Carooppen,
3d Soobien,
4th Carea Carroppen,
10th Cander Saib,
12th Maria Rawten,
13th Mootusamea Pillay,
14th Seroomanea Pillay,
and
16th Veeralasi Rawten,

until the further evidence called for in the accompanying proceedings shall have been submitted.

Sent following letter No 1257.

1 The prisoners, in this case, are charged, with having, on the night of the 15th December 1840, murdered Veerasty Saib Rawten, and Kunal — Rawten.

2 The finding of the bodies of the murdered men is involved in much mystery. The Head of Police, in his Urzee dated the 2d December, states that, while searching for the bodies on the 19th of that month, he was attracted to particular spots by the circumstances of the turf having been cut, and that on looking about a pit was discovered in which the bodies had been buried.

3 Not only is there no mention in this

28th August 1841

Urzee, that the 2d Prisoner had pointed out the corpses, but in a subsequent Urzee dated 14th January 1841, in answer to an order, which had been addressed to him by the Magistrate, the Head of Police distinctly denies that the 2d Prisoner pointed out the bodies, and declares that, at the time, no suspicion was entertained by him, that the 2d Prisoner had been concerned in the crime; while in his deposition before the Criminal Court recorded at pages 119, 120, 121 of the Criminal Courts' proceedings the witness Gullien states that the 2d Prisoner was taken from the Salook Cutcherry, where he had been kept on a charge of killing a bullock to point out the spot where the murdered bodies had been buried, in doing which he used "a chair"

4 The Circuit Judge considers the Statement of the Head of Police to be false, but the Court of Sungdance Adalut are not prepared, as at present informed, to agree in this opinion.

5 If the 2d Prisoner had actually pointed out the bodies, especially if he used a chair in doing so, evidence ought to have been taken as to whence he obtained this piece of furniture, so uncommon with natives in the interior, the mention of which can hardly be attributable to invention and the use of which on such an occasion is, to

extraordinary

extraordinary. Still it remains to be accounted for how neither the Prosecutor's Witnesses nor the 2d Prisoner himself made any mention of this subject when examined before the Police Officer.—

6 The witnesses for the Prosecution declare that immediately on the bodies being discovered the 1st and 2d witnesses disclosed what they had seen. If so it is strange that deositions were not immediately taken from them and that no mention was made of this important fact in the Urzee of the Head of Police of the 25th December.—

7 The delay to mention the subject till the 23d December the date on which the examinations were taken would have allowed ample opportunity for the concoction of the story told.—

8 But it is shewn, in the plan, that the place whence the bodies were taken was two and a half Indian miles from the place where they had been "secreted on the day before"—and those who pointed them out in the former place, though cognizant of their removal, may have had no knowledge of the parties who placed them in the latter, or

of the murder committed. Nor has any evidence been taken on the subject of this mostsuspicious removal of the corpses, evidently calculated to mislead, as to the perpetrators of the original deed of murder.—

9 In order, therefore, to clear away the mystery in which this part of the case is at present involved—the Court desire that the Head of the Police and all other Cognizant of the facts should be examined and all the points before mentioned fully investigated for the alibi of some of the prisoners is strongly supported—It is particularly requisite to ascertain whether the 2d Prisoner was in custody on the previous charge of killing the bullock; for if so, his confession in this case must be false—

10 The Court further direct that full enquiry be made of the Head of Police and all others who know any thing of the case as to whether it is true that any previous charges had been preferred, by the deceased, against the Prisoners, and if so, the nature of those charges and how they were disposed of.—

11 The Court also deem it indispensable that enquiry should be made from others than the Prisoners who before the Police confessed the

28th August 1841

the removal as to whether the bodies were actually removed from the place where they were first deposited, and if so by whom; also as to the owners of the two ropes alluded to in the Deposition of the 4th witness at page 34 of the Records of the Circuit Court's proceedings.—

12. The 3d Judge on Circuit will therefore issue a precept to the Criminal Judge of Madura directing him to obtain the attendance of the Tahsildar of the Pahanatam Taluk and of the other necessary witnesses and in the presence of the Prisoners take their examination under the solemn affirmation prescribed by Act V of 1840 on the several points mentioned above—

13. The Criminal Judge will permit the prisoners to cross examine the witnesses and to offer any thing further in their defence should they wish it at the close of the examination.—

14. The 3d Judge will submit translations of the additional evidence so taken for the consideration of the Fouzdaree Udalut.—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division by precept returnable in 25 days from and after its receipt.—

Sent following precept No 1254

Circular

14

28th August 1841

Circular Order

No 145.

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Several references having lately been made to the Court of Fouzdaree Udalut respecting cases supposed to involve the crime of Forgery, and it appearing on reference to the records of this Court that the doctrines followed at different times upon this subject have not been perfectly consistent, the Court think it desirable to declare their opinion that in order to constitute the crime of Forgery, as defined in Clause 3d Section XV Regulation VII of 1811, the effect and object of the fabrication or alteration must be to defraud some party of money or other property, and also to injure him. Where these requisites do not occur, the act may be punishable under the Mahomedan Law as a misdemeanor; but it cannot be treated as a Forgery—

Sent in No 1253

Monday
30th August 1841. At a Court of the Foujdaree Udalut.

Present,

Alexander Duncan Campbell Esqre 1st Puisne Judge
Henry Dickinson Esqre 2nd Puisne Judge
George James Casamajor Esqre 3d Puisne Judge.

Read the Chittoor Criminal Reports for the month of July 1841—

Mr Campbell
Mr Casamajor

(Here enter J. 76. to 1359.)

Report No V

Case No 121

1. The Vellore Head of Police must be called upon to explain the delay in sending up this case.—

Case No 128

2. The Magistrate instead of sending the Prisoner to the Superintendent of roads, should have sent him to the Criminal Court. The escape was committed within the District of Chittoor.—

Case No 131

3. There appears to have been a neglect of the latter part of Clause 1st Section V Regulation XI of 1816 which the Village authorities should be called upon to explain.—

Case No 134.

4. If neither of the Prisoners have

have been before convicted, the corporal punishment to be remitted.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance, with directions to make the necessary communications to the Magistrate of the District by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1256.)

Mr Dickinson & Mr Casamajor.

Read the Malabar Criminal Reports for the month of July 1841.

(Here enter No. 1558.)

Report Nos. 1

In Cases 105 and 109 there would appear to have been a neglect of the last part of Clause 1st Section V Regulation XI of 1816 which the authorities on the spot where the offences were committed should be called upon to explain.

Case No 110. 2.

It does not appear why the delay should have occurred of sending the Proceedings to the Magistrate in order to a Yahalutnamah being framed. The Magistrate will explain why this is necessary.

Case No. 112. 3

The point of reference should have been stated agreeably to Circular Order No. 62 of the 20th February 1836 the Magistrate will now supply this omission.

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Malabar, with instructions to furnish a copy thereof to the Magistrate for his information and guidance.

(Sent in No. 1257.)

Mr Dickinson

Read petition presented by Rungacharyar of Trichinopoly complaining of the sentence passed upon the 2d prisoner concerned in Case No. 33 on the file of the Auxiliary Court at Trichinopoly of 1841.

(Here enter Mr. Dt. 123.)

If the Petitioner has any thing to urge against the sentence passed by the joint Criminal Judge in the case in question, he should present a petition, setting forth his objections to the sentence, to the Provincial Court of Circuit in the Southern Division.

Ordered, that the above be communicated to the Petitioner, and that Extract

from

30th August 1841

from these proceedings be furnished to him: on his application.

Read Miscellaneous petition presented on the 4th and 16th August 1841 by Gottee of the Zillah of Cuddapah.

Mr. Casamajor.

/Here enter M.P. Nos. 122 & 127 of 1841/

The Petitioner states in her Petition No. 122 that her son has been murdered by one Yettacadasoodoo who is now in confinement and she prays for the protection of the Court.

In the second Petition she pleads her poverty and prays for an early answer to the former petition.

The Court direct that the Petitioner be advised to return to her Village as her remaining here can in no way benefit her cause. Justice will be done in the usual course.

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

Read letter dated the 18th instant from the Criminal Judge of Canara, requesting

Mr. Campbell
Mr. Dickinson
&
Mr. Casamajor.

permission

30th August 1841.

permission to offer a conditional pardon to the Prisoner in Case No. 7 on the Additional Calendar for the 4th Sessions of 1841.

/Here enter No. 1576/

The Court of Zoujdaree Udalut having maturely considered the circumstances represented in the above letter from the Criminal Judge of Canara, resolve, under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the Prisoner

"Intra"

on the terms and conditions specified in Section XX Regulation VIII of 1802.

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

/Sent in No. 1258/

Read return dated the 21st of August 1841 from the Joint Criminal Judge of the Auxiliary Court at Guntoor, to the precept of the Zoujdaree Udalut of the 18th August, conveying their observations and orders on

Mr. Campbell
&
Mr. Dickinson

the

the Guntoor Criminal Reports for the month of July last.

/Here enter J.U. № 1588/

Case №4. 1

It appears from the return of the Joint Criminal Judge that some time must yet elapse before this case can be disposed of— In their last proceedings, the Court observed that the Prisoner had been more than 8 months in imprisonment, and directed that, if no reply was received during the present month from the Superintendent of Police at Secunderabad, the prisoner should be released— The confinement the Prisoner has already suffered is almost equal to that he would have been subjected to, had he been convicted— The Court accordingly direct that he be set at liberty.

Case №23. 2

Under the explanation given regarding this case, the Court of Sonjdaree Adalut direct that the term of imprisonment be reduced to 1 Year— It is observed that the circumstances represented by the Joint Criminal Judge are no aggravation of the crime committed by the prisoner—

Ordered

30th August 1841.

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

/Sent in №1259/

Mr. Dickinson

Read Miscellaneous Petition presented on the 30th June 1841 by Soobbah Naicken of the Zillah of Combaconum.

/Here enter J.U. Mis. P. №102 of 1841/

1

The object of this Petition is to induce the Court to over-rule the acquittal by the Acting Criminal Judge of Combaconum of the prisoners, in Case №154 on the Criminal file of that Court, who were charged by the Petitioner with adultery and theft.

2

In the Criminal Report of Combaconum for the month of October 1840, Case №154 is observed to stand as one of theft alone, whereas the Extract from the Proceedings of the Court of Circuit, which accompanied this Petition, shews that besides stealing jewels, the 1st and 2nd prisoners were charged with the crime of adultery.

3

Previous to disposing of this Petition, the Court of Sonjdaree Adalut resolve

30th August 1841.

resolve to direct that the Criminal Judge of Combaconum be called upon by the Provincial Court of Circuit in the Southern Division, to submit an explanation of the cause of the charge of adultery not having also been entered in the Report.—

4. The Court also desire the Provincial Court to submit proper translations of the case for the consideration of the Zoyjdaree Udalut.—

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 within 15 days, from and after its receipt.—

Sent following precept — No. 1260.

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

Read letter dated the 17th August 1841 from the 3d Judge on Circuit in the Western Division, forwarding for the consideration

and

J. U.

30th August 1841.

and final sentence of the Zoyjdaree Udalut, an English translation of the Record of the Trial in Case No. 13 on the Malabar Calendar for the 2nd Session of 1841.

(Here enter J. U. No. 1570)

Mr Campbell and Mr Robinson

The Court of Zoyjdaree 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 Anakel alias Chimbachalil Mayen alias Mayen Cootty alias Mayen Marakar and

2nd Tandan Palakal Mahoo

is sufficient to convict them of the crime of Murder, do convict them thereof, and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner

1st Anakel alias Chimbachalil Mayen alias Mayen Cootty alias Mayen Marakar to suffer death, by being hanged; at the usual time and place of execution, but considering that there are alleviating circumstances in the case, which would justify them

them in mitigating the sentence to which the prisoner.

2nd Jandan Palakel Makoo

is liable, the Court under the provisions of Clause Second Section VI Regulation I of 1825. sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hard labor, in irons, on the public roads, or other public works, for, and during the period of his natural life.

1. The Court of Zoujdaree Udalut entirely concur with the 3d Judge in convicting both the Prisoners of Murder, there appears however to them to be sufficient grounds for believing that the 2nd Prisoner was influenced by the 1st Prisoner to aid in committing the crime, altho' it is clear that the 2nd Prisoner had indulged in criminal intercourse with the deceased's wife, yet it appears from her own statement that

that he had done so but once. while an adulterous connexion had long been maintained between her and the 1st Prisoner. There further appears no evidence to prove that the 2nd Prisoner ever habitually wore or on any occasion was seen with arms whereas the admission of the 1st Prisoner that he habitually carried about him a dagger and the fact that the wounds found on the deceased were such as must have been committed with a knife or a dagger strongly corroborate the statement of the 2nd Prisoner that the 1st Prisoner perpetrated the deed.—

2. Regarding therefore the 1st Prisoner as both the individual whose confirmed enmity prompted the crime and also as the principal actor in the deed, and the 2nd as having only aided therein under his influence without any desire he personally entertained of destroying the deceased, the Court have mitigated the sentence to which the latter is liable to transportation.—

Ordered

30th August 1841.

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

/Sent in a No. 1261./

Read petition presented by
Mr Dickinson Poochee Ammah and Kamatchy Ammah of the Zillah of Madura, complaining of the sentence passed upon the 1st, 2d, 3d, 4th, 5th and 6th prisoners in Case No. 8 of the Madura Calendar for the 7th Sessions of 1841.-

/Here enter W.P. No. 1165/

This Petition sets forth that
1. the 1st Judge of the Provincial Court for the Southern Division when trying the case referred to, refused to call for and examine the witnesses in behalf of the Prisoners.
2. It is scarcely possible that this statement should be true; but previously to disposing of the petition, the Court resolve to call on the Court of Circuit to refer to the Record of the Trial of No. 8 of the Madura Calendar for the 7th Sessions of 1841,

and

J. C.

30th August 1841.

and to report whether the witnesses in behalf of the Prisoners were or were not examined; and in the event of Depositions not having been taken from those witnesses, that the Court of Circuit will certify whether or not the Record assigns any cause for the omission.-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance.-

/Sent in a No. 1262/

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

Read letter dated the 20th Instant from the Joint Criminal Judge of Masulipatam, submitting an amended Criminal report for the month of July last.

/Here enter J.C. No. 1582/

Read letter dated the 25th August 1841 from the Provincial Court of Circuit in the Southern Division, stating

with

with reference to Proceedings of the Foujdaree Udalut under date the 10th Instant, that orders have been accordingly issued to the Joint Criminal Judge of Trichinopoly to suspend the sentence passed by him (on the 2d Prisoner) in the case out of which arose the reference of the 2d Judge for instructions.

/Here enter F.C. No. 1593/

Read letter dated the 23d August 1841 from the 3d Judge on Circuit in the Southern Division, reporting the opening of the 2d Sessions of 1841 at Tinnevelly on the 23d Instant, and the State of the Calendar.-

/Here enter F.C. No. 1598/-

F.C.

Tuesday 31st August, 1841.-

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre.—1st Puisne Judge.
Henry Dickinson Esqre.—2d Puisne Judge.
G. L. Casamajor Esqre.—3d Puisne Judge.

Mr. Campbell and Mr. Casamajor.

Read supplemental return dated the 17th August 1841 from the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 31st May last directing them to call for the proceedings held in Cases Nos. 51 and 61 on the Cuddapah Supplemental Report for the month of April 1841, and pass on them such orders as may appear proper.—

/Here enter F.C. No. 1555./

In the concluding Paragraph of their proceedings of the 12th Instant, which accompany the foregoing return, the Provincial Court observe that "the Prisoner "in Case No. 61 has not had a legal trial,— "he has been sentenced on evidence delivered "not before him, but in Case No. 51."—

Under

2. Under these circumstances the Court of Foujdaree Udalut concur with the Provincial Court in the propriety of his immediate release, and they direct that the attention of the Criminal Judge of Cuddapah be called to the illegality of the Proceedings in this case.—

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

/Sent following Precept No. 1272./

Read the Criminal Reports for the month of July 1841 submitted by the Joint Criminal Judge of Coimbatore.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here enter S. C. No. 1515./

Case No. 53.
Suppl. Report.

1. In disposing of this case the Joint Criminal Judge would appear to have overlooked the Circular Order of the 13th July 1829 wherein it is ruled that "the offence of escape is distinct from all others" a separate and distinct sentence should therefore

therefore have been passed on the prisoner in this case.—

2. The Court will not however now disturb the order of the Joint Criminal Judge.—

Case No. 72.

3. In this case the prisoner is charged with having attempted to defraud the customs due on 4 Bullock loads of Coddoolo grain, and 14 Pollums of Cotton thread, by smuggling the same out of the jurisdiction of the chowky of the District, and has been sentenced to pay a fine of 10 Rupees or in default to be committed to jail for one month under Section XXI Regulation I of 1812.—

4. The Court of Foujdaree Udalut observe that cotton thread is expressly exempted from duty by Clause first Section XIV Regulation I of 1812, and grain is also exempted by Clause second of the same Section and Regulation, unless it passes the frontier.—

5. The Court desire it may be explained what frontier the Prisoner attempted to

to pass since grain is only liable to a duty if it pass the frontier into the Settlements of Foreign European States.—

Case No 75.

6. With reference to the remarks of the Joint Criminal Court in this Case the Court of Tongdaree Udalut direct that a copy of the 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 take such notice of the conduct of the Police Officer who forwarded the case to the Criminal Court as may appear to him proper.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Coimbatore by Precept returnable in 5 days from and after its receipt.—

/Sent following Precept No 1273/

Read the following letter dated the 10th Instant from the Provincial Court of Circuit in the Southern Division.—

Mr. Campbell
Mr. Dickinson
and
Mr. Castamajor.

/Here enter No 1523./

1. The Provincial Court submit for the opinion of the Tongdaree Udalut a

copy of a letter dated the 6th Instant from the Criminal Judge of Madura in which is referred the question "what course is to be pursued in the event of a person being proved to have forged a Document, and filed it, before a Sudr Ameen Pundit, Sudr Ameen, or District Moonsiff," as the word "forgery" is omitted from Clause first, Section III Regulation VIII of 1829,- which has modified the provisions of Section VIII Regulation X of 1816.—

2. The Court of Tongdaree Udalut consider it inferrible from the Circular Order of the 13th February 1834- and the provisions of Section III Regulation VIII of 1829- that persons appearing to have been guilty of Forgery before a District Moonsiff, should be, by that Officer, sent to the Magistrate.—

3. But the act reported in para: 1 of the Criminal Judge's letter does not constitute the offence of Forgery as defined in the Regulations of this Presidency, because, so far as appears, the

the object of the fabrication was not either to defraud any person of money or other property, or to injure any person; and a fabrication, in order to constitute Forgery as defined in Clause 3rd. Section IV Regulation VII of 1811, must be both fraudulent, in the Sense above explained, and injurious.—

4. Suspecting it to be Forgery in the Legal acceptation of that Term, the Moonsiff is censurable for having allowed the parties to compromise the matter, and this remark should be communicated to that Officer by the Criminal Judge.—

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

/Sent in No. 1274/

Read letter dated the 9th. August 1841 from the Principal Sudr Ameen at Honore forwarding the Criminal Reports for the month of July 1841.—

/Here enter Ft. No. 1532 of 1841./ The

Mr. Dickinson and Mr. Casamajor.

These reports do not appear to call for any remark from the Court of Foujdaree Udalut.—

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information.—

/Sent in No. 1275/

Read the following letter

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

dated the 10th. Instant from the Provincial Court of Circuit in the Northern Division.

/Here enter F.R. No. 1536 of 1841./

The Provincial Court submit for the orders of the Foujdaree Udalut, a copy of a letter dated 28th. Ultimo, from the Magistrate of Nellore, wherein that Officer reports "a case of great irregularity on the part of a Village Moonsiff and Village Curnum" and requests instructions "as to how such misconduct is to be dealt with, and under what Regulation."—

2. The Court of Foujdaree Udalut direct that a copy and translation of the Answer of their Mohummudan Law Officers - from which it appears that

that the parties in question are liable to
Tazeer be furnished to the Magistrate.

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

/Sentin No. 1276./

Read letter dated the 14th
Instant from the Provincial Court of
Circuit in the Western Division transmitting the Sirzd Criminal Reports
for the month of July last.—

Mr. Casamajor.

/Here enter No. 1564./

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

Ordered therefore that Extract
from these proceedings be forwarded to the
Provincial Court of Circuit in the Western
Division to be by them communicated to
the Principal Sudr Ameen at Sholapur for
his information.—

/Sent in No. 1277./

Rea

Read letter dated the 16th
August 1841 from the Agent to the Governor
of Fort St. George at Ganjam submitting
the Criminal Reports for the month
of July last.—

Mr. Campbell
and
Mr. Casamajor.

/Here enter F. 11a No. 1583./

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

Ordered therefore that Extract
from these proceedings be forwarded to the
Agent to the Governor of Fort St. George
in the Ganjam District for his information

/Sent in No. 1278./

Read letter dated the 17th
Instant from the Principal Sudr Ameen
at Honore requesting permission to offer a
conditional pardon to the 2nd Prisoner in
Case No. 9 of the Honore Calendar for
the 1st Sessions of 1841.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here enter No. 1584./

The Court of Foujdaree Udalut
having maturely considered the circumstances
represented in the above letter from the
Principal

3rd August 1841.

Principal Sudr Ameen of Honore, resolve,
under the authority vested in them by
Section XII Regulation XIII of 1833, to
sanction the offer of a pardon to the
2nd Prisoner

"Hujam Shivoo"

on the terms and conditions specified in
Section XX Regulation VIII of 1803.—

Ordered, that Extract from
these proceedings be forwarded to the
Principal Sudr Ameen of Honore for
his information & guidance.—

/ Sent in Ap. 1279 /

Read return dated the 26th
Instant from the Criminal Judge of
Cuddapah to the precept of the 7th ult
Udalut of the 11th August 1841, conveying
their observations and orders on the Criminal
Reports for the month of June 1841.—

/ Mere Entr. No. 1601 /—

Ent. W.

F.C.

Thursday
2nd. September 1841.

At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre.—1st. Puisne Judge

Henry Dickinson Esqre.—2d. Puisne Judge

G. F. Casamajor Esqre.—3d. Puisne Judge

Read letter dated the 21st. August 1841 from the Magistrate of Cuddapah submitting the explanation called for in the Proceedings of the Foujdaree Udalut under date the 14th. July last, relative to certain cases on the Cuddapah Criminal Reports for the month of May last.—

Mr. Dickinson and Mr. Casamajor.

[Here enter F.C. at p. 1580.]

With reference to Cases Nos. 18 and 19, the Court of Foujdaree Udalut observe that the order of the Joint Magistrate of the 5th. May 1841 is clearly wrong. The complaint was not made to the Head of Police, but to the Joint Magistrate himself, and therefore the case did not come under Regulation IX of 1832. In addition to this it appears from the remark of the Criminal Judge, that the said complaint did

did not contain any express statement that the Red Cloth, lately seized, was the same that had been snatched 8 years before.—

It does not appear to the Court that any error was committed by the Cumbum Head of Police in making the reference to the Joint Magistrate.—

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

/Sent in No. 1285./

Read letter dated the 27th Ultimo from the Acting 3rd Judge on Circuit in the Northern Division, reporting the opening of the 2nd Sessions of 1841 at Guntoor on the 27th Ultimo and the State of the Calendar—

/Here enter No. 1616./

Friday 3rd September 1841

F. C.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre.—1st. Puisne Judge
Henry Dickinson Esqre.—2d. Puisne Judge
George James Casamajor Esqre.—3d. Puisne Judge

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Read return dated the 6th. Ultimo from the Second Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 20th. July 1841 calling for further information relative to the case reported in his letter of the 3rd. July 1841, wherein certain Parties had been fined by the Head Assistant Collector of Masulipatam: and for an explanation in regard to the System of Fines termed "Sharana" stated to prevail in that District.—

/Here enter F. C. No. 1480./

The Court of Foujdaree Udalut are of opinion that the case as now explained was not one of which the Assistant Collector could legally take cognizance. Part of the grain

grain belonged to Government and part to the Ryots. but it does not appear that either portion was in the custody of the Petitioners - If any part of it was their own, they could not be chargeable with any offence, so far as that portion was concerned - and would be chargable only as regards the other portion which belonged to Government or others - and unless this last was in their custody, there could be no embezzling or misapplying it as these imply a previous trust. If not in their custody, the case would become one of Theft or Robbery, according as it was with or without violence, and should have been dealt with as such by the Assistant Collector in his capacity of Assistant Magistrate.—

2. The Court direct that the Magistrate of Masulipatam be instructed to remit and return the Fine, and in doing so, to explain to the parties concerned, that they have rendered themselves liable to a Criminal Prosecution, which the Court have abstained from ordering, only in consideration

of their having been already (illegally) punished.—

Ordered, that Extract from these proceedings be forwarded to the 2d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

Sent in No 1287/1

F. U.

Saturday
4th September 1841. At a Court of the Tongdaree Udalut

Present,

Alexander Duncan Campbell Esqr. 1st Puisne Judge

Henry Dickinson Esqr. 2nd Puisne Judge

George James Casamajor Esqr. 3rd Puisne Judge.

Read letter dated the 11th August 1841 from the 3rd Judge on Circuit in the Southern Division, submitting for the consideration and final sentence of the Tongdaree Udalut an English translation of the Record of the trial in Case No. 10 on the Madura Calendar for the 2nd Sessions of 1841.

Mr Campbell

Mr Casamajor

/Here enter F. U. No. 1530./

1. This important Trial involving 4 Prisoners on the grave charge of Murder has been negligently prepared by the Criminal Judge, and insufficiently examined by the Judge on Circuit; and in its present state the Court of Tongdaree Udalut are unable to pass judgment upon the prisoners.

2. The Prosecutor states that there

there existed previous enmity - and describes such a state of things between the deceased and the 1st Prisoner as might furnish inducement to the crime - He also states that the deceased informed him of an actual appointment between deceased and all 4 Prisoners to meet at the very time and place of the murder; and that the widow of the deceased was present when this information was given - But much more light might have been thrown on these most important points of the case by the Courts below -

3. The Court direct that the order for the suspension of the deceased from office, be called for and submitted, and the proceedings which led to it, also the appointment of the 1st Prisoner to act for deceased; the proceedings also in the charge of bribery, which the Prosecutor deposes was preferred by the 1st Prisoner against deceased, but which was dismissed - Indeed no enquiry should be spared to ascertain who was the accuser of the deceased - or why he was removed from office -

4th September 1841.

4. The first Prisoner's statement also that the father of Pareatomby Koni was at enmity with the deceased demands special enquiry -

5. The Widow of the deceased should also be examined as to whether the deceased told the Prosecutor in her presence of the appointment with the deceased to meet the Prisoners, - It is probable that further evidence might be obtained respecting that appointment if there really was one - as it must have been the subject of some previous negotiation - this should be carefully sought for.

6. Inquiry should be also made as to whether or not the 1st and 2nd witnesses did actually go that evening to Sorkamputty by examining any persons who may have seen them there -

7. The then circumstances of the 1st witness should be elucidated, to shew whether at the time of going to that village he was needed 5 Rupees to pay his Rates; and the fact of his having borrowed it or not should be

4th September 1841

be well established; the place where and the time when each prisoner was arrested and the occupation in which each was engaged at the moment, should also be well ascertained, as well as whether the 3rd Prisoner complained to the Mattoo Peon as urged by him.

8 The Court further desire that a rigid scrutiny should be made into the interest each of the relations of the deceased had in his death; especially as to that of Peeatomby Kone, and that this person's interest in the succession to the 1st Prisoners property should be strictly investigated.

9 It is also necessary that the 4 persons whom the 1st Prisoner mentions before the Police as his companions to Kerungah Cottah should be examined, in his defence; and he should be called on to prove his allegation of enmity between him and Peeatomby Kone.

10 It is observed that the 4th Prisoner has endeavoured to establish an alibi. The Court are of opinion that the Mattoo Peon should be examined as to this

4th September 1841 this Prisoners alleged attendance on him.

11 The 3rd Judge on Circuit will accordingly issue a precept to the Criminal Judge, instructing him to call on the Magistrate, to cause a local enquiry to be made on the spot, if possible by one of the officers of the European Magistracy, in order to obtain satisfactory additional evidence on the several points above specified; and that this may be done more thoroughly, the Criminal Judge will furnish the Magistrate with the entire original record in English of the proceedings held in the case herewith returned for this purpose.

12. When evidence has been obtained by the Magistracy, it will of course be sent by them to the Criminal Court. and on the parties arriving before the Criminal Court the Criminal Judge will examine them, on the solemn affirmation prescribed by Act V of 1840 in the presence of the prisoners and will permit the prisoners to cross question

the

the witnesses - and to offer any thing further in their defence should they wish it at the close of the examination-

13. The Judge on Circuit will then return the original record accompanied by translations of the additional evidence so taken - for the consideration and final sentence of the Zoojdaree Udalut-

Ordered, that Extract from these proceedings be sent to the 5th Judge on Circuit in the Northern Division for immediate compliance within 25 days from and after its receipt-

/ Sent following precept No 1291. /

Mr Campbell & Mr Dickinson-

Read letter, dated the 27th August 1841 from the Provincial Court of Circuit in the Centre Division, transmitting the translation of the record of the trial in case No 11 of the Bellary Calendar for the 2d Sessions of 1840. called for in the Proceedings of the Zoojdaree Udalut of the 17th October 1840-

(Here enter F. U. No 1600-)

1. Two prisoners, in this Case, were charged with having embezzled - Jewels and money belonging to the Prosecutrix; of the value of Rupees 553. the Mahomedan Law officer convicted the 2d Prisoner of being an accessary to the crime; and delivered a Futwah of Tohmut or mere suspicion only as regards the 1st Prisoner, Both prisoners were however declared by him to be liable to Ookoobut- The Judge on Circuit thereon sentenced the 1st Prisoner to 7 year's imprisonment and the 2d to 4 years imprisonment with labor in irons-

2. The Court of Zoojdaree Udalut in their proceedings of the 17th October 1840 noticed the incompetency of the late Acting 3d Judge on Circuit to sentence a prisoner to punishment on a futwa of Tohmut or mere suspicion, and directed that the trial should be referred-

3. With their letter of the 27th ultimo above recorded the Provincial Court now forwarded an English translation of the record of the trial-

After

4th September 1841

4. After a mature consideration of the record, the Court observe that the only evidence to the Jewels having been delivered into the possession of the 1st Prisoner is that of the Prosecutrix herself, who states that she got her Son-in-law, the 2d Prisoner, to carry them for her to the house of his Father, the 1st Prisoner, into whose custody they were then made over.

5. That the Jewels were actually delivered to the 1st Prisoner is however to be inferred from the testimony of the 1st witness for the Prosecution, who deposed that the 1st Prisoner delivered into his charge a bag containing Jewels desiring him to keep it for him, which bag he afterwards received back from him.

6. The 1st witness did not see the Jewels thus delivered to him; but as he at once identified the bag when he saw it before the Zillahdar, as being that which had been entrusted to him by the 1st Prisoner, there can be no doubt but that the Jewels given to him were those

belonging

J. 16.

4th September 1841 belonging to the Prosecutrix.

7. The 2d Prisoner at first stated that his Father desired him to conceal the Jewels; but this cannot be admitted as evidence against the 1st Prisoner. It is more probable that the 2d Prisoner, unknown to his father, made away with the Jewels, and that when the 1st Prisoner missed them he denied that he had ever received them, in order to avoid the necessity of making them good to the Prosecutrix.

8. The Law Officer, on his future declared the 1st Prisoner to be liable to Tazeer, on which finding the Acting 3d Judge late on Circuit (Mr Horsley) was competent to hold him to security. Instead of this, he however, sentenced him to be imprisoned for 7 seven years with hard labor in irons. This sentence was obviously altogether illegal, and the Court according-ly resolve to set it aside, and to direct that the prisoner be immediately set at liberty.

9. The Court further observe that

4

that this trial was called for on the 17 October 1840, and it is greatly to be regretted that the Court of Circuit should have allowed so many months to pass before they complied with that requisition.

10.

The Sentence of the late Acting 3d Judge on the 2d Prisoner is in no way affected by these proceedings.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 15 days, from and after its receipt.

/ Sent following precept No. 1292. /

Read letter dated the 23d Ultimo from the Agent to the Governor of Fort St George Mr Dickinson on the Vizagapatam District, submitting with reference to Clause 5th Rule 1 of the Rules framed by Government for his guidance, a summary of the evidence against a prisoner charged with having been concerned in the commission of house breaking and communicating his opinion as to the punishment to be passed on the prisoner.

/ Have enter No. 1602 /

1

The Court of Foujdaree Udalut having maturely considered the Summary of the evidence taken before the Agent, the Statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of 7 years imprisonment; but as the Prisoner is a woman, they direct that her imprisonment be without irons.

"Mockerlavalla Yerekee"

The Court of Foujdaree Udalut

2

resolve to record their concurrence in the Mr Campbell opinion expressed by the Government Agent in para: 9 of his letter of the 25th Ultimo that the prisoner will be a competent witness against her accomplices in the crime whenever they may be apprehended.

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort Saint George in the Vizagapatam District for his information and guidance.

/ Sent in No. 1293. /

Read

12th September 1844.

Read letter dated the 17th Ultimo.
from the Acting Principal Sudr Ameen at Ichapoor,
forwarding the Criminal Reports for the month
of July 1844.

/ Here enter No 1610 /

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

Ordered therefore, that Extract
from these proceedings be forwarded to the
Acting Principal Sudr Ameen at Ichapoor
for his information.

/ Sent in No 1294 /

Mr Campbell
Mr Dickinson
Mr Casamajor

1

Monday 6th September 1844.

At a Court of the Foujdaree Udalut

Present

Hon: Duncan Campbell Esqr 1st Puisne Judge
Henry Dickinson Esqr 2d Puisne Judge
Geo: James Casamajor Esqr 3d Puisne Judge

Mr Campbell
and
Mr Casamajor

Read Miscellaneous
Petition presented on the 12th July 1844
by Mookteyar Vakeel Atcharauze Venkat
Narroo on behalf of [illegible]
Sowcar.

/ Here enter T. No. Mo. P. No 712 of 1844 /

Read also Miscellaneous
Petition presented on the 30th June 1844
by Mookteyar Vakeel D. Venkatiah
Pantulloo on behalf of Rajah Vasireddy
Venkanah.

/ Here enter T. No. M. P. No 730 of 1844 /

The Petitioners complain
that notwithstanding the express orders of
the Court, the Collector of Guntoor has
not released under attachment the prop
of

of the late Ramanad has been found to in this Court's proceedings of the 23d of March 1840, but has permitted it to remain in the Bungalow at Amaravaty under the lock and seal of Venkata Krishnarow alone, and that although they have brought to the notice of Mr Goldingham that this proceeding is at variance with the orders of the Court, he has refused to interfere on the ground that the proceeding is considered with, and not in violation of the proceedings of this Court, — on the subject.

2. They pray that the Court will therefore issue orders to the Collector directing that the locks and seals of all parties should be affixed to the boxes and bales containing the property and also to the room in which it is deposited, or that the Collector may be instructed to affix his seals and locks

3. In the 32d paragraph of this Court's proceedings of the 23d March 1840, the proceedings

proceedings of the Guntoor Magistracy by which the property in question was transferred to Venkatakrishnarow was quashed and that property was directed "to be kept as heretofore in the building "at Amaravaty under the custody of "the Collector of Guntoor subject to "the further orders of this Court"

4. It was by this intended that the Collector was not at liberty to move the said property into any other building and that he was to retain it under his own lock and seal to the exclusion of any one's else lock and seal. The property could not be said in Law to have been kept under the Collector's custody as required by the Court's orders above quoted except on the above understanding

5. It is further remarkable that in their proceedings of the 12th June 1840, the Court explained that in their proceedings of the 23d March 1840 they deemed the Collector to have erred in his appreciation

of the evidence which tended in their opinion to show that the Vadaraddy property had been for years uninterruptedly under the control of Levalant - and not as deemed by the Collector under that of Vencata Kristnarow -

6 With a view however of preventing further dissensions, the Court deemed it advisable to refer all parties to a Civil Suit, and pending the decision by a Competent Court on this point to vest the custody of the property in the Collector alone, to the exclusion of all other parties whatsoever -

7 The orders that all parties should have access to the property wherever it was examined, and should be furnished with lists of it prepared by the Officers of Government by no means contemplated any interference with the Collectors exclusive custody of it: and any appearance of conveying this custody to any one of the claimants should have been avoided especially in favor

favor of Vencata Kristna Row - who it is understood is Employed under the Collector.

8. If therefore the Collector has permitted Vencata Kritna Row to seal the bales or lock up the property he has seized - and it will be the duty of the Provincial Court to ascertain whether the Collector has departed in any particulars from the Courts orders of the 23d March 1840 as above explained - and in the event of the statements contained in the petitions being found correct, they will direct the Collector immediately to remove all seals and locks but his own, and will instruct him that he is to be deemed as in possession of the property to the exclusion of all claimants until the matter at issue is decided by the Civil Courts -

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division, with directions to furnish

furnish a copy to the Magistrate of
Guntoor by precept returnable in 15
days from and after its receipt.
Sent following precept No 1295.
Ordered also that Extract
from these Proceedings be furnished to the
Petitioners respectively on their application.
Read Miscellaneous Petition
presented on the 30th June 1841 by Scobby
Mr Dierkinson and Mr Casamajor- Naicken late a Peon on the establishment
of the Zillah Court of Salem.
(Here enter F.U. M.P. No 101 of 1841)
1. The Petitioner complains
against an order of the Provincial Court
of Circuit in the Southern Division, by
which that Court refused to interfere
in ordering his restoration to the Situation
from which he was removed in the
Zillah Court of Salem, as he affirms
thro' the influence of the Sazir and his
Deputy, against whom he had preferred
charges of corruption which charges the
Zillah Judge refused to examine.
2. The Petitioner prays that
orders

orders may now be issued for an im-
mediate investigation into the conduct
of the Sazir and his Deputy, and for
his restoration to his former office.
3. Before disposing of this
Petition, the Court of Foujdaree Udalut
resolved to direct the Provincial Court
in the Southern Division to submit
for their consideration a rough English
translation of the whole of the proceed-
ings which were forwarded to them,
by the Zillah Judge of Salem, relative
to the removal of the Petitioner from
his appointment of Court Peon.
4 It also appearing from
the Extract from the Proceedings of the
Zillah Court of Salem of 27th December
1839, that the grounds for the removal
of the Petitioner had been recorded
prior to that date, the Provincial Court
will call for and submit to the Foujdaree
Udalut all proceedings which may
be found to refer to the Petitioner
besides those already laid before them
by

by the Zillah Court.—

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept returnable in 10 days from and after its receipt.—

(Sent following precept No. 1296.

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

Read the Criminal Reports for the Month of July last submitted by the Criminal Judge of Madura.—

Mr Dickinson

(Received under C. No. 1609.)

Case No. 81

The Prisoner in this case is stated to have been apprehended on the 20th June—to have left the Taloik on the 7th July and to have reached the Criminal Court on the 18th July. and the delay in forwarding the case to the Criminal Court is partly explained in the Report of the Head of Police of Maroongapoory Talook to have been occasioned by a reference to the Magistrate.

The

The Court desire that a translation of the Head Police Officer's reference and of the Magistrate's reply be submitted for their consideration. The Magistrate will also be pleased to draw the attention of Appoo Row to the Circular Order No. 62 of the 26th February 1836 and to enforce obedience to it in future.—

2.

The Court observe that the reports are dated the 31st July, they did not reach Madura till the 31st August and they desire that the attention of the Criminal Judge be drawn to the 6th para. of Circular Order No. 10 of the 18th April 1835.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Madura, with directions to furnish copy of para 1 to the Magistrate of Madura for his information and guidance

(Sent in No. 1297.

Read letter dated the 28th
August 1841 from the 3d Judge on Circuit
Mr Campbell in the Western Division submitting the
and record of Trial in Case No 2 of the Malabar
Mr Dickinson. Additional Calendar for the 2d Session
of 1841.

/Here enter F.C. No 1818/

The Court of Foujdaree Adalut
on a deliberate consideration of all the
circumstances of the case in evidence before
them, being of opinion that the proof
against the prisoner,
"1st Konnary, alias Vayanaden
"vettel Konnyony"
is sufficient to convict him of the crime
of murder, do convict him thereof, and
under the provisions of Section X Regu-
lation XIII of 1802. do sentence him to
suffer death by being hanged by him
as conveniently can be after the receipt
of this warrant at a spot to be selected
by the Acting Criminal Judge of
Malabar in the immediate vicinity
of the place from whence the fatal
shot

shot was fired, his body to be subse-
quently buried at the foot of the Gallows
/Mark following Letter No 1298.

Read Miscellaneous Petition
Mr Cavenagh presented on the 12th July 1841 by Poopoo
Veeratarama Setty of the Zillah of
Chittoor.

/Here enter Mc P. No 113 of 1841/

1. The Petitioner complains
that he has been ill treated and robbed
by certain persons whose he names
in his Petition, and that tho' he complains
to the Police and the Magistracy he obtains
no redress. The Petitioner further states
that he appealed to the Court of Circuit
but without better success.

2 He now prays that the
Court of Foujdaree Adalut will
interfere in his behalf and issue
orders for an immediate inquiry
into the complaint preferred by him,
and the restoration of the property
robbed from him.—

3 The Court of Foujdaree
Adalut

6th September 1841

Udalut observe that the order of the Provincial Court complained of is dated the 26th June 1840 and that the Proceedings of the Head of Police referred to, took place in December 1838 or nearly 3 years ago.

Under these circumstances the Court declined to interfere in behalf of the Petitioner.—

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 12th July 1841 by Mohamed Kugat of the Zillah of Chittoor.—

Mr Casamajor.

(Heard infer F. C. M. P. Nr 111 of 1841)

Adverting to this Court's order of the 29th March last the Petitioner complains that the Magistrate of North Arcot has without any inquiry ejected him from the house which he had long enjoyed possession of and transferred it to the Petitioner in Petition Nr 31 of 1841 before this Court.—

He

F. C.
6th September 1841

2 He prays the [illegible] else call for all the proceedings in the case and the documents connected therewith and issue orders for his being put in possession of the house and other property of which he has been deprived and to direct that he & opponents be referred to a Civil action if they consider they have any claim to the property in question.

3 It does not appear that the Petitioner has appealed to the Provincial Court of Circuit against the Proceedings of the Magistrate under this Court's orders of the 29th March last. he should do so. and if he does not consider that justice is done him by that Court there and not till then he should apply to this Court.

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

Read

6th September 1841.

Read Miscellaneous Petition
presented on the 26th July 1841 by the Inhabitants
of the Zillah of Chittoor.
[Here enter F. H. M. P. No 121 of 1841]
The Petitioner repeats the
prayer of her Petition No 49 which
Mr Casamajor was answered in the Proceedings of the
Court of the 13th April last, and to
those proceedings the Petitioner is referred
Ordered, that Extract from
these Proceedings be furnished to the
Petitioner on her application.

Read Miscellaneous Petition
Mr Dickinson & Mr Casamajor presented on the 30th August 1841 by Ramaloh
of the Zillah of Trichinopoly
[Here enter F. H. C. No 134 of 1841]
The Petitioner represents
that she complained to the Magistrate
of Tanjore against certain individuals
for having broken into her house and
robbed her & that he issued an order to the
Peishcar of the Terroopoor Vettiaun to search
and forward the parties to the Huzzoor
but that instead of complying with this
requisition

6th September 1841.

Peishcar made a false
report to his brother-in-law, employed
as Huzzoor Serishtedar and released
the parties, and that having been pre-
vented access to the Magistrate she
applied to the Criminal Judge of Com-
Saccanum, who referred her to the Col-
lector of Trichinopoly, but that the
Officer stated he could not investigate
her complaint.
She now prays the Court
2.
to take her case into consideration and
to pass such orders as that justice
may be done her.
The Court observed that as
3
complaint which the Petitioner has to
prefer against the Police Officers should
be addressed to the Magistrate, and that
if dissatisfied with his decision, she
must apply to the Judge on Circuit
Ordered, that this Petition
be rejected, and that copy of these Proce
be furnished to the Petitioner on her
application.

6th September 1841.

Read the following letter
from the Criminal Judge of Combaconum.
(Herewith No. 1651.)

Mr. Campbell
and
Mr. Dickinson

The Court of Foujdarie Udalut
resolve to direct that the Prisoners

2d Venkata-chala Sorbidar
3d Chenganalanna Appadanny
alias Govindasow
and
13th Pareana.

sentenced, in Case Nos of the Combaconum
Special Calendar for the 1st Session
of 1841, to be imprisoned and kept to hard
labor, in irons, on the public roads, or
other public works, for and during the
period of fourteen years; and that the
prisoners

11th Rauroujadow,
14th Venkatarow Govindarow,
alias Chinnana,
and
15th Duttaji Mouttarow,

sentenced to be imprisoned and kept to hard
labor, in irons on the public Roads or

other

No. 16.
6th September 1841.

other public works for and during the
period of seven years, be transferred to
the Jail at Chingleput, there to undergo
their respective sentences.-

Ordered, that Extracts from
these proceedings be forwarded to the
Criminal Judges of Chingleput and
Combaconum for their information
and guidance.-

(Sent in No. 1299 & 1300)

E.C.

Tuesday
7th September 1841.

At a Court of the Zoujdaree Adalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,

Henry Dickinson Esqre. 2d Puisne Judge,

George James Casamajor Esqre. 3d Puisne Judge,

Read letter dated the 2d Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record of Trial in Case No. 6 on the Chittoor Calendar for 3d Quarterly Sessions of 1841.

(Here enter C.C. No. 1595.)

Mr. Campbell
and
Mr. Casamajor,

1. The Court of Zoujdaree Adalut are not satisfied with the way in which this case has been examined. In the present state of the Record there are obviously several points capable of further elucidation and requiring it.—

2. The defence of the Prisoner is, that he was in an unsound state of mind at the time that he wounded the Prosecutor; and the facts disclosed by the witnesses for the prosecution so far support this plea as they shew no sufficient motive for the Prisoner assaulting either the Prosecutor or the witness, for whom on being first apprehended the

*Circuit page 14. a. 2 and p. 24. a. 2. Crimk. p. 22 & 33. Police p. 29.

*Pol. Pros. p. 17 & Circuit Pro. bottom of p. 7.

he *said that he mistook the Prosecutor. Both the Prosecutor and the 1st witness state that they did not know the Prisoner before that day; but both of them also *state that they had seen him on the fair of the Pagoda early in the Evening of that day and several hours before the assault was committed, and the 1st witness that he saw him again only about ½ a Gharry before that. Neither of them was questioned particularly as to whether any thing passed between them and the Prisoner on the former occasions of their respectively seeing him that Evening.—

6. The Prisoner's statement that he mistook the Prosecutor for the 1st witness is corroborated by the 1st witness' testimony that about ½ a Gharry before the Prisoner assaulted the Prosecutor the Prisoner pursued him (the 1st witness) with a drawn sword and that he escaped from him by entering his House and closing the door. The 1st witness must be closely examined as to whether, either by word or gesture he gave any possible cause of offence to the Prisoner when he passed by the Prisoner on his first *return from Conjeveram to his own House, or on his *return Home from the marriage ceremony later in the Evening just before he was pursued by

*See his deposition.

*ad initium

*Circ: p. 14. a 2 and p 24 a. 2.

*Circ: p 9. a 3.

by the Prisoner. He should also be questioned as to Prisoner's knowledge of his family and name; the Prisoner appears *to have mentioned both the Prosecutor's and the Prosecutor's father's name immediately after he was apprehended — which does not well coincide with the 1st Witness's *statement that he did not know the Prisoner before. The Prosecutor also should be closely questioned to the same effect with reference to his first meeting with the Prisoner the same Evening.—

4. It is of importance to ascertain whether there existed a motive for an assault, either on the Prosecutor or the 1st witness, because, if there did, it will invalidate to a great extent the plea of unsoundness of mind.—

5. The evidence of the Prisoner's witnesses is too general to be of much value; it refers to his general state for the last few months before; that evidence might have been procured of the state of his mind on the very day and near to the very time of the assault from Yamaraj Jamadar at whose House he states that he put up and cooked his evening meal that very day and the inmates of his House — Those persons and any others who saw the Prisoner between his arrival at Vellore and the assault should be examined as

*Pol. p. 20.

as to all the particulars of his conduct observed by them.—

Ordered, that the Record of this trial be returned to the 1st Judge with an Extract of these Proceedings for information and guidance by precept returnable in 20 days from and after its receipt.—

(Cent following Precept No. 1302.

Read letter dated 16th July 1841 from the Criminal Judge of Bellary forwarding the Criminal Reports for the Month of June.—

(See entry C.C. No. 1358.)

Mr. Campbell and Mr. Cavanagh for Appt Cases No. 11. 44. 59. 61. 69. 77. 83.

1. The Court of Enquiry Ordered direct that the attention of the Acting Criminal Judge be drawn to these cases, many of which have been before the Court several months. The Court doubt not that he will see the necessity of paying the earliest attention to their disposal.—

Cases No. 29 & 37.

2. The last prisoner in each of these cases is charged with having become possessed of stolen property, but the guilty knowledge which alone could render them liable to a Criminal Prosecution has not been charged.—

Case No. 104.

3. The wording of the charge in this case also, is incorrect. The prisoner should have been charged with having "broken into" the house of the Prosecutor.—

Case No. 110.

4. The Court direct that a copy of this case as it stands in the report and of this parah be sent by the Criminal Court to the Magistrate, who will be pleased to explain direct to this Court, under whose order and by what authority the hand-cuffs were imposed, and the prisoner placed in irons.—

Case No. 111 Report No. V.

5. In this case it is required to be explained on what date the prisoner arrived before the Head of Police.—

Case No. 112.

6. And in Case No. 112 why the prisoner was sent to the Acting Head Assistant Magistrate and not direct to the Criminal Court by the Head of Police.—

Case No. 115.

7. It appears that the prisoner in this case arrived before the Acting Head Assistant Magistrate on the 31st May. and that he took down the depositions on the 4th and 6th and forwarded the case to the Criminal Court on the 8th. The Magistrate will be pleased to ascertain and report why the case was sent by the Head of Police to the Acting Head Assistant Magistrate instead of direct to the Criminal Court, the Acting Head Assistant Magistrate will also be requested to state why he did not commence the examination of the case till the

the 4th day after the prisoners arrival.—

8. The Court further desire it may be explained whether the Rajah stated to have appropriated the Pagodas is subject to the British Government and amenable to any Court, and if he is, the Magistrate should be required to ascertain the truth of the 1st witness's statement, and to proceed according to the Regulations.—

Case No. 116. 9. With reference to the amount of property stolen, it would seem that this case ought to fall under the provisions of Clause fourth Section III Regulation VI of 1822: The Court will not now disturb the sentence passed by the Criminal Judge which is regular under Section III Regulation VI of 1827.—

Case No. 125. 10. It must have been known to the Head of Police of Chunnavram that the affair committed in this case was such as to endanger the life of the Prosecutor, and he ought therefore to have sent the case at once to the Criminal Court.—

Case No. 126. 11. The Magistrate is required to submit an explanation of the delay in forwarding this case to the Criminal Court.—

Case No. 127. 12. The Head of the Village in which the offence was committed should be required to explain why the case was sent to the Head of Panna = condah without the Prosecutor as required by Clause first Section V Regulation XI of 1816.—

128. 13. The Court desire it may be explained before whom the Original complaint in this case was preferred; also the object of the reference to the acting Head Assistant Magistrate.—

14. Extract of Cases Nos. 111, 112, 115, 125, 126, 127 and 128 as they stand in the Report with copies of paras 4, 5, 6, 7, 8, 10, 11, 12 and 13 to be sent by the Criminal Court to the Magistrate for his information and guidance.—

Ordered, that Extract from these Proceedings be sent to the Acting Judge of Bellary for his information by precept returnable in 5 days from and after its receipt.—

Sent following Precept No. 1303.

P. 116.

Wednesday 8th September 1816.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2nd Puisne Judge
G. L. Casamajor Esqre. 3rd Puisne Judge

No return having been received from the Agent to the Governor of Fort Saint George at Ganjam, to this Court's precept of the 23rd July last, directing him to explain the reasons of the witness not having been forwarded by him to the Government Agent at Vizagapatam, although two different applications have been addressed to him on the subject.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Ordered, that the Agent to the Governor of Fort St. George at Ganjam be required by precept returnable in 5. days, from and after its receipt to make a return to the precept aforesaid.—

Sent following precept No. 1310/

No return having been received from the late 3rd Judge on Circuit in the Northern Division, to the precept of this Court

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Court of the 23rd July last, directing him to call for the proceedings held in Case No. 8 of the Tchaporo Criminal Report for June last, and pass on the [redacted] such orders as may appear to him proper, with reference to the Provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Tanjore Adalut.—

Ordered, that the present 3rd Judge now on Circuit in the Northern Division be required by precept returnable in 5 days from and after its receipt to make a return to the precept aforesaid.—

/Sent following precept No. 1311/

Read return dated the 31st Ultimo from the Criminal Judge of Chingleput, to the precept of the Tanjore Adalut dated the 28th August 1841, conveying their observations on the Criminal Reports for the month of July 1841.—

/Here enter No. 1633./

Read return dated the 2nd Instant from the Criminal Judge of Chittoor, to the precept of the Tanjore Adalut of the

the 30th Ultimo, on the review of the Criminal Reports for July 1841.—

/Here Enter No. 1633./—

[redacted]

Sd/
RR
M.

Friday
6th September 1841.

At a Court of the Coudapore Adalut

Present,

Alex.r Duncan Campbell Esq.re 1st Puisne Judge

Henry Dickinson Esq.re ——— 2d Puisne Judge

George James Casamajor Esq.re 3d Puisne Judge

Read the Bellary Criminal Reports for the Month of July 1841.—

(Here enter Ct. No. 1556.)

Mr. Campbell, and Mr. Casamajor, Supt.e Report No. 127.

1. The Court of Coudapore Adalut direct that the Pemaconda Head of Police be called upon to state on what grounds he sent this case to the Court.—

2. Adverting to the great number of cases in this report still undisposed of, some of which are of very old dates, the Court feel assured that the Acting Criminal Judge will see the importance of clearing them off at as early a date as possible.

Report No. 5. Nos. 130 and 141.

3. It appears to the Court of Coudapore Adalut that in both these cases the evidence as stated was fully sufficient for conviction. The Judge now on Circuit at Bellary will be pleased to examine the Record of these Cases and pass orders upon

upon them.—

No. 136. 4. This offence is not punishable under Regulation III of 1819, but under the Mahommedan Law, and a question should have been put to the Mahommedan Law Officer respecting it.—

No. 142. 5. There appears to have been neglect on the part of the Village authorities in this case in not sending the Prisoner with the Prosecutor and Prisoner to the Head of Police, and in not returning an earlier answer to the Head of Police's letter. This should be enquired into and noticed by the Magistrate.

No. 143. 6. The Bellary Head of Police should be called upon to explain the delay of 7 days.—

7. Extract for No. 127 as it stands in the Report and of Nos. 142 and 143 without the remarks of the Court to be sent to the Magistrate, with copies of paras 1–5 and 6 of these Proceedings for his information and guidance.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Bellary for his information and guidance, with a direction to make the necessary communications to the Magistrate.—

(Sent in No. 1312)

Ordered

9th September 1841.

Ordered also, that Extract of para 3 of these proceedings be sent to the 3d Judge on Circuit in the Centre Division for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1313.)

Eqd

F.N.

Friday 10th September 1841.—

At a Court of the Foujdaree Udalut

Present,

Alexr Duncan Campbell Esqre — 1st Puisne Judge,

Henry Dickinson Esqre — 2nd Puisne Judge,

G. J. Castamajor Esqre — 3rd Puisne Judge,

Read letter dated the 20th Ultimo from the Magistrate of Juckinopoly

Mr Campbell and Mr Dickinson.

soliciting a reconsideration of the Resolution of the Court of Foujdaree Udalut communicated in their proceedings of the 11th Ultimo on his request that the censure recorded in the Proceedings of the Foujdaree Udalut of the 7th June last may be expunged from the Records of the Court.—

/Here enter No. 1585./

The Court consider Mr Onslow as fully relieved from the blame formerly imputed to him.— The remarks of this Court, made before his explanation was received, cannot be expunged; for the blame, originally imputed to him, has since been found to attach to his Jaheldar, who is not to be censured, and as Mr Onslow himself

himself is completely prorated from their effect, the Court conceive that there would be no object gained by such a proceeding.—

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

/Sent in No. 1315/

Read the following letter dated the 28th Ultimo from the Joint Criminal Judge of Trichinopoly.—

Mr. Campbell
Mr. Dickinson
and
Mr. Cadamajor

/Here Entr. Fl. No. 1612 of 1841./

1. The Joint Criminal Judge reports for the orders of the Foujdaree Udalut the case of an Individual who has been sent up to the Criminal Court by the Police Ameen of Trichinopoly, charged with having preferred a false and malicious complaint, accusing two persons of breaking into his house at night, and robbing therefrom property valued at twenty four and odd Rupees.—

2. The Court of Foujdaree Udalut observe that the case is not punishable under

the provisions of Regulation IX of 1832 as the Duffadar, to whom the alleged false complaint was in the first instance made, is not an Officer vested with the Powers of a Head of District Police.—

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

/Sent in No. 1316./

Read letter dated the 28th Ultimo from the Second Judge late on Circuit in the Centre Division transmitting the original death Warrant in Case No. 6 on the Cuddalore Calendar for the 1st Sessions of 1841.—

/Here Entr. No. 1627./

Ed. W.

J. Ct.

Monday
13th September 1841.

At a Court of the Zoujdaree Udalut

Present,

Alexander Duncan Campbell Esqre 1st Puisne Judge
Henry Dickinson Esqre 2nd Puisne Judge
George James Casamajor Esqre 3d Puisne Judge.

Read letter dated the 30th August 1841 from the 3d Judge on Circuit in the Western Division, transmitting the Record of Trial in Case No. 1 on the Malabar 2nd Additional Calendar for the 2nd Sessions of 1841—

(Here enter J. Ct. No. 1630).

The Court of Zoujdaree Udalut,

Mr Campbell
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 prisoner

Malayen Rayen

is sufficient to convict him — — — of being an accomplice, in the crime of Murder, do convict him thereof, but considering that there are alleviating circumstances in

in his Case, which justify them in mitigating the punishment to which he is liable, the Court of Foujdaree Udalut, under the provisions of Clause Second, Section VII Regulation 1 of 1825, do sentence him to be imprisoned, and kept to hard labor in irons, on the public roads or other public works, for, and during the period of Fifteen years.-

Sent following letter No. 1319.

Read letter dated the 1st September 1841 from the Criminal Judge of Chingleput, submitting the Criminal Reports for the month of August last.-

Mr Campbell
Mr Casamajor.

Here enter F.R. No. 1647.

Case No. 50.

1.

The delay in this Case is accounted for by a reference to the Magistrate. The Court desire that certified translations of the reference and of the order upon it may be submitted for their consideration. The Magistrate will also be pleased to call the attention of the Head Police of Wortteramanoor to the Circular Order, No. 62 of the 26th April 1836 and to enforce obedience to it in future.-

Extract

2

Extract of the case as it stands in the report without the remarks of the Court. with a copy of these Proceedings to be sent by the Criminal Judge to the Magistrate for his information and guidance.-

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

(Sent in No. 1320.)

Read the following letter from the Acting Criminal

Mr. Campbell
Mr Dickinson
Mr. Casamajor.

dated 27th ultimo, from the Acting Criminal Judge of Bellary.

(Here enter F.R. No. 1624 of 1841.)

The Acting Criminal Judge

1

reports for the orders of the Foujdaree Udalut the case of two Individuals charged with smuggling Arrack being Case No. 616 of the Criminal File of the Zillah Court. which although the Prisoners were apprehended in February last has not yet been disposed of. in consequence, apparently, of the omission on the part of the Patemaster. the Criminal Judge, to make a reference to the Foujdaree Udalut for instructions how to act.

In

13th September 1841.

2. In consideration of the offence being "trifling" and of the length of time the accused have already been in confinement, the Court of Fouydaree Adaulut authorize their immediate release with a suitable admonition.

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

(Sent in A° 1321.)

Mr Campbell
Mr Casamajor.

Read the Cuddapah Criminal Reports for the month of July 1841

(Here enter A° 1879.)

Supplemt. Report Case A° 69

1. The Court of Fouydaree Adaulut see reason to doubt whether this case has been properly disposed of and direct the Judge now in Circuit in the Centre Division to call for the Record and pass orders upon it's report ing the same.-

2. In A°s 80 and 98 the Court think the grounds for demanding security insufficient, and direct that the Sureties be discharged or the Prisoner released un conditionally.-

The

F. W.

13th September 1841.

Report A° 5. Case A° 109

3. The assault committed by the Prisoner in this Case was justifiable, as the object was to release his own father from illegal violence. The fine must be returned or the Prisoner immediately released.-

Case A° 113

4. There is no ground whatever for a reference to the Magistrate by the Head of Police. The Court trust he was admonished to that effect.

Case A° 117

5. As the false complaint was made before the Head Assistant Magistrate the case cannot be sent up to the Criminal Court unless as Perjury. The Head Assistant should explain under what Regulation it was so sent otherwise.

Case A° 120

6. The explanation of the delay is not intelligible, as it stands,-

"The Police officer reports that 2 days occurred in recovering the booty and bringing the Prisoner to his Cutcherry, and 1 day for the attendance of the 2nd Prosecutrix who is gone with 10 months."

7. The meaning should be explained.-

The

13th September 1841

The Court observe several clerical errors in this report which should be avoided.

Case No. 127. 9 This appears to have been a neglect of the latter part of Clause first Section V Regulation XI of 1816 in this Case which the Head of the Village concerned should be called on to explain.

10 Extract of Case No. 127 as it stands in the Report and of Cases Nos. 113, 117 without the remarks of the Court with a copy of paras. Nos. 5, and 10 of these Proceedings to be sent by the Criminal Court to the Magistrate for his information.

Ordered that Extract of para 1 be sent to the 3d Judge on Circuit in the Centre Division for his information by precept returnable in 20 days from and after its receipt

/Sent following precept No. 1322/

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information by precept returnable within 8 days from and after its receipt.

/Sent following precept No. 1323/

13th September 1841

Mr Campbell
Mr Dickinson
&
Mr Casamajor

D. Krishniah Puntoolu, Mookty. on Vakeel on behalf of Rajah Vaspereddy Atchummah, moves the Court to return the enclosure in Miscellaneous Petition No. 95 of 1841.

Ordered accordingly.

Maharauze Venkatanursoo Mookty. on Vakeel on behalf of Sait Kwaja Sowcar, moves the Court to return the enclosure in Miscellaneous Petition No. 112 of 1841.

Ordered accordingly.

Read letter dated the 6th Instant from the 3d Judge on Circuit in the Northern Division reporting the opening of the 2d Sessions of 1841 at Rajahmundry.

/Here enter T. C. No. 1664./

Read Supplemental Return dated the 9th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Fouzdaree Udalut of the 30th June

13th September 1841

June last directing that the Criminal Judge of Bellary be called upon to explain the cause of the delay in carrying into execution the sentence of Capital punishment awarded in Case No. 46 Bellary Calendar 2nd Sessions of 1839.

/Here enter F.H. No. 1665./

F. H.

Tuesday
14th September
1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2d Puisne Judge
G. J. Castamajor Esqre. 3d Puisne Judge

Read Letter dated the 3d Instant from the Third Judge on Circuit in the Southern Division, transmitting the record of Trial in Case No. 6 on the Madura Calendar for the 2nd Sessions of 1841.—

/Here Enter No. 1664/

Mr. Campbell and 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 prisoner

Palaneandy Auchary

is sufficient to convict him of the crime of murder, do convict him thereof, and under the provisions of Section X. Regulation VIII of 1802 do sentence him to suffer death, by being hanged, at the usual time and place of execution.—

/And following letter No. 1826/ Read

Mr. Campbell and Mr. Casamajor.

Read letter dated the 1st September 1841 from the Magistrate of Cuddapah, submitting the explanation called for in the Proceedings of the Tonjdaree Adalut of the 11th August last, relative to certain cases on the Cuddapah Criminal Reports for the month of June 1841.—

/Here enter T. No. 1635./

1. With reference to the remarks recorded by the Court in the proceedings above quoted, on Case No. 98, the Court of Tonjdaree Adalut direct that a copy of the Magistrate's letter and of paras. 2 and 3 of the Joint Magistrate's letter dated the 19th August be sent to the Criminal Judge of Cuddapah, and that Mr. Walker's attention be called to the Circular Order of the 18th May 1832.—

2. The Court consider the explanation given by the Joint Magistrate in Case No. 97 not to be satisfactory, the witnesses sent up by the Head of Police depose that they saw the duty on the Jaggery paid. The point requiring explanation is why the Head of Police with this evidence before him took

cognizance of the case at all, as one of smuggling. It must be presumed that this evidence was not before the Acting Magistrate, when he ordered the case to be sent to the Court, and the Joint Magistrate being aware of that evidence, should have made a further reference to the Acting Magistrate.—

With reference to Case No. 104 the 3. Court of Tonjdaree Adalut observe that Clause first Section V Regulation XI of 1816 is what is entered in the original order, and the latter part of the Clause is what was alluded to by the Court of Tonjdaree Adalut.—

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

/Sent in No. 1327./

Ordered also, that para. 1 of these proceedings be forwarded to the Criminal Judge of Cuddapah for his information.—

/Sent in No. 1328/

Read the Criminal Reports for the month of August 1841 submitted by

14th September 1841.

Mr. Dickinson and Mr. Casamajor.

by the Joint Criminal Judge of Coimbatore.—

/ Here enter F.C. No. 1657 /

Case No. 85.
Report No. V.

1. With reference to the note appended to this case, by the Joint Criminal Judge of Coimbatore, explanatory of his omission to forward the report prescribed by Circular Order No. 42 of the 27th April 1835 the Court of Foujdaree Udalut observe that the report should have been made notwithstanding the Prisoner was reapprehended "immediately after his attempt at escape". There must have been neglect on the part of the Peons, or the Prisoner could not have escaped at all.—

2. The Court of Foujdaree Udalut direct that the report may still be made and translations of the examinations which it is presumed were taken on the occasion forwarded for their consideration.—

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

/ Sent following precept No. 1329 /

E.H.S.

F.C.

Wednesday 15th September 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2nd Puisne Judge
G. L. Casamajor Esqre. 3rd Puisne Judge

Mr. Campbell and Mr. Dickinson.

The records of the trials in Cases No. 9 on the Salem Calendar for the 2nd Sessions of 1840, and No. 20 on the Salem Calendar for the 1st Sessions of 1841 called for in the proceedings of the Foujdaree Udalut of the 16th Ultimo not having been received.—

Ordered, that the Provincial Court of Circuit in the Southern Division be required by precept returnable in 5 days from and after its receipt, to shew what progress has been made in the preparation of rough translations of the trials in question.—

/ Sent following precept No. 1332 /

Read letter dated the 8th September 1841 from the Acting Criminal Judge

Mr. Campbell and Mr. Casamajor. Judge of Nellore, submitting the Criminal Reports for the month of August last.—

/Here enter F. No. 1675./

Cade No. 58. Suppl. Report. The prisoners in this case have it appears been also concerned in 3 other cases.—The 1st prisoner has been committed to trial in Case No. 5/.- but no evidence has yet been found to establish the guilt of the 2nd Prisoner, who has already been in confinement more than 2 months.—

The Court accordingly direct, if there is not a probability of the necessary evidence being forthcoming at an early date, that this Prisoner be released.—

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

Sent following precept No. 1333/

Read letter dated the 30th Ultimo from the Third Judge on Circuit in the Western Division, reporting his intention to open the 2nd Sessions of 1841

at Mangalore on the 2nd Proximo.—

/Here enter No. 1632./

Read letter dated the 1st Instant from the Third Judge on Circuit in the Southern Division, reporting his intention to open the 2nd Sessions of 1841 at Hombaconum on the 4th Proximo.—

/Here enter No. 1650./

Read return dated the 3rd Instant from the Third Judge on Circuit in the Centre Division, to the precept of the Faujdaree Udalut of the 17th Ultimo directing him to call for the record in Case No. 81 of the Cuddapah Criminal Reports for June 1841, and pass such orders as he shall consider proper, reporting the same to this Court.—

/Here enter No. 1663./

Read return dated the 10th Instant from the Third Judge on Circuit in the Northern Division, to the precept of the Faujdaree Udalut of the 18th Ultimo directing him to call for the record of the proceedings held in Case No. 21 on the

Guntoor

15th September 1841.

Cuntoor Supplemental Report for July last and to pass thereon such orders as may appear to him proper.—

/Here enter No. 1666./

Read return dated the 7th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 31st Ultimo, directing the release of the prisoner in Case No. 61 of the Cuddapah Supplemental Report for April 1841.—

/Here enter No. 1667./

Read return, dated the 4th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the Foujdaree Udalut of the 26th August 1841, conveying their observations and orders on the Criminal Reports for the months of July last.—

/Here enter No. 1682./—

F. No.

Friday, 17th September 1841.

17th Sept.

At a Court of the Foujdaree

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

G. F. Casamajor Esqre. 3rd Puisne Judge

Mr. Dickinson and Mr. Casamajor.

Read letter dated the 28th Ultimo, from the Third Judge on Circuit in the Western Division, submitting copies of the Calendars of the Zillah Court of Malabar, of the Second Sessions of 1841.—

/Here enter F. No. 1671 of 1841./

Case No. III

1. The Court of Foujdaree Udalut consider the sentence passed in this case, inadequate: and observe that the offence falls within the Provisions of Clause fourth Section II Regulation VII of 1822.

2. The House-breaking was clearly attended with wounding: and although the evidence may have been insufficient to establish the fact that the wounds were inflicted by the Prisoners, yet, since the Prisoners were apprehended in the actual commission of the House breaking

breaking, they were answerable for all the consequences that may have attended that illegal act.—

Caste No. VI. 3. The Court of Tonjdaree Udalut direct that an English Translation of this Trial be submitted for their consideration.—

Caste No. VII 4. On an application from the Criminal Judge, the Court of Tonjdaree Udalut in their proceedings under date 7th August 1841 directed that the prisoner in this case should be removed to Coimbatore.—

Ordered, that Extract from these proceedings be forwarded to the Third Judge on Circuit in the Western Division by Precept returnable within twenty five days, from and after its receipt.—

/Sent following precept No. 1345/

Read letter dated the 1st Instant from the Criminal Judge of Canara requesting permission to offer a conditional pardon to the 3rd and 4th prisoners in a Mr. Campbell Mr. Dickenson and Mr. Casamajor. Code of Forgery sent up to the Court by the Camp Moonsiff.—

/Here enter No. 1670./

The Court of Tonjdaree Udalut having maturely considered the circumstances represented in the above letter from the Criminal Judge of Canara, resolve, under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the prisoners

3rd Potail Jan Shetty

and

4th Rajah Shetty.

on the terms and conditions specified in Section XX Regulation VIII of 1802.—

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

/Sent in No. 1346/

Read letter dated the 2nd September 1841 from the Acting Assistant Criminal Judge in charge of the Criminal Court of Rajahmundry, submitting the Criminal Reports for the month of August last.—

Mr. Campbell. and Mr. Casamajor.

/Here enter F. No. No. 1672./ With

17th September 1841—

Cases Nos 39 & 40.
Suppl. Report.

1. With reference to the explanation given in the Reports which are dated the 31st August regarding the delay in disposing of the Cases noted in the margin, the Court of Foujdaree Udalut observe that their orders on the reference from the Provincial Court were dispatched on the 3rd August 1841.—

2 The Court accordingly direct that a copy of the Case No 39 as it stands in the Report be sent to the Provincial Court of Circuit in the Northern Division, who will be pleased to report the date on which they communicated to the Criminal Judge of Rajahmundry the orders of the Foujdaree Udalut of the 3rd of August.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 3 days, from and after its receipt.—

/Sent following precept at No. 1347./

Ordered also that Extract from these

3. F.C.

17th September 1841—

these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Criminal Court of Rajahmundry for his information.

/Sent in No. 1348/

Read letter dated the 1st of September 1841 from the Joint Criminal Judge of Vizagapatam, submitting the Criminal Reports for the month of August last.—

/Here enter F.C. No. 1674./

Mr. Campbell and Mr. Casamajor.

Case No. 25.
Report No. V.

1. Under the circumstances of this case, the Court of Foujdaree Udalut resolve to direct the 3rd Judge on Circuit in the Northern Division, to call for the proceedings held thereon and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816.—

2. It is observed that, the guilty knowledge, which is the very essence of the offence charged against the prisoner has neither been charged, nor does it appear to have been established in evidence against him.—

Ordered.

Ordered, that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Northern Division by precept returnable in 20 days from and after its receipt.—

Sent following precept No 1349

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

Sent in No 1350.

Read letter dated the 28th Ultimo from the 3rd Judge on Circuit in the Centre Division, reporting his having opened the 2nd Sessions of 1841 in the Zillah of Bellary on the 28th Ultimo.—

Here enter No 1619.

Read letter dated the 1st Instant from the 2nd Judge of the Provincial Court of Circuit in the Southern Division, transmitting copy of the Trichinopoly 1st Supplemental Calendar for the 3rd Quarterly Sessions of 1841.—

Here Enter No 1636.

Read return dated the 2nd Instant from the 3rd Judge on Circuit in

the Northern Division, to the precept of the Tonjdaree Udalut of the 23rd July 1841, directing the late 3rd Judge on Circuit in the Northern Division to call for the Record of Proceedings held in Case No 8 on the Supplemental Report for the month of June last from the Acting Principal Sudr Ameen at Itchapore, and to pass thereon such orders as may appear to him proper, regarding the 2nd Prisoner under Section XXIII Regulation X of 1816.—

Here Enter No 1653.

Read letter dated the 6th Instant from the Magistrate of Chingleput, submitting the explanation called for in the Proceedings of the Tonjdaree Udalut dated the 28th Ultimo, relative to certain cases on the Chingleput Criminal Reports for the month of July last.—

Here Enter No 1656.

F.16.

Saturday 18th September 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. — 1st. Puisne Judge

Henry Dickinson Esqre. — 2nd. Puisne Judge

George James Casamajor Esqre. — 3rd. Puisne Judge

Read Extract from the Proceedings of the Joint Criminal Judge at Cuddalore, under date the 7th. September 1841. Submitting the translations of the papers called for in this Court's proceedings of the 7th. Ultimo. relative to the delay in the transmission to the Criminal Court of Case No. 61. on the Criminal file. —

Mr. Dickinson. and Mr. Casamajor.

/Here enter F.16. No. 1681./

The Court of Foujdaree Udalut observe that there was, in fact, no Point respecting this case referred — the reference appears to have been purely a report — The Court think that it should have been marked by the displeasure of the Joint Magistrate. —

Ordered, that Extract from these proceedings be sent to the Magistrate of

of the Southern Division of Arcot for
his information.—

/Sent in No. 1352/

Read the Criminal Reports
Mr. Casamajor. submitted by the Joint Criminal Judge
at Cuddalore for the month of August 1841.—

/Here enter No. 1692./

The above reports do not
appear to call for any remarks from the
Court of Foujdaree Udalut.—

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

/Sent in No. 1353/

Read return dated the 7th
Instant from the Third Judge on Circuit
in the Western Division, to the precept of
the Foujdaree Udalut of the 16th August
1841, having reference to Case No. 2 on the
Malabar Calendar for the 2nd Sessions
of 1841.—

/Here Enter No. 1690./

Read

Read letter dated the 7th
Instant from the Third Judge on Circuit
in the Western Division, forwarding the
Statement of Batta paid to the Prosecutor
and witnesses who attended before the
Court of Circuit at Malabar for the 2nd
Sessions of 1841.—

/Here Enter No. 1691./

J. U.

Monday. 20th September, 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre ——— 2d Puisne Judge,

G. I. Casamajor Esqre ——— 3d Puisne Judge.

Read Miscellaneous Petition —

presented on the 3d May 1841 by Krishnappa —

Chetty of the Zillah of Chittoor —

/Here enter J. U. M. P. No 870 of 1841/

the Petitioner prays for a reconsideration of this Court's orders on his former Petition, on the ground that the delay which occurred in preferring his complaint within the limited time was occasioned by no neglect on his part, and in attestation of the truth of this assertion he refers the Court to the order of the Provincial Court of the 4th May last —

2. The Court of Foujdaree Udalut on a reference to the order above alluded to which was enclosed in Miscellaneous Petition No. 126 of 1840 observe that the regulated endorsement shewing the date on which the stampt paper for the copy was presented, and that on which the copy was

20th September 1841 was delivered, has not been made.—

3. They accordingly resolve to transmit the said attested copy of the Order to the Provincial Court in the Centre Division and call on that Court to ascertain these points and report them to the Sunderee Adalut.—

Ordered that Extract from these Proceedings be sent to the Provincial Court by precept returnable in 2 days from and after its receipt.—

/Sent following precept No 1885/

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

M Casamajor

Read again Miscellaneous Petitions presented on the 30th June and the 12th July 1841, by Roodrapachary of the Zillah of Chittoor.—

/Here enter F.H. M.P. Nos 105 & 110 of 1841/

Read also letter dated the 25th August 1841 from the Provincial Court of Circuit in the Centre Division forwarding copies of the returns and letter of the Joint Magistrate of Arcot relative to the Petitioner's Cases—

/Here enter F.H. No 1599 of 1841/

Read

20th September 1841

Read likewise Miscellaneous Petitions presented on the 30th August last by the same persons.

/Here enter F.H. M.P. No 133 of 1841/

The substance of the former Petitions is briefly set forth in this Courts proceedings of the 16th Ultimo.

1

2. In the Petition No 133 the Petitioner states that in his former Petition he prayed the Court to call for the proceedings held in the case and the Arzee of the Head of Police but that the Court only desired the Provincial Court to forward the return of the Joint Magistrate referred to in the order of the Court of Circuit and of his former letter of the 5th February 1840 and therefore fearing the Court will not be enabled from these papers to acquire a correct view of his case he again prays that all the Proceedings may be called for.—

The Court of Sunderee Adalut

3. having called for and perused the reports of the Joint Magistrate, on which the proceedings of the Judge presiding at the

20th September 1841

the 1st Quarterly Sessions 29th March 1841 are founded, which are all the Court deem necessary & are of opinion that these Proceedings are perfectly right.—

This Petition is accordingly rejected; and the Petitioner is recommended to return to the quiet performance of his duty in Ramnaddoor instead of wasting his time in presenting petitions.—

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

Read again petition presented by Pookee Ammah and Kamatchy Ammah of the Zillah of Madura complaining of the sentence passed upon the 1st 2d 3d 4th 5th and 6th prisoners in Case No 8 of the Madura Calendar for the 1st Sessions of 1841, setting forth that the 1st Judge of the Provincial Court for the Southern Division, when trying the Case referred to, refused to Call for and examine the witnesses in behalf of the Prisoners.—

/ Here enter F.C. M.P. No 116 of 1841 /

Mr Dickinson

Also

2

20th September 1841

F.C.

Also read return dated the 7th Instant from the Judges of the Provincial Court of Circuit in the Southern Division in reply to the Proceedings of the Zoujdaree Adaulut of the 30th Ultimo, directing them to report whether the assertions of the Petitioners — Pookee Ammah and Kamatchy Ammah are correct.—

/ Here enter F.C. No 1685 of 1841 /

1 The Court of Circuit have certified in the above Return that the allegations set forth in the Petition is false and unfounded.

2 Independantly of the Petitioners being in the above particulars found to be false, the Court of Zoujdaree Adaulut on referring to the Calendars see no grounds for doubting the correctness of the Convictions of the Prisoners.—

3 The Court of Zoujdaree Adaulut therefore refuse to interfere in the Case, and direct that the Petition be dismissed.—

Ordered that Extract from these

20th September 1841

these proceedings be furnished to the Petitioners on their application.—

Read letter dated the 7th instant from the Joint Criminal Judge of Guntoor forwarding the Criminal Returns of the Court for the month of August last.—

Mr Campbell
Mr Dickinson
and
Mr Casamajor

/ Here enter T.R. No. 1693 of 1841 /

These returns do not appear to call for any remark from the Court of Sudder Adawlut.—

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

/ Sent in No. 1356 /

Mohummud Hyat of the Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No. 114 of 1841.—

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Ordered accordingly.

Roodrapachurry of the Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No. 105 of 1841.—

Ordered accordingly.—

Roodrapachurry

20th September 1841

Roodrapachurry of the Zillah of Chittoor, moves the Court to furnish him with an attested Copy of a letter from the Provincial Court of Circuit in the Centre Division and also of its enclosures being copies of a return and letter from the Joint Magistrate of North Arcot relative to the case of the said Roodrapachurry.

Ordered accordingly, on production of the requisite Stamped papers.—

Read letter dated the 26th August 1841, from the Acting Joint Criminal Judge at Tellicherry submitting the Criminal Returns for the month of July last.—

Mr Campbell
and
Mr Dickinson

/ Here enter T.R. No. 1626 of 1841 /

Case No. 60.

If the 1st prisoner in this Case confessed before the Criminal Court having robbed the Prosecutor's house. the Court are of opinion that he should have been convicted and punished. Under the Circumstances of the Case however the Court will not disturb the order of the Joint Criminal Judge.—

Ordered that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information.

/ Sent in No. 1357 /

F.N.

Tuesday 21st September, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,
Henry Dickinson Esqre. 2nd Puisne Judge,
George James Casamajor Esqre. 3rd Puisne Judge.

Mr. Campbell.
Mr. Dickinson.
and
Mr. Casamajor.

Read letter dated the 28th Ultimo from the 3rd Judge on Circuit in the Centre Division sending up copy of the return received by him from the Magistrate in the Northern Division of Arcot to the proceedings of the Foujdaree Udalut on the trial No. 11 of the Chittoor Supplemental Calendar for the 2nd Quarter Sessions of 1841.—

(Here enter No. 1643.)

1. The Foujdaree Udalut intended no further censure than the facts apparent upon the Record, and now more fully admitted by the Magistrate, required.—

2. It appears from the present return that when the Prisoner Doollacoora Moonreguddoo was sent up to the Criminal Court on a charge of Robbery, there were

in

in the Magistrate's Office, 8 other charges of a heinous nature against him, viz: 4 of highway Robbery - 3 of Robbery and 1 of Murder - Under these circumstances the Prisoner ought not to have been sent up to the Criminal Court, on a charge of Robbery, until it was ascertained that sufficient evidence could not be procured to send him up on the graver charge of Murder - When there are several offences charged against the same Prisoner, the graver should be examined first - Conviction of the graver offence will save trial for the lighter one - But in charges on which the Prisoner may be sentenced to transportation, conviction of the lighter offence may cause the graver to go unpunished, as it probably has done in the present case, if the Prisoner Moneegadoo has been forwarded to Chingleput in view to the execution of his sentence of transportation -

3. But if the prisoner is still in confinement at Chittoor, and if there is a probability of sufficient evidence being produced

produced on which to place the prisoner on his trial for Murder, the Court of Foujdaree Udalut in that event authorize the 3rd Judge of the Provincial Court of Circuit to suspend the sentence of transportation until further orders. —

4. The Foujdaree Udalut will not object to submit copy of the Magistrate's return, with these proceedings to Government should the Magistrate of Chittoor be still desirous that such course should be followed. —

Ordered, that Extract from these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Centre Division for his information and to be by him communicated to the Magistrate of Chittoor for his information and guidance by precept returnable in 10 days from and after its receipt. —

(Sent following precept No. 1360)

Read the Criminal Report submitted by the Joint Criminal Judge of Masulipatam for the month of August 46

Mr. Campbell and Mr. Dickinson.

(Here enter No. 1703.)

The

The above reports do not appear to call for any remark from the Court of Tonjdaree Adalut.—

Ordered therefore that Extract from these proceedings be sent to the Joint Criminal Judge at Mazulipatam for his information.—

/Sentence No. 1361./

Read return dated the 15th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Tonjdaree Adalut of the 4th Instant directing that the prisoner Chickanna in Case No. 11 of the Bellaree Calendar for the 2nd Sessions of 1840 be set at liberty.—

/Here enter No. 1706./

Read letter dated the 13th Instant from the 2nd Judge on Circuit in the Western Division forwarding the Original Death Warrant in Case No. 13. on the Malabar Calendar for the 2nd Sessions of 1841.—

/Here enter No. 1711./

Wednesday, 22d September, 1841.

At a Court of the Tonjdaree Adalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,
Henry Dickinson Esqre. —— 2d Puisne Judge,
G. I. Casamajor Esqre. —— 3d Puisne Judge,

Mr. Dickinson and Mr. Casamajor

Read letter dated the 9th July 1841 from the Provincial Court of Circuit in the Centre Division, submitting an English translation of the record of the trial in Case No. 15 of the Cuddalore Calendar for the 2d Sessions of 1840, called for in the 5th para. of this Court's precept of the 29th January last.—

/Here enter J. C. No. 1246 of 1841./

1 The Prosecutor on the 12th July, a few days after the Robbery of his house, gave a list to the Head of Police of 8 articles and expressly declared in terms that those were the only articles robbed.—

2 On the 20th October following, after a number of Articles had been seized and produced before him, he enlarged the list to 30 Articles— admitting that his first list was false and— accounting

accounting for having omitted so many articles
in it from the fear of his credit as a merchant
suffering if it was known, how much of his
property was lost.—

3 On his first examination by the
Head of Police he expressly and repeatedly stated,
when pressed to declare whether he or any of
his family had recognized any of the Robbers,
that neither he nor any one in his house had
done so.—

4 After the 1st Prisoner had been
apprehended with several articles of native
jewelry the Prosecutor declared that he had
recognized him at the Robbery and had known
him before.—

5 The Court of Zoydarer Udalut
look upon such evidence as absolutely worthless,
and they think that the Prosecutor's evidence
should be discarded altogether except as to the
8 articles first reported by him.

6 Setting the Prosecutor's evidence
aside, the evidence against each of the Prisoners
may be summed up as follows

1st

7 1st Prisoner was apprehended in
consequence of a tale told by a brother of the 6th
Prisoner who (the 6th Prisoner) had been working
under the 1st Prisoner, and been discharged by him
or ran away. His house was searched on a Thursday,
while he and his woman were in confinement, at
the Choultry, and nothing found. The next day,
the 1st Prisoner and his woman being still kept
at the Choultry, he or she (for the 1st and 2d witnesses
for the prosecution, who alone speak to this point,
differ) stated that there were some jewels concealed
under the roof of their house and being taken
thither on the Saturday pointed out a bag containing
2 smaller bags of native jewels one of which they
said was the woman's own, and the other robbed
from the Prosecutor's Village. They also dug up a
small lump of gold from under a tree which they
said was melted down from articles obtained at
the same robbery. The 1st witness only recognizes
5 of these jewels; the 2d witness recognizes them
all or nearly all. not one of them can be clearly
identified with any of the 8 articles in the Prosecutor's
original List.—

8 During the time between the 1st
and

* Criminal Court Proceedings Page 1526.

22d September 1841.

and 2d search in the 1st prisoner's house, while he and his woman were kept at the Choultry, a boy in his service, the Village Talier, and the 1st witness and a Pindarum, were at different times at his house. He is said to have confessed before the Police Ameen of Cuddalore, but his confession was not taken down; he admits before the Head of Police that he said before the Ameen that he had stolen one jewel, but he avers that it was his own, and that he said he stole it through fright, he mentions several particulars respecting these jewels which might and ought to have been verified but were not. He denied before all the Courts and the Head of Police.

Police Proceedings page 14.

9 The Circuit Judge sentences him to 14 years imprisonment with hards labor in Irons and 195 lashes. The Court of Foujdaree Adaulut are of opinion he should be acquitted and released. The evidence against him, to their minds, bears the strongest marks of fabrication.

10 The evidence against the 2d Prisoner is a Police confession which he admits before the Criminal Court and the discovery in his houses of the articles numbered from 20 to 25 inclusive, 2 of these, Nos.

22d September 1841.

Nos. 20 and 24 are identified as so found by only 1 witness of these articles, one only is of the same kind as any in the Prosecutor's Original list viz: No. 20 which is a Siroomany bead, a row, or string, of such beads being entered in the original list; only 1 witness, the 10th, identifies this bead as the Prosecutor's, and only on the general ground that he had very often seen the Prosecutor's house hold women wear it. This with reference to a single bead of a very common kind, is obviously no identification at all.

11 The Prisoner is sentenced to 14 years imprisonment with hard labor in Irons. The Court of Foujdaree Adaulut think that he should be acquitted and released. Security perhaps might be taken. but the Court of Directors have expressed their disapprobation of this except in very strong cases.

12 The 3d Prisoner had security taken from him, the Court of Foujdaree Adaulut direct that he be released unconditionally. He never confessed. but 2 witnesses say that he gave up a bit of gold which he said came to his share

and

22d

ont of the booty (what booty does not appear) one witness examined on his defence says that he saw such pieces of gold with him before the Robbery - and he himself gives a specific account before the Police how he came by the one produced; which was never enquired into -

13. Against the 4th and 5th Prisoners all the evidence is that they gave up between them 2 brass lamps and a brass vessel, and admitted before the Head of Police that they said before the Jurors that they sold for old brass some of the articles robbed from the Prosecutor's Village; before the Head of Police they did not confess and said that what they had stated before the Jurors was through fear -

14. Vessels of the kind found on these Prisoners were entered by the Prosecutor in his original list -

15. The defence of these Prisoners amounts to little -

16. The Court are of opinion that security in 50 Rupees and 2 Sureties should be taken from each for 1 Year - The Circuit Judge sentenced

Sentences each to 4 years Imprisonment with hard labor in Irons -

17. The 6th Prisoner is sentenced to the same punishment - There is no evidence against him but a Police confession, which he admits before the Criminal Court having made and ascribes to having been beaten - One witness in his defence deposes to having seen 2 persons beat him - but they do not bear the names mentioned by the Prisoner himself -

18. Security should be taken from him the same as from the 4th and 5th Prisoners -

19. The Court of Tongadarre Udalut are of opinion that this trial has been conducted by all the different Officers before whom it has come, in a manner highly discreditable to them; and that the sentences passed by Mr Horsley reflect strongly upon him as a Judge -

20. The Court therefore direct that the prisoners

1st Poongavanam,
2d Pitchacaran,
and
3d Cuttien,

as

22nd September 1841

be immediately set at liberty, as respects this trial, and that the prisoners,

1st Soobbarayen,

2nd Moothyen,

and

6th Ramasawmy,

be required to furnish two sureties of (50) Fifty Rupees each surety, for their future good behaviour and appearance when required within 1 Year from the date of the Circuit Judge's sentence, or that in default they be detained for the same period in Confinement.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept, returnable in 8 days from and after its receipt.

(Sent following precept No 1362)

Ordered also that Extract from these proceedings be sent to Mr Horsley the Criminal Judge of Madura for his information.

(Sent in No 1363.)

Ex 29th

F.C.

Thursday 23rd September 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge,
Henry Dickinson Esqre 2nd Puisne Judge,
George James Casamajor Esqre 3rd Puisne Judge.

Mr Campbell.
Mr Dickinson.
and
Mr Casamajor.

Read again Extract from the Minutes of Consultation in the Judicial Department under date the 5th August 1841 No 580 conveying the Resolution and orders of Government on the Proceedings of the Court of Foujdaree Udalut under date the 23rd July 1841 relative to Case No 55 of the Criminal File of the Agent to the Governor in Ganjam.—

(Here enter F.C. No 1161 of 1841.)

Read also letter dated the 27th Ultimo from the Agent to the Governor of Fort St George in Ganjam reporting with reference to the Extract from the Minutes of Consultation of the 5th Ultimo that he has deputed the Principal Assistant Agent to make the local inquiry regarding Govindoo Naick and submitting a

a copy of a letter addressed by him to that Officer on the occasion.—

/Here enter F. No. 1642 of 1841./

Read also letter dated the 3d Instant from the same Officer forwarding a copy of a letter dated the 1st Instant from his Principal Assistant with translations of six depositions and submitting his opinion that the result of the local investigation made by the latter Officer, as set forth in those Papers, appears to be conclusive as to the fact of the death of Govind Naick the Watcher of the Village of Georgaum.—

/Here enter F. No. 1683 of 1841./

1. Concurring in the opinion of the Agent that the result of the Investigation by his Assistant is conclusive as to the death of Govindoo Naick, the Court of Fouzdaree Udalut resolve to direct the Agent immediately to take the necessary steps for bringing to Trial for Perjury the witnesses who deposed that they had seen Govindoo Naick alive, subsequent to the

date of the murder.—

2. The Court are likewise of opinion that their sentence should now, without delay, be carried into effect: but, adverting to the request conveyed in parah. 2. of the Extract from the Minutes of Consultation above recorded, the Court, before issuing the requisite orders on the subject, resolve to submit the Papers received from the Agent, together with this opinion, for the information of Government.—

Ordered that Extract from these proceedings be forwarded to the Acting Secretary to Government in the Judicial Department with the Papers above recorded to be laid before Government.—

/Sent in No. 1365/

Mr. Campbell and Mr. Castamajor.

Read letter dated the 10th Instant from the Criminal Judge of Canara, transmitting the Criminal Reports for the month of August 1841.—

/Here enter No. 1700./

The

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

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

/Sent in Nº. 1366/

Read letter dated the 15th Instant from the Magistrate of Madura submitting the explanation called for in the Proceedings of the Tonjdaree Adalut under date the 6th Instant relative to Case Nº. 81 of the Madura Criminal file.—

/Here enter Nº. 1718./

Read letter dated the 16th Instant from the 1st Judge late on Circuit in the Southern Division transmitting the original Death Warrants in Cases Nos. 23 and 26 on the Salem Calendar for the 4th Sessions of 1841.—

/Here Enter Nº. 1732./

Ent. 24th Sept. 1841.

E. 16.

Friday 24th September, 1841.

At a Court of the Tonjdaree Adalut.

Present

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,

Henry Dickinson Esqre. —— 2d Puisne Judge,

George James Casamajor Esqre. 3d Puisne Judge,

Read letter dated the 9th Instant from the Acting 2d Judge late Presiding at the Court of Quarter Sessions at Tellicherry, transmitting with reference to the proceedings of the Tonjdaree Adalut of the 25th Ultimo, copy of a letter from the Acting Judge of Malabar, and of a letter to his address from the Joint Magistrate of Malabar, relative to the enquiry ordered by the Tonjdaree Adalut to be instituted, relative to the Statement made by the Dresser, in Case Nº. 1 of the Tellicherry Additional Calendar for the 2d Quarterly Sessions of 1841, that the charge for which he was about to suffer, had been established against him, by means of bribery.—

(Here enter Nº. 1696)

Mr. Campbell, and Mr. Casamajor,

Ordered that the Court of Tonjdaree Adalut do not perceive any difficulty in conducting, or at least in commencing, the enquiry directed; nor need such an enquiry involve any reconsideration of the evidence already given

given in the case:— Two persons are especially named as the parties chiefly concerned in the alleged bribe;— those persons should be examined, and any former connection between them and the accused convict enquired into.— If this enquiry, fairly pursued, leads to no traces of the alleged offence, it may be presumed that the allegation was unfounded; but it would not be safe to take this for granted, without enquiry as far as the means suggested will lead.—

2. The guilt or innocence of the individual convicted is not at all the matter at issue;— the sole question is whether any corruption has — — or has not been practised. Be he guilty, or innocent.—

Ordered, that Extract from these proceedings be forwarded to the Acting 2d Judge late Presiding at the Court of Quarterly Sessions at Tellicherry for his information and guidance.—

(Sent in No. 1369.

Read letter dated the 7th September 1841 from the Acting Joint Criminal Judge of Tellicherry, transmitting the Criminal Reports for the Month of August last.—

(Here enter C.R. No. 1707.)

Ext. 1. Mr. Cavanagh, Case No. 63 Report No. V

1. The delay in this case is accounted for by the Head of Police having submitted the Proceedings to the Sub Collector to be dealt with as a Revenue case.— The Court observe that the Subaltern should have known that the case could not be treated as a Revenue case, and the Court trust that he was accordingly admonished by the Sub Collector.—

Case No. 65. 2. In this case it is necessary that the reason of the prisoners not arriving before the Police Ameen till the 4th August, 13 days after his apprehension should be explained.—

Case No. 67. 3. If the necessary witnesses were not sent to the Head of Police with the Prosecutor in the first instance, there must have been an inattention to the latter part of Clause first Section V Regulation XII of 1816 which the Head of the Village in which the offence was committed must be called on to explain.—

4. The Court accordingly direct that copies of Cases Nos. 63. 65. and 67 as they stand in the Report without the remarks of the Criminal Court and of these proceedings be sent by the Acting Joint Criminal Judge of Tellicherry to the Magistrate of Malabar for his information and guidance.—

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

(Sent in No. 1370.

Read

Read letter dated the 24th August 1841
from the Magistrate of the Northern Division of Arot,
submitting the explanations called for in the Proceedings of the 17th inst.
Results of the 13th Instant, relative to certain cases of the Criminal
Reports for the Months of June 1841 —

(Here enter C.M. No. 1804)

Mr. Dickinson, 1.
and
Mr. Casamajor,

The Court of Enquiry direct that
there is a slight difference in the dates mentioned
at the end of Parah 3 of the foregoing letter, and
those entered in the Criminal Reports —

2.

The Court concur, in opinion, with the
Magistrate, that the Head of Police
in reference to the acting Head Assistant Magistrate, and
they trust that he has been admonished; but they do
not perceive that the directions given him, by the latter
Officer, were wrong, unless some particular circumstances,
not mentioned by the Magistrate, made it so —

3.

Generally speaking, every inquiry into
Criminal offences is pursued, upon the spot, with
least inconvenience to the parties concerned, and
with most effect. —

4.

In Case No. 1804 the reference to the
Joint Magistrate by the Police Ameen of Arnee was
improper; he should have known that breaking

into

into a House with intent to steal is a punishable
offence, whether any theft is committed or not, the
answer of the Joint Magistrate is in every respect right —

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

(Sent in No. 1371.

Read letter dated the 9th Instant
from the Principal Sudr Ameen of Bellary, transmitting
the Criminal Reports for the Month of August 1841. —

(Here enter No. 1792.)

The above Reports do not appear to
call for any remark from the Court of Enquiry
Ordered therefore, that Extract
from these proceedings be forwarded to the
Principal Sudr Ameen of Bellary for his information. —

(Sent in No. 1372.)

Read return, dated the 15th instant
from the acting Criminal Judge of Bellary, to the
precept of the Enquiry Instant of the 7th September 1841
on a review of the Criminal Reports for the Month
of June 1841. —

(Here enter No. 1735 of 1841.)

Read

Read letter dated the 15th instant from the Acting Criminal Judge of Bellary, replying to the Proceedings of the Conjeeveram Cutcherry of the 9th September 1841 on the Criminal Reports for the month of July last.—

(Here enter No. 1736 of 1841.)

Read letter dated the 13th instant from the Principal Sudr Ameen of Tellicherry, forwarding a deposition in Criminal Case No. 3 of the Criminal Report received from the Magistrate of Tellicherry.—

(Here enter No. 1745 of 1841.)—

Saturday,
25th September 1841.

At a Court of the Zillah Adalut.

Present,

Alexr. Duncan Campbell Esqr. 1st Puisne Judge,

Henry Dickinson Esqr. 2d Puisne Judge,

George James Casamajor Esqr. 3d Puisne Judge,

Read letter dated the 11th September 1841 from the Acting Criminal Judge of Trichinopoly, submitting the Criminal Reports for the Months of August last.—

(Here enter C. No. 1702.)

Mr. Dickinson. 1. The Court of Zillah Adalut see reason to question the propriety of the committal in this case. From the abstract of the evidence given in the report it does not appear to them possible that the prisoners can be convicted and on the principles laid down in their Circular Order of 20th July 1829 they are of opinion that they ought not to be sent on their trial.—

2. The first prisoner may be sentenced under No. 88 and the second prisoner held to security. In the mean time the necessary steps should be taken for procuring additional evidence.—

3. The Court however resolve to direct the

the 3d Judge on Circuit to call for the proceedings had in the case and pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Conjeeveram Tahsildar.—

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

(Sent in Mr. 1373)

Ordered also, that Extracts from these Proceedings be sent to the 3d Judge on Circuit in the Western Division by precept returnable in 15 days from and after its receipt.—

(Sent for Comms. Precept Mr. 1374)—

Read letter dated 16th September 1841 from the Criminal Judge of Combaconum, submitting the Criminal Reports for the Month of August last.—

(Here enter Cir. No Mr. 1375)

Mr. Dickinson and Mr. Casamajor, Case No. 109.

1.

In this case the delay from the 15th to the 21st August appears to have been occasioned by the Joint Magistrate. as the case clearly came within the scope of the provisions of Clause first Section XXVII Regulation XI of 1816 the Police officer should have known

known that it was imperative on him to send the accused to the Criminal Court immediately on the completion of his investigation and that the intermediate reference to the Joint Magistrate was unauthorized. The Court trust he was admonished to this effect by the Joint Magistrate.—

2. The Court direct that a copy of the case as it stands in the report without the remarks of the Tahsildar Conjeeveram, be sent by the Criminal Court to the Magistrate with a copy of these proceedings.—

Ordered, that Extracts from these Proceedings be sent to the Criminal Judge of Combaconum for his information.—

(Sent in Mr. 1375.)

Read the Criminal Reports for the Month of August last submitted by the Joint Criminal Judge of Trichinopoly.—

(Here enter Cir. No. Mr. 1709.)

Mr. Dickinson.

With reference to the remarks recorded by the Joint Criminal Judge in this case, the Court of Conjeeveram Tahsildar desire to be informed whether it has been ascertained that Eurasamy the person alluded to as the prisoner and who on being sent before the Court declared that the Prisoner gave him a parcel of the size of a Covenant

to

to bring to Trichinopoly, did actually come to Trichinopoly, and if so, whether it has been found possible to discern whether he brought any thing to the Prisoner's father in law, and what it may have been.—

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Trichinopoly for his information by speedy return mail in 6 days from and after its receipt.—

(Sent following Precept No. 1376.)

Read return dated the 23d Inst. from the 1st Judge Tuticorin Circuit in the Eastern Division to the precept of the Tonjadore Adalut dated the 28th June 1841, conveying their observations on the Calendar for the 1st Sessions of 1841.—

(Here enter No. 1407 of 1841.)

Read letter from the 2d Judge of the Provincial Court of Circuit in the Centre Division without date, transmitting the original Death Warrant in Case No. 3 of the Tanjadore Calendar for the Trichinopoly Sessions of 1841.—

(Here enter No. 1707 of 1841.)—

Monday. 27th September 1841.

At a Court of the Tonjadaree Adalut.

Present

Alexr Duncan Campbell Esqre — 1st Puisne Judge

Henry Dickinson Esqre — 2d Puisne Judge

G. J. Casamajor Esqre — 3d Puisne Judge

Mr Campbell and Mr Casamajor

Read petitions presented by Manacherred Ayy, Sastrispa, Veerunnah and Cavoo Paupunnah of Cuddapah complaining of the sentence passed by the Court of Circuit upon the Petitioners in Cases Nos. 16, 17, 18 and 19 on the Cuddapah Calendar for the 2d Sessions of 1841.—

(Here enter F. H. M. D. Nos. 132 and 137 of 1841.)

The Court of Tonjadore Adalut have carefully considered this Petition with the Calendar before them, and they do not see the slightest grounds to doubt the propriety of the sentences passed in Nos. 16, 17, 18 and 19.—

Nearly all the facts on which the Petitioner's ground their Appeal are expressly negatived by direct evidence.—

The Petitions Nos. 132 and 137 are accordingly rejected, and Extract from these

these proceedings ordered to be furnish-
-ed to the Petitioners on their applic-
-ations.

Mr Casamajor.

Read Miscellaneous Petition
presented on the 30th June last by Vencatachella
Achary of the Zillah of Chingleput.
/Here enter F.H.M.P. No 104 of 1841/

Read letter dated the 9th Septem-
-ber 1841 from the 2d Judge of the Provincial Court of
Circuit in the Centre Division submitting in reply to the
letter from the Sunjdaree Adalut of the 4th Instant a copy
of his remarks on the trial No 2 of the Chingleput
Calendar 1st Sessions of 1841, with his opinion, that
notwithstanding the Statements set forth in the
Petition to the Sunjdaree Adalut No 104 of 1841 the
proof of the guilt of the prisoner in that case is
complete, and returning the said Petition.
/Here enter F.H.R. No 1687 of 1841/

The Petitioner is the brother of the
prisoner in the case above recorded, who was
charged with housebreaking and theft of certain bonds
valued at Rupees 700 and odd, and was sentenced,
by the Court of Circuit to 7 years imprisonment

with

with labor in irons. The Petitioner states that the
prisoner was falsely accused and that the bonds
found in his house was introduced by the Prosecutor
he prays that certain witnesses may be examined
by the Criminal Judge and their depositions with
the proceedings in the case forwarded for the
consideration of the Sunjdaree Adalut.

The Petition has been referred to
the Circuit Judge who tried the case, and the pack-
-et states in reply that he does not at all alter his convictions of the
Prisoners guilt.

Under these circumstances, and as
the Court of Sunjdaree Adalut saw no reason from
the Calendar to doubt the propriety of the sentence,
they decline to hold further proceedings in the case.

Ordered that the Petition be reject-
-ed and that copy of these proceedings be furnished
to the Petitioner on his application.

Read again petition presented
Mr Campbell
Mr Dickinson
and
Mr Casamajor
on the 30th June 1841 by Syed Hyder late a Sail
Duffadar of the Zillah Court of Cuddapah
complaining of his having been dismissed from
service without any cause being assigned.
/Here enter F.H.M.P. No 97 of 1841/

Also

Also read return dated the 13th Instant from the Criminal Judge of Cuddapah to the precept of the Sonjdaree Udalut of the 1st Ultimo calling upon the Criminal Judge to report under what circumstances the Petitioner Syed Ayder was discharged from his situation as Duffadar.-

/Here enter F.H. No. 1725 of 1841/

1. The Court of Sonjdaree Udalut having duly considered the grounds recorded for the removal of the Petitioner from his situation as Fail Duffadar, see no grounds whatever for their interference.-

2. The Court of Sonjdaree Udalut conclude that the Petitioner is still entertained on the Jail establishment as a Peon, as the Assistant Criminal Judge's order of the 2d November 1840 only directs his being degraded to that situation.-

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

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read Supplemental Return dated the 6th September 1841, from the 1st Judge of Circuit in the Southern Division to the precept of the Sonjdaree Udalut, of the 28th June 1841,

calling

calling for a copy of the Extract of the Circuit Judge's proceedings transmitted with a precept to the Magistrate of Salem in case No. 18 of the Salem Calendar 1st Sessions of 1841, together with a copy of that Officers return.-

/Here enter F.H. No. 1686 of 1841/

1. The Court find it very difficult to see any grounds to blame the Sub Officer on Narrative.-

2. The facts, as far as they are to be understood, from the Calendar, the Magistrate's return, and the 1st Judge's remarks upon it are these.-

3. The body of a child was found late in the evening in a well, and recognized as the missing child of the Prosecutrix;- But well belonged to the 3d Contract, who was renter of the Village, and who maintained an illicit connection with the mother of the child,- the Prosecutrix, who bore ill-will to the Prisoner, because he being brother-in-law to the person who kept the Prosecutrix, had informed his brother-in-law of that

that connection, and advised him to discard the Prosecutrix.—

4. The Prisoner, having been seen with the child just before it was missed, and the Prosecutrix having stated that she met him coming from the place where the body was found, was suspected, and the Head of the Village being absent on duty, the 3d. witness, the renter of the Village and an influential person, had the Prisoner apprehended, and kept under prous all night in the Prosecutrix's house, where he was plied with promises if he confessed; and the next day, did confess before the 3d. Witness; On that day the Head of the Village having returned wrote a report to the Head of Police, who sent Narcinus, the Sheristadar, who was a Sub Officer of Police, to enquire. The Prisoner confessed again before him; and no information was given of the promises held out to induce him to confess.—

5. Evidence was given before the Court of Circuit that the Prisoner had been kept with his arms painfully tied on the night of his apprehension, and marks of severe ligatures were still visible.— But it does not appear that these facts were deposed to before any preceding tribunal, and the Prisoner did not complain when brought before the Sheristadar, or the Head of Police, both of whom say that no such marks were then apparent.—

6. The Prisoner was fond of the child and often seen with it.—

Every thing urged against the

7 Sub Police Officer appears to the Court little more than assumption

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

(Sent in No. 1383)

Read letter dated the 4th instant

Mr. Campbell and Mr. Cazenove

from the Acting Principal Scule Amein at Nitrapore forwarding the Criminal Reports for the month of August 1841.

[Here enter No. 1729 of 1841]

The above Reports do not appear to call

27th September 1841

call for any remarks from the Court of Sonjdaree Adalut.—

Ordered therefore, that Extract from these Proceedings be sent to the Acting Principal Sudr Ameen at Tschapoor for his information.—

/ Sent in No. 1384 /

Mr Dickinson and Mr Casamajor

Read Supplemental return dated the 3d September 1841 from the 1st Judge late on Circuit in the Southern Division to the precept of the Sonjdaree Adalut of the 14th June last relative to the Sunnedy Criminal Reports for the month of February 1841.—

/ Here enter F.H. No. 1676 of 1841 /

Report No. V

1 There is nothing to lead to the supposition that the Prisoner in Case No. 20 was the mistress of the prisoner in Case No. 19 or that any criminal intercourse existed between them; The female prisoner is therefore not entitled to exemption from punishment on the ground of his having committed the offence under the influence of the Male Prisoner.—

2. The Court of Sonjdaree Adalut are however

27th September 1841

however of opinion that the Sentence passed on Soundummy (Case No. 20) is unnecessarily severe and they accordingly resolve to direct that it be reduced to one year.—

Ordered that Extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division by precept returnable in 10 days from and after its receipt.

/ Sent following precept No. 1385 /

Mr Casamajor

Read Miscellaneous Petition presented on the 23d August 1841 by Moodeen Sahib of the Zillah of Chittoor.—

/ Here enter F.H. M.P. No. 130 of 1841 /

The Petitioner complains of the order passed by the Provincial Court of Circuit under date the 25th May last in consequence of which he was ejected from certain Shops and deprived of a bonds of which he had been put in possession by an Award of a Punchayet convened by the Commanding officer of Arnee at the request of himself and his opponent; and he prays that the orders in question may be annulled

annulled and the Shops restored to him.

2 The Court of Foujdaree Udalut observe with reference to the proceedings of the Judge presiding at the 2d Quarterly Sessions 25th May 1841 that the enquiry made from the Magistrate should have embraced the point whether Ameer was a Station of the kind described in Section XXXVIII Regulation VII of 1832.

3 In either case however, the award of the Punchayet, in so far as it disposed of real property viz: Shops or a bazar was illegal. The jurisdiction of Punchayets under Regulation VII of 1832 being confined by Section XXIV to sums of money and other personal property.—

4 The bond and Shop articles might however be lawfully disposed of by the Punchayet if the Station was of the kind described in Section XXXVIII Regulation VII of 1832.—

5 The enquiry above adverted to should be now made and the proceedings of the Judge of the Quarter Sessions and the Joint Magistrate reviewed accordingly if necessary.—

Ordered

27th September 1841.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Central Division for their information and guidance by precept returnable in 8 days from and after its receipt.—

Sent following precept No. 1386

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

Mr Campbell
Mr Dickinson
Mr Casamajor

No return having been received from the 1st Judge of the Provincial Court of Circuit in the Central Division to the precept of this Court of the 22d July 1841 calling for additional evidence in Case No 6 on the Salem Calendar for the 1st Sessions of 1841.—

Ordered that the 1st Judge of the Provincial Court of Circuit in the Southern Division be required by precept returnable in 5 days from and after its receipt— to make a return to the precept aforesaid, and to forward the additional evidence called for by that Precept.—

Sent following precept No. 1387

Read

27th September 1841

Mr Dickinson

and

Mr Casamajor

Read petition presented by the Vakeel Vencatasoobiah on behalf of "Canan", "Ambo", "Poollen" and "Coren".—

/Here enter J.H. M.P. No 131 of 1841/

1 The petitioners complain of the Acting Joint Magistrate of Malabar having imposed a fine upon them for creating a disturbance, an offence which they allege was never committed by them.—

2 It appearing by the Extract from the Proceedings of the 3d Judge presiding at the Quarterly Sessions that he had called for and inspected the proceedings of the Acting Joint Magistrate, and that those proceedings were pronounced by the Judge of Circuit to be in every respect proper, the Court of Zoujdaree Udalut refuse to interfere in the matter by calling those proceedings before them.—

Ordered that the above be communicated to the Petitioners, and that Extract from those proceedings be furnished to them on their application.—

/Sent in No—/

Read return dated the 13th Instant from the Provincial Court of Circuit in the Northern Division

27th September 1841

Division to the precept of the Zoujdaree Udalut of the 13th Ultimo, directing them to instruct the Magistrate of Masulipatam to institute an enquiry in person or by his Assistant to ascertain whether the prisoner in Case No 36 for May last on the file of the Joint Criminal Court at that Station, had any of fensive weapon about his person on leaving the hut, and to report the result for their information.—

/Here enter J.H. No 1734 of 1841/

Read letter dated the 23d August from the Officiating Chief Magistrate and Superintendent of Police at Madras transmitting the Report of Cases tried under Act XXII of 1837 in the month of July 1841.—

/Here enter J.H. No 1752 of 1841/

Read return dated the 18th Instant from the 3d Judge on Circuit in the Northern Division to the precept of the Zoujdaree Udalut of the 8th Instant calling for a return to their former precept of the 23d July last relative to Case No 8 of the Ishapoor Criminal Report for June 1841.—

/Here enter J.H. No 1756 of 1841/ Read

27
No 2

Read return dated the 18th Instant
from the 3d Judge on Circuit in the Centre Division
to the precept of the Tongdaree Udalut of the 9th
Instant relative to Cases Nos 130 and 161 of the
Bellary Criminal Report No V for July 1841.

/Here enter J.H. No 1757 of 1841/

Read letter dated the 20th Instant
from the 3d Judge on Circuit in the Centre
Division, transmitting Statement of Batta paid
to the Prosecutors and witnesses who attended
before the Court of Circuit for the 2d Sessions
of 1841 at Cuddapah.

/Here enter J.H. No 1758 of 1841/

Read return dated the 21st Instant
from the Provincial Court of Circuit in the Southern
Division, to the precept of the Tongdaree Udalut
of the 15th Instant calling upon them to shew
what progress has been made in the preparation
of rough translations of the trials called for
by a former precept of the 16th August last.

/Here enter J.H. No 1759 of 1841/

Read return dated the 21st Instant
from the Provincial Court of Circuit in the
Southern Division, to the precept of the Tongdaree

27th September 1841

Udalut of the 26th July last, transmitting a
copy of a Petition presented to their Court by
Tondooroo and Kistnarow late Sindeers Gomastahs
and Moozumdar on the Establishment of the
Collector of Tinnevelly and Prisoners in Case
No 77 of 1840 on the file of the Joint Criminal
Court of Tinnevelly and directing the
Southern Provincial Court of Circuit with
reference to the Circumstances set forth in the
said Petition, to call for and consider the
record of the Case and to pass such orders
thereon as may appear proper, reporting the
result.

/Here enter J.H. No 1760 of 1841/

Read return dated the 23d Instant
from the Acting Criminal Judge of Nellore
to the precept of the Tongdaree Udalut of the
15th Instant on the review of the Criminal
Reports for the month of August 1841.

/Here enter J.H. No 1767 of 1841/

Read letter dated the 24th
Instant from the Magistrate of Chingleput
transmitting with reference to the Proceedings
of the Tongdaree Udalut of the 15th Instant
certified translations of the reference of the Head

of

27th September 1841

of Police of Cottamatore relative to Case No 50
of the Chingleput Criminal file.—
/ Here enter F. C. No 1769 of 1841 /—

Ends F.C.

F. C.

Thursday,
28th September 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge,
Henry Dickinson Esqre —— 2d Puisne Judge,
G. J. Casamajor Esqre —— 3d Puisne Judge,

F. C.

Mr Dickinson
and
Mr Casamajor

Read the Criminal Reports
for the month of August last submitted
by the Officiating Joint Criminal Judge
of Tinnevelly.—

/ Here enter F. C. No 1717 of 1841 /

With reference to the order
passed by the Officiating Joint Criminal
Judge in this Case the Court of Foujdaree
Udalut direct that Mr Lemond's attention
be drawn to their Circular Order of the 6th
February 1838 No 29 and that he be directed
to dispose of the Case as therein prescribed

2 In their Circular Order of the
13th July 1829 the Court have ruled that the
offence of escape is distinct from all others
and that the Criminal Courts have
clearly the power to order the punish-
ments provided in Section V Regulation VII

of

Case No 81
Supplemental
Report

28th September 1841

of 1822 on conviction of escape in addition to any other punishment which a prisoner may be undergoing for a distinct offence &c and this order it is obvious is in no way affected by the subsequent order of the 5th March 1841 No 137.

Cases Nos 86 and 90

3 The Court of Zoujdaree Udalut seeing reason to doubt the propriety of the manner in which the Cases noted in the margin have been disposed of resolve to direct the 3d Judge on Circuit in the Southern Division to call for the proceedings and pass on them such orders as may appear to him proper reporting the result for the information of the Zoujdaree Udalut.

Case No 92

4. In this Case the prisoner is charged with having on the 1st of August 1841 filed a Petition forging thereto the marks of the first five witnesses.

5. In his remarks in the Calendar the Acting Joint Criminal Judge states that as the Prisoner appears to have forged the marks of the 1st 2d 3d 4th and 5th witnesses and not their seals or Signatures the construction

of Clause third Section IV Regulation VII of 1811 laid down in the Circular Order of the Zoujdaree Udalut of the 8th May 1815 seems somewhat applicable to the Case of the prisoner and the Criminal Court would in consequence pass a Sentence of six months imprisonment under Section II Regulation IX of 1832 in as much as the prisoner presented a complaint purporting to be the joint production of six parties while it was the production of one person. In consequence of this doubt however no warrant has been issued by the Acting Joint Criminal Judge "who awaits the instructions of the Zoujdaree Udalut."

6. The Court of Zoujdaree Udalut are of opinion that no offence has been committed by the prisoner which would bring the Case within the provisions of the Regulations affecting forgery. The prisoners appears rather to have been guilty of a misdemeanour and is liable to punishment under the provisions of Section VII Regulation X of 1816 as explained in the Circular Order

28th September 1841

Order of the 28th January 1828.-

7.

The Court of Zemindary Adalut observe so large a number of cases in this report remaining undisposed of that they resolve to call on the officiating Joint Criminal Judge to State whether he was absent from his Court between the 19th and 31st of August and if so, on what dates, and at what places.-

Ordered that Extract from these proceedings be sent to the officiating Joint Criminal Judge of Tinnevelly for his information and guidance by precept returnable in 5 days from and after its receipt.-

/Sent following precept No. 1358/

Ordered also that Extract of para 3 of these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 15 days from and after its receipt.-

/Sent following precept No. 1359/

Mr. Dickinson

Read letter dated the 13th September 1841 from the Acting Joint Criminal Judge of Cochin forwarding the Criminal Report

J.C.

28th September 1841

for the month of August last.-

/Vide entry J.C. No. 1716 of 1841/

Case No. 8.

1

The Court of Zemindary Adalut observe that the Peon from whose charge the prisoner in this case escaped is more deserving of punishment than the prisoner- for if the Peon had not quitted his post and left the Prisoner altogether unguarded he could not have got away.-

The Court accordingly direct

2

that the punishment awarded in this Case be remitted.-

Ordered that Extract from these proceedings be sent to the Officiating Joint Criminal Judge of Cochin for his information by precept returnable in 5 days from and after its receipt.-

/Sent following precept No. 1390/

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 6th instant from the Third Judge on Circuit in the Northern Division, submitting a copy of the Guntoor Calendar for the Second Sessions of 1841.-

/Vide entry J.C. No. 1673 of 1841.

Case No. 2.

1

The Court of Zemindary Adalut direct

direct that an English translation of the Record of this trial be submitted for their consideration.

Case No 4. 2 The Postponement of this Trial is to be regretted - The attention of the Third Judge is required to the Circular Order of the Foujdaree Adalut of the 28th June 1827 which enjoins a Judge of Circuit, before commencing a Trial, to satisfy himself whether there is reasonable ground to believe that the trial can be brought to a close on the testimony of the witnesses present - and if not, not to commence it -

3. The Court of Foujdaree Adalut likewise require the attention of the Third Judge to their Circular Order of the 6th September 1819 - which directs the Judges of Circuit in all Cases in the Calendars to enter in abstract, not only the Sentence declared in the Futwa but also the grounds on which such Sentence is founded - Throughout this Calendar, these instructions have been disregarded -

4. The Court deem it necessary also to notice the prevalence of errors and inaccuracies in the preparation of this Calendar

which would seem to indicate carelessness on the part of the writer and the omission on that of the Judge of Circuit to revise it - In instances of this, the Court observe in the charge in the 1st Case, "carried of bag" instead of "carried off a bag:" "tolly" instead of "tally" in the abstract of evidence in No 2 Ceu - In the charge in the 1st Case, the term "feloniously" should not have been introduced -

5. The Court expect that in his future Calendars, the Third Judge will pay due attention to these matters -

Ordered that Extracts from these proceedings be sent to the Third Judge on Circuit in the Northern Division by precept returnable within twenty five days from and after its receipt -

Sent following precept No 1394

Mr Campbell
Mr Dickinson
and
Mr Cavanagh jr

Read letter dated the 2d September 1841 from the Provincial Court of Circuit in the Northern Division forwarding with an Extract of their Proceedings under date the 2d Instant copy of a letter from the Acting Criminal Judge of Jessore and its enclosure from the Assistant Criminal Judge of Jessore

Sent enter J. D. No 1713 of 1841

28th September 1841

1.

In their proceedings the Provincial Court referring to the letter of the Assistant Criminal Judge observe "that this is the second time Mr. Daniel has considered the interference of his Superiors with the orders passed by him as reflecting on his character"

2.

The Court of Zoujdaree Udalut having the return of the Assistant Criminal Judge, as simply containing an explanation of the grounds on which he was led to arrive at the judgment recorded by him in Case No. 9 on the Bellore Criminal file do not consider it open to objection, and as the Provincial Court of Circuit in concurring in the view of the Case taken by the 1st Judge have finally disposed of the matter. The Court of Zoujdaree Udalut do not consider any further remarks from them to be called for.

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

/Sentence No. 1392/

Read letter dated the 1st Instant from the Magistrate of Malabar submitting

Ent. W.
W. Campbell
and
Gr. Dickinson

141

28th September 1841

for the orders of the Court of Zoujdaree Udalut a copy of a correspondence between himself and the Third Judge on Circuit in the Western Division, relative to an order passed by the latter Officer requiring the Magistrate to cancel a requisition of security made upon one Moideen Cootty who lies under strong suspicion of having instigated his servants to resist the Magistrate's orders and warrants.

/Here enter J.H. No. 1648 of 1841/

Read also letter dated the 6th Instant from the Third Judge on Circuit in the Western Division on the same subject.

/Here enter J.H. No. 1669 of 1841/

The Court of Zoujdaree Udalut observe that the Magistrate would have acted more regularly had he sent up Moideen Cootty to the Criminal Court charged with instigating the resistance - when there seems little doubt that there would have been sufficient evidence to warrant the Criminal Judge to have required security from him under Section IV Regulation II of 1822.

But as a breach of the Peace had been committed by that individual, the Court

28th September 1841

Court are of opinion that the Magistrate to prevent the Prisoner from again disturbing the Peace was competant, under Clause first Section V Regulation VII of 1827, to require the Prisoner to enter into Security either for his personal appearance, or for keeping the Peace, and that sufficient cause has not been shown by the Circuit Judge for annulling the Security so given: and that Officer will therefore be pleased to recal his order.

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. 1393. /

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

/ Sent in No. 1394.

Read the Chittoor Criminal Reports for August 1841

/ Stre enter S.D. No. 1744 of 1841 /

Cad 7th.
Mr Campbell.

Supplemental Report
Case No. 93.

Clause 1st Section IX Regulation X of 1816 is erroneously quoted as the authority for the sentence; that Clause applies only to acquittals.
The Court also consider the punishment as too light.

28th September 1841

Regulation IX of 1832 should have been quoted as the authority.—

Case No. 124

2 The lashes to be remitted, unless the Prisoner has been before convicted.—

Case No. 132.

3 One of the reasons assigned by the Sudr Ameen Pundits for his sentence of 3 months imprisonment is that there was no proof that the prisoner was seen in the Act of committing the theft. This might affect the conviction but it could not affect the punishment; the latter should depend solely upon the degree of heinousness of the offence proved.—

Report No. V

In Case Nos. 137, 138, 148 and 150

4 the Circular Order 26th February 1836 No. 62 has not been attended to. The exact point on which each reference was made must be now stated.

Case No. 139.

5 The delay in the transmission of the Case must be explained.

Case No. 143.

6 The Court of Zoujdaree Udalut doubt the propriety of the way in which this Case has been disposed of as regards the 2d Prisoner, and direct the Provincial Court of Circuit to call for the Records and frame such orders respecting that Prisoner as they shall see fit.—

Case No. 48.

7 A translation of the Arzee addressed

28th September 1841

addressed by the Police Auditeur of Arcot to the Joint Magistrate and of the reply to it to be furnished by the Magistrate.—

Case No 150 8 A translation of the Arzee 3d August addressed by the Arcot Head of Police to the Joint Magistrate and of the reply to be furnished by the Magistrate.—

9 Extracts of paras 4, 5, 7 and 8 and of the cases respectively referred to without the remarks of the Court to be sent to the Magistrate for his information and guidance.—

Ordered that copy of these proceedings be sent to the Criminal Judge of Chittoor with directions to make the necessary communication to the Magistrate of the District by precept returnable in 5 days from and after its receipt.—

Sent following precept No 139

Ordered also that Extract of para 6 be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 15 days from and after its receipt.—

Sent following precept No 139

Mr Campbell
Mr Dickinson
and
Mr Casamajor

No return having been received from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of this Court

28th September 1841.

Court under date the 4th Ultimo, conveying their observations and order on Case No 7 of the Chittoor Calendar for the 1st Sessions of 1841.—

Ordered that the 1st Judge of the Provincial Court of Circuit in the Centre Division be required by precept returnable in 7 days from and after its receipt to make a return to the precept aforesaid without further delay.—

Sent following precept No 139

No return having been received

Mr Campbell
Mr Dickinson
and
Mr Casamajor

from the late 3d Judge on Circuit in the Northern Division to the precept of this Court of the 6th Ultimo Calling for additional evidence in Case No 10 of the Nellore Calendar for the 2d Sessions of 1841, together with a translation of the record of the trial in Case No 115 of 1833.

Ordered that the present 3d Judge on Circuit in the Northern Division be required by precept returnable in 6 days from and after its receipt to make a return to the precept aforesaid, and to forward the additional

28th September 1841.

additional evidence, and the record of the trial in the above case, without further delay.

/Sent following precept No. 1298/

Exd W.

Read letter dated the 20th Instant from the Northern Provincial Court forwarding copy of a return from the Acting Assistant Criminal Judge at Rajahmundry wherein he reports that the Statement of the late Acting Judge in his reference of 29th June last in Case No. 39 of 1841 is a clerical error.—

/Here enter F.W. No. 1772 of 1841/

WS

PB

GM.

P. 96.

Wednesday 29th September 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge.

George James Castamajor Esqre. 3rd Puisne Judge.

WS

PB

M

Read return dated the 4th September 1841 from the Joint Criminal Judge of Coimbatore, to the precept of the Foujdaree Udalut dated the 31st Ultimo, conveying their observations and orders on the Coimbatore Criminal Reports for the month of July last.—

Mr. Campbell.
Mr. Dickinson.
and
Mr. Castamajor.

/Here Entr. F.W. No. 1658./

1. The Court of Foujdaree Udalut consider the explanation afforded in Parah. 3 of this return to be altogether satisfactory, and they see no reason for disturbing the Sentence passed in Case No. 72 by the Joint Criminal Judge.—

2. The Court direct that Parah. 5 of their Proceedings of the 31st August last be cancelled as it contains an error.—

Ordered, that Extract from these

these proceedings be sent to the Joint Criminal Judge of Coimbatore for his information.

/ Sentin No. 1402. /

Read the Criminal Reports submitted by the Agent to the Governor of Fort St. George in the Vizagapatam District for the month of August 1841.—

Mr. Campbell
Mr. Dickinson.
and
Mr. Casamajor.

/ Here enter No. 1730. /

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

Ordered therefore, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information.—

/ Sent in No. 1403. /

Read the Salem Criminal Reports for the month of August last.—

Mr. Campbell
Mr. Dickinson.
and
Mr. Casamajor.

/ Here enter T.A. No. 1704. /

Cask No. 81.
Supplt. Report

The Court of Tonjdaree Adalut are not satisfied with the grounds on which the 2nd, 3rd, 5th and 6th Prisoners in this case have been required to furnish securities

Cask No. 114.
Report No. V.

2. And it appears to them that the whole of the prisoners in Case No. 114 should have been committed for trial.—

3. The 3rd Judge on Circuit in the Southern Division will however call for the proceedings held in such case and pass on them such orders as may be proper, reporting the result for the information of the Tonjdaree Adalut.—

Cask No. 113.

4. With reference to Case No. 113 the Court of Tonjdaree Adalut are of opinion that a sentence of 6 months imprisonment with labor in irons, is a very inadequate punishment for a prisoner convicted of having stolen 5 cattle worth Rupees 22 Annas 8, and they require it may be explained what is intended by the rules laid down "in Sharah" in accordance with which the sentence was passed.—

Cask No. 115.

5. Adverting to the remarks recorded by the Criminal Judge in regard to the offence charged against the 3rd Prisoner in this case, the Court of Tonjdaree Adalut direct that a copy of their letter of the

29th September 1841.

the 7th November 1840 to the Magistrate of Nellore, together with its enclosures be forwarded to the Criminal Judge of Salem for his information and future guidance.—

6. From the reply of the Law Officers it will be observed that the 3d. Prisoner would on conviction have been liable to Transportation. The act having been committed with the design of screening the offenders from punishment.—

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

(Sent following precept No. 1404)

Ordered also, that Extract of paras. 1. 2 and 3. of these proceedings be sent to the 3d. Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 15. days from and after its receipt.—

(Sent following precept No. 1405)

Fort St. David

N. Campbell

N. Dickinson

J. U.

Thursday. 30th September 1841.

At a Court of the Foujdaree Udalut.

Present.

Alexr. Duncan Campbell Esqr. 1st. Puisne Judge

Henry Dickinson Esqr. 2d. Puisne Judge

G. J. Casamajor Esqr. 3d. Puisne Judge

Read the Cuddapah Calendar for the Sessions of 1841.—

(Mr. Campbell and Mr. Dickinson)

(Mare vide Jud. Dept. No. 1578 of 1841)

Cases No. 1 & 2.

It appears to the Court of Foujdaree Udalut that the deference to the opinion of the 2d. Judge which the 3d. Judge at the close of his remarks on No. 1 states to have induced him to accede to the Fatwa of acquittal against his own judgment, was an improper deference. A judge on Circuit should act independently and under the circumstances stated it was clearly the 3d. Judge's duty to have referred the trial under Section XXII Regulation VII of 1802; and the more so as his own opinion was in conformity with that of the 1st Judge from the account of the evidence in the Calendar, the Court see reason to think that there has been a failure of justice in these cases; which is the

more.

30th September 1841

more to be lamented as the crime which has thus escaped punishment is Perjury, an offence peculiarly prevalent in Cuddapah.—

Case No 7.

2 The Court concur in Mr. Babington's opinion that the removal of the books and papers of the Prisoner by Mr. Blane was unwarrantable. The absence of the owner of a house does not render the search of the house irregular provided there are the prescribed grounds for it.—

3. The Court sanction the instigation proposed in No 12.—

4 The last Para but one of the Circuit Judge's remarks in No 13 have been communicated, the Court trust, to the Magistrate; if not they should be so now.—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Centre Division by precept returnable in 15 days from and after its receipt.—

(Sent following precept No 1409

Mr. Dickinson and Mr. Casamajor

Read letter dated the 8th of September 1841 from the Provincial Court of Circuit in the Northern Division submitting for the considera tion and orders of this Court a letter from the Acting

30th September 1841

Acting Assistant Criminal Judge of Rajahmundry on the subject of the censure recorded by the Provincial Court in their Proceedings of 31st July last on the judgment passed by the Acting Assistant Criminal Judge in Case No 22 on the Rajahmundry Criminal file.—

(Here enter S.H. No 1684 of 1841)

The omissions of the Acting Assistant Criminal Judge to examine all the witnesses for the defence called for remark and censured from the Provincial Court, which should have been expressed in language as little calculated to irritate as possible. It is the province of Superiors to point out to their subordinates the defects in their proceedings and unless obvious error exists, on the part of the higher tribunal, which explanation, on the part of the Subordinate, can remove, deference to authority is best evinced, by silence, after a decision is passed by the superior Court.—

Ordered that Extract from these proceedings be sent to the Provincial Court

30th September 1841

Court of Circuit in the Northern Division with directions to communicate the same to the Acting Judge of Rajahmundry for his information and guidance.

/Sent in No 1409/

Mr Dickenson and Mr Casamajor

Read the Criminal Reports for the month of August submitted by the Criminal Judges of Madura.

/Here enter S.C. No 1714 of 1841/

Case No 89
Supplemental Report

1 The Court direct that a copy of this case as it stands in the report and of this para be sent by the Criminal Court to the Magistrate who will be pleased to caution officers of Police serving under him against the forwarding parties to the Criminal Court against whom there are no just grounds of complaint.

Case No 94
Report No V

2. The Court seeing reason to doubt the sufficiency of the evidence, as detailed in the report, for the conviction of the prisoners in this Case, resolve to direct the 3d Judge on Circuit to call for the proceedings and pass on them such orders as may appear to him proper in reporting the results for the information of the Sunjdaree Adalutt.

30th September 1841

3. The Court also observe a discrepancy in the dates which must be explained in the 4th 5th and 6th columns of the report in which is stated that the prisoners were apprehended on the 26th June, left the Talook on the 21st July and reached the Court on the 4th of August, whereas in the column of remarks it is recorded that the Police officer states that the prisoners were brought to him at 8 A.M. on the 22d July 1841 and that the case was examined on the same date. A reference was made to the Head Assistant Magistrate on the 23d as to the disposal of the case in whose order dated 27th directing the case to be forwarded to the Criminal Court was received at 12 A.M. on the 31st of the same month.

4 The Court also desire it may be explained where the prisoners were between the 26th June and the 22d July the date on which they reached the Police officer and the nature of the Police officers reference to the Head Assistant Magistrate. The attention of the Police officer should be called to the Circular Order of the 26th February 1836 No 62 and strict obedience to it enforced in future.

J

30th September 1841.

Case No 97

5. If as the Court conclude from the remarks of the Criminal Judge, the prisoner in case No 97 has been found guilty of escaping from his guards while in transit to the Criminal Court he was undoubtedly liable to punishment under the provisions of Clause third Section V Regulation VI of 1822, and the Court direct that the attention of the Criminal Judge of Madura be drawn to the conclusion of parah 3 of the Circular Order of the 13th July 1829.

Case No 99

6 If the charge in case No 99 was fully proved, the Criminal Judge would appear to have exceeded his jurisdiction in disposing of the Case. The crime charged against the prisoner concerned amounting to Gang Robbery: Under the circumstances of the Case the Court of Foujdaree Udalut resolve to direct the 3d Judge on Circuit in the Southern Division to call for the proceedings and pass on them such orders as may appear to him proper reporting the result for the information of the Foujdaree Udalut.

Case No 110

7 The 3d Judge will also call for the proceedings held in Case No 110 this not clear whether

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whether the prisoner stole the salt from salt pans or whether they merely collected it in a back water. Under any circumstances however the sentence appears to this Court to be too severe.—

Case No 113

8 This case which it is stated reached the Criminal Court on the 27th of August was not referred to the Assistant Criminal Judge till the 30th of that month. The Court desire it may be explained why the reference was not made immediately on the parties reaching the Court.—

9 In the note appended to the report of the manner in which the prisoners are employed it is stated that 8 Prisoners who had effected their escape "are secured at night in the cells with other Prisoners"

10 The Criminal Judge will be pleased in conformity with Claude Second of the Circular Order of the Foujdaree Udalut 13th, to explain how these 8 prisoners are secured.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Madura for his information by precept returnable

30th September 1841.

returnable in 5 days from and after its receipt.-

/ Sent following precept No 1410. /

Ordered also that Extract from these proceedings (paras 2, 6 and 7) be sent to the 3d. Judge on Circuit in the Southern Division for his information by precept returnable in 15 days from and after its receipt

/ Sent following precept No 1411. /

Mr Campbell and Mr Casamajor

Read letter dated the 13th instant from the Provincial Court of Circuit in the Western Division transmitting the Jury Criminal Records for August 1841.-

/ Vide enter F.H. No 1143 of 1841 /

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

Ordered therefore that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen of Jury for his information

/ Sent as No 1412 /

Ent W.H.

P.

M.

P.

J.C.

S: 21

Monday, 4th Octobr 1841.- At a Court of the Foujdaree Adalut.-

-Present-

Hr: Duncan Campbell Esqre 1st Puisne Judge.-

Henry Dickinson Esqre ____ 2d Puisne Judge.-

Geo: James Casamajor Esqre 3d Puisne Judge.-

Read Miscellaneous Petition presented on the 27th September 1841. from Mannar

Mr Dickinson. Petty of the Zillah of Trichinopoly.-

(Mre enter F.A. N. P. No 1143 of 1841.)

The petitioner represents that he preferred two complaints of Robbery before the Magistrate of Trichinopoly who instead of personally examining into them endorsed them to the Police Ameen of Talagoody, and that this Officer from corrupt motives released the parties and made a false report to the Magistrate.-

2. He adds that he then appealed to the Magistrate and subsequently to the Court of Circuit, but that he has failed to obtain redress from both of these tribunals.-

3. He therefore prays the Court to issue orders to the Joint Criminal Judge to investigate the charges, punish the offenders and

and restore to him the stolen property.-

4. The Court of Zoujdaree Udalut observe that before they can pass any orders in his case, the petitioner must produce a copy of the orders of the Provincial Court of Circuit on his Petition.-

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

Read letter dated 20th September 1841 from the Actg 3d Judge on Circuit in the Northern Division, submitting copy of a return from the Magistrate of Nellore, in which is afforded the explanation regarding Case No 7 on the Nellore Calendar 2d Sessions 1841 called for in the proceedings of the 18th Ultimo. Sent by precept returnable in 25 days, to the Acting 3d Judge.-

Mr Campbell- and Mr Dickinson-

(Here enter C.C. No 1755.)

1. The Court of Zoujdaree Udalut cannot approve of the system advocated by the Magistrate in this return.-

2. If a Magistrate have not confidence in a Head of Police, he should remove him;

4th October 1841.-

but so long as the Magistrate may continue him in office, he should support his authority by all possible means as being paramount in his Talook to that of any other Native Functionary.-

3. The Regulations no where authorize the interference with, or supervision of the authority of a Head of Police by any other Native, and it is for obvious reasons improper. The Court never knew an instance in which it was not attended with evil; similar to what occurred in the case in question.-

4. A Tahsildar is not likely to be respected in his Talook after such a manifestation of want of confidence on the part of his superior.-

5. The orders of the Court on this occasion were communicated to the 3d Judge by a precept dated the 18th August which required that return should be made in 25 days.-

6. The Court of Zoujdaree Udalut observe that whenever a precept from the Zoujdaree Udalut may be transmitted to a lower Court, it is incumbent on the Officer presiding

receiving it, to make return thereto within the terms specified in such precept; either certifying that the exigency of the precept has been complied with, or shewing good and sufficient reason for the omission to carry it into effect, and stating what has been done in pursuance thereof.—

The Court direct that the precept issued on this occasion by them, may be thus returned.—

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

(Sent in No. 1414.)—

No. 21.

Thursday, 7th October 1841.—

At a Court of the Foujdaree Udalut.—

Present—

Alex: Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre 2d Puisne Judge.
Geo: James Casamajor Esqre 3d Puisne Judge.

Mr. Dickinson and Mr. Casamajor.

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division, dated the 27th September 1841, requesting with reference to the precept of the Foujdaree Udalut of the 22d Ultimo, their final order regarding the 1st Prisoner in case No. 15 on the Calendar for the 2d Sessions of 1840.—

(Here enter No. 1782.)

Under the circumstances of the case, the Court of Foujdaree Udalut resolve to direct that the 1st prisoner

Doongawanum

be unconditionally released. The punishment to which he has already been exposed in Case No. 15 is in the opinion of the Court in excess of what he would have deserved, even supposing him guilty of the offence charged in Case No. 16.—

Ordered.

7th October 1841.—

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

(Sent in 72 1418.)

F.U.

Friday 8th October 1841.—

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre — 1st Puisne Judge,
Henry Dickinson Esqre — 2nd Puisne Judge,
George James Casamajor Esqre — 3rd Puisne Judge.

Mr Dickinson.

Read return dated the 18th Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 16th August 1841 calling for rough translations in English of the Record of Case No 9 on the Salem Calendar for the 2nd Sessions of 1840 and No 20 on the Salem Calendar for the 1st Sessions of 1841.—

[Here Entered No 1750.]

1. With the above return the Provincial Court submit rough translations in English of the Record of Case No 9 on the Salem Calendar for the 2nd Sessions of 1840, and No 20 on the Salem Calendar for the 1st Sessions of 1841, with the exception of the Police papers connected with the former Case No 9, which not having been

been furnished by the Criminal Judge of Salem to the Judge on Circuit have now the Provincial Court state been called for.

2. The Court of Tanjore Udalut desire that the Criminal Judge of Salem may be directed to forward the Police proceedings in Case No 9 with the least possible delay; since without them the Court will not be able to take into consideration the remainder of the Record.—

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

(Sent in No 1122)

Read the following letter dated the 21st Ultimo from the Joint Criminal Judge at Cuddalore.—

Mr Campbell
Mr Dickinson
and
Mr Castanejo.

(Here enter F.R. No 1761 of 1841)

1. The Joint Criminal Judge refers the question "whether an open robbery or attempt at open Robbery by a single unarmed robber, must of necessity be committed for Trial before the Court of Circuit,

or

or whether a trifling case of this sort, unattended by any aggravating circumstance, may be disposed of by the Criminal Court under Section VIII Regulation X of 1816."—

2. The Court of Tanjore Udalut observe that in the particular case reported in this Reference, as neither "force" nor "intimidation" was used by the Prisoner - the offence does not fall within the scope of the Provisions of Clause first. Section III Regulation XV of 1803: but must be viewed as a simple robbery (or attempt to rob) from the person - Since, however, the Regulations do not authorize the Criminal Courts to inflict a more severe punishment for this offence than that prescribed by Section VIII Regulation X of 1816 - which is manifestly inadequate the Court are of opinion that such cases should be invariably committed for Trial before the Court of Circuit.—

3. This reference should have been submitted through the Provincial Court of Circuit to whom a copy of the Joint

8th October 1841.—

Joint Criminal Judge's letter is ordered to be sent with instructions to furnish that Officer with a copy of these Proceedings for his future guidance.—

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

/Sent in No. 1423/

Read return dated the 20th September 1841 from the Provincial Court of Circuit in the Northern Division, to the precept of the Tongdaree Udalut of the 13th August last, directing them to instruct the Magistrate of Masulipatam to institute an Enquiry, in person, or by his Assistant, to ascertain whether the Prisoner in Case No. 33 on the Masulipatam Criminal Court had any offensive weapon about his person on leaving the hut and to report the result for the information of the Tongdaree Udalut.

Mr. Campbell and Mr. Dickinson.

/Here enter F.C. No. 1765/

Under the circumstances represented in the foregoing return the Court of Tongdaree Udalut

F.C.

8th October 1841.—

Udalut are of opinion that nothing remains to be done but for the Provincial Court of Circuit to enforce their order of the 20th July 1841 requiring the prisoner to furnish Security for his future good conduct.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 5. days from and after its receipt.—

/Sent following precept No. 1424/

Read return dated the 17th September 1841 from the Agent to the Governor of Fort St. George at Ganjam to the precept of the Tongdaree Udalut of the 23rd July last, calling for an explanation of the reason why certain witnesses had not been forwarded to the Agent in Vizagapatam whose non attendance had been assigned by the Acting Junior Assistant at Vizagapatam as the cause for a case appearing in his Criminal Report for the month of June last remaining undisposed of.—

Mr. Campbell and Mr. Dickinson.

/Here enter F.C. No. 1766./

The

The Court of Toujdaree Udalut direct that a copy of the foregoing return be sent to the Agent to the Governor at Vizagapatam with reference to his return of the 31st July last and that the Acting Junior Assistant be called on for a further explanation regarding the delay in the disposal of the case.—

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam by precept returnable in 10 days from and after its receipt.—

/Sent following precept No. 1425/

Read return dated the 27th September 1861 from the Acting Joint Criminal Judge of Coimbatore to the Precept of the Toujdaree Udalut of the 11th September containing their remarks and orders on the Coimbatore Criminal Reports for the month of August last.—

/Here enter S.R. No. 1780/

1. With this return the Acting Joint Criminal Judge submits the translations of the Proceedings held before the Joint Criminal Judge in Case No. 85 on the Criminal file called for in their Proceedings of the 11th September last.—

2. From these proceedings it is satisfactorily shewn that there was no neglect on the part of the Peons in charge of the Convict who escaped, and the Court of Toujdaree Udalut entirely approve of the manner in which the case was disposed of by the Joint Criminal Judge.—

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

/Sent in No. 1426/

J. U.

Saturday,
9th October, 1841.

At a Court of the Sowjdaree Udalut.—

Present

Alexr. Duncan Campbell Esqre 1st Puisne Judge.

Henry Dickinson Esqre ——— 2d Puisne Judge

G. T. Casamajor Esqre ——— 3d Puisne Judge.

Read again letter dated the 12th July 1841 from the 1st Judge late on Circuit in the Southern Division submitting for the consideration and final sentence of the Sowjdaree Udalut an English translation of the record of the trial in Case No. 4 on the Salem Calendar for the 1st Sessions of 1841.

(Here enter J. U. No. 1300 of 1841)

Read also return dated the 29th September 1841 from the 1st Judge late on Circuit in the Southern Division to the precept of the Sowjdaree Udalut of the 22d July last calling for further evidence in Case No. 4 on the Salem Calendar for the 1st Sessions of 1841.—

(Here enter J. U. No. 1804 of 1841)

Mr Campbell and Mr Dickinson

The Court of Sowjdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them are of opinion that the fact that the prisoner Sicky killed the deceased Telly is not fully proved and

9th October 1841

and that the prisoner was in a state of deranged intellect at the time she confessed that act. the Court do accordingly acquit her of the charge But deeming her an unfit person to be at large direct that she be detained in custody until trustworthy persons can be found to undertake such charge of her, as may prevent her doing further mischief.—

The Court of Tanjore Udalut observe that the evidence forwarded with this return confirms the opinion they had formed from a consideration of the records of the trial, that the prisoner is of unsound intellect; and, notwithstanding the opinion of the Circuit Judge to the contrary, the Court consider this so fully proved, that they have been unable to convict or punish her.

Ordered that Extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information.

/Sent following letter No. 1430/

Read letter dated the 28th September 1841 from the 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting for the consideration and final sentence of the Tanjore Udalut an English translation of the record of the trial in case No. 9 on the Chittoor calendar for the 3d Quarterly Sessions of 1841.

/Sessions Letter Dd. No. 1787 of 1841/

The

9th October 1841

Mr. Dickinson
and
Mr. Casamajor

The Court of Tanjore 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

"Moneegandoo"

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.

/Sent following letter No. 1431/

Circular Order

No. 1146.

The Court of Tanjore Udalut

Mr. Dickinson
and
Mr. Casamajor

having ascertained by a reference to their Law Officers that "persons secreting Robbers "against whom warrants are out, supplying "them with food and other necessaries, "and adopting other means to enable them to "escape apprehension, are liable to punishment under the Mahomedan Law," the Court of Tanjore Udalut resolve to point out to the several Criminal Judges and Magistrates that on such accused persons being forwarded to the Criminal Court, they can be dealt with under the general provisions

provisions of the Regulations – Vide Section VII —
Regulation X of 1816. –

/Sent Circular Order No. 1432/

Mr Campbell and Mr Casamajor

Read letter dated the 15th Septem. ber 1841 from the Criminal Judge of Cuddapah forwarding the Criminal Reports for the month of August last.

/Here enter J. U. No. 1728 of 1841/

Case No. 97 Supplemental Report

1 The Court of Soujdaree Udalut direct that a copy of this case as it stands in the Report and of this parah be sent by the Criminal Court to the Magistrate who will be pleased to explain the grounds on which the 6th, 7th and 8th Prisoners were forwarded to the Criminal Court. –

Case No. 103.

2 The Court of Soujdaree Udalut seeing reason to question the propriety of the manner in which this case has been disposed of resolve to direct the 3d Judge on Circuit to call for the proceedings and pass on them such orders as may appear to him proper; reporting the results for the information of the Soujdaree Udalut.

Case 129 Report No. V

3 The Court of Soujdaree Udalut observe that Clause Sixth Section II Regulation VII of 1822 should have been quoted as the authority under which sentence was passed, instead of Section

J. U.

9th October 1841.

Section VII Regulation X of 1816. –

Case No. 131.

4 The Court trust that this case was brought to the notice of the Magistrate and they direct that the Poolewndala Head of Police be called on to explain on what grounds he sent up the 2d Prisoner to the Court. –

Case No. 132.

5 The Court are of opinion that the evidence as stated in the Report does not justify the demands of security from the 2d Prisoner in Case No. 132, and they direct that the security if given be discharged, or the prisoner if in Jail released. –

6 The explanation of the delay in cases Nos. 136, 137, and 138 is not satisfactory and it must be further explained why the prisoners were not sent to the Criminal Court immediately.

7. The Court direct that Extracts of cases Nos. 97, 131, 136, 137, and 138 as they stand in the report and copies of paras 1, 4 & 6 of these proceedings be sent by the Criminal Court to the Magistrate. –

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information by precept returnable in 8 days from and after its receipt

/Sent following precept No. 1433/

Ordered also that Extract of parah

9th October 1841

parah 2 of 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. 1434)

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read return and Supplemental return made by the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Tongdaree Udalut of the 7th September 1841, returning the original record of trial in case No. 6 Chittoor calendar for the 3d Quarterly Sessions of 1841, in view to certain additional evidence being taken and submitted to the Court of Tongdaree Udalut.—

(Vide Enter S.C. Nos. 1809 and 1823 of 1841)

With his return dated the 5th Instant the 1st Judge transmits along with the former Record, translations of all the additional evidence taken in the Case which was available; and in his Supplemental return dated the 6th Instant the 1st Judge reports that the remaining witness "Yamaraz", Jemadar, whose evidence was also required by the Court of Tongdaree Udalut, is expected to return to his Village in

9th October 1841

in 15 or 20 days.— But in the event of the Court of Tongdaree Udalut still deeming the evidence of this witness essential, the 1st Judge trusts that he will not be detained any longer at Chittoor on that account; but that Mr Lewin may take his evidence, or should that measure be deemed inexpedient, that the Case may lay over until the return of the 1st Judge from Bangalore.—

The Court of Tongdaree Udalut

2.

consider that it is of importance that they should have the evidence of "Yamaraz", and that a careful enquiry should be made among the inmates of his house for persons who saw the Prisoner there that day.— Some of them must have noted time: but as the period of Yamaraz's return to his village is uncertain, the Court of Tongdaree Udalut resolve to direct that his evidence, when procurable, be taken before the Criminal Judge of Chittoor, and forwarded to the Court of Tongdaree Udalut thro' the 2d Judge of the Provincial Court of Circuit in the Centre Division; and under this arrangement the 1st Judge Mr Taylor may immediately avail himself of the leave granted to him by Government under date the 5th Instant.—

Ordered that Extract from these

8. 9th October 1841.

these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance, and for communication to the Criminal Judge of Chittoor.-

/Sentin No. 1435/

Mr Campbell and Mr Casamajor

Read return dated the 20th September 1841 from the Provincial Court of Circuit in the Northern Division to the precept of the Sonjdarie Adalut of the 17th September last requiring them to report the date on which they communicated to the Criminal Judge of Rajahmundry the orders of the Higher Court dated the 3d of August last in Case No. 39 on the Supplemental Report of the Criminal Reports for the month of August last.-

/Here enter F.H. No. 1754 of 1841/

The Court of Sonjdarie Adalut direct that a copy of their proceedings of the 17th September 1841 and of the above return be transmitted to the Acting Assistant Criminal Judge in charge of the Criminal Court of Rajahmundry and that he be called on to report the date on which the orders of this Court of the 3d August last were received by him.-

Ordered that Extract from these proceedings

F.H.

9th October 1841

proceedings be sent to the Acting Assistant Criminal Judge in charge of the Court at Rajahmundry by precept returnable in 2 days from and after its receipt.-

/Sent following precept No. 1436/

Ent'd HH

Monday
11th October 1841. At a Court of the Foujdaree Udalut-

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne judge
Henry Dickinson Esqre. —— 2d. Puisne judge.
G. J. Casamajor Esqre. —— 3d. Puisne judge.

Read Miscellaneous Petition pre-
-sented on the 20th September 1841 by Nanganmah
of the Zillah of Cuddapah.-
(Here enter F. C. M. P. No. 138 of 1841.)

The Petitioner complains against
1.
Mr. Casamajor the sentence passed on the 2d. Prisoner in Case No. 23
on the Cuddapah Calendar for the 2nd. Sessions
of 1841.-

2. The Court observe that the
subject of this Petition was disposed of by their
orders of the 9th August last in which they ob-
-served that "having referred to the Circuit
Judge who tried the case, they saw no reason to
doubt the propriety of the sentence-

3 To that order this Petitioner is
referred.-

Ordered, that Extract from
these

11th October 1841. these Proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 27th September 1841 by Nangammah of the Zillah of Cuddapah.—

/Here enter M. P. No 1141 of 1841./

The Petitioner reiterates the prayer of her former Petitions which were answered in this Courts Proceedings of the 3d of May and the 16th August last, and to those orders she is again referred.—

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

Read Miscellaneous Petition presented on the 4th October 1841 by Narsimmah of the Zillah of Cuddapah.—

/Here enter F. Ct. M. P. No 1145 of 1841/

The Court of Sudr Adalut direct that this Petition be returned to the Petitioner, with reference to their orders passed on his petitions to the same effect Nos 83 and 108 of 1841. presented on the 3d of May and 12th July.—

11th October 1841.

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

Mr Campbell. Mr Dickinson and Mr Casamajor.

Nangammah of the Zillah of Cuddapah, moves the Court to return the enclosure in her Miscellaneous Petition No 1141 of 1841.

Ordered accordingly.—

Mr Campbell & Mr Dickinson

Read Extract from the Minutes of Consultation under date the 17th September 1841. communicating the opinion of the Right Honorable the Governor in Council that the Judges of the Sudr Adalut are not justified in imputing to the Magestrate of Salem partiality towards the Tahsildar Timmapien, without having had before them the proceedings in the case adverted to; and without any explanation from that Officer on that subject; and desiring the Judges, after requiring all necessary explanations from Mr Ogilvie and on a consideration of the proceedings taken before that Officer, to submit a report, whether he has or has not given a partial decision; and calling for a report of the result of the re-investigation of the case ordered in the

Mr

11th October 1841 — 9th paragraph of this Courts proceedings.—

(Here enter S. C. No. 1724)

1. In their proceedings of the 13th August last, the Tongdaree Moolut recorded their reasons why they deemed justice to require a re-investigation of the complaint therein specified— This enquiry they were of opinion, ought not to be entrusted to the Magistrate, who, by preventing his assistant from sending up the case to the Criminal Court originally and his other systematic conduct, specified by them in para 6 of their said proceedings and, in his procedure, before passing his decision evinced a bias towards the accused, such as to prejudice the investigation— It was to justify their order that the case should be re-investigated by one of his Assistants, that the Tongdaree Moolut were unwillingly compelled to state the unfavorable impression made upon them by the Magistrates procedure previous to decision.—

2. On the decision itself, which was not before the Tongdaree Moolut, no opinion was given— It was expressly stated that the 1st Judge of

11th October 1841. of Circuit had omitted to forward, as required, all the papers— and it was concluded they would come before the Tongdaree Moolut with the re-investigation of the case.—

3. The Tongdaree Moolut venture to express a hope that the Government, on reconsideration, will see, that the case could not be taken out of Mr Gleig's hands without the Tongdaree Moolut stating their reasons for that Act;— The Judges regret that it should be the opinion of the Right Honorable the Governor in Council that, with reference to what was at the time before them they were not justified in recording the opinion they expressed on Mr Gleig's proceedings.—

4. The Tongdaree Moolut will now call for the whole of Mr Gleig's proceedings and any explanation he may have to offer thereon, and will report thereon, as well as on the re-investigation, to Government.—

5. The 3rd Judge was not a party to the Proceedings of the 13th August, and is not a party to these.—

Ordered,

Ordered, that Extract from these Proceedings be sent to the Acting Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.-

/Sent in No. 1440/

Read return dated the 27th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Fonjdaree Wadut of the 21st Ultimo. authorizing him to suspend under certain circumstances the Sentence of transportation passed upon Pollacowa Mourgados. prisoner in Case. 8 of the Chittoor Supplemental Calendar for the Second Quarterly Sessions of 1841.

/Here enter No. 1788/.

Read Return dated the 1st instant from the Criminal Judge of Chittoor, to the Precept of the Fonjdaree Wadut of the 28th Ultimo. on the review of the Criminal Reports for the month of August 1841.

/Here enter No. 1789/

Read

Read Return dated the 6th August 1841 from the Provincial Court of Circuit in the Centre Division, to the Precept of the Fonjdaree Wadut dated the 20th Ultimo, directing them to procure and submit English translation of the examinations which appeared to have been held before the Police Amildar of Cuddalore [redacted] Case No. 15 on the Cuddalore Calendar for the 2nd Sessions of 1840.-

/Here enter No. 1401.-/

Read Return dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Fonjdaree Wadut of the 22nd Ultimo, directing that in Case No. 15 in the Cuddalore Calendar for the 2nd Sessions of 1840. the 1st, 2d and 3d Prisoners. Ponga-vanum, Pitchaccaren and Cuttiem be immediately set at liberty, and that the Prisoners 4th, 5th and 6th Soobroyen, Moodien and Ramasawmy be required to furnish 2 Sureties of 50 Rupees each Surety for their future good behaviour and appearance when required within one year. from the date of the Circuit Judge's Sentence. &c.-

/Here enter No. 1827./

11th October 1841.

Read Letter dated the 4th Instant from the Acting Secretary to Government, Communicating copy of a letter from the Supreme Government, Sanctioning the grant of a Pension of Rupees 4 per mensem to Kushnun, a Peon on the Salsette Establishment of the Collector of Malabar.

Here enter No. 1844.

F. U.

Tuesday,
12th October, 1841.

At a Court of the Foujdaree Udalut.
Present,
Hon. Duncan Campbell Esq.re 1st Puisne Judge,
Henry Dickinson Esq.re —— 2d Puisne Judge,
George James Casamajor Esq.re 3d Puisne Judge.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 3d of September 1841 from the Provincial Court of Circuit in the Western Division submitting Copies of certain papers having reference to a Case in which, as Justice of the Peace, Mr. J. Harris has passed a Sentence of two years' imprisonment and hard labor in irons, under Section XXXIV Act XVII of 1837, and Section IV Act II of 1839, and Submitting for the consideration of the Court the hardship of such a Sentence not being open to appeal either to the Provincial Court of Circuit, or to the Court of Foujdaree Udalut.

(Here enter No. 1668)

1. The Foujdaree Udalut consider such a Sentence in this Case too severe.—

2. The Provincial Court of Circuit in

in the papers recorded above allude to an opinion expressed by the Court of Foujdaree Udalut so far back as the 5th of June 1820, and repeated in a letter addressed by the Foujdaree Udalut under date the 28th Ultimo, to the Acting Joint Criminal Judge at Tellicherry, to the effect that in matters connected with his duties as a Justice of the Peace it is not competent to the Provincial Court of Circuit, or to the Foujdaree Udalut, to exercise any control.-

3. The Court of Foujdaree Udalut see no reason to modify this opinion, as they do not see on what grounds they or the Local Courts could take cognizance of proceedings of Justices of the Peace.

4. Any party aggrieved by the Official Act of a Justice of the Peace may seek redress in Her Majesty's Supreme Court of Judicature, and to the jurisdiction of that Court only a Justice of the Peace, is, the Court of Foujdaree Udalut believe, amenable.

5. But lest such may not have been the intention of the Legislature the Court of Foujdaree Udalut deem it right to report this decision for

for the consideration of the Right Honorable the Governor in Council in order that if he deems it necessary a reference on the subject may be made to the Legislative Council of India.

/ Sent in A° 1444 /

Read the Criminal Reports submitted by the Criminal Judge of Chingleput for the month of September 1841.

(Here enter A° 1814)

The above Reports do not appear to call for any remark from the Court of Mr Casamajor Foujdaree Udalut.-

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

/ Sent in A° 1445 /

Read letter dated the 23d Ultimo, from the 3d Judge on Circuit in the Northern Division, reporting the opening of the 2d Sessions of 1841 at Rajahmundry on the 23d Ultimo and the state of the Calendar.-

/ Here enter A° 1774. /

Read

12th October 1841.

Read letter dated the 24th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, transmitting Copy of the Trichinopoly 2d Supplemental Calendar for the 3d Quarterly Sessions of 1841.

/ Here enter F. Vs. No. 1778 /

Read Return dated the 20th Ultimo, from the Agent to the Governor of Fort St. George at Ganjam to the precept of the Foujdaree Udalut of the 8th Ultimo calling for a return to their Precept of the 23d July last directing him to explain the reasons of the witnesses not having forwarded by him to the Government Agent at Vizagapatam, although two different applications have been addressed to him on the subject.—

/ Here enter F. Vs. No. 1779 /

Read Return dated the 25th Ultimo, from the 3d Judge on Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 18th August 1841. calling for certain explanation from the Magistrate of Nellore in Case No 7 on the Nellore Calendar for the 1st Sessions of 1841.

/ Here enter F. Vs. No. 1781 /—

Read

Exd WH.

F. Vs.
12th October 1841.

Read the following letter from the Provincial Court of Circuit in the Centre Division.

(Here enter No. 1797.)

Mr Campbell
Mr Dickinson
and
Mr Casamajor

1. In the foregoing letter the question has been submitted to the Court of Foujdaree Udalut whether it is competent to a Criminal Judge to cancel a Commitment made by the Assistant Criminal Judge of the Court, if upon petition to the Criminal Judge and upon further evidence heard in consequence by the latter, it should appear that the said Commitment was ordered on insufficient grounds.—

2. This question has been already answered by the Court of Foujdaree Udalut, in the negative, in their Circular Orders of the 9th of June, and 15th November 1824. But though it is therein declared Competent to the Criminal Judge to correct only Sentences passed by his Assistant awarding a punishment contrary to Law, yet the Court of Foujdaree Udalut are of opinion that where interference in other Cases may appear

12th October 1841. appear necessary it is open to the Criminal Judge to refer the proceedings of his assistant (as has been done in the present instance) to the Provincial Court of Circuit, who would pass such orders thereupon, as they may deem proper, under Section XXIV Regulation X of 1816, the Spirit of which enactment, like that of Section XXIII of the same Regulation, being to obtain correction of error when practicable

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and Guidance and for communication to the Criminal Judge of Cuddalore.

(Sent in ct No 1446.)

× Vide C. O: 27th August 1832 and C. A. N: 23.

End: 1 to 4 F. C.

Wednesday 13th October 1841.

F. C.

At a Court of the Tongdarre Adalut.

Present,

Alexr. Duncan Campbell Esqr. 1st Puisne Judge,
Henry Dickinson Esqre 2d Puisne Judge,
G. S. Casamajor Esqr. 3d Puisne Judge,

Mr Campbell and Mr Casamajor

Read Extract from the Minutes of Consultation in the Judicial Department under date the 5th Instant intimating that the Right Honorable the Governor in Council sees no reason for further staying the execution of the Sentence passed by the Court of Tongdarre Adalut on the Prisoners in trial case No 55 of 1840 on the Agents file—

(Here enter F. C. No 1821 of 1841)

The Court of Tongdarre Adalut direct that a copy of the Extract of the Minutes of Consultation above recorded be sent to the Governor's Agent at Gingee, and that he be directed to carry into effect without delay, the Sentence passed by the Court of Tongdarre Adalut on the prisoners in Case No 55 on his file—

Ordered that Extract from these proceedings be sent to the Agent to the Governor

13th October 1841.

Governor of Fort St. George at Ganjam by precept returnable in 10 days from and after its receipt.

/Sent following precept No. 1451./

Mr. Dickinson and Mr. Casamajor

Read letters dated respectively the 10th Ultimo and 1st Instant from the 1st and 2d Judges of the Provincial Court of Circuit for the Western Division. Submitting the Calendar received from the Acting Joint Criminal Judge of Malabar for the Third Quarter Sessions of 1841.—

/Here enter F.H. Nos. 1708 and 1828 of 1841/

Sowth additional Calendar Case No. 1

The Court of Sunderanee Adalut are of opinion that in case of Gang Robbery the Sentence, excepting for very cogent reasons, should not be less than eight years' imprisonment with hard labour in Irons: and they authorize the Provincial Court to issue a warrant for a mitigated sentence to that Extent in the present Case.—

Sixth additional Calendar Case No. 1

2

The Court of Sunderanee Adalut direct that an English translation of the Record of this Case be Submitted for their consideration.

Ordered that Extract from the proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable within twenty four days from and after its receipt.—

13th October 1841.

/Sent following precept No. 1452/

Read letter dated the 6th Instant from the Acting 3d Judge on Circuit in the Western Division transmitting the Original death warrant in Case No. 2 on the Malabar additional Calendar for the 2d Sessions of 1841.—

/Here enter F.H. No. 1851 of 1841/

Read letter dated the 7th Instant from the Joint Criminal Judge of Trichinopoly Submitting a Statement of the labor of the Prisoners for the 3d Quarter of 1841

/Here enter F.H. No. 1856 of 1841./

Read letter dated the 8th Instant from the 3d Judge on Circuit in the Southern Division, Submitting the Original warrant in Case No. 6 on the Madura Calendar for the 2d Sessions of 1841.—

/Here enter F.H. No. 1856 of 1841/

Read letter dated the 7th Instant from the 3d Judge on Circuit in the Centre Division reporting his intention to open the 2d Sessions of 1841 at Chingleput on the 9th Proximo.—

/Here enter F.H. No. 1857 of 1841/—

End F.H.

Thursday, 14th October, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre —— 2d Puisne Judge;

G. J. Casamajor Esqre —— 3d Puisne Judge,

Read Extract from the Minutes of Consultation in the Political Department under date the 5th Instant intimating that the Right Honorable the Governor in Council, from Political considerations, has been induced to mitigate the punishment of certain of the prisoners concerned in Case No 1 on the Cuttacoomun Special Calendar for the 1st Sessions of 1841.—

(Here enter F.C. No 1820 of 1841)

Under the authority of the Right Honorable the Governor in Council, the Court of Foujdaree Udalut do accordingly direct that the prisoner

Mr Campbell and Mr Dickinson

1st "Sanyy Row Ghatigay"
alias "Khotagee Engaly"

be imprisoned, without irons and without labor, for, and during the period of, his natural life,

that

11th October 1841.

That the prisoners

3d Chingumalanna Appatanony
alias Govindarow,

and

13th Lunnanna

be imprisoned without labor and without irons
for and during the period of fourteen years; and
that the prisoners

11th Ramrow Jadow

and

11th Venkatarow Govindarow,
alias, Chinnana,

be imprisoned without labor and without irons for and during the period of seven years:—
the imprisonment of these persons to take effect in the Jail at Chingleput.—

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

/Sent following precept No. 1454/

Read return dated the 30th Ultimo from

11th October 1841.

from the Joint Criminal Judge of the Auxiliary Court at Trichinopoly to the precept of the Sunjdarie Adalut of the 25th Ultimo on the review of the Criminal Reports for the month of August 1841.

/Here enter F.H. No. 1806 of 1841/

Read return dated the 6th Instant from the Criminal Judge of Salem to the precept of the Sunjdarie Adalut of the 29th Ultimo conveying their observations on the Criminal Reports for the month of August last.—

/Here enter F.H. No. 1816 of 1841/

Read return dated the 2d Instant from the 1st Judge late on Circuit in the Southern Division to the precept of the Sunjdarie Adalut of the 27th Ultimo, calling for a return to the precept of this Court of the 22d July 1841 calling for additional evidence in case No. 4 Salem Calendar 1st Sessions of 1841.—

/Here enter F.H. No. 1819 of 1841/

Read letter dated the 2d Instant from the Acting 2d Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1841 at Bangalore on the 2d Instant and the State of the Calendar.

/Here enter F.H. No. 1829 of 1841/ Read

Read return dated the 4th Instant from the officiating Joint Criminal Judge of Jimmerelly to the precept of the Fonjdaree Udalut of the 28th Ultimo on the review of the Criminal Reports for the month of August last.—

/Here enter F.U. No. 1834 of 1841/

Read return dated the 5th Instant from the 3d Judge on Circuit in the Centre Division to the precept of the Fonjdaree Udalut of the 30th Ultimo conveying their observations and ordered on the Cuddapah Calendar for the 2d Sessions of 1841.—

/Here enter F.U. No. 1838 of 1841/

Read return dated the 8th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Fonjdaree Udalut of the 28th Ultimo directing them to call for the records in Case No. 143 of the Chittoor Criminal Report for August last and pass such orders respecting the 2 prisoner as they shall see fit.—

/Here enter F.U. No. 1847 of 1841/

Read return dated the 5th Instant from the Officiating Joint Criminal Judge at Cuddapah to the precept of the Fonjdaree Udalut of the 28th Ultimo on the Reviews of the Criminal Reports for August 1841.—

/Here enter F.U. No. 1849 of 1841/

Friday,
15th October, 1841.

At a Court of the Fonjdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,
Henry Dickinson Esqr. — 2d Puisne Judge,
G. I. Casamajor Esqre. — 3d Puisne Judge,

Read letter dated the 22d September 1841 from the 3d Judge on Circuit in the Centre Division, forwarding, for the confirmation and final sentence of the Fonjdaree Udalut, an English translation of the record of the trial in Case No. 4 on the Bellary Calendar for the 2d Sessions of 1841.—

/Here enter F.U. No. 1773 of 1841/

Mr. Dickinson and Mr. Casamajor

The Court of Fonjdaree 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 is sufficient to convict him of the crime of Robbery, do convict him thereof, and, under the provisions of Clause seventh Section II Regulation XV of 1803, do sentence him to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during

during the period of three years.

The Court of Sunjdarew Udalut agree with the 3d Judge of the Provincial Court in the conviction of the prisoner, but they think the proposed punishment too light.—

Drunkenness is no excuse but rather an aggravation, and the act of the prisoner might have occasioned the death of the Prosecutor.—

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

/ Sent following letter No. 1456 /

Read letter dated the 2d Instant from the 3d Judge on Circuit in the Centre Division forwarding for the consideration and final sentence of the Sunjdarew Udalut, an English translation of the record of the Trial in Case No. 4 on the Bellary Calendar for the 2d Sessions of 1841.—

/ Here enter S. U. No. 1813 of 1841 /

Mr Campbell and Mr Casamajor

The Court of Sunjdarew Udalut after a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Lauree, is sufficient to convict her of the crime of "Murder," do

do convict her thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence her to suffer death by being hanged, at the usual time and place of execution.—

/ Sent following letter No. 1457 /

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read letter dated the 1st Instant from the Assistant Judge of the Auxiliary Court at Vizagapatam submitting the Criminal Reports for the months of September last.—

/ Here enter S. U. No. 1812 of 1841 /

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

Ordered therefore, that Extracts from these proceedings be forwarded to the Assistant Judge of the Auxiliary Court at Vizagapatam for his information.—

/ Sent in No. 1458 /

Read Bellary Criminal Reports

Mr Campbell

for August.

/ Here enter S. U. No. 1777 of 1841 /

Supplemental Report No. 61

The Court of Sunjdarew Udalut are of opinion that there is not sufficient ground for demanding security from the 1st Prisoner in this Case and direct that he be discharged

discharged or the Prisoner released.—

Report No V

2 The Court presume that "the

Case No 150

Police authority" at the Bellary Talook Cutch-
=ery mentioned in the last column was not a
Police Amuseen appointed under Section XL Regu-
=lation XI of 1816 — or the Prisoner would not,
under Act 30 of 1837, have been sent to the
Head of Police after having been examined by
him. The Court desire to be expressly informed
upon this point.—

Case No 175

3 The interval between the 26th July
and 3d August is unaccounted for; the deten-
=tion of the Prisoners during that interval
should be explained.—

Case No 178.

4 The exact offence of which a Prisoner
was formerly convicted should always be mentioned;
as the propriety of the Sentence for the subsequent
offence often depends upon the previous one.—

5. The explanations of the delay
is incomplete in this case; it accounts for the
detention of the Prisoner only till the 14th — whereas
he did not leave the Talook till the 18th. This
omission should be supplied.—

Case No 181

6 It should be explained where the
Prisoner was from the 6th to the 25th August and
why he was so detained.—

Ext

15th October 1841.

7 The Court observe that in five
of the charges is the precise time mentioned
at which the offence was committed, and
in No 179 it does not appear in the charge
whether the breaking was by night or day,
which is contrary to Foujdaree Circular Order
29th September 1828. These points should be attended
to.—

8 The Court of Foujdaree Adalut
direct that Copies of Cases Nos 150, 175. 178. and 181
without the remarks of the Criminal Court —
together with Copies of Paras 2, 3, 5 and 6 be sent
by the Acting Criminal Judge to the Magistrate
for his information and guidance.—

Ordered that Extracts from
these proceedings be sent to the Acting Criminal
Judge of Bellary for his information by precept
returnable in 5 days from and after its receipt.
/Sent following precept No 1459/

Mr Campbell
and
Mr Dickinson

Read Letter dated the 2d October
1841 from the Joint Criminal Judge of Guntoor
forwarding the Criminal Reports for the month
of September last.—
/Here enter Ltr No 1815 of 1841/

The Court of Foujdaree Adalut
Require

15th October 1841.

require a further explanation of the grounds on which the 1st 3d and 4th prisoners included in the Statement required by the Circular Order No. 80 were punished, for if as it would appear from the report, they were flogged on bare "Suspicion" of being concerned in breaking through the wall. the punishment was illegal and unauthorized. The Court further require it may be distinctly explained whether the confessions of these prisoners were made before or after the infliction of the punishment.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Guntoor by precept returnable in 3 days from and after its receipt.

/Sent following precept No. 1460/

End. W.

No. 16.

Monday 18th October 1841. At a Court of the Foujdaree Adalut.

Present,

Alex. Duncan Campbell Esqre. — 1st Puisne Judge.
H. Dickinson Esqre. — 2d Puisne Judge.
Geo. James Casamajor Esqre. — 3d Puisne Judge.

Mr. Campbell and Mr. Dickinson

Read letter dated the 2d Instant from the Agent to the Governor of Fort St. George in the Vizagapatam District, submitting with reference to Clause 5th Rule 1 of the Rules framed by Government for his guidance, a Summary of the evidence against 12 prisoners charged with Culpable homicide, and communicating his opinion as to the punishment to be passed on the prisoners.

/Here enter No. 1845./

The Court of Foujdaree Adalut

1.

having maturely considered the Summary of the evidence taken before the Agent, the Statement of the grounds for the conviction and his opinion as to the punishment to be passed on the prisoners, resolve to sentence

the

18th October 1841.- the prisoners

2nd Condoori Maumai

and

3rd Putnanah Sambiah

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- and that the prisoners

1st Kella Paupiah

4th Sreegacotapoo Suvegadoo

5th —— Do —— Jummadoo.

6th Nagareatacapoo Saumygaudoo

7th Sullomoony Poongaudoo.

8th —— Do —— Juggadoo.

9th Salagadoogoola Goorugaudoo.

10th Seerapoorapoo Boolegaudoo.

11th Paulcha Lutsoomeedoo.

and

12th Soopaneeda Ramoodoo.

be imprisond and kept to hard labor in irons on the public roads or other public works, for, and during the period of six months.-

2. The Court of Foujdaree Adalut have been induced to mitigate the punishment proposed.

18th October 1841.

proposed by the Agent, as regards the 1st Prisoner, on account of his having in the first instance used his endeavours to prevent the sacrifice.-

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.-

Sent following letter No. 1462

Read letter dated the 11th instant from the 3rd Judge on Circuit in the Northern Division, acknowledging the receipt of the higher Courts proceedings of the 4th October 1841.-

Here enter No. 1890.

Read letter dated the 15th instant from the Provincial Court in the Centre Division, transmitting the Original Death Warrant in Case No. 9 of the Chittoor Calendar third quarter Sessions of 1841.-

Here enter No. 1898.

Read letter dated the 7th instant from the Magistrate of Madura, submitting the report called for in the proceedings of the Foujdaree Adalut dated the 30th Ultimo, relative to certain cases on the Madura Criminal

reports

18th October 1841. reports for the month of August last.—

/Here enter No. 1854/

Read letter dated the 12th instant from the 3rd Judge on Circuit in the Southern Division, reporting the opening of the 2nd Sessions of 1841 at Combaconum on the 11th instant, and the State of the Calendar.—

/Here enter No. 1879/

Read letter dated the 13th instant from the Magistrate of Madura, submitting with reference to para 2 of his letter of the 7th instant a further Report on Case 94 of the Madura Criminal Report for the month of August last.—

/Here enter No. 1901/

Tuesday, 19th October 1841.— At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

George James Casamajor Esqre. 3rd Puisne Judge

Mr. Campbell. Mr. Dickinson. and Mr. Casamajor.

The Record of the trial in Case No. 2 on the Nellore Calendar for the 3rd Sessions of 1841, called for in the proceedings of the Foujdaree Udalut of the 20th August 1841, not having been submitted to this Court.—

Ordered that the 3rd Judge on Circuit in the Northern Division be required by precept, returnable in 3 days from and after its receipt, to shew what progress has been made in the preparation of the English translation of the trial in question; and to explain the cause of the delay in forwarding the above Trial for the final orders of the Court of Foujdaree Udalut.—

/Sent following Precept No. 1465/

Read the Criminal Reports submitted

18th Mr Campbell and Mr Casamajor. Submitted by the Acting Joint Criminal Judge of Tellicherry for the month of September 1841.—

/Here Enter F. C. No. 1853./

The above reports do not appear to call for any remark from the Court of Foujdaree Udalut.—

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

/Sent in No. 1466./

Read return dated the 7th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 3rd July 1841 calling for a return to this Courts precept of the 17th May 1841 on the Criminal Reports for March 1841.—

/Here Enter No. 1868./

Read return dated the 7th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 17th May 1841 on the preview

of the Criminal Reports for the month of March 1841.—

/Here Enter No. 1869./

Read return dated the 7th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 29th February 1840 on the preview of the Criminal Reports for the month of January 1840.—

/Here Enter No. 1870./

Read return dated the 9th Instant from the Acting Assistant Criminal Judge in charge of the Zillah Court of Madura to the precept of the Foujdaree Udalut of the 30th September 1841 on the preview of the Criminal Reports for the month of August 1841.—

/Here Enter No. 1871./

Read return dated the 6th Instant from the 1st Judge late on Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 27th Ultimo relative to Annundummy the prisoner in Case No. 20 of the Tinnevelly Criminal Reports

19th October 1841.

18th

Reports for February last.—

/Here enter No. 1880./

Read return dated the 9th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 27th May last on the review of the Criminal Reports for the month of April 1841.—

/Here enter No. 1882./

Read return dated the 9th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 26th July last calling for returns to this Courts precepts of the 27th May and 3rd July 1841 on the Criminal Reports for the months of April and May 1841.—

/Here enter No. 1884./

Read return dated the 9th Instant from the Acting Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 3rd July last on the review of the Criminal Reports for the month of May 1841.—

/Here enter No. 1885./

F. U.

Wednesday 20th October 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,

Henry Dickinson Esqre. 2nd Puisne Judge,

George James Casamajor Esqre. 3rd Puisne Judge.

Read letter dated the 30th September 1841 from the 2nd Judge of the Provincial Court of Circuit in the Southern Division submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No. 1 of the Spichinopoly Calendar for the 3rd Quarterly Sessions of 1841.—

Mr. Casamajor.

/Here enter F. U. No. 1875./

1. The Court observe that Mr. Harrington has not given any opinion as to punishment which ought to be awarded to the Prisoner in this case and conformably to their Circular Order 11th March 1834, they direct that the letter of reference be returned for amendment on this point.—

2. The Court further observe that this trial is in one very important respect

x N.B. The letter of reference having been written on ink, is not returned.—

respect, deficient, there is no evidence but that of the Prosecutor as to the property having been in the box when the theft took place and as to the Prisoner being cognisant that it was there - The Prosecutor however expressly stated before the Court of Circuit that his Servant Asoonudda Syen helped him to tie up all his property and put it in the Box and that the Prisoner was present and saw this - Asoonudda Syen has not been examined at all! The Court desire that he may be now examined as to the above points, if his testimony can be procured. -

*p. 10. A. 20.

3. In another respect the trial might have been made more compleat - There is no direct evidence but that of the Prosecutor to the Prisoner having borrowed the Key on the day of the theft; the Prosecutor however states that Asoonudda Syen and Govindapal were present when he borrowed it - This is of less consequence than the former omission because nearly all the Witnesses for the prosecution depose that

* Circuit Proc: P. 9. A. 16.

that they heard the Prisoner admit that he borrowed the Key - It would be more satisfactory however to have this evidence if it can be procured, and the witnesses should be expressly questioned what reason the Prisoner assigned for borrowing the Key -

4. The Court of Zillah Tinnivelly is therefore to return the English translation of the record of this case to the 2nd Judge directing him to obtain the attendance of the necessary witnesses and in the presence of the prisoner take their examination in the manner prescribed by Act V of 1840 on the points above mentioned - The 2nd Judge will permit the prisoner to cross examine the witnesses and to offer any thing further in his defence he should be wish it at the close of the examination. -

The 2nd Judge will annex

5. English translations of the additional evidence so taken to the record and will return the same for the consideration and

final

20th October 1841.

final sentence of the Fouzdaree Udalut.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by precept returnable in 20 days from and after its receipt.—

/Sent following precept No. 1467/

Read return dated the 30th September 1841 from the 1st Judge late on Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 13th August last conveying their remarks and orders relative to the case of Rungana-thien of Salem.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here Enter F. C. No. 1818 of 1841./

Under the circumstances represented in the foregoing return by the 1st Judge of the Provincial Court of Circuit in the Southern Division the Court of Fouzdaree Udalut desire that the Magis-trate be called on to furnish without further delay the information required in the pro-ceedings of this Court of the 13th August last.—

Ordered

F. C.

20th October 1841.

Ordered that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Southern Division by precept returnable in 10 days from and after its receipt.—

/Sent following precept No. 1468/

Read letter dated the 30th September 1841 from the Provincial Court of Circuit in the Northern Division prefer-ring for the orders of the Court of Fouzdaree Udalut the opinions of the 3rd Judge on Circuit and of the 1st Judge of the Pro-vincial Court on Case No. 21 on the Quntoor Supplemental Report of July last.—

Mr. Campbell
and
Mr. Casamajor.

/Here enter F. C. No. 1846./

Since it appears that the 1st Judge differs from the 3rd Judge on Circuit in regard to the disposal of the case in question,— the Court of Fouzdaree Udalut are of opinion that the proceed-ings should be referred for the opinion of the Acting 2nd Judge; in the event of Mr. Hartley's not having yet joined the Provincial Court the Judges of the

Court

20th October 1841.

Court of Foujdaree Udalut desire that the record be detained till his arrival.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 25 days from and after its receipt.—

/Sent following precept No. 1469/

Exd. H.

F. U.

Thursday 21st October, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre.—1st Puisne Judge,
Henry Dickinson Esqre.—2nd Puisne Judge,
George James Casamajor Esqre.—3rd Puisne Judge,

Read letter dated the 11th Instant from the Acting Second Judge of Circuit in the Western Division transmitting the Record of trial in Case No. 10 of the Canara Calendar for the 2nd Sessions of 1841.—

Mr. Casamajor.

/Here enter No. 1902./

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,

Addigmur Billar Poovannee,

is sufficient to convict him of the crime of rape, for which, in the absence of the requisite conditions of Hud, discretionary punishment is awardable, under the Mahommedan Law, as declared in the futwas of their Law Officers, do convict him

him thereof, and, with reference to the pro-
visions of Clause first Section V Regulation
VIII of 1831, Clause third Sec. VII
Regulation XV of 1803, do sentence him
to be imprisoned, and kept to hard labor,
in irons, on the public roads or other
public works for and during the period
of (5) five Years.—

(Sent following letter No. 1472)

Read return dated the 30th
September 1841 from the Provincial Court
of Circuit in the Northern Division to the
precept of the Fouzdaree Adalut of the
6th Ultimo conveying their orders on the
subject of the Petitions presented on
behalf of Sait Savalut and Rajah
Vafaredy Michanah, and directing that
a copy of the same be furnished to the
Magistrate of Guntoor.—

Mr. Campbell and Mr. Casamajor.

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

1. With this return the Provincial
Court forward copy of a return dated the
24th September 1841 from the Collector
of Guntoor in which that Officer

suggests

"suggests, as calculated to meet the wishes
"of all parties, but particularly to meet
"any objections that may be made by any
"of the parties that due attention was
"not paid to the custody of the Property,
"that all the parties be required to affix
"their seals together with those of
"Government."—

2. The Court of Fouzdaree Adalut
see no grounds for departing from the
orders contained in their proceedings of the
6th September last, and they direct
that the Collector be required to enforce
attention to them.—

Ordered, that Extract from
these proceedings be sent to the Provincial
Court of Circuit in the Northern Division
by precept, returnable in 10 days from
and after its receipt.—

(Sent following precept No. 1473)

Read return dated the 5th
of October 1841 from the Acting 2nd Judge
in Circuit in the Western Division to the
precept of the Fouzdaree Adalut of the
17th

Mr. Campbell and Mr. Distinctor.

17th September 1841 Conveying their observations on the Calicut Calendar for the 2nd Sessions of 1841 and calling for an English translation of the trial in Case No. 6 of the Primary Calendar.—

/Here enter F.C. No. 1850./

Case No. 6.

1. The prisoner, in this case, is charged with having in company with others murdered or assisted in the murder of the prosecutor's Sister, by beating her with their hands and Sticks; and with subsequently taking and throwing her corpse into a Jungle, with a view of concealing the crime.—

2. The prisoner was acquitted, by the Law Officer of the Court of Circuit, of the charge of Murder; and in this finding the Judge on Circuit concurred.—

3. It is proved, by evidence, that while other persons were beating the deceased with sticks, the Prisoner struck her on her thigh, with his hand. It is not to be supposed that the blows inflicted by the Prisoner were the cause of the death of the deceased. It is however clear that instead

instead of attempting to restrain her from the attack of others he encouraged them, in their violence, by himself striking her.—

4. In this act the Prisoner was deserving of punishment, and would doubtless have received it had the trial been referred for the final judgment of the Sonjdaree Adalut.—

5. In consideration, however, of the ample punishment awarded to the Prisoner for the offence of removing and concealing the corpse of the deceased, the Court of Sonjdaree Adalut do not consider themselves to be called upon to do more in the present case than to communicate the above observations for the information and future guidance of the Judge by whom the case was tried.—

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

/Sentence No. 1474/

Read letter dated the 9th

17th September 1841 conveying their observations on the Calicut Calendar for the 2nd Sessions of 1841 and calling for an English translation of the trial in Case No. 6 of the Primary Calendar—

/Here enter F.C. No. 1850./

Case No. 6.

1. The prisoner, in this case, is charged with having in company with others murdered or assisted in the murder of the prosecutor's Sister, by beating her with their hands and sticks; and with subsequently taking and throwing her corpse into a jungle, with a view of concealing the crime.—

2. The prisoner was acquitted, by the Law Officer of the Court of Circuit, of the charge of Murder; and in this finding the Judge on Circuit concurred.—

3. It is proved, by evidence, that while other persons were beating the deceased with sticks, the Prisoner struck her on her thigh, with his hand. It is not to be supposed that the blows inflicted by the Prisoner were the cause of the death of the deceased. It is however clear that instead

instead of attempting to preserve her from the attack of others he encouraged them, in their violence, by himself striking her.—

4. In this act the Prisoner was deserving of punishment, and would doubtless have received it had the trial been referred for the final judgment of the Sunjdaree Udalut.—

5. In consideration, however, of the ample punishment awarded to the Prisoner for the offence of removing and concealing the corpse of the deceased, the Court of Sunjdaree Udalut do not consider themselves to be called upon to do more in the present case than to communicate the above observations for the information and future guidance of the Judge by whom the case was tried.—

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

/Sentence No. 1474/

Read letter dated the 9th

21st October 1841.

9th Instant from the Agent to the Governor
of Fort St. George at Vizagapatam, Sub-
Mr Campbell. mitting the Calendar of Cases disposed
of by him during the Quarter ending 30th
September 1841.—

/Here Enter No. 1887./

The above Calendar not
requiring any remark from the Court of
Fouzdaree Udalut.—

Ordered that Extract from
these proceedings be forwarded for the
information of the Agent to the Governor
of Fort St. George at Vizagapatam.—

/Sent in No. 1475/

End 7th

F. 16.

At a Court of the Fouzdaree Udalut—

Present—

Tuesday— Alexr. Duncan Campbell Esqre 1st Puisne Judge
22d October 1841. Henry Dickinson Esquire 2nd Puisne Judge
Geo. James Casamajor Esqre 3d Puisne Judge

Read letter from the Magistrate
of Canara transmitting for the consideration of the
Court of Fouzdaree Udalut copy of a letter from
the additional Joint Magistrate Mr Lushington on
the subject of the proceedings of the Circuit
Judge Mr Vaughan under date the 19th May 1841
on the subject of Mr Lushington's proceedings on
the occasion of an Expected disturbance in the
Catholic Church—

/Here enter No. 1951/

The Magistrate submits that
the circumstances of the case by no means warrant
the censure which the 1st Judge has thought fit to
cast on the proceedings of the additional joint-
Magistrate; and he further submits that the
restrictions which the Circuit Judge would seem
to impose on the authority of the Magistracy, in
cases like the one under reference, are opposed
to the Spirit of the Regulations

2. It appears to the Court of Fojdaree Udalut that the only irregularity in Mr. Lushington's proceedings was, his not taking evidence on oath before he bound the parties over to keep the peace. It is by no means indispensable that a Summons or Warrant should be issued, in cases of emergency, the most expeditious way of procuring the attendance of the persons required, provided there be nothing illegal in it, is the best; neither is it necessary that there should be a sworn charge before their attendance is so required. Any credible information of a probable breach of the peace is sufficient to justify a Magistrate's interference; but he cannot take recognisance, or restrain personal liberty, without evidence on oath, or solemn declaration.

3. The Court do not concur in the latter part of para: 7 of the 1st Judge's Proceedings of the 19th May 1841, and are of opinion that nothing that appears upon the papers before them affords ground for any unfavorable imputation on Mr. Lushington.

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 to be by him communicated to the Magistrate of Canara.—

/ Sent in No. 1479 /

Mr. Campbell and Mr. Dickinson

Read letter dated the 6th Instant from the 3d Judge on Circuit in the Southern Division, transmitting the record of trial in case No. 2. of the Tinnevelly Calendar for the 2d Session of 1841.

/ Here enter No. 1874 /

The Court of Fojdaree 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 Mootoosawmy
&
2nd Canen alias Chinna Canen

is sufficient to convict them of the crime of gang robbery by open violence attended with aggravating circumstances, do convict them thereof, and under the provisions of Clauses first and fifth Section IV. Regulation XV. of 1803 do sentence the prisoner

2d Canen alias Chinna Canen

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons,

on

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

1st Mootoosamy

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. 1480 /

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor—

Read letter from the Provincial Court of Circuit in the Western Division, submitting at the instance of the Magistrate of Camaraa the question, whether it is competent to a Magistrate with reference to the provisions of Sections V. and VI. Regulation VI of 1827 to demand Security from persons of notoriously bad character &c. without a personal enquiry before the Magistrate, and depositions taken on Oath—

/ Here enter No. 1606. /

The Magistrate considers that

1.

he is vested with such powers, because from the interposition of the word or between the words "informations" and "evidence", in Clause 2d Section VI, a distinction appears to him to be intended to be made between the term "informations" and "evidence",

F. H.
22d October 1841.

"evidence", and he considers that the term information, as used therein, means any charge, accusation, or information, received by the Magistrate—

The Provincial Court of Circuit

2.

record their opinion that Security can be demanded by a Magistrate only after a personal Examination upon Oath, and they refer to the Circular Order of the 25th February 1824 as conclusive on this point—

The Court of Zoujdaree Adalut

3.

concur in opinion with the Provincial Court of Circuit—

The Circular Order of the Zoujdaree

4.

Adalut dated 25th February 1824 declares that a Magistrate is not competent to commit to Jail, on a requisition of Security, unless he hold a personal Examination of the Case—

This expression "examination" must

5.

mean a taking of Evidence. The same Circular Order, and general practice, require that this shall only be on oath—

The Court of Zoujdaree Adalut

6.

hold that the "information" on which a Magistrate may proceed against a Vagrant &c., should also be given on oath, or under a Solemn affirmation,

as

as without such recorded testimony it is incompetent to a Magistrate to act under the Regulation quoted above.—

7. It is understood that the same practice is observed in England in the case of Vagrants &c., against whom nothing can be there done except upon oath.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Magistrate of Canara for his information and future guidance.—

/ Sent in No. 1481 /

Mr Dickinson and Mr Casamajor

Read letter dated the 28th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting copy of a letter from the Magistrate of Tricklinopoly, who solicits the opinion of the Court of Foujdaree Udalut as to the competency of Commanding Officers to hold inquests on dead bodies at Military Bazar Stations.

/ Here enter No. 1795 /

1. It has been repeatedly ruled that the Senior Commissariat Officer at Military Bazar Stations, and of course the Officer appointed by Government to the charge of the Police of the Stations mentioned in Section XXVIII Regulation VII of 1832, is the proper person to hold inquests on dead bodies found in the Lines—

At Stations other than Military

2. Bazar Stations it is the duty of the Native Officers of Police to hold the inquest; but where there may be no Civil authority, competent to hold the Inquest, at hand, the Government have directed that the investigation of the sudden death of persons, under Military Command, be held by the Commanding Officer; but the Court of Foujdaree Udalut have already Expressed their opinion to Government that such powers can be conferred on the Commanding Officer, at such Station, only by a legislative Enactment.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, to be by them communicated to the Magistrate of Tricklinopoly.—

/ Sent in No. 1482 /

Mr Dickinson and Mr Casamajor

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division, communicating the orders issued by them in Case No. 127. on the Cuddapah Criminal file to the Criminal Judge of Cuddapah.—

/ Here enter F.N. No. 1838 of 1841 /

The

The Court of Foujdaree Udalut do not understand why the proceedings above recorded have been submitted to them, but they observe that it was competent to the Provincial Court under the provisions of Section XXIV. Regulation X of 1816. to act in the manner they have done in the case in question and the transmission therefore of an Extract of the proceedings of the Provincial Court was unnecessary.—

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

/ Sent in No. 1483. /

Read letter from the Acting Criminal Judge of Bellary, Explaining that he has acquitted and released a woman forwarded to the Criminal Court on a charge "of having concealed the "birth of a child and throwns it away when born," because the Mahommedan Law Officer attached to his Court has declared that "where there are no "signs to indicate that the child was born alive, there "is no punishable Offence;" but having another similar Case before him, the Acting Criminal Judge suggests, that when there is no proof that the child was born

born alive, or nothing to indicate the same, that the case should not be sent to the Criminal Court.—

/ Here enter No. 1858. /

The Court of Foujdaree Udalut consider that it is quite competent to the Magistrate to issue orders to his Police not to send such cases up to the Court, when there is no evidence that the child was born alive, and no doubt the object sought would be attained by the suggestion being offered to the Magistrate by the acting Criminal Judge.—

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

/ Sent in No. 1484 /

Read the Criminal Reports of Mr. Dickinson for the month of September 1841 submitted by the acting Joint Criminal Judge of Coimbatore.—

/ Here enter F. C. No. 1864 /

The Court desire to be informed of the cause of the death of the two prisoners who are in Report No. VI stated to have died during the month of September last.—

Ordered

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Coimbatore for his information and guidance by Precept returnable in 5 days from and after it's receipt.—

/ Sent following Precept No. 1485 /

Read letter dated 4th October 1841. from the Acting Joint Criminal Judge of Cochin, forwarding the Criminal Reports of that Court for the months of September last.—

Mr. Dickinson.

/ Here enter F.R. No. 1477 /

Case No. II. Report No. V.

Two prisoners in this case are charged with having received Stolen property, but the guilty knowledge which is the essence of the offence is not charged. The Court consider it a matter of regret that the prisoners have been detained so long in confinement on an unfounded charge and they trust that the Acting Joint Magistrate has taken such notice of the conduct of the Police Aumen as it deserves.—

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

/ Sent in No. 1486 /

4 / 46

Saturday 23d October 1841.

At a Court of the Foujdaree Adalut

Present:

125

Hon.e Duncan Campbell Esq.r 1st Puisne Judge

Henry Dickinson Esq.r 2d Puisne Judge

Geo.e Sausse Cassamajor Esq.r 3d Puisne Judge

Read letter dated 9th October 1841 from the Criminal Judge of Canara forwarding the Criminal Reports of that Court for the months of September last.—

Mr. Campbell

and

Mr. Dickinson

/ Here enter F.R. No. 2186 /

Case No. 125 Supplemental Report.

With reference to the remarks of the Criminal Judge in this case the Court of Foujdaree Adalut observe that it has been noted in their Circular Order of the 13th July 1829 that the offence of Escape is distinct from all others and that the Criminal Courts have clearly the power to order the punishment provided in Section V Regulation VII of 1832 in respect of any other punishment which

a prisoner may be undergoing, or is liable to;
and this Circular Order is in no way
affected by the subsequent order of the
5th March 1841 - No: 137.

2. The Criminal Judge will
therefore in accordance with Orders of the
Court contained in their Circular Order
No: 29. proceed immediately to dispose
of this case.-

Case No: 1142. 3. The Court of Sudder
Report No: V. Udalut are desirous of being informed of
the circumstances which in the opinion of
the Criminal Judge rendered it necessary
that the whole measure of punishment
adjudicable under the provisions of
Clause fourth Section III Regulation
VI of 1822, should have been passed on the
prisoner in Case No: 143. the punishment
awarded appears to the Court of Sudder
Udalut to be too severe.

Case No: 149. 4. The charge in this case is
incomplete. The person intended to be
defrauded should have been specified. The
Criminal Judge is therefore required to amend
the

the charge
Ordered that Extracts from
these Proceedings be sent to the Criminal
Judge of Canara for his information
and guidance by first Dak returnable in
5 days from and after its receipt.
Sent for following Precept No: 1489
Read Letter dated the 13th
Instant from the Agent to the Governor
and Commander in Chief
&c &c &c
of Fort St George in the Vizagapatam
District, submitting, with reference to
Clause 5th Rule 1 of the Rules framed
by Government for his Guidance, a
Summary of the Evidence against a
prisoner charged with wilful murder, and
communicating his opinion as to the
punishment to be passed on the prisoner.
Recorded No: 1909 of 1841.
The Court of Sudder Udalut
having maturely considered the Summary
of the Evidence taken before the Agent &
the Statement of the Grounds for the
conviction, and his opinion as to the
punishment to be passed on the prisoner
resolve

proceeding to sentence the prisoner.

"Dalua Appreganden"

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

2. The Court of Inquiry and Adalut have been induced to pass a more severe sentence than that proposed by the Agent, because the weak state of the deceased may have rendered fatal a blow not otherwise likely to cause death.—

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.

(Sent in No. 1490.)

Read the Criminal Report for the Month of September 1841 submitted by the Sessions Criminal Judge of Tinnevelly

(Rec'd enter No. 1491)

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

Ordered accordingly that Extract from

from these Proceedings be sent to the Sessions Criminal Judge of Tinnevelly.—

(Sent in No. 1491.)

Read the Criminal Report submitted by the Acting Principal Sudr Ameen at Tanjore for the month of September 1841.—

(Rec'd enter No. 1491 of 1841)

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

Ordered therefore that Extract from these Proceedings be sent to the Acting Principal Sudr Ameen at Tanjore for his information.—

(Sent in No. 1492.

Read the Criminal Reports submitted by the Principal Sudr Ameen at Kurnool for the month of September 1841.

(Rec'd enter No. 1493 of 1841)

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

Ordered therefore that Extract from

23

23d October 1841.

Extract from these Proceedings be sent to the Principal Ludr Amean at Hinnaveli for his information.

(Sent in No 1493.)

F. 16.

Monday 25th October, 1841. At a Court of the Tinjdaree Udalut.

Present,

Alexr Duncan Campbell Esqre — 1st Puisne Judge,
Henry Dickinson Esqre — 2nd Puisne Judge,
George James Costamajor Esqre — 3rd Puisne Judge,

Read the Criminal Reports for the month of September 1841 submitted by the Criminal Judge of Salem. —

Mr Dickinson.

(Here enter F. 16. No 1893.)

1. The Cases disposed of by the Criminal Court during the month of September do not appear to the Court of Tinjdaree Udalut to call for any remark. —

2. The large number of Cases however stated in the Report to be under examination leads the Court to express a hope that the Criminal Judge does not allow any unnecessary delay to occur in disposing of cases which come before him. —

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

(Sent in No 1496.)

Read

Read Statement dated the 1st Instant from the Officiating Joint Criminal Judge of Tinnevelly, Amount proposed by the Labor of the Prisoners in the 3rd Quarter of 1841.—

/Here enter No. 1911./

Read Supplemental return dated the 19th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Tongdaree Udalut of the 23d Ultimo directing that in Case No. 15 in the Cuddalore Calendar for the 2nd Sessions of 1840 the 1st 2nd and 3rd Prisoners Pongavanum, Pitchacaren and Cuttien, be immediately set at liberty, and that the Prisoners 4th 5th and 6th Soobrayen, Mouttien, and Ramasawmy be required to furnish 2 Sureties of 50 Rupees each Surety for their future good behaviour and appearance when required within one Year from the date of the Circuit Judge's Sentence Vide.—

/Here enter No. 1921./

Read letter dated the 18th Instant from the Acting 2nd Judge on Circuit in the Western Division reporting the opening of the 2nd Sessions of 1841 on the 24th Proxino at Honore.—

/Here enter No. 1923./

Read return dated the 18th Instant from the Provincial Court in the Northern Division to the precept of the Tongdaree Udalut of the 8th Instant directing them to enforce their order of the 20th July last, requiring the Prisoner in Case No. 33 on the Masulipatam Joint Criminal Court's file to furnish Security in Rs. 50 for his future good conduct.—

/Here enter No. 1926./

Ent'd W. R.

J. M.

Tuesday
26th October 1841

At a Court of the Zoojdaree Udalut

Present

Alex: Duncan Campbell Esqr 1st Assistant Judge
Henry Dickinson Esqr — 2d Assistant Judge
Geo: Jas Casamajor Esqr 3d Assistant Judge

Read return dated the 13th

Mr Campbell October 1841 from the Acting Assistant
Criminal Judge of Rajahmundry to the
precept of the Zoojdaree Udalut of the
4th instant requiring him with reference
to the return of the Provincial Court of
the 20th September last to state on what date
the orders of the Zoojdaree Udalut under
date the 3d August 1839 preceded by Circu-
Hurdwuttee J. M. No. 1904
As it appears from this
return that the letter of the Court of
Zoojdaree Udalut of the 3d August
last, have not as the Court were led to
suppose from the return of the Provincial
Court been furnished to the Criminal
Court

Court of Rajahmundry the Court of Zillah Udalut desird that a copy be sent direct from this Office to him and that the Provincial Court be called on to submit an explanation of the Statement contained in their return of the 20th September last that the same were made known to the late Acting Judge by an Extract of Proceedings under date the 11th and despatched on the 16th Ultimo.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable within 2 days from and after its receipt.

(Sent following precept No. 1478)

Ordered also, that an Extract of these Proceedings, with a copy of the letter of the Zillah Udalut of the 3d August last, be sent to the Acting Criminal Judge of Poolicat annexing for his information.

(Sent in No. 1479.)

Read letter dated the 21st September 1841 from the Magistrate of Cuddapah forwarding with reference to the Proceedings of the Zillah Udalut of the 2d Ultimo copy of a letter from the Joint Magistrate affording explanations relative to cases Nos 78 and 79 on the Cuddapah Criminal file.

(Hon'ble Tucker's No 1762)

With reference to the remarks of the Joint Magistrate in the 2d para of this letter, the Court of Zillah Udalut observe, that the investigation, by the Head of Police, of the case referred to him by the Joint Magistrate, appeared from the papers and orders submitted with the Joint Magistrates letter to the Magistrate of the 5th August 1841 not to be a previous inquiry of the kind contemplated by Section XII Regulation IX of 1816, but a full investigation of the case; and therefore the Circular Order of the 17th May 1831 did not apply to the

2

The Court direct that a copy of the translation of part of the original complaint

complaint given in para 4 of the Joint Magistrate's letter be sent to the Criminal Judge of Cuddapah, and that he be required to state, after having it compared with the original, whether it appears to him to be a correct translation; and in that case to explain his remark in Pa 79 of the Criminal Report for May last.

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

(Sent in Pa 1500)

Ordered also that copy of para 2 be sent to the Criminal Judge of Cuddapah for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept Pa 1501.)

Read the following Letter dated the 12th instant from the Third Judge on Circuit in the Northern Division.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

(Here enter T.M. Pa 1895 of 1841)

The Third Judge applies for instructions in regard to the disposal of Para 11 of the Rajahmundry Calendar of the present

present Sessions, in which there is neither Prosecutor nor Witnesses - but the Prisoner confesses he was told that two persons had gone forth to commit a Highway Robbery and was advised to go with them: that accordingly he went with the intention of joining them in committing it but before he reached the place, the two persons had accomplished it, and he met them returning to the village.

The Court of Sudder Adawlut

2. direct that a copy of Paras 2 and 3 of their Proceedings of the 25th January 1839 and a translation of the Question put to and Answer given by their Mahommedan Law Officers in the case therein referred to, be sent to the Third Judge, for his information and guidance.

Ordered that Extract from these Proceedings be forwarded to the Third Judge on Circuit in the Northern Division for his information and guidance.

(Sent in Pa 1502)

Read

26th October 1841

Mr Casamajor

Read letter dated the 13th October 1841 from the Magistrate of North Arcot submitting the explanations called for in the Proceedings of the Tongdaree Udalut under date the 28th Ultimo relative to certain cases of the Chittoor Criminal Reports for the month of August 1841.

Here enter J. N. No 1894 of 1841

1 The Court consider the explanation given by the Joint Magistrate in Case No 137 to be satisfactory.

2 With references to cases Nos 138 and 150 the Court are of opinion that there were no grounds for a reference in either case and that the Head of Police should have known how to act without seeking the instructions of his Superior, and the Joint Magistrate should have informed him so.

3 The Court approve of the Proceedings of the Joint Magistrate in Cases Nos 139 and 150 in the latter case they remark that the reference was improper and that the Head of Police was very properly rebuked by the Joint Magistrate.

Ordered

3 J. N.

26th October 1841

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

(Sent in No 1503.)

Mr Campbell
&
Mr Casamajor

Read Letter dated 6th Instant from the Criminal Judge of Salem submitting copies of the sentences passed in Criminal Cases Nos 193 and 202 of 1840 on the File of that Zillah Court and of a Certificate and Letter from the Zillah Surgeon and recommending that Sanction be granted for the remission of the corporal punishment of 100 lashes awarded the prisoners Varadoo in the said cases

Here enter J. N. No 1840 of 1841

Under the circumstances represented in the papers above recorded the Court of Tongdaree Udalut Sanction the remission of the corporal punishment

Ordered that Extract from the said

these Proceedings be forwarded to the Criminal Judge of Salem for the information.

(Sent in Rc. 1504)

Read Return, dated 5th October 1841, from the Provincial Court of Circuit in the Southern Division to the precept of the Tongdared Udalut of the 6th Ultimo calling for a rough English translation of the whole of the proceedings which were forwarded to the Provincial Court by the Zillah Judge of Salem, relative to the removal of the Petitioner Sooky Sha'eben from his appointment of Court Peon, and directing them to call for and submit any further papers relative to the Petitioner's case that may not have been included in the proceedings already before them.

Mr. Dickinson

(Vide under 7th Ult. Rc. 1845)

The Court of Sunpland Udalut observe that it does not appear, by the Proceedings which have been forwarded

accompanied the return, that the Petitioner Sooky Sha'eben was ever called on by the Zillah Judge to name witnesses in support of the charge which he brought against the Nazir of the Court.

2 Until these witnesses have been examined it was premature in the Zillah Judge to declare the charge to be false.

3 The Provincial Court will accordingly issue instructions to the Zillah Judge now to call on the Petitioner for proof of his charge and having taken it, to report the result for the information of the Sunpland Udalut.

4 The Court of Sunpland Udalut further remark that the Extract from the Proceedings of the Criminal Court of Salem dated the 11th May 1840 has no reference to the charge in question against the Nazir

Major — They desire therefore that a
copy of the Zillah Judge's deposition on
that charge may be submitted —

5. The Provincial Court will
also furnish a copy of the order
passed on the Petition presented to
them on this subject —

Ordered that Extract from the
Proceedings be sent to the Provincial Court
of Circuit in the Southern Division by
precept returnable in 15 days from and
after its receipt —

(Sent following precept No. 1505)

Read again Miscellaneous
Petitions presented on the 7th October and
Mr Casamajor. 30th November 1840 and on the 3d May 1841
by Mustiappa Chetty of Vellore —

(Herewith Mss Nos 126 and 147 / 1840 and 87 / 1841)

Read also Return dated 24th
Ultimo from the Provincial Court for the
Centre Division, to the Precept of the Court
of Zeejdaree Udalut under date the 20th
September 1841 directing them to ascertain
and report the date on which the Stamped
Paper

26th October 1841

Paper for the copy of the order of the Court
of Circuit dated 4th May 1840 was presented,
and that on which the copy was delivered to the
Petitioner Mustiappa Chetty —

(Hereunto annexed No 1770 of 1841)

1. The Provincial Court state
that the order above alluded to was was
passed by the Acting Second Judge on Circuit
who presided at the 1st Quarter Sessions
of 1840 and there is no record to afford the
information required nor can it be obtained
through any other source —

2. Under these circumstances,
the Court of Zeejdaree Udalut resolve
to transmit a translation of the Petition
No 126 containing a concise statement
of the case, to the Provincial Court, with
instructions to obtain and send up for
this Court's consideration, an English
Translation of the Record of the Proceedings
had before the Magistracy relative
to the Petitioner's complaint —

Ordered that Extract from
the Proceedings be sent to the Provincial
Court —

Court of Circuit in the Southern Division by Precept returnable within twelve days from and after its receipt.

Sent following precept No. 1506.

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

Mr. Dickinson and Mr. Cavenagh.

Read letter dated 28th August 1841 from the Principal Collector of Canara submitting copies of correspondence between the Additional Joint Magistrate of Canara and the 1st Judge late on Circuit - as also copy of a letter from the former to himself having reference to Proceedings arising out of the appointment of a Manager to a certain Pagoda under the Provisions of Regulation VII of 1817.—

[Hereunto S. No. No. 1055.]

The Court of Sudder Adawlut are of opinion that the exercise by the Additional Sub Collector of his powers of Joint Magistrate to compel the production of accounts and attendance of witnesses for the purposes of an inquiry under Regulation VII

of 1817 was unauthorized; as was also the taking of Moochilka from Moolcherry Nair & Nundyan not to quit Mangalore and their subsequent detention there on their refusing to produce their accounts and the taking of a Moochilka from Meddyan Nair unless it was taken on the ground of sworn evidence that there was danger of a breach of the peace which does not appear to have been the case. There is no authority in the Regulations for any of these Proceedings, and the reasoning by which it is attempted to justify them, viz. that when authority is granted the necessary powers are to be understood to be also granted to enforce it, is the Court think, erroneous. By Section XXV Regulation IX of 1816 Magistrates are enjoined to examine witnesses in Criminal charges brought before them, and Criminal Judges the same by Clause 1st Section IX Regulation X of the same year; yet it was thought necessary by Regulation I of 1824 expressly to vest both those Officers with powers to procure the

the attendance and evidence of witnesses. In the same manner, the power of compelling the attendance of Defendants is expressly given to Collectors by Section V. Regulation XII of 1816, of compelling the attendance of witnesses and production of papers by Sections III and IX Regulation IX of 1822; in certain specified cases. The presumption is, the Court think, that as such powers are not so expressly granted by Regulation VII of 1817, they were not intended to be exercised.

2 Mochilkas or recognizances can only legally be taken by persons exercising the powers of a Magistrate in the cases specified in Section III Regulation II of 1822, and Sections V and VI Regulation VI of 1827.

3. The Court of Sudder Adalut therefore approve of the order of the 1st Judge on Circuit in para: 15 of his proceedings 6th April 1841.

4. The Court disapprove entirely of the 1st Judge's proceedings 29th March 1841 in interfering

2 Mc-
26th October 1841

in the manner with the Tahsildar's proceedings, unauthorised, as well as his detention of Ramu for 2 hours. The Court see nothing illegal in the Yadasht; and even if it was illegal the Circuit Judge had no right to interfere with it, as he had no direct authority over the Tahsildar. A Tahsildar in either his personal or Police capacity has undoubted authority to send for such persons as he requires, especially persons holding office under his authority - and the Yadasht does not necessarily imply compulsion.

5. The 1st Judge having had no right to send the message to the Tahsildar in answer to which he obtained the information mentioned in the latter part of para 2 of his proceedings, 29th March, was not authorised to call upon the Joint Magistrate for the explanation required in para 4 of those proceedings, and the ready and courteous manner in which Mr Sterling responded to the call the 1st knew that it was unauthorised, reflects credit upon

that

that Gentleman.

6 The Court have only further to express their regret that the 1st Judge in communicating his orders should adopt a style which has the effect of hurting the feelings of the Gentleman to whom it is addressed.

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.

(Sent in No. 1507.)

Ordered also that Extract from these Proceedings be sent to the Principal Collector of Canara for his information.

(Sent in No. 1508)

Read letter dated the 5th instant

Mr Dickinson and Mr Casamajor

from the 3d Judge on Circuit in the Southern Division transmitting an English Translation of the record of trial in Case No. 57 on the Madura Calendar 2d Sessions 1841.

(Here enter F. H. No. 1878.)

the

The Court of Foujdaree Adawlut

on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner

"Balla Chitty alias Ballazany Chitty"

is sufficient to convict him of the crime of having evidently assaulted and wounded the Prosecutrix with stones, and pushed her into a well, in which she must have been drowned but for the timely arrival of the 2d and 3d Witnesses who rescued her from it, and of having plundered her of the Jewels which she wore on her person do convict him thereof, and, under the provisions of Clause Second Section III Regulation VII of 1822 do Sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works for and during the period of his natural life.

(Not for following Letter No. 1509.

Read

26th October 1841

Mr Dickinson and Mr Casamajor.

Read again Miscellaneous

Petition presented on the 30th June 1841 by Sorbah Saicken of the Zillah of Combaconum

/Hereunto M.P.J.C. No 102 of 1841/

Read also Return dated 30th September 1841, from the Provincial Court of Circuit in the Southern Division to the precept of the Sudder Adalut of the 30th August last directing that the Criminal Judge of Combaconum be called on to explain the cause of the crime of adultery not having been included in the charge of theft preferred against the Prisoners in Case No 15th of the Criminal Report for the month of October 1841 and requiring them also to submit rough translations of the case for the consideration of the Sudder Adalut.

/Hereunto J.C. No 1875/

1. In the Proceedings of the Sudder Adalut of the 30th August last the purport of the Petition and the grounds on which the Proceedings in Case No 15th of 1840 on the Coimbaconum Criminal file were called for are briefly set forth.

The

6. J.C.

26th October 1841

2. The Court of Sudder Adalut having considered the proceedings do not consider that the charge of adultery was at all established or that there was sufficient evidence to warrant the punishment of the Prisoners for the theft.

3. The Court therefore approve of the order passed on the charge by the Assistant Criminal Judge and refuse to disturb it.—

Ordered that the Petition be rejected and that a copy of the Proceedings be furnished to the Petitioner on his application.

Mr Casamajor

Read again Miscellaneous

Petition presented by Moodeen Saheb of the Zillah of Chittoor complaining of the order passed by the Provincial Court of Circuit under date the 25th May last in consequence of which he was ejected from certain Shops and deprived of a land of which he had been put in possession by an award of a Punchayet convened by the Commanding Officer of Arnee at the request of himself and his

his appearance.

[Here enter M. P.s Nos 130 and 131 of 1841]

Read also petition dated the 11th instant from the Provincial Court in the Central Division to the Receipt of the Tongaroo Udalut dated the 27th September last directing that the Magistrate be called upon to state whether Arnee was a Station described in Section XXXVIII Regulation VII of 1832.

[Here enter No. 1867]

The return of the Provincial Court shews that Arnee is not a Station of the kind mentioned in Section XXXVIII Regulation VII of 1832. The reference to, and Award of, the Punchayet are therefore wholly illegal, and the restoration of the property transferred under that award perfectly right.

2. The Court think that it is unnecessary to make any further enquiry than that prescribed in their Proceedings of the 27th September last, because, even if the Sloops were within Military limits, the Punchayet had no authority to adjudicate respecting them. Its authority to adjudicate respecting the

the Bond depended on the general fact of the Station being a Military Bazar Station, or a Station of the kind mentioned in Section XXXVIII Regulation VII of 1832, and upon the Defendant being personally subject to the Military jurisdiction, which last fact is not disputed.

The Petitioners Nos 130 and 131 of 1841 are accordingly rejected.

Extract from these proceedings to be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 6th September 1841 by Govindoo Narrain of the Zillah of Chingleput.

[Here enter F. M. M. P. No 136 of 1841]

1. The Petitioner complains of the sentence passed by the Judge presiding at the Chittoor 3d Quarterly Sessions of 1841 on his brother late a Peon employed to watch over the commencement work on the Great Western Road.

The Court of Foujdaree Adalut

2. direct that the Petition be rejected as it appears clearly from the Calendar that

Tadamalay

Sadanalay Naick was with the Convicts who
escaped and made no attempt to pursue them.

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

Read Miscellaneous Petition
Mr Campbell and Mr Dickinson presented on the 20th September 1841 by Gana
Sarow Ghatgay of the Zillah of Combaconum.

[Here enter M.P. No 1140 of 1841.]

1. The Petitioner represents that
his Son-in-law, the 4th Prisoner in Case No 1
on the Combaconum Special Sessions has
been unjustly accused and sentenced to
transportation for life— and he prays
that further evidence may be taken in the
case and the prisoner released.

2. The Court of Foujdaree Adalut
observe that the Prisoner referred to has been
fully convicted and sentenced and no further
evidence can be taken regarding him.

3. The Court further direct that
the Petitioner be informed that it has pleased
the Right Honorable the Governor in
Council to mitigate the Sentence awarded
to

his Son-in-law to simple imprisonment
which has accordingly been ordered to
be enforced in the Jail at Chingleput.

Ordered that this Petition
be negatived and that a copy of these Proceedings
be furnished to the Petitioner on his
application.—

Read Miscellaneous Petition
Mr Casamajor presented on the 27th September 1841, on
behalf of Utchapah Moorlapah Chetty
by his Moorktar Vakeel C. Venkatasamy.

[Here enter F.R. M.P. No 1142 of 1841.]

1. The Petitioner complains of
an order passed under date the 24th August
1841 by the Provincial Court of Circuit
in the Centre Division by which the 1st Judge
presiding at the Quarterly Sessions refused
to overrule the order of the Head Assistant
Magistrate of Chittoor passed on a charge
preferred by the Petitioner against one Venda-
-passow of having carried away his (the
Petitioner's) grain.—

2. The question at issue is
evidently the right to the grain; which is
the

the subject of a Civil Suit and not of a
Criminal Prosecution

3 The order of the Provincial Court
appears to the Court of Tongdarre Udalut
perfectly right and is confirmed

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

Read Miscellaneous Petition
presented on the 23d August last by D.
Kristniah Pantooloo, Moukhtar behalf of
Rajah Vaseerddy Atchummah
[Here enter M. P. No 178
of 1841]
in a former Petition No 38
of 1840, this Petitioner prays the Court to
order the remission of a Fine of fifty Rupees
imposed upon her by the Judge of Circuit
in the Northern Division, on the ground
of her having, in a Petition presented to
that Officer wherein the complainant of the
Magistrate of Guntoor having placed in
the Custody of Subbiah Venkatastrishna
some certain shawls, cloths and other
property originally deposited by her
husband

Mr Campbell and Mr Dickinson

husband on the Agency Stores at Chinnasamy
at Amaravaty introduced disrespectful
expressions touching the said Magistrate
and the Petitioner was informed by the order
of the Court of Tongdarre Udalut of the
29th June 1840 that to enable the Court
to dispose of the application she
must produce a copy of the Petition
to the Court of Circuit which contained
the alleged objectionable language

2 The Petitioner accordingly now
produces an attested copy of the said Petition
(it is numbered 24) is dated the 18th February
1838 and appears to have been presented to
the Court of Circuit on the 8th March of
the same year

3. The Court of Tongdarre Udalut
in the reference to their former proceedings
in this matter (23d March 1840 Para 3 of
opinion that the Fine of fifty Rupees
imposed on the Petitioner by the Court
of Circuit should be remitted) pass they
accordingly proceed to direct the Provincial
Court to cause the said sum to be paid

to

4th October 1841

to her or to her duly authorized Vakeel

The Court likewise deem it proper to direct the Provincial Court to institute an inquiry regarding the charge brought by the Petitioner against the present Magistrate of Cuntoor of having promoted those who gave evidence in favor of his Sarishtadar.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within two Month from and after its receipt.

(Sent following precept No. 1570)

Read Messrs Marcons Petition

Mr. Dickinson and Mr. Casamajor presented on the 4th October 1841 by Marcha Reddy, and 2 others of the Zillah of Cuddapah

(Here enter F.H. M.P. No. 147 of 1841)

1 The Petitioners pray to be allowed to take copies of the cases Nos. 16, 17, 18, 19 of the Cuddapah Calendar for 2d Sessions of 1841 as entered in the Calendar submitted by the Judge on Circuit.

2 The Court of Zeyadare Adawlut direct

F.H.

26th October 1841

direct that this Petition be rejected. It is not usual to grant copies of the Calendars.

Ordered that Extract of these Proceedings be furnished to the Petitioners on their applications respectively.

Utchappa Moodaliar Chetty

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

by his Mookteyar Vakeel, C. Venkatasawmy of the Zillah of Chittoor, moves the Court to return the enclosures in Miscellaneous Petition No. 142 of 1841.

Ordered accordingly.

Wednesday, 27th October, 1858.

At a Court of the Sawdaree Adalut.

Present;

Alexr. Duncan Campbell Esqre 1st. Puisne Judge,
Henry Dickinson Esqre 2d. Puisne Judge,
G. T. Casamajor Esqr. 3d. Puisne Judge,

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 7th Instant from the Acting Joint Magistrate of Salem — submitting copies of correspondence between the Magistrate of the District and himself, respecting a Sawarb Peon named Annajee Row, alias Rajavendra Row, attached to his Cutcherry, and in charge of the Magisterial records of the Subdivision —

/Here enter S.C. No. 1860 of 1858/

The Acting Joint Magistrate explains that he requested the Magistrate to lay the case before the Court of Sawdaree Adalut, but the Magistrate having in reply merely directed the Sawarb Peon to return to his duty, and the Magistrate having also failed in furnishing the Acting Magistrate with copies of the papers requested by him, connected with the case, — Mr. Elliot trusts he will not be considered irregular in having

himself

himself brought the matter to the consideration of the Tonjadaru Udalut.

2. The Court of Tonjadaru Udalut resolve to direct that a copy of the Acting Joint Magistrate's letter of the 7th Instant, be forwarded to the Magistrate of Salem, and that he be instructed to forward to this Court the whole record of the Case of Annaji Row, alias Ragavendra Row, with translations of such papers as may be in the native language; and in the mean time the Court of Tonjadaru Udalut direct that the said Sawab, munsif be suspended from his situation if still in employment.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Salem for his information and guidance.

/Sent in No. 1511./

Mr Castamajor

Read letter dated the 1st October 1841 from the Magistrate of Bellary submitting the explanations required by the Court of Tonjadaru Udalut in their Proceedings of the 7th & 8th Instt. Ultimo regarding certain Cases contained in the Bellary Criminal Reports for the months of June and July last.

/Hereunder Dft No. 1812 of 1841/

With

1. With reference to the explanation afforded by the Joint Magistrate in Case No. 110 the Court of Tonjadaru Udalut entirely disapprove of the order for irons being used; even handcuffs were improper unless there was reason to apprehend an attempt to escape.

2 The Circular Order of this Court of the 27th June 1831 prohibits Magistrates from sentencing a Prisoner convicted of a misdemeanor to Confinement in irons unless in Cases of incapacity for safe custody or bad conduct during imprisonment. In the Case in question the prisoner was only charged with a misdemeanor and not yet convicted of that. The proceeding of the Joint Magistrate was hasty and improper; and the more so as he was himself the Complainant and any unusual severity would naturally have appeared to the people to have been ordered out of retaliation.

3. The Court consider the explanations and Proceedings of the Magistrate in Cases Nos. 111, 112, 115, 125, 126, 127, and 128 in the Criminal Reports for June to be satisfactory and correct.

4 In regard to Case No. 127 in the

Report

27th October 1841.

Report for July, it does not appear from the remarks of the Criminal Judge that the Prisoner was apprehended at all at the time of committing the offence charged in this number The Acting Criminal Judge will refer to the record and state whether this appears from the records to have been the case.—

5. The Court observe that the explanation given in Case No. 143 is satisfactory if there is no person vested with the power of a Head of Police under Section III Regulation IV of 1821 and Act XIX of 1837 permanently stationed at Bellary.—

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

/Sent in No. 1512./

Ordered also that Extract of para 4 of these proceedings be sent to the Acting Criminal Judge of Bellary for his information by precept returnable in 5 days from and after its receipt

/Sent following precept No. 1513./

Mr Campbell and Mr Dickinson

Read return dated the 15th October 1841 from the Agent to the Governor of Fort St. George

#11

27th October 1841.

27th October

George at Vizagapatam to the [illegible] Court

Sanjdaree Adaulut of the 8th [illegible]

that the Acting Junior Assistant be called

for further explanation regarding the delay

in the disposal of a case entered in his report

of the month of June last.

/Here enter No. 1918 of 1841/

The Court direct that a copy

of the foregoing return be forwarded to the

Agent to the Governor at Ganjam and that

he be required, without further delay to cause

the attendance of the witnesses required by the

Acting Junior Assistant.—

Ordered that Extract from these

proceedings be sent to the Agent to the Governor

of Fort St. George at Ganjam by precept returnable

in 15 days from and after its receipt.—

/Sent following precept No. 1514/

Ordered also that Extract from

these proceedings be sent to the Agent to the

Governor of Fort St. George at Vizagapatam

for his information.—

/Sent in No. 1515./

Mr Cavanagh

Read Letter dated the 6th Instant

from the 1st Judge of the Provincial Court of

Circuit

27th October 1841

Ordered that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

/Sent in No. 1517/

Read the Chittoor Criminal Reports for the month of September 1841

/Here enter F.H. No. 1906 of 1841/

Report No. 5

No. 151 The Magistrate will call upon the Police Aumeen of Arnee to explain on what grounds he sent up this case to the Court.

No. 152 The Magistrate will submit an explanation of the Duffadar of Luttary Tanah having detained the Prisoner for 6 days.

No. 153 The Court observe that under their Circular Order 12th August 1822 the application for the attendance of the Prosecutor Lieutenant P. Hunter should have been made thro' the Magistrate. If that Officer has not yet attended, application should be so made now.

No. 154 The detention of the Prisoner in the Talook

27th October 1841 1841

Circuit in the Centre Division transmitting the Circuit Report prescribed by Section XXXVIII. Regulation VII of 1802 for the Chittoor 1st and 3rd quarterly Sessions of 1841.

/Here enter F.H. No. 1811 of 1841/

The above Report not appearing to call for any remark from the Court of Sunjeeane Adaulut

Ordered that Extract from these proceedings, together with a Copy of the above Report, be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honble the Governor in Council.

/Sent in No. 1516./

The Court of Sunjeeane Adaulut do not perceive whether the Magistrate's Calendars which accompanied this Report have been reviewed by the 1st Judge of the Provincial Court of Circuit; if they have been examined by Mr. Taylor, the 1st Judge will submit a copy of any orders that may have been addressed by him to the Magistrate of Chittoor

Ordered.

27th October 1841

Talook from the 22d August to the 3d September must be accounted for.

5. The Court seeing reason to doubt the propriety of the convictions in No. 154 direct that the Provincial Court of Circuit do call for the record of that case and pass such orders thereon as they shall see fit, reporting the same to this Court.

No. 158. 6 The Cauvery panke Head of Police should be called upon to explain how he came to send up a case to the Court so totally destitute of evidence as this is described to be.

No. 159 7 The explanation of the Prisoner's detention in the Talook is loose and unsatisfactory.

No. 161 8 The Court of Sudder Adawlut consider that the evidence as stated in the Report does not justify the demand of security and direct that the security be discharged or the Prisoner released.

9 Extract of Nos. 151 and 158 with the remarks of the Criminal Court; and of Nos. 152 154 and 159 without the remarks of the Criminal Court to be sent to the Magistrate with copies of the paragraphs of these proceedings respecting them for his information

3 Fifth

27th October 1841

information and guidance.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance with Directions to make the necessary communication to the Magistrate of the Zillah by precept, returnable in 5 days from and after its receipt.

[Sent following precept No. 1518]

Ordered also that Extract of para 5 of these proceedings 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 No. 1519.]

Exd FH.

Thursday 28th October 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre 1st Puisne Judge

Henry Dickinson Esqre 2d Puisne Judge

George James Casamajor Esqre 3d Puisne Judge

Read letter dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting copy of the Chittoor Calendar for the 3d quarterly Sessions of 1841.—

Mr Campbell and Mr Casamajor

(Here enter No. 1810.)

Case No. 3.

1. The Court of Foujdaree Udalut are of opinion that one years imprisonment with hard labor in irons, was a very inadequate punishment for the offence (culpable homicide) of which the prisoner was convicted.—

2. The Prisoner may not have intended to kill his father in law, but considering that the deceased gave the Prisoner no provocation a less lenient Sentence than 4 Years imprisonment should not have been passed - and the

Court

Court of Fouzdaree Udalut resolve to communicate this opinion to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance.—

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

/Sent in No. 1520/

Read the Criminal Reports for the month of September last submitted by the Officiating Joint Criminal Judge of Tinnevelly.—

Mr. Dickinson and Mr. Lascuma for-

/Here enter Ft. No. 1904./

Case No. 98. 1. With reference to the remarks recorded by the Officiating Joint Criminal Judge in regard to the Prosecutor and witnesses in this case, the Court are of opinion that it would not be legal to place them on their trial on a charge of perjury for having denied the depositions said to have been given by them before the Police.—

The

Suppl. Report Cases Nos. 99-100-101-102-103 and 104.

2. The Court of Fouzdaree Udalut do not understand in what the alleged perjury in these cases consists— They accordingly resolve to direct the 3rd Judge on Circuit to refer to the proceedings held in the cases and decide whether or not the crime of perjury is sufficiently established to warrant the prisoners being put on their trial on that charge.—

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

/Sent following precept No. 1521/

Ordered also, that Extract of para. 2 of these proceedings be sent to the 3rd Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 30 days, from and after its receipt.—

/Sent following precept No. 1522/

Read letter dated 13th October 1841 from the Joint Criminal Judge of Tuddalore

28th October 1841.

Mr Casamajor.

Cuddalore forwarding the Criminal Reports of that Court for the month of September last.—

/Here enter F. No. 1905./

Report No. V. Case No. 74

The Court of Tanjore Udalut direct that the Magistrate be called on thro' the Criminal Court to obtain and submit to the Tanjore Udalut direct an explanation of the delay which has occurred in the transmission to the Criminal Court of Case No. 74.—

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

/Sent in No. 1523./

Mr Dickinson and Mr Casamajor.

Read letter dated 11th October 1841 from the Acting Criminal Judge of Malabar, forwarding the Criminal Reports for the months of September last.—

/Here enter F. No. No. 1907./

Report No. V. Case No. 140.

1. The Court of Tanjore Udalut direct that a copy of this case as it stands in the report and of this para be sent by the Criminal Judge to the Magistrate, who will

will be pleased to submit direct to the Tanjore Udalut an explanation of the delay which occurred in the transmission of the case to the Criminal Court.—

2. The Court of Tanjore Udalut observe from the Report No. VI that two prisoners have died in Jail during the months of September last, they desire the Acting Criminal Judge will report the cause of this mortality.—

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

/Sent following precept. No. 1524./

Friday,
29th October, 1841.— At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre — 1st Puisne Judge,
Henry Dickinson Esqre — 2nd Puisne Judge,
George Innes Casamajor Esqre — 3rd Puisne Judge,

Read letter dated the 8th
Mr. Campbell. October 1841 from the Acting Criminal Judge
of Rajahmundry submitting the Criminal
Reports for the month of September last.—
/Here enter S. No. 1865./

The Court of Foujdaree Udaw-
Case No. 48. 1.
Report No. V. lut observe that the charge in this case
is incomplete the person intended to be
defrauded must be specified as laid
down in the Circular Order No. 120 of
the 20th April 1840.—

2. The Prisoners in No. 39 have
been directed to be released by a separate
communication through the Provincial Court.—

Ordered that Extract from these
proceedings be sent to the Acting Criminal
Judge of Rajahmundry by precept returnable
in 5 days from and after its receipt.—
/Sent following precept No. 1525/

Read

Mr. Dickinson's
Mr. Casamajor.

Read the Madura Criminal Reports for the month of September last.—

[Here enter T. No. 1903.]

Cases Nos. 100. and 101.

1. There appears to be cases of Robbery by open violence and it appears to the Court of Foujdaree Udalut that the Criminal Judge has acted improperly in disposing of them under Section VII. Regulation X of 1816. The 3rd Judge on Circuit will therefore call for the proceedings held in the cases and pass orders upon them under the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Foujdaree Udalut.—

Case No. 113.

2. The 3rd Judge will also call for the proceedings held in this case and dispose of them as ordered in the preceding para.—

3. The Court of Foujdaree Udalut observe that the guilty knowledge which is the essence of the offence with which the prisoner stand accused is not charged.—

Case No. 115.

4. The grounds on which the 4th prisoner in this is convicted are not stated.—

The

This omission must be supplied. Considering also the youth of the 1st and 3rd Prisoners the Court of Foujdaree Udalut resolve to permit the sentence of lashes passed on the 1st and to reduce the sentence on both to one year unless they should have been previously convicted and punished for some offence.—

Case No. 116.

5. The Court being reason to doubt the correctness of the conviction of the 6th Prisoner in this case resolve to direct the 3rd Judge on Circuit to call for the proceedings and pass on them such orders as may appear proper reporting the result for the information of the Foujdaree Udalut.—

Cases Nos. 118 and 123.

6. The 2nd Prisoner in Case No. 118 and the prisoners in Case No. 123 are charged with having stolen property in their possession but the guilty knowledge on which alone a criminal prosecution could be founded is not charged.—

The Court of Foujdaree Udalut desire that an explanation of the cause

of

of the deaths of the 2 prisoners reported in Report No. VI may be submitted.—

Ordered, that Extract from these proceedings be sent to the Officiating Assistant Criminal Judge in charge of the Zillah Court of Madura by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 1526/

Ordered also, that Extract of paras 1, 2, 3 and 5 of these proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept returnable in 15 days from and after its receipt.

/Sent following precept No. 1527/

Mr. Campbell. and Mr. Dickinson.

Read letter dated the 12th October 1841 from the Agent to the Governor of Fort St. George at Vizagapatam forwarding the Criminal Reports for the month of September last.—

/Here enter S.C. No. 1915./

Report No. 1. Case No. 13.

1. In this Case the 1st prisoner is charged with having stolen a bag of rice and the 2nd Prisoner with having been concerned

concerned in the theft.—

2. The 1st prisoner was sentenced, on conviction, to 6 months imprisonment with hard labor in irons and 150 lashes and the 2nd prisoner having been found with the stolen property in her possession at a distance from her home and at an unreasonable hour /3 A.M./ without being able to give any explanation of the same appeared to have been concerned in the theft and was therefore sentenced to six months imprisonment with hard labor.—

3. The Court consider the evidence recorded in the report insufficient for the conviction of the 2nd Prisoner who undoubtedly acted under the influence of the 1st prisoner. They accordingly direct that she be released.—

4. The Court are also of opinion that the punishment awarded the 1st prisoner is too severe, and they direct that that part of it which awards corporal punishment be remitted.—

Report No. II Case No. 20.

5. The Court also consider that the

29th October 1841.

the evidence as stated in the Report does not justify the conviction of the 2nd prisoner in Case No. 20 Report No. 2 and they direct that he be released.—

Ordered that Extract from these proceedings be sent to the Agnt to the Governor of Fort St. George at Vizagapatam by precept returnable in 5. days from and after its receipt.—

/Sent following precept No. 1528/

Read letter dated the 19th Instant from the 3rd Judge on Circuit in the Southern Division submitting copies of the Tinnevelly Primary and Supplemental Calendars for the 2nd Sessions of 1841.—

Mr. Dickinson.

/Here enter No. 1920./

The above Calendars not requiring any remark from the Court of Foujdaree Adalut.—

Ordered that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Southern Division for his information.—

/Sent in No. 1529/—

No. 46.

Saturday, 30th October, 1841

At a Court of the Foujdaree Adalut.

Present,

Alexr. Duncan Campbell Esqre 1st Puisne Judge,
Henry Dickinson Esqre ——— 2d Puisne Judge,
G. I. Casamajor Esqre ——— 3d Puisne Judge,

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 31st July 1841 from the 1st Judge late on Circuit in the Western Division, submitting for the orders of the Foujdaree Adalut papers relating to six cases in which he considers the proceedings of Mr. Blair the Magistrate of Canara, to require serious notice, as contumacious, illegal, and irregular.—

/Here enter No. 1582 of 1841./

From the papers contained in enclosure A it appears that a Petition was presented to the 1st Judge when on Circuit by one Shiva Bundi Sha, complaining that a female named Boothanny who had preferred to the Head of Police a charge of theft against him which she afterwards admitted to be false had not been punished; and that certain property of his, which had been attached in consequence of that Complaint, had not been restored to him. The 1st Judge very properly called upon the Magistrate to submit the Proceedings held in the case, if, as

there

there appeared some reason to doubt from the Signatures on the final order being that of the Principal Collector, they were held in the Police department.

2. After some previous explanations the original Proceedings were submitted, when it appeared that the facts complained of were true; and that the Joint Magistrate, after a delay of about 8 months, had ordered the property attached and also some property in land to be made over to Rookminny, who presented the false complaint. Hereupon the 1st Judge directed that the order of the Joint Magistrate should be cancelled and Siva Pundittha put in possession of all the property taken from him under it.

3. The Magistrate instead of certifying obedience to this order, submitted an explanation from which the following facts appear in connection with the false complaint and attachment viz:

— Rookminny, on the death of her husband had become sole and undisputed heiress to his property - and Siva Pundittha was kept in succession to it after her - She first appointed one Biccoo Pundittha her Mookdar or Manager, an office involving the actual possession of the property both real and personal of the person conferring it - and

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and the responsibility for the Government revenue from lands - After a while She recalled this appointment and executed a Mookdarnama to Siva Pundittha - which was produced before the Tahsildar, as usual, in order to shew from whom he was to receive the Government dues from the lands - Before however the lands had been transferred to Siva Pundittha, Rookminny altered her mind and determined to keep the property in her own hands; and as a means of stopping the transfer of it, preferred the false complaint of theft; altho' the very articles which She charged to have been stolen were delivered over to Siva Pundittha under the Mookdarnama - Siva Pundittha himself consented to resign the management on condition that Rookminny would give good security not to sell or waste the Estate - She gave such security as the Joint Magistrate considered good and then the Joint Magistrate issued the order which the 1st Judge had required to be cancelled -

4. The Courts of Zayd and Udalut are of opinion that as soon as even the above recited facts came to the knowledge of the 1st Judge, he should have procured

that

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that the case, however it was erroneously recorded as a Police Case, was in truth a revenue one, in which he had no jurisdiction, with the exception of the very small portion of it which was truly a Police Case, the false complaint of theft and which ought originally to have been sent up to the Criminal Court under Regulation IX of 1832. When he once perceived this, he ought either not to have issued his precept requiring the Joint Magistrate's order to be cancelled, or, if that had been already issued, he should have recalled it. The Court of Sonjdaree Udalut desire that he will now do so, and report his having done so without delay.

8 With reference to the Magistrate's refusal to grant copies of orders applied for by the Petitioner, the Court are of opinion that every party in a case before a Magistrate, has a right to a copy of the final order in the case; with respect to any other parts of the proceedings, the Magistrate has a right to use his discretion, whether he will give a copy or not, with reference to the Circular Order of the Sonjdaree Udalut 1832.

6 The Court of Sonjdaree Udalut do

30th October 1841

do not intend to express any opinion as to the propriety of any part of the proceedings in this case, either those of the Tahsildar, or the European officers, beyond the remark above made respecting the false complaint. The Court have no more authority to do so than the Circuit Judge had, unless it should come before them judicially. They will only observe that some parts of the correspondence have rather more of the air of personal controversy than is suitable to papers of business, and that they disapprove the style of some of the 1st Judge's marginal notes.

From the papers contained in enclosure B it appears that soon after the Joint Magistrate of Canara had received information of the arrival at the French Settlement of Grahe of several ships laden with foreign Tobacco, and had observed in the contiguous talook of Canara a considerable falling off in the Government monopoly Sales, the Tobacconeer had a person seized whom he casually observed during his progress solely on the ground that he appeared to be a Stranger. This man's person was searched and some ollas found on which

which the Ameen read and found to contain allusions to dealings in Mahé Tobacco with an inhabitant of the Mahé territory. He was sent to the Joint Magistrate, and by him detained as a Prisoner and as a witness for 135 days and then sent in Custody to the Joint Magistrate of Malabar, in order that Security of 100 Rupees might be given by him to appear whenever required at Mangalore. On the ground of the Contents of one of the Ollas a man's house was searched and nothing suspicious found; and 8 other persons were ordered to be apprehended and whom, after 2 Months, they were not forthcoming, the Tahsildar ordered the Petail and six principal Inhabitants of their Village to be seized, and brought to him. but upon this the 8 Prisoners were produced, after 7 of them had been in Confinement 38 days they were discharged upon bail; and no further evidence being procured, were discharged unconditionally in consequence of an order from the 3d Judge on Circuit, and one of them fined 25 Rupees for not being present to receive his discharge. This fine, the 1st Judge ordered to be remitted.

8 The Court of Zillah Malabar are

of opinion that the Seizure of the man with the Ollas, the Search of his person and perusal of the writings found upon him; and also the order to seize the Petail and 6 principal inhabitants of the villages to which the 8 suspected persons belonged, were wholly illegal and unwarrantable; and the Court direct that this opinion be duly notified to the Tobacco Ameen and Tahsildar concerned, both of whose Officers rendered themselves liable to an action for damages which, as far as the papers before the Court shew, might have been successfully maintained against them.

The Ollas having been once examined and sent to the Joint Magistrate, the Court are not prepared to say that even however improperly they had been obtained, the Joint Magistrate was not justified in making use of the information contained in them. Whether the detention under restraint or on bail of the Prisoners and witnesses for so long a period was justifiable or not, the Court cannot determine without having the entire record before them; but it is certainly difficult to conceive that if proper means and

and energy had been used, it could not have been ascertained in less than 6 Months whether the expected evidence was to be obtained or not.

10 The Court do not disapprove the remission by the Judge on circuit of the fine, it appears to have been imposing unnecessary hardship on all the Prisoners to summon them to a distance merely to be told that they were discharged. This might have been done thro' the nearest Police Officer.

11 With reference to the 6th para of Mr Lushington (the Joint Magistrate's) letter 1st July and the 5th 6th and 7th paras of the Magistrate's letter of the 8th of the same month, the Court observe that no zeal for the public service nor necessity of upholding a rigidly enforced monopoly can justify illegal exercises of power; and that a Magistrate and Joint Magistrate, whose peculiar duty it is to restrain illegal exercises of power by others, ought to be the last persons to practise and defend such themselves.

12. The Case of Chellooviya and Seeshiya, which occupies enclosure C, appears to have been simply this, two persons of notoriously bad character in the neighbourhood of their own residence

residence were detained in jail on demand of Security for the period of one year on the ground of a Petition presented by above 30 respectable inhabitants of their neighbourhood, and this proceeding had been approved by a previous Judge on Circuit. When the year expired, the Joint Magistrate, it must be presumed under Clause 3 Section VIII Regulation II of 1827, but this does not appear, demanded further Security from them, which they were unable to give; and, when they were about to be remanded to Jail, they petitioned to be allowed, as a substitute, to reside at Hanore, at a distance from their usual residence, under the surveillance of the Police; to this the Joint Magistrate assented; and on their further application, permitted them to reside where they pleased, under surveillance; except in the Bilghy talook, where they had been accustomed to reside and where he considered their presence calculated to endanger the public peace. Under these circumstances they petitioned the Judge who held the preceding Sessions, who called for and received a report upon their Case, but passed no orders respecting it; and they now petitioned the 1st Judge.

The

13 The 1st Judge after calling for the proceedings, directed the Magistrate to cancel the Joint Magistrate's order against the Petitioners residing in the Bilghy talook, and to issue orders that no security should be demanded from them except on due examination of evidence against and for them, on necessity appearing from their future conduct.—

14 The Court of Zoujdaree Udalut do not consider the restriction imposed by the Joint Magistrate from residing in the talook of Bilghy to have been strictly legal. The renewed demand of security appears however to have been legal under Clause 3d Section VIII Regulation VI of 1827; and as these Petitioners were unable to give the security demanded, had evidence been taken, they were liable to be confined in Jail. Allowing them to be at large at all without giving security was an indulgence and with the strong impression felt by the Joint Magte. of danger to the public peace from them residing in Bilghy Talook, the Court think that he was amply justified in making their avoidance of it a condition of their release without security.—

15 It does not appear that the Joint Magistrate's Proceedings were laid before the Judge presiding at the next Sessions of the Court of Circuit as required by Clause 4th Section VIII Regulation VI of 1827, and the Court desire that the Magistrate will submit an explanation of this omission.—

16 As the Case had not been laid before the proper Circuit Judge, the Court are not prepared to say that the 1st Judge did otherwise than right in taking Cognizance of it— Clause 3d Section VIII Regulation VI of 1827 under which alone a renewed demand of security could be made, expressly implies that evidence must be taking; but it appears that evidence was not taken, and that the demand was made simply on the grounds of an information, not upon oath or solemn affirmation; the demand was therefore illegal, and the Court approve of the 1st Judge's order annulling it and requiring that security shall not be hereafter demanded from the same parties except in a regular manner.—

17 In the case contained in enclosure

enclosure D the 1st Judge has fallen into the same error as in enclosure A; of interfering in Revenue proceedings in which he had no jurisdiction:-

18 The Case appears to be simply this. A final decree was passed by the Provincial Court adjudging half of a landed estate and of certain privileges appended to it, to be delivered over by a man named Mannaee to a woman named Parramasheevarre - Some of the privileges are rights to precedence in receiving certain offerings at the Pagoda on festivals and contests for these have occasioned breaches of the peace - Mannaee refused to deliver over 1/2 the privileges and the Sub Collector issued an order, that he should deliver over the whole of them, temporarily to Parramasheevarre, and as Joint Magistrate caused him to give security in 100 Rupees not to molest her in the enjoyment of them.

19. These proceedings certainly appear highly irregular and unwarrantable; but as the Joint Magistrate asserts, and the 1st Judge appears to admit, they were carried on in the Revenue department - all but the demand of security

* para 3 Proceedings 17th June 1841.

security, the 1st Judge's order should have been confined to that demand and should have cancelled only so much of the order required by the Sub Collector and Joint Magistrate as related to it - The part of the order which related to the delivery over of the whole of the privileges the 1st Judge could not cancel.

20 The Court of Foujdaree Adalut highly disapprove this mixing up in one case an order of the distinct functions of Collector and Magistrate, and direct that the Magistrate of Canara be positively required to keep his proceedings, in his Revenue and Magisterial capacity, perfectly separate; and to cause all his subordinates both European and native to do the same.

21 The Court entirely approve of the 1st Judge, ordering the security to be cancelled. The demand, involving as it did the relinquishment of an adjudged right was wholly illegal and unwarrantable. The Court also desire that it may be stated what steps were taken to carry the Decree

of

of the Provincial Court into Execution.—

22. The Proceedings of the 1st Judge in enclosure E are fully approved. The Magistrate appears to have demanded security on suspicion of a specific offence and without holding a personal investigation. His proceeding in the former respect was illegal. Magistrates not having the power to demand security on such grounds; and in the latter respect it was contrary to the Circular Order of this Court of the 25th February 1824.—

23. The Court of Zeyladaree Adalut do not concur in the views of the 1st Judge regarding the case which occupies enclosure F. It does not appear to them necessary to go into the facts of the case; they will only remark that they consider the charge against Sonnajee a charge of Perjury; that the Magistrate had no authority to place that person under restraint before he saw grounds to believe that he was guilty of Perjury; but that from the moment he did see such grounds it was his duty to do so. The Court think that the Magistrate did perfectly right to examine into the serious charge made against the

Tahsildar of Barcoor; and that he would not have done his duty if, believing as he did that, the facts deposed on solemn affirmation before him against the Tahsildar were false and could be proved to be so, he had left the Tahsildar to prosecute Sonnajee for calumny as the 1st Judge would have had him do.—

The Court of Zeyladaree Adalut—

24. have observed already that the Style of many of the communications between Mr Vaughan—and the Magistrate and his subordinates have too much the air of personal controversy; they now further remark with regret and disapprobation that there is in many of Mr Vaughan's communications the appearance of a disposition to undervalue and make light of the statements and explanations of those officers which could not fail to irritate them and which is widely at variance with that dispassionate and liberal spirit which ought to characterize the review by judicial superiors of the Proceedings of their subordinates.—

The Court also desire that Mr

25. Vaughan will henceforwards discontinue in all papers intended for this Court, the practice

of

30 30th October 1841

of making marginal notes. These notes have for the most part the appearance of being mere first thoughts that suggested themselves on the perusal of the papers to which they are appended, many of them are expressed in a manner much too loose and familiar, and some of them border upon indecorum.—

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Courts of Circuit in the Western Division for his information and guidance.—

/Sent in No. 1530/

Mr Campbell and Mr Casamajor

Read letter dated the 11th October 1841 from the Acting Criminal Judge of Bellore forwarding the Criminal Reports of that Court for the months of September last

/Hereunder J.U. No. 1863 of 1841/

Case No. 76 Report No. V

The Court of Zoujdaree Udalut observe that the offence charged against the prisoner in this case does not amount to forgery. It is not a fraudulent and injurious falsification or attestation of a written deed and therefore does not fall within the legal definition of

5 J.U.

30th October 1841

of forgery as contained in Clause third Section IV Regulation VII of 1811 which alone determines what is to be deemed Forgery."

2 The Prisoner would seem neither to have been guilty of a misdemeanour and it will be the duty of the Criminal Court to try him for that offence and consult his Law Officer as to the punishment to be awarded in the event of its being established against the accused. The Criminal Court will then deal with the case as laid down in Circular Order 28th January 1828.—

3. With reference to the case No 38 in the Statement No 9 the Zoujdaree Udalut desire with reference to the return made by Mr Dowdeswell to the 3rd Judge of Circuit on the 27th September last that he will report what has since been done.—

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge of Bellore for his information and guidance by precept returnable in 5 days from and after its receipt.

/Sent following precept No. 1531/

Monday
1st November 1841. At a Court of the Foujdaree Udalut

Present

Alexander Duncan Campbell Esqre 1st Puisne Judge
Henry Dickinson Esqre 2d Puisne Judge
Geo: James Casamajor Esqre 3d Puisne Judge

Mr Dickinson

Read letter dated the 22d Octo-
ber 1841, from the Criminal Judge of Com-
:bacconum forwarding the Criminal Reports
of that Court for the Month of September
last.

/Here enter F. No. A. 1932/

Case A. 111 1. The prisoners in this Case charged
and Convicted of having "brought two bottles
Sic in orig. "of Brandy without license at Cusbah
"Combaconum" have been Sentenced by the
Hooshy Sudr Ameen to pay a fine of
15 Rupees each, or in default of payment
to be imprisoned for 3 Months under Section XV
Regulation I of 1820.

2. The Court of Foujdara Udalut
consider this punishment to be particularly severe,
unless there are aggravating circumstances at-
:tending the commission of the offence not
specified.

1st November 1841. specified in the Report, and they resolve to request the Criminal Judge to refer to the depositions recorded, with a view to his ascertaining whether he does not think that a fine of 5 Rupees each prisoner and in default of one months imprisonment would be sufficient.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Combaconum for his information, by express returnable in 5 days, from and after its receipt.

/Sent following precept No. 1534/

Mr Casamajor.

Read Miscellaneous Petition presented on the 26th October 1841 from Govinda Naick of the Zillah of Chingleput.

/Here enter F. C. M. P. No. 157 of 1841./

1. The Petitioner prays that orders may be passed on the petition presented by him 6th September last, praying for the release of his brother Vadamalay Naik who had been sentenced by the Court of Quarterly Sessions at Chittoor with other Peons to 3 Months imprisonment, for the escape of certain Convicts placed under their charge.

2. The Court observe that orders were

1st November 1841. were passed on the Petition in question No. 136 of 1841 on the 26th Ultimo and to those orders the Petitioner is referred.

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

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Soobbah Naiken of the Zillah of Combaconum moves the Court to return the enclosure in his Miscellaneous Petition No. 102 of 1841.

Ordered accordingly.

Read letter dated the 12th November 1840 from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting his Circuit Report for the 2d Sessions of 1839.

/Here enter F. C. M. No. 2322/

1. In para: 6 of this Report the 1st Judge shews that while the means perhaps are not at hand of profitably employing any large number of Convicts at Mangalore, Gangs of moderate number can be very eligibly employed in assisting in opening the new lines of Road being now made, thro' the Province towards Sirsee. The works here alluded to being carried on under the Superintendence

one

1st November 1841. and orders, it is believed, of the Board of Revenue in the Department of Public Works, Mr Vaughan's suggestion might be referred for the consideration and report of that Board.

2. In paras: 7 and 8 of this Report Mr Vaughan alludes to the hardship of requiring the Honore Peons, on the present low scale of Batta, to escort to Chingleput the Convicts sentenced to transportation.- Mr Vaughan states that their fixed pay is only 5½ Rupees per mensem, and that they are only allowed Batta at the rate of 1 Anna per diem, instead of 2 Annas as formerly.

3. He submits that they should be allowed 2 Annas per diem from Honore, and the same for their return, for a certain number of days to be fixed.

4. The Court of Foujdaree Udalut are of opinion that it is desirable that Convicts under Sentence of transportation should be forwarded from the Malabar Coast to Madras by Sea; and the local officers, it is observed, have already authority, under the order of Government of the 9th September 1823, to make arrangements for that purpose, whenever

F. Vs.

1st November 1841. whenever a favorable opportunity may occur of procuring a passage for such Convicts to Madras: but as such opportunities seldom present themselves at the Ports on the Western Coast, it would appear advisable that the Bombay Government should be again consulted as to the practicability and expediency of engaging a passage for these persons by Vessels sailing from thence to the Straits, calling for such Convicts either at Mangalore, Calicut, or Tellicherry, whichever might be considered the most convenient Port.

Vide letter from Govt. dated 27th November 1837

5. The former reference in this subject made to the Government of Bombay shewed the difficulty of obtaining passages for Convicts from the Malabar Coast to Madras by Ships leaving Bombay; and the Court of Foujdaree Udalut are also aware of the difficulty and the expense experienced in 1837 in procuring a passage from Mangalore, of the Rebels sentenced to transportation for Life. Accommodation for such Convicts could not, on that occasion, be procured by the Authorities in Bombay at a more favorable rate than 95 Rupees for each Convict

Convict, and that only for a passage to Madras. But circumstances may have changed since the periods referred to above, and possibly the Bombay Government may now be able to make some arrangement by which the Ship or Ships, that convey their own Convicts to the place to which they are transported, may call for all the Convicts sentenced to transportation in the Western Division. The penal Settlement of this Presidency is at present Singapore.

6. Till such an arrangement is effected, the Court of Foujdaree Udalut are of opinion that the Peons escorting the Convicts from Honore to Madras should, under the circumstances explained by Mr. Vaughan, be allowed Batta at the rate of 2 Annas per diem.

7. In para: 11. Mr. Vaughan begs the consideration of the Court to the observations he has considered it his duty to record on the numerous irregularities observable in the proceedings of the Police, and of Magisterial Officers in Canara, as exhibited in the Calendars laid before the Court of Circuit under Section XL Regulation IX of 1816. Mr. Vaughan's remarks chiefly point to the delay which has occurred in disposing of Police Cases brought

brought before the Native Police and the Cura: :pran Magistracy.

9. The Magistracy in their letters of explanation, (which accompany the proceedings of Mr. Vaughan,) state, that the delay observable is in no way to be attributed to want of zeal or activity on the part of either themselves, or the Police under them, but arose from causes which appeared almost insurmountable. viz: the great and increasing pressure of business both in the Revenue and Police Departments, the immedi: :ate or speedy disposal of which was impossible, with reference to the means given to them; - add to which during a portion of the year 1839, viz: from March, (when Mr. Blair proceeded to the Cape,) till the 14th of May, the whole of the business connected with the Principal Collectors Talooks devolved on the Sub Collector and Joint Magistrate, and in addition to this, and his own proper duties, the Joint Magistrate had to superintend, during Lieutenant Collyer's illness, the progress of the Mercara Road, and the bridges thereon, employment which fully occupied an Engineer Officer; and during the time noticed

noticed in Mr Vaughan's proceedings the subor=
=dinate Magisterial Officers in the province of
Canara were reduced, it is stated, below the
usual number.-

10. And lest Mr Vaughan's proceed=
=ings should lead to the impression that the delays
now noticed by him had not existed on former
occasions, but originated in a recent "laxity of
procedure on the part of the European and
Native Officers" in Canara, Mr Maltby the
Joint Magistrate shews that similar arrears
of Cases have hitherto existed in that District,
and he expresses a hope "that the observations
of the Judge of Circuit will lead to measures
being taken to remove the evil, rather than en=
=tail censure on the local authorities for not doing
now what the experience of many years has
shewn, with the present means, to be impracticable".

11. The Court of Foujdaree Udalut
are fully aware that in almost all Districts,
and the remark is perhaps peculiarly applicable
to the District of Canara, the time and attention
of the European Officers employed in the Reve=
=nue and Police Departments is taxed to the
utmost; and that without perhaps a partial
neglect

neglect of the important duties that devolve
upon them in the Revenue Department, they
cannot extensively employ themselves in the
disposal of Criminal Cases.

12. The Court of Foujdaree Udalut
believe it to be true that in many Districts
the time left at the disposal of a Collector for
the discharge of his Magisterial duties, is little
more than is found sufficient to accomplish
a general Supervision of the proceedings of the
Subordinate Native Police Officers, and of such
in very important Cases, and those which may
fall under the immediate cognizance of the
Magistrate in his Official tours thro' the
District, the Court of Foujdaree Udalut are
of opinion that a Collector will best discharge
his duty as a Magistrate by confining
himself to a general but active Supervision
of the proceedings of his Subordinates abstain=
=ing altogether (except in the instances noticed
above) from the performance of police
business of mere detail and of minor im=
=portance.

13. The zeal and ability displayed
by

by the two Messrs. Maltby and by Mr. Lushington in the discharge of their official duties in Canara, has been frequently the subject of praise in proceedings addressed by this Court to Government; but while the Court of Foujdara Udalut bear this testimony to the efficient manner in which these Officers have hitherto discharged their duty, yet they must record their concurrence in opinion with Mr Vaughan that all has not been done, by the European Magistracy, in this District, that might have been accomplished, in view to check unnecessary resort to themselves, and to relieve the Files of the Native Police.

14. The Court of Foujdara Udalut allude particularly to the omission on the part of the Magistracy to require the Police Officers immediately to remove from their Files the many Cases not of a police nature, but involving Civil rights, shewn to have been entertained by them; any breach of the peace involved therein, being alone enquired into, and immediately decided.

2dly To the omission of the Magistracy to enforce by proclamation the rule contained in the Circular Order of the 21st May 1829, cautioning

cautioning the Police Officers at the same time against making unnecessary references to the Magistracy.

3dly To the omission of the Magistracy to impress on Tahsildars their duty respecting Cases cognizable by the Heads of Villages, as explained in the Circular Order of the 11th April 1831.

4thly To the omission of the Magistracy strictly to Supervise the Monthly Statements submitted to them by the Heads of District Police under the Circular Order of the Foujdara Udalut of the 31st July 1833.

15. These Statements it is observed have not been laid before the Court of Circuit in the Form prescribed in the Circular Order (No. 25,) and had they been carefully examined by the Magistracy themselves at the time of their receipt and by preceding Judges of Circuit when on their tour of duty much of the delay, and of the irregularities of the Police, that have been now brought to notice, might have been earlier corrected.

16. From the numerous Cases entered

entered in these discharged Calendars as "dismissed for want of proof," where the parties have been long previously in confine: :ment, the Court of Foujdaree Udalut are led to believe that the Magistracy in Canara have also omitted to observe the Circular Order of the 17th June 1830, which directs that the Native Police be cautioned against summon: :ing parties before them, under Section XXXIII Regulation XI of 1816, unless they see reason to consider the complaint preferred to be well grounded.

17. The Court of Foujdaree Udalut will however now proceed to notice such cases in the Calendar of punishments laid before the Court of Circuit, as may appear to call for particular remark, confining themselves to a general expression of their concurrence in the remarks recorded by Mr Vaughan in all cases wherein they agree with him, or consider the notice he may have taken of the irregularities of the Police, or Magis: :tracy, to be sufficient to secure regularity of proceeding in future.

18. The Court of Foujdaree Udalut concur

F. 16.

1st November 1841. concur in the orders issued by Mr Vaughan in respect to Cases Nos 1 and 3 and in the remarks recorded by him on the explanation res: :pecting those Cases contained in the Joint Magistrate's letter of the 2d July 1840, and Assistant Magistrate's explanation marked D.

Case No 3 p. 2 and 179. 19. In respect to Case No 3, Mr Reade, the Assistant Magistrate's conduct as well as the Tahsildar's was severe.

Case No 17 p. 3 and 84. 20. In addition to the remarks re: :corded by Mr Vaughan on Case No 17, the Court of Foujdaree Udalut would observe that the delay from the 6th November to the 29th March highly blameable.

Cases Nos 28 & 30 p. 3 and 85. 21. The Court of Foujdaree Udalut concur in all Mr Vaughan's remarks on Cases Nos 28 and 30.

Case No 41 p. 4 and 87. 22. Case No 41 was a Case of Petty Theft value of the property stolen 2 Rupees. Mr Vaughan objects to the re: :ference made in this Case by the Tahsildar to the Peishcar "for the prisoner's character"; and also to the Joint Magistrate's order for the re-apprehension and for the subsequent pu: :nishment of the prisoner, after the charge preferred

preferred against him had been dismissed by the Tahsildar.

23. In this instance there was probably ground to believe the Prisoner a person who might with propriety be sent to the Magistrate for security to be demanded from him as a suspicious character; or the Prisoner might himself have named witnesses to character; if either of these was the object of the reference to the Peishcar, there was nothing improper in it.

24. The Court of Foujdaree Udalut agree in all Mr Vaughan's other remarks on this Case, and they concur with him in opinion that it was incompetent to the Joint Magistrate to order the re-apprehension, and to proceed to the further trial, of a person who had been acquitted by a Head of Police, on a charge of which such Police Officer was competent finally to dispose. This was in effect to try the Prisoner twice for the same offence - which is contrary to fundamental maxims.

Case No. 50 p. 5 and 50.

25. Without further information and a Copy of the Assistant Magistrate's order No. 103, referred

referred to in the Acting Magistrate's order of the 17th July 1838, it is difficult to understand this case. A translation of that order should be submitted with a brief Statement of the Case shewing under what Regulation the Magistrate acted. The delays brought to notice in the Case No. 50 appear highly blameable.

Case No. 60 p. 7 and 89.

26. The Court of Foujdaree Udalut do not quite concur with Mr Vaughan in the remarks he has recorded on Case No. 60. It appears that a Complaint of fraud by false weights and measures had been preferred before the Police Ameen at Mangalore, and the Joint Magistrate states in his explanation (page 89) that for some time past fraudulent dealing especially in rice had been found to prevail in Mangalore to a degree calculated seriously to injure the trade of the Port.

27. Upon this information the Assistant Magistrate was in the opinion of the Foujdaree Udalut justified in examining the weights in the suspected Bankshalls and if no officer of the Magistracy was at Mangalore, or near enough to call to proceed thither without detriment to the public service,

to.

to hold the enquiry immediately, the Court do not think that the Assistant Magistrate did wrong in deferring it, provided all the false weights and measures were secured.

28. It is true that Section I. IV Regulation ~~XI~~ of 1816 only authorizes Magistrates to punish complaints regarding frauds committed in using false weights and measures, but under the general power vested in a Magistrate to secure the peace and good order of his District the Court of Foujdaree Udalut see no objection to the Assistant Magistrate upon the information before him having proceeded to test the weights found in all the suspected Bankshalls.

Case No. 63. p. 7 and 147. 29. Up to the Joint Magistrate's order of the 24th November (p. 149) the proceedings in this Case appear to have been regular and right:- the subsequent delay in disposing of the Case was chiefly owing to the accident that befell the Tahsildar: if he had not his records with him when he received that order, he perhaps could not have ascertained whether the Razeenamah was regular or not before he returned to his head quarters- It does

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does not distinctly appear what the order was on which the Assistant Magistrate passed on receiving on the 29th May the Tahsildar's report in answer to the Joint Magistrate's order of the 24th November preceding as the Assistant Magistrate thought that the Razeenamah was a regular and valid document, his order ought to have been simply to carry it into execution- The fines levied by him were unwarranted by law, and therefore illegal; and the 1st Judge did right in ordering them to be refunded. The Assistant Magistrate's notions respecting the discretionary power of Magistrates are incorrect: the acts for which the Polait and the Defendant were fined can hardly be considered as of the same description as those enumerated in Sections XXXII and XXXVI Regulation IX of 1816.

Case No. 69. p. 8 and 151. 30. Mr. Vaughan's remarks on Case No. 69 were made on a misconception of the Case, owing to the Record being sent to him in an incomplete State.

31. The Court of Foujdaree Udalut do not consider that the conduct of the Assistant Magistrate as regards this Case is open to censure,

to

to the extent recorded by Mr Vaughan, and of the Style of Mr Vaughan's remarks the Court of Foujdaree Udalut do not altogether approve.—

32. The fine imposed upon the Peishcar was sufficient, and till the grounds are explained on which the Assistant Magistrate awarded 3 Rupees as compensation to the Complainant, it is premature to declare that sum insufficient.

33. It should be explained what punishment was awarded to the Havaguel contractor for stopping and refusing to release the Bandy.

Case No. 71. p. 10 and 92.

34. The Case No. 71 is a case of assault, in which the Prisoner was fined 25 Rupees, Mr Vaughan objects to a warrant of apprehension having been issued against the accused in this case. The Joint Magistrate explains that a decision was passed in the Revenue Department against the Defendant declaring him liable for payment of rent, and that, on attachment being made, he forcibly resisted the process though made in the presence of the Police, threatening the parties with a gun. The Joint Magistrate also explains that the Defendant had not reached the Peishcar's Cutcherry on the 16th, but that he does

does not appear to have been imprisoned at any time, and was allowed to return home while the Case was under reference.

35. This explanation seems to the Court of Foujdaree Udalut to be satisfactory. The Case, if the attachment was legally executed, was a fit one for the apprehension of the accused.

Case No. 80 p. 10 and 156.

36. Case No. 80 was a Case of false complaint against a Duffadar of having tortured him, (the prisoner) and the accused was sentenced to 20 days Confinement under Section XXXV Regulation IX of 1816.

Mr Vaughan states that the prisoner

37 in a Criminal Case before the Principal Sudr Ameen of Sirsee accused a Duffadar of torturing him that the Joint Magistrate examined the witnesses whom he named in October 1838 and thereupon directed the Tahsildar to apprehend him whenever released from Jail by the Principal Sudr Ameen; that the prisoner was accordingly forwarded to the Additional Joint Magistrate on the 13th June 1839 and was sentenced to Confinement for 20 days, merely because he had failed to prove his Complaint, for there is no thing Mr Vaughan observes to shew that it was false.

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38. The punishment was clearly illegal both because the length of the imprisonment exceeded that which Magistrate can inflict and because the Complaint, even if proved to be false, not having been made before a head of Police or on Oath or Solemn declaration was not punishable at all.

Case No. 86. page 11 and 93.

39. The Court of Foujdaree Udalut fully concur in the remarks recorded by Mr. Vaughan on this Case.

40. The delay by the Head of Police in the four Cases here mentioned appears highly blameable. The Court of Foujdaree Udalut concur with Mr Vaughan that the 2 Gang Robbery and Arson Cases could not have required to lie over till the enquiry as to the right to land was terminated. It is plain that a number of the accused in these Cases were brought before the Head of Police in November and December and ought to have been either discharged or sent up to the Court much sooner than the end of February and that without any reference to the Joint Magistrate.

41. Without however having the proceedings in the Case to refer to, it is impossible to pronounce

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pronounce on the validity of the Joint Magistrates explanation to be found at page 93.

42. With reference however to para 38 of Mr Vaughans proceedings of the 13th April 1840, the Court of Foujdaree Udalut resolve to direct that the Magistrate of Canara be called upon to submit thro' the Court of Circuit a Special Report of the manner in which this same Tahsildar has discharged his duties as a Police Officer since the date of Mr Vaughans remarks.

Case No. 90 page 17 and 63.

43. Case No. 90 was a Complaint of one brother against another for forcing a lock and taking possession of a house.

44. In this Case also the Court of Foujdaree Udalut concur in the remarks recorded by Mr Vaughan.

45. It could not have been necessary to decide which of the brothers was to pay the revenue, in order to determine whether either had a right to break the lock of the other.

Case No. 93 page 17 and 180.

46. Case No. 93 is another instance in which the Magistracy in Canara have omitted to enforce the rule contained in the Circular Order of the 21st May 1829. The case was one in which

which obviously ought to have been forwarded to the Criminal Court, and in doing so the Police Officer ought to have acted on his own responsibility.

47. The Court of Foujdaree Udalut concur in the other remarks recorded on this Case by Mr. Vaughan.

Cases Nos. 160 & 163 pages 55, 105 and 158 to 164.

48. In the Cases noted in the Margin the prisoners were punished by the Magistracy by fine for "vaccinating without a license and in contravention of orders."

49. The 1st Judge remitted the punishment as he did not consider the Magistrate competent to take cognizance of such cases. He pointed out that if these persons were proved to have used deleterious matter they should have been sent to the Criminal Court, and that a proclamation also might have been issued to advise persons against employing them in preference to the Government vaccinators; but he observed that "no licence is "required for practising vaccination or pharmacy, "nor is it competent to the Magistrate to issue "orders against Quacks."

50. The Court of Foujdaree Udalut concur in these remarks of Mr. Vaughan, and the Magistrate is directed to be guided thereby in future.

In

Case No. 149
page 28 and 110.

51. In Case No. 149 the prisoner was punished by the acting Joint Magistrate by a fine, commutable to a fixed period of imprisonment, and was also required to give security, for having practised Sorcery.

52. The period of imprisonment had been suffered, but the 1st Judge directed that the security bonds should be cancelled, as he did not consider that Sorcery was an offence punishable under the Regulations.

53. The Court of Foujdaree Udalut approve of the orders issued by Mr. Vaughan in this Case.

54. The question of the expediency of a Special enactment for the punishment of the profession of Sorcery has already been under the consideration of the Indian Law Commission, who concur in opinion with this Government that a law of the proposed description would do more harm than good, as it would tend to strengthen the belief in the reality of the art. Vide Extract from the Minutes of Consultation dated 14th September 1837.

55. The Court of Foujdaree Udalut do not consider that at this distant period any objec-

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object would be gained by noticing in detail all the other cases entered in the Calendars which were laid before the Court of Circuit so far back as the year 1839. They have already been reviewed by the Circuit Judge himself, and in the remarks recorded by Mr Vaughan the Court of Foujdaree Udalut generally concur.

56. The Cases noticed certainly exhibit a laxity of proceeding on the part of the Magistracy and Police discreditable to the authorities in Canara; and the Magistrate is enjoined to a strict observance of the rules laid down for his future guidance in paras 101 to 105 of Mr Vaughan's proceedings of the 13th April 1840.

57. The Appendix C. referred to in para 12 of Mr Vaughan's Circuit Report exhibits a want of attention to the Circular Order of the 31st July 1833, both on the part of the Magistrate and of preceding Judges on Circuit.

58. Such a Statement as the one prescribed by the Circular Order of the 31st July 1833, was never intended for the mere information of either of those Officers, but whenever a delay appeared which was not satisfactorily accounted for, it is the duty of the Magistrate to make the

1st November 1841. the Head of Police dispose of such case, and the duty of the Circuit Judge to make the Magistrate do so. The Court of Foujdaree Udalut desire that the 1st Judge will pursue this course now.

59. As the Magistrate omitted to furnish the Court of Circuit with a Statement of this nature on former occasions, it was the duty of the Judge on Circuit to require its submission, and as observed in a former part of these proceedings the Statements prescribed by the Circular Order of the 31st July 1833, that were laid before Mr Vaughan, have not been prepared in the form prescribed in the Circular Order No 25.

60. The Statement furnished to Mr Vaughan is moreover shewn to have been a false return, as the Statement laid before the Judge who presided at the 1st Sessions of 1840, is stated, in para: 13 of Mr Vaughan's Report, to have contained 33 Cases of dates prior to those entered in the Statement laid before the Court of Circuit at the 2d Sessions of 1839, and Mr Vaughan therefore infers that "it is not all unlikely that many more old Cases

"still

"shall remain."

61. The 1st Judge, entertaining this belief, should have called upon the Magistrate for explanation - he is directed now to do so, and to report the result to the Court of Foujdaree Udalut.

62. In view to ensure all cases being brought to notice in regular order in the monthly returns of the Heads of Police, Mr. Vaughan, in the 14th para: of his Report, suggests

"that on any complaint being presented to a Head
" of Police he shall without delay make such en:
" quiries from the Complainant as may be necessary
" to determine whether the Complaint ought to be
" entertained as one concerning a Criminal offence
" and if it should appear to be such he should
" then number it and register it in a book paged
" with the initials of an European Officer".

63. It will be observed that the Court of Foujdaree Udalut in paras 10. 13. and 14 of their proceedings submitted to Government under date the 30th of June last suggested the expediency of requiring the Heads of District Police to keep Diary Books of this nature, but the Court of Foujdaree Udalut have not yet been favored

favored with the views of Government on this subject.-

64. In paras 17 to 23 Mr Vaughan brings to notice the Case of Dara Shetty who complained to him by petition of the conduct of the Barcoor Tahsildar in keeping a false com: plaint of Stealing 1 Bullocks suspended over him for ten months.

65. The Acting Magistrate explains that the Case tho' nominally one of theft con: sisted of a disputed claim to a pair of Bullocks

66. Immediately that the Tahsildar found that the property in the Bullocks was disputed, the Bullocks should have been restored to the party in whose possession they were when the charge was preferred - and the charge of theft should have been dismissed from the file - the parties being referred to the Civil Courts.

67. The Judge of Circuit it is observed pointed out to the Magistrate that his order directing that the Bullocks be made over to Dara Shetty required revision - but it does not appear that on receipt of the Acting Magistrate's return of the 15th January 1840,

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Mr Vaughan directed the Acting Magistrate to alter his sentence as to to whom the Bullocks were to be made over.

68. The delay in disposing of the Case is very discreditable both to the Tahsildar and to the Acting Magistrate, and the Court of Foujdaree Udalut concur in all of Mr Vaughan's remarks on the Case. Had the Monthly Statements submitted by the Heads of Police under the Circular Order of the 31st July 1833 been strictly supervised immediately on their receipt no such delay on the part of the Police Officer could have occurred, nor would the Police Officer have been suffered to swell his file by the retention of a Case obviously one of a Civil nature.

69. The papers marked F in the Appendix exhibit a charge of Forgery kept suspended for about 8 Months by the Tahsildar of Beetul and four by the Acting Joint Magistrate.

70. The Acting Magistrate explains that the charge arose incidentally from a Separate dispute regarding a boundary - that the delay was occasioned by the Tahsildar holding

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holding an enquiry regarding the authenticity of the documents produced before him and reporting his proceedings for the orders of his Superior - and that the papers in question were also connected with a claim set up by one Hinja Naick that the prisoner held the land which led to the boundary dispute "as his tenant a species of claim which "Tahsildars are constantly obliged to examine".

71. The Court of Foujdaree Udalut concur with Mr Vaughan that the delay in this case is highly blameable and both the Tahsildar and the Acting Magistrate ought not to have meddled at all in a case in which neither had any jurisdiction.

72. Boundary disputes can only be settled by Punchayets, and if the Tahsildar, or the Acting Magistrate, had referred the complainants to such mode of decision, or to the Civil Courts, there would probably have been no necessity for an enquiry regarding the authenticity of the documents, in view to establish the charge of Forgery.

73. Mr Vaughan considers that the conduct of the Tahsildar in this case is aggravated by the "fact" that the accuser is a "Security

"Security for him to Government, and the Tahsildar "occupies a house belonging or mortgaged to him".- And Mr Vaughan requests that this Court will decide as to the propriety of a Head of Police interfering when his friend seeks to establish his right to property by a charge of forgery.

74. The Acting Magistrate's explana:tion respecting the Tahsildar's connexion with Hanja Naick will be found in para: 7 of his return of the 26th November 1839.

75. There is in the opinion of the Foujdaree Udalut something suspicious in so great delay in such a case, but as the Law now stands the Tahsildar could not avoid taking cognizance of such a case when brought before him, no blame is justly chargeable to him on this account, but the Magistrate ought to have called up the case as soon as he learned the peculiar connection subsisting between the Tahsildar and one of the parties.

76. The Court of Foujdaree Udalut concur in the opinion expressed by Mr Vaughan, in para: 6 of his proceedings of the 4th January 1840, that the justification for the delay offered in the

the concluding para: of the Acting Magistrates return of the 26th November 1839, is any thing but such as the Head of the Depart: ment ought to express after the repeated orders of the Foujdaree Udalut against delays.

Para: 26. 77. The papers marked G in the Appendix refer to the commission of 3 murders in the Village of Bymdoor; and the 1st Judge has specially noticed the Cases in his Circuit Report because the circumstance of these 3 Murders having been committed within the distance of a Mile and a half of each other, and (according to Mr Vaughan's infor:mation,) within the Space of 5½ Months, rendered it necessary in his (Mr Vaughan's) opinion that a local enquiry should be made by the European Magistracy on the spot; and none having been made by the European Magistracy, though such course was suggested to the Acting Magistrate in Mr Vaughan's proceedings to him of the 6th December 1839, the 1st Judge (Mr Vaughan) considers that such omission on their part is another instance "of the extraordinary laxity" of the Magisterial Department in Canara.

Mr

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78. Mr Vaughan also takes exception to the Acting Magistrate having in a letter addressed to the Court of Foujdaree Udalut under date the 31st December 1839, pointed out that of the 3 Murders referred to by Mr Vaughan, one occurred in 1836, and to his having asserted that the acquittal of the prisoners, charged with the commission of one of these Murders, did not arise from the failure of the Police to commit the right parties, but from the Circuit Judge's "distrust" of the evidence.

79. Mr Vaughan submits that Mr Maltby was bound to submit to him any doubts as to the correctness of the information on which he (Mr Vaughan) had asserted that the 3 Murders were committed within the space of 5 1/2 Months; and moreover that Mr Maltby was not justified in assigning the reasons quoted above, as the grounds of the acquittal of the prisoners by the Court of Circuit.

80. With regard to the Magistracy having omitted to make a local enquiry into these Murders committed in the Village of Byndoor, the Court of Foujdaree Udalut would have considered the European Magistracy open to the censure conveyed in para 29 of Mr Vaughan's

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Vaughan's Circuit Report, had either of the European Magistrates been at, or near, the spot after such course had been suggested to them by the Judge of Circuit; but it appears from Mr Vaughan's own Statement that both the Joint Magistrates, who are stated to have "passed through" this village did so before the receipt of Mr Vaughan's precept, and the Peishcar's Report of the 1st February 1840 the result of the enquiry made after the Circuit Judge's precept was issued) was such as in the opinion of the Foujdaree Udalut to justify the Magistrate in believing that no good would have resulted from making further enquiry into the Case.

81. In cases where it may appear to the Court of Circuit desirable that a local enquiry by the Magistracy in person should be held, every endeavour should be made to comply with the suggestion, but the Court of Foujdaree Udalut do not consider that it is competent to the Court of Circuit to order him to do so; the compliance with such suggestion should in their opinion be left to the eventual determination of the Magistrate who has better means of satisfying

satisfying himself as to the utility and practicability of such measure, than the Court of Circuit; and it may well be left to the zeal and energy of the Magistracy to make such local investigation in person, whenever it may be found practicable and expedient.

82. The 1st Judge's precept to the Acting Magistrate of Canara dated the 6th December 1839, and a Copy of the Acting Magistrate's letter to this Court of the 31st December 1839, have already been laid before Government with the proceedings of the Foujdaree Udalut of the 15th January 1840, and the Court of Foujdaree Udalut do not then, nor do they now, view Mr. Malthby's letter of that date in the same objectionable light as Mr. Vaughan. Indeed the Court of Foujdaree Udalut are of opinion that the whole of this Appendix G might have been spared.

83. The papers composing the Appendix H refer to the case of Yellum Bhut, the merits of which having been already disposed of in the proceedings of the Foujdaree Udalut of the 16th March 1840, the Court consider it unnecessary, at this distant period, to do more than to submit a Copy of those proceedings for the

Vide Para: 31.

the information of the Right Honorable the Governor in Council.

84. The papers composing the Appendix I refer to an order passed by the Acting Magistrate of Canara directing that two persons who had been suspected of throwing Stones at the house of the District Moonsiff of Barcoor, should be forwarded to the European Magisterial Officer in charge of the Taluk, in the event of their again being charged with a breach of the peace.

85. Mr. Vaughan objects to this order of the Acting Magistrate as not being authorized by any regulation.

86. The Court of Foujdaree Udalut having referred to the correspondence respecting this Case, consider that the Acting Magistrate had discretionary power to do what he did, under the latter part of Section XIII and under Section XIV Regulation IX of 1816.

Vide para: 4 of the Acting Magistrate's return, dated 29th January 1840.

87. The style of the 1st Judge's remarks and of much of the returns contained in the papers forming this Appendix are much to be disapproved of, and it appears to the Court of Foujdaree Udalut that under the circumstances

stances any discussion of the Case at all was hardly needed.

88. The papers composing the appendix J and K. involve questions 1st. as to the legality of a Magistrate demanding security for keeping the peace, from persons strongly suspected of having committed an actual breach of it, but against whom no recorded evidence of any specific act of violence had been taken; and 2dly as to the competency of a Magistrate to demand security from persons also convicted and sentenced for a specific offence.

89. This last question was determined by the Court of Foujdaree Udalut, in the affirmative, in their Proceedings of the 24th. June 1830, and 7th November 1835, Extracts from which will be forwarded to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information, and for communication to the Magistrate of Canara, and Copies thereof are also appended for the information of the Right Honorable the Governor in Council.

90. The first question has been already answered by the Court of Foujdaree Udalut in the negative.

* para: 2.
o para: 11.

any

F. 6.

91. Any credible information of a probable breach of the peace is sufficient to justify a Magistrate's interference, but he cannot take recognizance, or restrain personal liberty, without evidence on oath, or solemn declaration. Vide Circular Order, 25th February 1824.

92. The attention of the Magistrate is particularly enjoined to the suggestions offered in paras 47, 48, 50 and 53 of Mr Vaughan's Report, and in reference to para 47 the 1st Judge will direct the Magistracy of Canara to instruct his Police Officers to discontinue the transmission either to the European Magistracy or to the Criminal Court, of any Statements and Reports not specially prescribed by the Regulations or by any standing order of the Court of Foujdaree Udalut.

93. The Court of Foujdaree Udalut seems objection to the Magistrates receiving complaints by Tappal - and if the information appear to the Magistrate credible the Court of Foujdaree Udalut see no objection to the Magistrate causing an enquiry to be made

para: 50.

by

by means of the local Police Officers. If the allegations it may contain appear to be founded on truth, the Magistrate, if he reserve the case for his own enquiry, will of course call upon the complainant to verify the statement under a solemn declaration, after which process may be issued for the apprehension of the suspected party; but at the same time Magistrates are not restricted from issuing process for apprehension, even upon the mere report of a Police Officer, or other credible information. Vide Section XIII Regulation IX of 1816.

94. The powers of the Magistracy and of the Police in cases of the nature referred to in paras 51 and 52 of Mr Vaughan's Report have been noticed in a former part of these proceedings.

95. In reference to paras: 54 and 55 of Mr Vaughan's Report the Court of Sudder Adalut would observe that if Servants who have been previously dismissed for recorded misconduct, such as is deemed to disqualify them for employment in the public Service, have been re-employed in the Public Department in Canara, without the previous sanction of Government having been obtained, it is in breach of the Circular Order of the 27th February 1836, No. 63.

The

96. The Sudder Judge is directed to cause the "Cases of this kind", to which he alludes, to be individually brought forward, in view to all unworthy persons being discharged.

97. Paras: 56 to 60 inclusive, of Mr Vaughan's Report do not appear to call for Specials noticed in this place; they are occupied chiefly in a consideration of the expediency of abolishing the Provincial Courts of Circuit, (with reference to their utility as a controlling authority,) the measure in question being one of the modifications of the existing system contemplated under the new judicial Scheme.

98. It would appear desirable that the subjects noticed in paras 61 to 64 inclusive of Mr Vaughan's Report should be referred for the consideration of the Board of Revenue in the Department of Public Works.

99. With reference to the period of time which has elapsed since the receipt of this Circuit Report, it is deemed proper to observe that as upon the first examination of the Report it was found to contain remarks on the proceedings of the Police and Magistracy

in

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in Cases disposed of so far back as the year 1839, there was consequently no urgent necessity for placing at an early period on record the view taken by the Court of Foujdaree Udalut of these Cases; and the pressing avocations of the Court in the discharge of their ordinary functions will sufficiently account for the postponement of the consideration of the Report to a convenient opportunity.

Ordered that Extract from these proceedings, together with Copies of Mr. Vaughan's Report and of the Papers which accompanied it, 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. 1535.)

Ordered also, 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 15 days from and after its receipt.-

/ Sent following precept No. 1536. /

F. U.

Tuesday, 2nd November, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,
Henry Dickinson Esqre. 2nd Puisne Judge,
George James Casamajor Esqre. 3rd Puisne Judge,

Read letter dated the 11th of October 1841 from the Provincial Court of Circuit in the Northern Division forwarding for the orders and instructions of the Foujdaree Udalut copy of a letter from the Acting Criminal Judge of Rajahmundry requesting final instructions in regard to the disposal of the prisoners in Cash No. 39 on the Rajahmundry Criminal Report.—

Mr. Campbell.

/ Here enter F. U. No. 1896. /

Under the circumstances represented in the letter of the Acting Criminal Judge the Court of Foujdaree Udalut deem it inadvisable that the prisoners should be detained any longer in custody, and they direct that they be set at liberty.—

Ordered that Extract from that

these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information.—

/Sent in No. 1538/

Read letter dated the 18th October 1841 from the Provincial Court of Circuit in the Western Division forwarding the Sixty Criminal Reports for the month of September last —

Mr. Casamajor.

/Here enter F.R. No. 1927./

Report No. V. Cask No. 30.

1. The Court of Fouzdaree Udalut consider that the onere fact of the 4th and 5th Prisoners being apprehended in the Company of the other prisoners does not of itself justify the demand of Security and they direct that the Provincial Court of Circuit do call for the proceedings held in the case and pass on them such orders as may appear proper reporting the result for the information of the Fouzdaree Udalut.—

2. The Court further direct that a copy of the case as it stands in the report without the remarks of the Criminal Court

Court be sent by the Provincial Court to the Magistrate of Canara who will be pleased to submit an explanation of the delay which occurred in the transmission of the case to the Criminal Court.—

3. The attention of the Magistrate will also be drawn to the Circular Order of the Fouzdaree Udalut of the 8th February 1830.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable in 20 days from and after its receipt.—

/Sent following precept No. 1539/

Read return dated the 22d Ultimo from the Acting Criminal Judge of Bellary to the precept of the Fouzdaree Udalut of the 15th Ultimo conveying their observations on the Criminal Reports for August 1841.—

/Here Enter No. 1931./

Read Statement dated the 1st Ultimo from the Criminal Judge of

2nd November 1841.

of Combaconum of amount realized by the labor of the Prisoners in the 3rd quarter of 1841.—

/Here enter No. 1935./

Read return dated the 23rd Ultimo from the Third Judge on Circuit in the Northern Division to the precept of the Zoujdaree Udalut of the 19th Ultimo calling upon him to explain the cause of the delay in forwarding the record of trial in Case No. 2 on the Nellore Calendar for the 2nd Sessions of 1841 called for in the Proceedings of the Zoujdaree Udalut of the 20th August last.—

/Here enter No. 1940./

Read letter dated the 26th Ultimo from the Third Judge on Circuit in the Southern Division reporting his intention to open the 2nd Sessions of 1841 at Salem on the 22nd Proximo.—

/Here enter No. 1941./

End 7 Ltrs.

No. 46.

Thursday, 4th November, 1841.

At a Court of the Zoujdaree Udalut.

Present

Hon'ble Duncan Campbell Esqr. 1st Puisne Judge,

Henry Dickinson Esqr. 2nd Puisne Judge,

George James Casamajor Esqr. 3rd Puisne Judge,

Read return dated the 21st October 1841 from the 2nd Judge on Circuit in the Western Division to the precept of the Zoujdaree Udalut of the 25th September last, desiring him to call for the proceedings held in case No. 89 on the Dealabar Supplemental Report for the month of August last and pass on them such orders as may appear to him proper, reporting the result for the information of the Zoujdaree Udalut.—

(Here enter C.C. No. 1936.)

Mr. Dickinson

The Court of Zoujdaree Udalut approve of the orders of the Acting 2nd Judge in this case. It appears from the foregoing return however that "in the proceedings taken before the Police and Criminal Court there are "points in evidence which have not been brought forward "in the grounds of committal recorded by the Assistant "Criminal Judge" in his remarks on the Criminal Report. The Court of Zoujdaree Udalut direct that the irregularity of this proceeding be pointed out to the Assistant in Criminal

Criminal Judge and that he be required to obviate it in future; for unless an abstract of all the evidence taken in each case is given in the Criminal Reports submitted to the Sunjdaree Adalut, it is altogether impossible that that Court can form a correct judgment as to the manner in which the cases may have been disposed of—

Ordered, that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Western Division for his information, with directions to communicate the same to the Acting Criminal Judge of Malabar.—

(Sent in No. 1543.)

Read letter dated the 4th instant from the 3d Judge on Circuit in the Centre Division, forwarding copy of the Bellary Calendar for the 2d Sessions of 1841.—

(Here enter No. 1861.)

Mr. Campbell, and Mr. Casamajor, Case No. 9.

1. The sentence passed on the prisoner in Case No. 9, who is also convicted in Case No. 10, should have been awarded under Clause third Section IV Regulation XV of 1803, and Clause fourth Section II Regulation I of 1825.—

Case No. 11.

2. Under the circumstances of the case, the Court of Sunjdaree Adalut, under Clause 1st Section III Regulation I of 1825, sanction the mitigate sentence of Eight

Eight years imprisonment with hard labor in irons, for the Prisoners

1st Coollayeegah

and

2d Kunnoogah

Case No. 12.

3. The Court of Sunjdaree Adalut under Clause 1st Section III Regulation I of 1825 sanction the mitigated sentence proposed by the 3d Judge for the Prisoner

"Veera bhudrapah,"

of seven months imprisonment with hard labor in irons.

Case No. 18.

4. The same remark that has been made on Case No. 9, is applicable to the sentence passed in this case (No. 18).—

Case No. 20.

5. There is so much confusion between the 1st and 2d Prisoner in this case, that the Court of Sunjdaree Adalut desire to have an amended copy of the Remarks of the Circuit Judge in which the names of the Prisoners are substituted for their numbers whenever they are mentioned.—

Case No. 22.

6. Clause 4. Section II Regulation VII of 1802 would have been quoted as the authority under which the sentence in this case was passed.—

Ordered, that Extract from these proceedings be forwarded to the 3d Judge on Circuit

in

4th Nov.

4th November 1841.

in the Centre Division for his information and guidance by precept returnable in 10 days, from and after the receipt.—

4th N.

(Cont. following Decpt. 4th 1544.)

F. 16.

Friday 5th November, 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexander Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre — 2d Puisne Judge,

Geo: James Casamajor Esqre 3d Puisne Judge,

Read letter dated the 19th October 1841, from the Acting 2d Judge on Circuit in the Western Division, submitting for the consideration and finial Sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No 5 on the Mangalore Calendar for the 2d Sessions of 1841.

/ Here enter F. 16: No 1944 /

The Court of Foujdaree Udalut,

Mr Campbell and Mr Casamajor

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 Billa Bunto,

2d Mooka Poonjoo,

3d Sher Bhuttaddy

and

4th Sher Paneeja

is sufficient to convict them of the Crime of Murder

2 5th November 1841.

Murder, do Convict them thereof, and, under the provisions of Section X Regulation VII and Clause Second Section VI Regulation I of 1825, do Sentence the prisoner,

1st Billa Veentoo.

to Suffer death, by being hanged, at the usual time and place of execution; and the prisoners,

2. Moolea Teampoo,
3. Dher Muthuddy,

and

4th Dher Tameerya,

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

With reference to the 6th and 3 following paras: of the Acting 2d Judges letter of reference, the Court of Sudder Udalat deem it inadvisable that any Steps should be taken against the witnesses Karana and Damarsa. The Court consider that Damarsa could not be convicted of perjury on the evidence of the 1st, 2d, and 3d Witnesses.- Karana has certainly given two contradictory depositions on Oath his 1st deposition before

ber 1841. before the Criminal Court and his deposition before the Court of Circuit. But the latter is evidently the truth and the former the result of his fears and to punish him for perjury would be to punish him for correcting his false evidence which he did voluntarily.

Ordered that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Western Division, for his information.

/ Sent following letter No. 1554 /

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read letters dated 15th and 19th October 1841 from the Criminal Judge of Chingleput forwarding Copies of letters received from the Agents to the Governor of Fort St George at Ganjam and Vizagapatam, reporting that the paper of instructions prescribed in the Circular Order of the 22d July 1814 was duly forwarded with the Convicts referred to in the letters of the Criminal Judge of Chingleput under dates the 15th and 17th September last.-

/ Here enter F. C. Nos. 1889 & 1917 /

It appears from the letter of the Government Agent at Vizagapatam that the present instance "the Peons of his Office do not

5th November 1841.

not accompany the Prisoner forwarded by him beyond the frontier of the Vizagapatam District as he supposed that the Circular Order of the 27 July last No. 138 removed the necessity of his Peon being sent to so great a distance and he trusted to the other Magistrates issuing instructions to the Peons who were to take charge of the Prisoner".

2.

As the same proceeding may have been adopted by the Government Agent at Ganjam the Court of Foujdaree Udalut direct that the attention of both these Officers be drawn to the 3rd para: of the Circular Order of the 22nd July 1814 which expressly requires that the Peon or Peons in charge of the Prisoners "shall accompany them from the Station of their Departure until their arrival at Chingleput".

3.

The Circular Order No. 138 has no effect upon the previous one of the 22nd July 1814.

Ordered that Extract from these proceedings be sent to the Government Agents at Ganjam and Vizagapatam for their information.

(Sent in Nos. 1555. 1556)

No. 16.

Saturday 6th November 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

George James Casamajor Esqre. 3rd Puisne Judge

Mr. Campbell. and Mr. Dickinson.

Read letter dated the 1st Ultimo from the 3rd Judge on Circuit in the Southern Division, forwarding the Madura Calendar for the 2nd Sessions of 1841.—

(Here enter No. 1876.)

Case No. 13.

1.

The Court of Foujdaree Udalut under Clause 1st Section III Regulation I of 1825 sanction the mitigated sentence proposed by the 3rd Judge for the Prisoners

1st Narrainen

2nd Choken

and

3rd Valoydum,

of 4 years' imprisonment with hard labor in irons.—

Case No. 18.

2.

With reference to the observations made by the 3rd Judge on Circuit in the Southern Division on the evidence offered in Case No. 18 of the Madura Calendar, the Court

Court of Poujdaree Udalut are of opinion that the Magistrate of Madura should be directed to adopt such means as he may consider advisable, in order to ascertain whether "Sonayaunger" declared to be dead, but since sworn to be alive, be in existence or not.—

3. The Prisoner in the above No. 18 having been acquitted and released, that trial can in no way be affected by the enquiry.—

4. In Case No. 8 of the Madura Calendar for the 2nd Sessions of 1839 two Prisoners were however tried, and sentenced by the Poujdaree Udalut to be imprisoned for 7 Years for having plundered the Women mentioned in No. 18 of this Calendar. And although that sentence was declared to have no reference to the death of Sonayaunger, one of the women to whom violence was offered, still as evidence was given in that trial that Sonayaunger was dead, and that her death was occasioned by the violence offered at the time of the Robbery, it will be satisfactory to the Court to ascertain whether the

the fact, thus deposed to, be true or not.—

5. In the event of the Woman in question being found to be alive, it will be necessary to bring the witnesses who swore to her death to trial on a charge of perjury.—

Case No. 19. 6. Case No. 19 contains two prisoners, and the Futwah of the Law Officer convicts both prisoners; but the sentence of the Court of Circuit refers to an individual prisoner, to whom 7 Years (x) imprisonment has been awarded.—

7. The Court of Poujdaree Udalut desire to be informed whether this is merely an error of the Copyist who transcribed the sentence of the Court of Circuit, or whether only one of the two prisoners concerned in this Case was convicted and punished by the Court of Circuit; if so, the 3rd Judge on Circuit will explain the nature of the order issued by him as regards the other prisoner.

8. They desire also to be furnished with a copy of the Warrant issued in this Case to the Criminal Judge of Madura.—

Ordered

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 10 days from and after its receipt.—

/Sent following precept No. 1559/

Mr. Campbell and Mr. Castamajor

Read the Cuddapah Criminal Reports for September 1841.—

/Were entered No. 1930./

Suppl. Report No. 126 and No. 163 in Report No. V.

No. 133.

1. The Court of Foujdaree Udalut find it difficult to understand the remarks, apparently on account of several clerical errors—they direct that corrected copies be sent without delay and that more care be taken in examining the fair copies of these Reports before they are dispatched. Numerous other errors of the same kind are to be found in the Report now before them.—

2. The Court of Foujdaree Udalut do not consider the proof against the 4th Prisoner sufficient to justify the demand of Security; and direct that the Security be cancelled & the Prisoner released.—

The

No. 142

3. The Court of Foujdaree Udalut are of opinion that the persons from whose custody the Prisoner escaped ought to be called to account for their conduct; and direct that the Magistrate take the necessary steps for this purpose, reporting to this Court what he shall do in the case.—

No. 146.

4. The Court direct that the Rayeboty Head of Police be required to explain on what grounds he sent the Prisoner to the Court.—

Report No. V No. 168.

5. The passage copied in the margin from the remarks, is in a style too light and familiar for any official writing, especially for judicial writing, which is to come before a Superior Court. The Criminal Judge will caution his Assistant upon this subject.—

*"the Moochulka cannot brag that he was very hook-jar in bringing the offenders (as he reckons them) to justice"—

6. A translation of the Magistrate's order for sending this case up to the Court is required.—

No. 150 & 172.

7. There appears to have been a neglect of the latter part of Clause 4th Section

Section V Regulation XI of 1816 which directs the Head of the Villages should be called upon to explain.—

No. 154. 8. The Rayeboty Head of Polices explanation of the delay after the 4th September is totally unsatisfactory. The Magistrate will communicate this remark to him.—

No. 161. 9. The specific offence of which the Prisoner was previously convicted should always be mentioned; as the propriety of the proceeding in consequence often depends upon it.—

No. 169. 10. The Court of Zillah Dowlatabad think it doubtful whether the case here described is not Forgery in the 2nd & 3rd and 4th Prisoners and Subornation of Forgery in the 1st Prisoner; and they direct that the Provincial Court of Circuit do call for the Record and issue such orders as may appear to them proper. They will at the same time call upon the Criminal Judge to state his reason for considering that the act charged did not amount to Forgery.—

The

No. 171. 11. The Court of Zillah Dowlatabad state that a translation of the Magistrate's Talkeed No. 180 may be furnished. Copies of Cases No. 142 and 146 as they stand in the Report with the remarks of the Criminal Court and of Cases No. 148, 150 and 172 without the remarks, together with copies of para. 3-4-6-7-8 and 11 of these proceedings be furnished to the Magistrate for his information and guidance.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Zillah Dowlatabad for his information, with directions to make the necessary communications to the Magistrate of the district by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1560.)

Ordered also, that Extract of para. 10 of these proceedings be sent to the 3rd Judge on Circuit in the Central Division for his information by precept returnable in 30 days from and after its receipt.

(Sent following precept No. 1561.)

Mr Campbell
Mr Dickinson
and
Mr Casamajor.

Read letter dated the 14th October 1841 from the Acting Criminal Judge of Rajahmundry, applying for a copy of the Circular letter of the Tonjdaree Udalut of the 31st July 1834 referred to in para. 2 of this Court's proceedings of the 19th July last.—

/Here enter S.C. No. 1912./

1. The Acting Criminal Judge states that no copy of the letter in question is to be found among the records of his Court, and that he has applied to the Provincial Court who also are unable to furnish him with a copy.—

2. The Court of Tonjdaree Udalut observe that their letter of the 31st July 1834 by an omission on the part of the Register, was not circulated for the guidance of the Lower Courts; but the Provincial Court in the Northern Division will find on their records a Circular letter dated the 15th of June 1826 to the same effect as the letter of the 31st July 1834, and if the Judge of Rajahmundry has not been already furnished with a copy of the letter of the 15th June 1826, they will now supply Mr Anstruther with a copy.—

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

/Sentin No. 1562/

Read return, dated the 25th Ultimo from the 1st Judge late on Circuit in the Southern Division, to the precept of the Tonjdaree Udalut of the 14th Ultimo directing the execution of their orders relative to the mitigated sentences of the 1st, 3d, 13th, 11th and 14th Prisoners concerned in Case No. 1 of the Special Sessions of 1841.—

/Here enter No. 1953/

Read return dated the 28th Ultimo from the Acting Joint Criminal Judge at Coimbatore, to the precept of the Tonjdaree Udalut of the 22nd Ultimo calling upon him to report the cause of the death of the two Prisoners who are in Report VI of the Criminal Reports submitted for the month of September

6th November 1841.

September 1841. stated to have died during
the said month.—

/ Here enter No. 1954. /—

Monday.
8th November, 1841.

At a Court of the Conjeeveram Adalut.
Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2d Puisne Judge
George James Casamajor Esqre. 3d Puisne Judge

Read letter dated the 23d Ultimo
from the Acting 2d Judge on Circuit in the Western
Division, transmitting the Record of trial in Case No. 13
on the Mangalore Calendar for the 2d Session of 1841.—
(Here enter No. 1955.)

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

Cachooby Bitta Ramoo

is sufficient to convict him of culpable Homicide, upon
which the penalty of Death is awardable, under the
Mahommadan Law, as declared in futwas of their
Law officers, do convict him thereof, and, with reference
to the provisions of Clause second Section XV. Regula-
tion VII of 1802, do sentence him to be imprisoned
and kept to hard labor, in irons, on the public
roads

Mr. Campbell,
Case
Mr. Dickinson,

roads or other public works, for, and during the period of ten years (12).—

(Sent following letter No. 1565.)

Read Supplemental Return dated the 28th ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Cuyapo Adalut of the 26th July last, in the matter of the Petitioners Condoo Row and Kristna Row, late Kandoviar Goomastah and Mogoomdar on the Establishment of the Collector of Tinnevelly, and Prisoners in Case No. 77 of 1840 on the file of the Joint Criminal Court of Tinnevelly.—

(Here enter No. 1952.)

Wednesday,
10th November 1841.

At a Court of the Cuyapo Adalut

Present,

The Hon.ble Duncan Campbell Esq.re 1st Puisne Judge,

Henry Dickinson Esq.re 2d Puisne Judge,

George James Casamajor Esq.re 3d Puisne Judge,

Read letter dated the 7th ultimo from the 1st Judge late on Circuit in the Southern Division, submitting a statement of Costs paid to Prosecutors and witnesses in attendance before the Court of Circuit at Calem during the 1st Session of 1841.—

(Here enter C. P. No. 1888 of 1841.)

Advertising to the difficulty experienced by the Criminal Judge of Calem to ensure regularity in the attendance of the necessary Prosecutors and Witnesses in the cases to be tried by the Court of Circuit, the Court of Cuyapo Adalut are of opinion that in every case in which the Prosecutor or Witness may fail to attend before the Court of Circuit according to the terms of his recognizance, great advantage would be found to result from the levy as a fine of a small portion of the recognizance according to the condition of the parties and the keeping the parties in the case waiting in

Mr. Campbell,
Mr. Dickinson
and
Mr. Casamajor,

in their turn for a few days - and if this measure is adopted early in the Session, the Court are of opinion that the parties in the latter cases would be found more punctual.-

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Southern Division for his information.-

(Sent in No. 1569.)

Read return dated 5th instant from the Criminal Judge of Chittoor, to the precept of the Conjeeveram Adalut of the 27th October last, conveying their remarks and observations on the Chittoor Criminal Reports for the months of September last.-

(Here enter S.R. No. 1943)

Mr. Campbell, and Mr. Casamajor,

1. With reference to the question submitted by the Criminal Judge in the 2nd paragraph of this return, the Court of Conjeeveram Adalut observe that if the evidence of Lieutenant Hunter is deemed by the Assistant Criminal Judge to be necessary, Lieutenant Hunter should of course be required to attend as a witness.-

2. The Court however remark that unless his evidence is likely to be available, there would

would be no use in requiring his attendance, but of the necessity of summoning him the Assistant Criminal Judge, who is to try the case, is the only proper Judge.-

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Chittoor for his information.-

(Sent in No. 1570.)

Read letter dated the 27th October 1841. from the Magistrate of Bellary, submitting the explanation called for in the Proceedings of the Conjeeveram Adalut of the 1st and 29th May and the 8th instant, in certain cases in the Bellary Criminal Reports for the months of March, April and May last.-

(Here enter S.R. No. 1960.)

Mr. Casamajor.

With reference to the explanation given in case No. 109, the Court of Conjeeveram Adalut are of opinion that there was not sufficient ground for the reference of the case to the Magistrate, the Head of Police should have sent it up to the Criminal Court direct.-

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

(Sent in No. 1571.)

Read letter dated the 1st September, last not received till the 29th October, from the Officiating

18th November 1841.

Officiating Chief Magistrate and Superintendant of Police at Madras, forwarding the cases tried under Act XXII of 1837 in the Month of August last.—

(Here enter S.R. No. 1942.)

Cases Nos. 15 and 16. 1. Referring to the value of the smuggled Betel, there is a marked disparity in the sentences awarded in Cases Nos. 15 and 16, and without further information, the fines imposed in the former case appears exorbitant.— The Court of Tonjdaree Adalut accordingly resolve to call on the Officiating Chief Magistrate to explain the circumstances which rendered so heavy a fine necessary.—

2. The Court further remark that the authority by whom each case is adjudicated, should be specified in the Report.—

Ordered, that Extract from these Proceedings be sent to the Officiating Chief Magistrate and Superintendant of Police at Madras for his information and guidance.—

(Sent in No. 1572.)

No. 16.

Friday 12th November 1841.

At a Court of the Tonjdaree Adalut.

Present

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2nd Puisne Judge
George James Casamajor Esqre. 3rd Puisne Judge

Mr. Campbell and Mr. Dickinson.

Read the following letter dated the 15th Ultimo from the Third Judge on Circuit in the Northern Division.

(Here enter No. 1908.)

1. The Third Judge reports that in Case No. 3 of the Rajahmundry Calendar of the present Sessions, the charge and evidence were taken before the Magistrate, during the absence of the accused: and he applies for instructions respecting the disposal of the case, under these circumstances.—

2. From the correspondence which accompanies this letter, it appears that the Head Assistant Magistrate of Rajahmundry grounds his proceedings on the Provisions of Section XIV Regulation IX of 1816, and Section XXVII Regulation XI of

of 1816 and the Magistrate has recorded his entire concurrence in that view, and likewise referred to the Circular Order of the Court of Foujdaree Udalut of the 21st May 1829 as affording a Warrant for the course adopted by his Subordinate.—

3. The Court of Foujdaree Udalut observe that the examination of any Prosecutor or Witness, not in the presence of the accused, is a proceeding repugnant to the fundamental principles of British Justice: and they are astonished that a contrary doctrine should be entertained and upheld by any of the European Magistracy in this Country.—

4. It was the duty of the Head Assistant Magistrate to defer the examination of the Prosecutor and Witnesses until the Prisoner could be confronted with them: and on finding that the Criminal Judge did not immediately forward the prisoner to him, he should have repeated his application.—

5. The Provisions of the Law cited by the Head Assistant Magistrate, are

are inapplicable to the case under consideration. Section XIV. Regulation IX of 1816 in question prescribes the course to be pursued by the Magistrate "if he see cause to distrust the truth of the complaint" and there is an obvious distinction between the formal examination of a case and the "previous enquiry" indicated in that Section.— The Head Assistant Magistrate however, does not pretend that he saw cause in the present case, to question the truth of the complaint. And it is provided by Section XXVII Regulation XI of 1816 that upon a complaint being made to a Tahsildar, he shall make such "enquiries" as may be necessary to ascertain whether any credit be due to the accusation and by Clause Second of the same Section that "when the accused persons shall be brought before him he shall take down in writing in their presence, the depositions of the witnesses who may be present" &c.—

6. The Court of Foujdaree Udalut are

are likewise satisfied that a little consideration will suffice to convince the Magistrate that his preference to their Circular Order of the 31st. May 1829, is also irrelevant to a case of the nature under consideration.—

7. The Proceedings before the Head Assistant Magistrate are unquestionably illegal and must be left out of consideration in disposing of the charge against the prisoner: but if the proceedings of the Criminal Court were legal its Committal of the case is not vitiated by the previous error of the Magistracy.—

8. The Court deem it proper to direct the Third Judge to obtain and submit for their information, an explanation of the omission on the part of the Criminal Court to comply with the requisition of the Head Assistant Magistrate for the delivery of the Prisoner to his custody for the purpose of the examination.—

Ordered, that Extract from these

these proceedings be forwarded to the Third Judge on Circuit in the Northern Division for his information and the information and future guidance of the Magistrate and his Assistant by precept peturnable within seven days from and after its receipt.—

/Sent following precept No. 1574/

Read the Criminal Reports submitted by the Joint Criminal Judge of Vizagapatam for the month of October 1841.—

Mr. Campbell and Mr. Dickinson.

/Here enter No. 1990./

The above Reports do not appear to call for any remark from the Court of Sowdaree Udalut.—

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

/Sent in No. 1575/

Read return dated the 1st. Instant from the Criminal Judge of Canara to the precept of the Sowdaree Udalut of the

the 30th Ultimo, on preview of the Criminal Reports for September 1841.—

/Here enter No. 1974./

Read return dated the 4th Instant from the Acting Criminal Judge of Nellore, to the Precept of the Foujdaree Udalut of the 30th Ultimo, containing their observations on the Criminal Reports for September 1841.—

/Here Enter No. 1976./

Read returns dated the 3rd Instant from the Acting Criminal Judge of Rajahmundry, to the precept of the Foujdaree Udalut of the 29th Ultimo on preview of the Criminal Reports for September 1841.—

/Here enter No. 1983./

Read return dated the 5th Instant from the Criminal Judge of Combaconum, to the precept of the Foujdaree Udalut of the 1st Instant, relative to Case No. 111 of the Criminal Reports for September last.

/Here Enter No. 1988./

Read

Read letter dated the 3rd Instant from the Third Judge on Circuit in the Northern Division, reporting the opening of the 2nd Sessions of 1841 at Vizagapatam on the 3rd Instant and the date of the Calendar.—

/Here Enter No. 1991./

Saturday
13th November 1841

At a Court of the Zoojdaree Udalut

Present,

Hon.e Duncan Campbell Esq.r 1st Judge

Henry Dickinson Esq.r — 2d Judge

Geo: James Casamajor Esq.r 3d Judge

Mr. Dickinson
and
Mr. Casamajor.

Read the Criminal Report
Criminal Reports for the month of
October 1841
[Hon.ble Ind.a No. 1973]

Report No. 1
No. 61 and 62

If no communication has been
made to the Magistrate in these Nos. the
Court of Zoojdaree Udalut desire that
the Criminal Judge will furnish the
Magistrate with a copy of his remarks
for his (the Magistrate's) information —

No. 67

2 This case also should be brought
to the Magistrate's notice, and a copy of
the Criminal Judge's remarks sent — The
sending up the Prisoner to the Court on
such grounds was contrary to Section XXVIII
Regulation XI. of 1816.

Ordered

Ordered, that a Extract from
the Proceedings be communicated to the
Criminal Judge of Chingleput for his
information.

/ Sent in No. 1578 /

Read return dated 18th October
1841, from the Joint Criminal Judge of
Cuddalore, to the precept of the 15th Ultimo calling for
further explanation of the grounds on
which corporal punishments were inflicted
on the 4 Prisoners included in the Statement
required by Circular Order No. 80.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

/ Recorded in P. Cons. 1925 /

The Joint Criminal Judge
in this Return, confirms the apprehen-
sions entertained by this Court, in their
Proceedings of the 15th Ultimo.

2

Mr. Story states that the
punishment was inflicted before the
disclosure was made, that the infliction
of Stripes was deemed necessary in conse-
quence of the Spirit that has manifested
itself in refusing to deliver up the iron
instrument

instrument that had been used in the
attempt to escape."

The Court have no hesitation
in pronouncing the proceeding of Mr.
Story in this instance to be in direct
violation of the Regulations, which in
no case authorize the punishment of a
person on mere suspicion of being
concerned in an offence, and in breach of
a most plain rule of justice, which
forbids punishment before conviction.

The punishment of Stripes
4
is in itself severe and degrading, and its
infliction, merely on suspicion, with
a view of eliciting information in a
judicial inquiry is totally indefensible.

By Regulation X of 1832
5
all Officers in charge of Jails are empow-
ered in cases of contumacious and refractory
conduct, and in insurrection and attempts
at escape, to punish offenders after a
summary inquiry by Stripes; but the
exercise of this power in the present instance
cannot be considered as a punishment

for

for refractory conduct—

6 It appears from the Criminal Reports that Richd Jagadoo a leader in the attempted escape, has altogether escaped punishment— It is true he has been ordered to be handcuffed at night but this appears to have been adopted rather as a measure of precaution than as a punishment for his offence.

7 Mr Storey admits he was aware that he was probably acting without specific authority; and attempts to justify his conduct on the grounds of expediency, on account of the insecurity of the place of confinement, the inefficiency of the guard, and his apprehension that another more effectual attempt would be made by the Convicts to escape— The Court consider that such circumstances do not justify an illegal mode of proceeding— If the evils represented by Mr Storey, had any existence, and the guard have been permitted to slack on their posts with impunity, that impunity ought no longer to be allowed, and if it continued, Mr

Mr Storey will be responsible for it—

8 The Court are of opinion that the refractory prisoners should be removed from the Jail at Georgetown to some place at which they would find it more difficult to escape, and they direct that Mr Storey be called on for a report of the number he would suggest should be removed.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Georgetown for his information

by precept returnable in 3 days, from and after its receipt—

[illegible] (but following precept No 1579.)

J. U.

Monday 15th November 1841

At a Court of the Fouzdaree Udalut

Present

Alex: Duncan Campbell Esqr 1st Puisne Judge

Henry Dickinson Esqr —— 2d Puisne Judge

Geo: James Casamajor Esqr —— 3d Puisne Judge

Read letter dated the 1st

Mr Campbell and Mr Dickinson

Instant from the Agent to the Governor of Fort St George on the Vizagapatam District submitting, with reference to Clause 5th Rule 1 of the Rules framed by Government for his guidance, a Summary of the evidence against a Prisoner charged with robbery by violence; and communicating his opinion as to the punishment to be inflicted on the Prisoner —

(Here enter Dr 1977)

The Court of Fouzdaree Udalut having maturely considered the Summary of the evidence taken before the Agent, and the Statements of the grounds for the conviction, resolve to

sentence

sentence the prisoner,

"Bonay Moosalegaudoo"

to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of eight years.—

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.—

Sent in No. 1581.

Read Miscellaneous Petition presented on the 11th October 1841 by Seeva Soobramanya Pillay of Tinnevelly

Mr. Dickinson and Mr. Casamajor.

/Hereunto M.P.I.U. No. 148 of 1841/

The Petitioner late a Chowkidar in the Tinnevelly District was charged before the Joint Criminal Court with having embezzled 24 Rupees the sum realized by the sale of 10½ marcals and 7 measures of salt and was on conviction sentenced by the Officiating Joint Criminal Judge in Case No. 39 of 1840 on the Criminal

Criminal Report, on the 20th May 1840, to pay a fine of Rupees 200 commutable in default of payment to six months imprisonment under the provisions of Section VII. Regulation X of 1816

2 The Petitioner maintains his innocence and states that the salt manufacturers and the Peons had clandestinely sold the salt in the night time to certain merchants and during the inquiry made about it accused him; the Gomastah and Sheriff of having committed the offence and contends that the Sentence is illegal inasmuch as it is not authorized by the Regulation quoted in support of it.—

3. The Petitioner further adds that he has appealed to the Judge on Circuit in the Southern Division but has not been able to obtain redress.—

4 He prays the Court of Sessions to call for the proceedings and to issue orders for the fine to be refunded.

5 Under the circumstances represented by the Petitioner and on a consideration

of the Extracts of the Proceedings of the Provincial Court of Circuit in the Southern Division the Court of Zoujdaree Udalut resolved to direct the Collectives Court of Circuit to call for the proceedings connected with the case and pass such orders upon them as they may consider right, forwarding a copy of their decision for the information of the Zoujdaree Udalut.

Ordered that Extract from the said Proceedings be sent to the Provincial Court in the Southern Division for their information by precept returnable in 20 days from and after its Receipt.

(Sent following precept. No 1582.)

Ordered also that Extract from the said Proceedings be furnished to the Petitioner on his application.

Read petition presented by Mooty Ummal of the Zillah of Chittoor complaining of the Sentence of 10 years imprisonment passed upon her son, prisoner in Cases Nos 1 and 2 of the Chittoor Calendar for the 2d Quarterly Sessions of 1838.

Mr Dickinson and Mr Cushnagan

(Here enter No. 150)

It appears from the Calendar that the 1st Prisoner who appears to be the Procumalee, for whom the Petitioner intercedes confessed voluntarily his guilt before the Joint Magistrate.

This Petition is therefore rejected.

Ordered that the above be communicated to the Petitioner, and that Extract from the said Proceedings be furnished to her on her application.

Read Petition presented on the 1st Instant by Sashagherry Row of Timmerly

Mr Dickinson

(Here enter F. N. M. P. No 153 of 1841)

The Petitioner complains of the Sentence passed on his Nephew the prisoner in Case No 1 of the Timmerly Calendar 2d Sessions of 1841 who was convicted by the 3d Judge on Circuit in the Southern Division of having connived at the escape of a prisoner and falsely reported to the Magistrate that he had recaptured from the Cavil[illegible] and was sentenced to 3 years imprisonment. He prays the Court to call up the trial and if proper order for his release.

The Court of Zoujdaree Udalut having

having referred to the Calendar in which the evidence adduced against the prisoner alluded to in this Petition is detailed at considerable length cannot discover the slightest ground for supposing that the conviction and subsequent sentence of the Prisoner were not both just and proper —

2. The Court of Sunjaral Udalut therefore refuse to disturb the sentence passed and direct that this Petition be rejected.

Ordered, that a Extract from these Proceedings be furnished to the Petitioner on her application —

Read Miscellaneous Petition

Mr Cavanagh. presented on the 1st November 1841 by Azeem Jah Bee, the wife of Shaik Ghaine late a Jail Naik at Chittoor —

/Here enter F. M. M. D. No 154 of 1841/

1. The Petitioner complains of the sentence passed on her husband, who was convicted of conniving at the escape of several Convicts and sentenced by the Judge presiding at the Chittoor 3d Quarterly Sessions to 3 years imprisonment with hard labor in irons —

The

15th November 1841

2. The Court of Sunjaral Udalut see no reason to doubt the propriety of the Sentence passed in this case and having referred again to the Calendar with this Petition before them, see no reason to doubt it now — It was clearly proved at the trial that there were the proper number of Irons —

Ordered that this Petition be rejected and that a copy of these Proceedings be furnished to the Petitioner on her application —

Read Miscellaneous Petition

Mr Dickinson and Mr Cavanagh. presented on the 1st November 1841 by Sheeda Saiby the Moortaliar Wheel of Atchutapa Moorlapapa Chitty of the Zillah of Chittoor

/Here enter F. M. M. D. No 155 of 1841/

1. The Petitioner seeks to obtain from the Court a modification of the order of the 26th October 1841 passed on his Petition No 142 of 1841 and in which the Court of Sunjaral Udalut refused to disturb the order passed by the Acting Assistant Magistrate in a charge of theft preferred by the Petitioner against one Gundapa Row —

The

15th November 1841.

2. The Petitioner is referred to the Court's Orders abroad granted and is desired not to trouble the Court about matters which have been already decided.

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

Read Miscellaneous Petition presented on the 8th November 1841 by Anchetil Nursummah of the Zillah of Cuddapah

Mr. Casamajor.

(Heard inter F.H. M.P. No. 156 of 1841)

1. The object of this Petition is the same as that of Petition No. 83 of 1841 presented by the same party and which was answered in this Court's Proceedings of the 19th July last.

2. With reference to those proceedings the Court of Sunjdaree Adalut direct that this Petition be returned.

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

Read Miscellaneous Petition presented on the 8th November 1841 by Lobb

Mr. Dickinson and Mr. Casamajor.

(Heard inter F.H. M.P. No. 157 of 1841)

15th November 1841.

Nuckeen of the Zillah of Combaconum

1. The Petitioner again prays the Court to call for the proceedings held in case No. 154 of 1840 on the Combaconum Criminal file and pass on them such orders as justice may appear to require.

2. The Court of Sunjdaree Adalut on the 26th October last passed orders dismissing the Petition in Miscellaneous Petition No. 182 of 1841 which was similar in its purport to that now presented by the Petitioner and they accordingly refused to refer the Petitioner to those orders.

3. The Court repeat that they do not consider the charge of adultery to have been proved; and as for the alleged theft of Jewels, the Court are of opinion, that although the Petitioner's wife removed Jewels from his house, there is the strongest ground for believing that they were the property of the wife, and that she was compelled to leave her husband's house by his ill treatment of her.

Ordered

15th November 1841

Ordered, that this Petition be rejected and that a copy of these Proceedings be furnished to the Petitioner on his application.

Ag. J.

J.M.

Tuesday
16th November 1841

At a Court of the Tonjdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. — 1st Puisne Judge
Henry Dickinson Esqre. — 2nd Puisne Judge
George James Casamajor Esqre. — 3rd Puisne Judge

Mr Campbell
Mr Dickinson
and
Mr Casamajor.

Read the Criminal Reports submitted by the Acting Criminal Judge of Rajahmundry for the month of October 1841.—

/Here enter No. 1999./

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

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

/Sentence No. 1588/

Read return dated the 31st Instant from the Criminal Judge of Cuddapah, to the precept of the Tonjdaree Udalut dated the 13th September last, conveying their observations and ordered on the

the Criminal Reports for the month of July 1841.—

/Here enter No. 1975./

Read return dated the 2nd Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Zoujdaree Udalut dated the 26th Ultimo, calling upon them to submit an explanation of the Statement contained in their return of the 20th September, viz. that the letter of the Zoujdaree Udalut of the 3rd August last was made known to the late Acting Judge by an Extract of Proceedings which the Acting Assistant Criminal Judge at Rajahmundry has reported the circumstance of his not having been furnished with the same.—

/Here enter No. 1980./

Read return dated the 2nd Instant from the Acting Criminal Judge of Bellary to the precept of the Zoujdaree Udalut dated the 27th Ultimo, relative to the Criminal Reports for the months of June and July last.—

/Here enter No. 1982./

Read return dated the 1st Instant from the Acting Second Judge of the Provincial Court of Circuit in the Western Division, to the precept of the Zoujdaree Udalut of the 20th August last, directing him to instruct the Magistrate of Malabar to enquire into the declaration made at the scaffold by the Prisoner in Case No. 1 on the Additional Calendar of the said Sessions and report the result.—

/Here enter No. 1987./

Read letter dated the 3rd Instant from the Agent to the Governor of Fort St. George at Vizagapatam, bringing to the notice of the Court that the Prisoners in Case No. 1 on the Supplemental Criminal Reports for July last were released on the 1st September last, agreeably to the orders contained in the Extract from the Proceedings of the Zoujdaree Udalut dated 26th August 1841.—

/Here enter No. 1992./

Read letter dated the 6th Instant

Instant from the Joint Magistrate in charge of Cuddapah, submitting with reference to the 2nd para of Toujdaree Udalut Proceedings of the 14th September last, copy of a letter received from the Joint Magistrate, relative to Case No. 97 of the Cuddapah Criminal Reports for June 1841.—

/Here enter No. 1993/

Read letter dated the 9th Instant from the Third Judge on Circuit in the Centre Division, reporting the opening of the 2nd Sessions of 1841 at Chingleput on the 9th Instant, and the State of the Calendar.—

/Here enter No. 1996/

Read letter dated the 3rd Instant, from the Magistrate of Bellary, submitting the explanation called for in Toujdaree Udalut Proceedings dated the 5th Ultimo, relative to certain Cases on the Bellary Criminal Reports for the month of August last.—

/Here enter No. 2006/

Thursday 18th November 1841.

F. U.

At a Court of the Toujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2nd Puisne Judge
George James Casamajor Esqre. 3rd Puisne Judge

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 9th November 1841 from the Acting Criminal Judge of Nellore, submitting the Criminal Reports of that Court for the month of October last.—

/Here enter F. U. No. 2000./

Report No. V.
Case No. 91.

This case remains undisposed of, in consequence of the non arrival of certain witnesses. If there is no prospect of the witnesses arriving early before the Criminal Court, the prisoner should be released on bail, and the necessary steps must be taken by the Magistrate for securing and forwarding to the Criminal Court the witnesses who are reported to have left their villages.

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

/Sent in No. 1589/

Read

Mr. Campbell and Mr. Casamajor.

Read the Criminal Reports submitted by the Joint Criminal Judge of Guntoor for the month of October 1841.—

/Here enter No. 2013./

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

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

/Sent in No. 1590/

Read return dated the 5th Instant from the Acting Criminal Judge of Malabar, to the precept of the Foujdaree Udalut of the 28th Ultimo, on review of the Criminal Reports for the month of September last.—

/Here enter No. 2007/

Read letter dated the 8th Instant from the Provincial Court of Circuit in the Western Division, forwarding the statements received from the Criminal Judge of Canara and Acting Joint Criminal Judge of Malabar

Malabar, shewing the amount realized by the Labor of the Prisoners in the last quarter, as required by the Circular Order No. 88.—

/Here enter No. 2017./

Read return dated the 8th Instant from the Officiating Joint Criminal Judge of the Auxiliary Court at Tinnevelly, to the precept of the Foujdaree Udalut of the 28th October 1841, conveying their observations and orders on the Criminal Reports for the month of September 1841.—

/Here enter No. 2019./

Read return dated the 9th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the Foujdaree Udalut of the 20th Ultimo, on review of the Criminal Reports for the month of September 1841.—

/Here enter No. 2034./

Read letter dated the 16th Ultimo from

18th November 1841

from the 3rd Judge on Circuit in the Northern Division submitting the translation of the record in Case No. 2 of the Nellore Calendar for the 2nd Sessions of 1841.—

(Here enter No. 1927.)

Read letter dated the 6th Instant from the 3rd Judge on Circuit in the Northern Division forwarding the original documents in Case No. 2 of the Nellore Calendar for the 2nd Sessions of 1841.—

(Here enter No. 2016.)

4.16.

At a Court of the Conjeeram Adawlut.

Present

Friday 19th November, 1841.

Alexr. Duncan Campbell Esqr. 1st Puisne Judge,

Henry Dickinson Esqr. 2d Puisne Judge,

George James Casamajor Esqr. 3d Puisne Judge,

Read letter dated the 15th instant from the 3d Judge on Circuit in the Centre Division transmitting the Record of Trial in Case No. 24 on the Bellaree Calendar for the Second Sessions of 1841.—

(Here enter No. 2002.)

Mr. Campbell, and Mr. Casamajor,

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

"Ramah"

is insufficient to convict him of the crime of murder, do convict him thereof, but considering that there are alleviating circumstances in the case which justify a mitigation of the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, the Court of Conjeeram Adawlut under the provisions of Clause second Section VI Regulation I of 1825

do

do sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works for and during the period of his natural life—

Q. E. D'd.

(Sent following letter No. 1594

Read letter dated the 5th instant from the 3d Judge on Circuit in the Southern Division transmitting the record of trial in Case No. 13 on the Combaconum Calendar for the 2d Session of 1841—

(Here enter No. 2024.)

The Court of Enquiry

Mr. Dickinson,
and
Mr. Cusamajor,

deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Coonjeeah

is sufficient to convict him of the crime of Rape; for which, in the absence of the requisite conditions of Ikrar, discretionary punishment is awardable under the Mahomedan Law, as declared in the fatwas of their Law officer, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XI of 1803, do sentence him to be imprisoned and kept to hard labor, in irons, on the public roads or other public

works

works for and during the period of five 5 years—

Q. E. D'd

(Sent following letter No. 1595)

Saturday
20th November, 1841.

At a Court of the Coimbatore Adalut

Present

Alexr Duncan Campbell Esqre 1st Puisne Judge,

Henry Dickinson Esqre 2d Puisne Judge,

George James Casamajor Esqre 3d Puisne Judge,

Read the Criminal Reports for the month of October last submitted by the Joint Criminal Judge of Coimbatore.—

(Here enter C.P. No. 2016.)

Mr Dickinson. Report No V. Case No III.

1. The Court of Coimbatore Adalut consider the explanation of the delay in forwarding this case to the Criminal Court to be wholly unsatisfactory and they direct that a copy of the case as it stands in the Report without the remarks of the Criminal Court and of this Parah be sent by the Joint Criminal Judge to the Magistrate who will be pleased to caution the Head Police of Cattemungalum against such unnecessary delay in again forwarding a case to the Criminal Court.—

2. The Court of Coimbatore Adalut further desire the Joint Criminal Judge to call on the Medical Officer in charge of the Gaol for a report of the causes of the great mortality among the prisoners during

during the months of October last.—

3. In his Report the Medical officer should be invited to offer any suggestions that may occur to him by which the health of the Prisoners may be promoted.—

Ordered that Extract from these Proceedings be sent to the Joint Criminal Judge of Coimbatore for his information and guidance by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1596)

Read letter dated the 27th Ultimo from the Acting Criminal Judge at Rajahmundry forwarding the Statement required by Circular Order No. 88.—

(Here enter No. 1958.)

Read return dated the 6th Ultimo from the Acting Criminal Judge of Bellary to the Precept of the Coinjdaree Edalut of the 16th July 1841 calling for return to the Courts Precept of the 10th June last.—

(Here enter No. 1859.)

Read letter dated the 30th Ultimo from the Acting Joint Criminal Judge at Cochin submitting an explanation of the detention in confinement of the Prisoners in Case No. 11 of the Criminal Reports for September last referred to in the Coinjdaree Edalut Proceedings of the 22nd October 1841.—

(Here enter No. 1967.)

Read

Read letter dated the 1st instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division reporting the opening of the Court of 4th Quarterly Sessions of 1841 at Masulipatam.—

(Here enter No. 1978.)

Read return dated the 1st instant from the Acting Criminal Judge of Bellary to the Precept of the Coinjdaree Edalut of the 10th June last relative to the case Prisoner Chicka Naik in Case No. 1 Bellary Calendar 1st Sessions 1839.—

(Here enter No. 1984.)

Read letter dated the 8th instant from the 7th Judge of the Provincial Court of Circuit in the Centre Division submitting with reference to the Proceedings of the Coinjdaree Edalut of the 27th Ultimo copy of the orders passed by him on a review of the Magistrates Calendars which were transmitted to the Court of Coinjdaree Edalut on the 4th Ultimo, with the Circuit report for the Stations 1st and 3rd Quarterly Sessions of 1841.—

(Here enter No. 2005.)

Read letter dated the 13th instant from the Acting Criminal Judge of Nellore submitting copies of the correspondence between the Acting Criminal Judge and the Magistrate regarding the case No. 86 on the Supplemental report for October last.—

(Here enter No. 2028.)

Read letter dated the 9th instant from the

the 3d Judge on Circuit in the Northern Division, reporting the day appointed for the opening of the 2d Sessions of 1841 at Tuticorin.—

(Here enter No. 2231.)

Read return dated the 15th instant from the 3d Judge on Circuit in the Southern Division to the precept of the Conjeeveram Talook of the 6th instant on the Madura Calendar for the 2d Sessions of 1841.

(Here enter No. 2063.)

[redacted]

Examined
compared
JHP

1

No. 16

Monday 22d November 1841

At the Court of the Conjeeveram Talook

Present

[redacted] Alex. Duncan Campbell Esqr 1st Assistant

Henry Dickinson Esqr 2d Assistant

Geo. James Casamajor Esqr 3d Assistant

Read Extract from the Minutes of Consultations in the Judicial Department under date the 5th October 1841 No. 760. communicating an Extract from a General Letter from the Honorable the Court of Directors dated 3d February 1841 No. 6.

(Here enter J. Dept. No. 1309 of 1841.)

Read also Extracts from the Proceedings of the Joint Criminal Judges of Chingleput under date 5th November 1841 submitting a Supplementary Statement in Regard to the Horse allowance granted to the Peon Sailor at Covelong.

(Here enter J. Dept. No. 1984 of 1841.)

The Court of Conjeeveram Talook

22d November 1841

Resolve that a copy of the Report of the Joint Criminal Judge aboud recorded be laid before Government, with their opinion that under the circumstances therein represented the allowance to the Jailor of Cuddalore to meet the enhanced price of Provisions shall remain.

Ordered, that Extract from these Proceedings be forwarded to the Acting Secretary to Government in the Judicial Department to be laid before Government.

(Sent in No. 1604.)

Read Miscellaneous Petition presented by Venkatarow late Tahsildar of Ootapadaram Taluk in Tinnevelly.

(Here enter F. H. M. P. No. 152 of 1841)

The Petitioner protests against the sentence which was passed upon him in Case No. 106 of 1840 of the Acting Joint Criminal Judge of Tinnevelly on a charge of Bribery and states that he has appealed to the Judge on Circuit who refused to interfere on the ground that the complaint was not personally made to the Judge on that circuit by the Jailor.

Mr. Dockwrays and Mr. Cotamayer

The

22d November 1841

The Petitioner prays that the Court will call for the Proceedings and direct that the fine imposed on him be remitted and himself restored to his situation, and that the Prisoner in the case be punished

the Court of Foujdaree Adalut

Resolve to direct that a copy of this Petition be forwarded to the Provincial Court of Circuit in the Southern Division and that they be required to call for the whole of the Proceedings connected with the case, and to pass such orders upon them as they may consider proper, reporting the result for the information of the Foujdaree Adalut.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by post returnable in 30 days from and after its receipt.

(Sent following Precept No. 1605.)

Ordered also that Extract from these Proceedings be forwarded to Mr.

22d November 1841

the Petitioner on his application.

Read Extract from the Proceedings of the Provincial Court of Circuit for the Northern Division under date the 6th instant, requesting to be furnished with a copy of the Petition adverted to in the Proceedings of the Court of Foujdaree Udalut under date 26th Ultimo containing the charge brought by Rajah Vapareddy Atchiumah against the present Magistrate of Guntoor, that he promoted those who gave Evidence in favor of his Servishtadar

Mr Campbell
Mr Dickinson
and
Mr Casamajor

(Here enter J. C. No 1995 of 1841)

The Court of Foujdaree Udalut observe that the Petition in question having been presented to the Judge of Circuit of Guntoor, under the Circular Order of the 2d June 1827 among the Records of the Provincial Court at Masulipatam; and the particular description as to Number Date &c given of it in para: 2 of this Courts Proceedings of the 26th Ultimo will enable the Provincial Court to find it without difficulty, and render it unnecessary for this Court to furnish

J. C.
22d November 1841

furnish them with a copy

Ordered that Extract from the said Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information.

(Sent in No 1606.)

Read the Criminal Reports submitted by the Acting Principal Sudder Ameen of Ichapoor for the Month of October 1841.

(Here enter No 2050.)

Mr Campbell
Mr Dickinson
and
Mr Casamajor.

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

Ordered, that Extract from the said Proceedings be forwarded to the Acting Principal Sudder Ameen of Ichapoor for his information.

(Sent in No 1607.)

Read Letter dated the 11th November 1841 from the Acting Chief Magistrate and Superintendent of Police at Madras,

Mr Campbell
Mr Dickinson
and
Mr Casamajor

submitting the explanation called for in the Proceedings of the Foujdaree Udalut of the 10th instant

instant relative to case No 15 of the Report
required by Act XXII of 1837 for the month
of August last

(Here enter F. R. No 2001)

The Court of Sonjdarce Udalut
observe that had the information now
submitted been entered in the monthly
Reports, it would have obviated the necessity
of any further reference in the case to the Acting
Chief Magistrate, and they would suggest
to that Officer the propriety of invariably
stating in the Reports in question the cir-
cumstances of aggravation which may have
operated to the infliction of a more than
usually severe Sentence on any prisoner
punished under the provision of Act XXII
of 1837.

Ordered, that Extract of the
Proceedings be sent to the Officiating
Chief Magistrate and Superintendent
of Police at Madras.—

(Sent in No. 1608.)

Read

Read letter dated the 10th instant

Mr Campbell
and
Mr Casamajor

from the Joint Magistrate in charge of
the Zillah of Cuddapah, submitting the
explanations called for in the Proceedings of
the Sonjdarce Udalut of the 13th September
1841, regarding certain cases in the Cuddapah
Criminal Reports for the month of
July last.

(Here enter F. R. No 2022)

The Court of Sonjdarce Udalut
consider the explanations submitted in the
foregoing letter to be satisfactory.

2. In regard to the explanation
in Case No 117, the Court of Sonjdarce Udalut
direct that a copy of the 3d Parah of the
Joint Magistrate's letter be forwarded
to the Criminal Judge of Cuddapah for
his information, with reference to the
remarks of this Court contained in the
5th Parah of their Proceedings of the 13th
September last.

Ordered, that Extract from
the Proceedings be sent to the Joint
Magistrate in charge of the Zillah

22nd November 1841

granting Abstracts Certificates and suggesting
a reform thereof.

(Here enter J. Gen. No 2021 of 1841)

The Court of Exchequer Chamber
considering the representations contained in
the Letter above recorded, to be worthy of
attention - resolve to direct that a copy
thereof be sent to the Provincial Court of
Circuit in the Northern Division, with
instructions to furnish a copy of it to the
Magistrate of the District and require
that Officer to submit a Report upon
this subject.

2d The Court likewise deem it
proper to submit a copy of the Joint Crimi-
nal Judges Letter to Government, in order,
should such course be judged advisable
that it may be referred for the consideration
of the Board of Revenue.

Ordered, that Extract from the
Proceedings be forwarded to the Provincial
Court of Circuit in the Northern Division
by first opportunity within 12 days from date of the Receipt
(Sent for Circuit Precipt No 1613.)

Read

22nd November 1841

Ordered that Extract from
these Proceedings be forwarded to the Chief
Secretary to Government to be laid before
His Excellency the Governor.

(Sent in No 1614.)

Read

F.16.

Tuesday 23rd November 1841

At a Court of the Tou

Present,

Alexr Duncan Campbell Esqre 1st Puisne Judge

Henry Dickinson Esqre 2nd Puisne Judge

George James Casamajor Esqre 3rd Puisne Judge

Read return dated the 11th November 1841 from the 3rd Judge on Circuit in the Centre Division, to the precept of the Tanjaree Adalut of the 4th Instant,

Mr Campbell and Mr Casamajor

conveying their observations and orders on the Bellary Calendar for the 2nd Sessions of 1841.—

/Here enter F.16. No. 2004./

With reference to the remarks in the 3rd parah of this return, the Court of Tanjaree Adalut observe that the insertion of parah 6 in their proceedings of the 4th November last was owing to a clerical error.—

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

/Sentence Pr. 1615/

Read

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read the Criminal Reports
for the month of October 1841 submitted
by the Joint Criminal Judge of Masulipatam.
(Here enter F.H.C. No. 2014.)
These reports do not appear
to call for any remark from the Court of
Foujdaree Udalut.—
Ordered accordingly—that Extract
from these proceedings be sent to the Joint
Criminal Judge of Masulipatam for
his information.—
(Sent in No. 1616.)

Read Supplemental Return
dated the 8th November 1841 from the 3rd
Judge on Circuit in the Northern Division,
to the precept of the Foujdaree Udalut
of the 17th September 1841, directing him
to call for the record of the Proceedings
in Case No. 25 on the Vizagapatam Criminal
Reports for August last and
pass upon them such orders as he may
deem proper, with reference to the provisions
of Section XXIII Regulation X of 1816.—
(Here enter F.H.C. No. 2032 of 1841.)

Mr Campbell
Mr Dickinson
and
Mr Casamajor

The

The Court of Foujdaree Udalut
consider the foregoing return to be satisfac-
tory, and they direct that a copy of it,
(if not already forwarded) be communicated
to the Joint Criminal Judge of Vizaga-
patam for his information.—
Ordered, that Extract from these
proceedings be sent to the 3rd Judge on
Circuit in the Northern Division for his
information.—
(Sent in No. 1617.)

Mr Dickinson
and
Mr Casamajor

Read the Criminal Re-
ports submitted by the Acting Joint Crimi-
nal Judge of Cochin for the month of
October last.—
(Here enter No. 2044.)
The above Reports do not
appear to call for any remark from the
Court of Foujdaree Udalut.—
Ordered, that Extract from
these proceedings be forwarded to the Acting
Joint Criminal Judge of Cochin for his
information.—
(Sent in No. 1618.)

Read

23rd. November 1841.

Read return dated the 8th. Instant from the Agent to the Governor of Fort St. George at Ganjam, to the precept of the Foujdaree Udalut of the 27th. Ultimo, requiring without further delay to cause the attendance of the witnesses required by the Acting Junior Assistant at Vizagapatam for the disposal of a Criminal case.—

/Here enter No. 2047./

Read letter dated the 19th. Instant from the 3rd. Judge on Circuit the Centre Division, transmitting the Statement of Batta paid to the Prosecutors and Witnesses who attended the Court of Circuit at Chingleput for the 2nd. Sessions of 1841.—

/Here enter No. 2075./

Wednesday 24th. November, 1841.

At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge
Henry Dickinson Esqre. 2nd. Puisne Judge
George James Casamajor Esqre. 3rd. Puisne Judge

Read letter dated 11th. Instant from the (late) Acting Criminal Judge of Bellary, submitting the explanation called for in the Proceedings of the Court of Foujdaree Udalut under date the 9th. September 1841. relative to the arrears of Criminal business on the Files of that Zillah Court.—

/Here enter Fl. No. 2035 of 1841./

The Court of Foujdaree Udalut consider the explanation afforded in this Return to reflect the highest credit upon Mr. Pelly's assiduity and zeal for the Public Service and they deem it due to that Gentleman to submit their opinion with a copy of this Letter, to Government, and to recommend him to the favorable notice of the Right Honorable the Governor

Governor in Council.—

Ordered that Extract from these proceedings be forwarded to the Chief Secretary to Government to be laid before Government.—

/Sent in No. 1621./

Ordered also that Extract from these proceedings be forwarded to Mr. C. Pelly for his information and to the Acting Criminal Judge of Bellaree for his information.—

/Sent in Nos. 1622 & 1623./

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read letter dated the 27th Ultimo from the Criminal Judge of Canara submitting copy of a warrant issued by the Acting 2nd Judge on Circuit in the Western Division and requesting the orders of the Court as to the disposal of the Prisoner sentenced to banishment.—

/Here enter No. 1964./

The Court of Foujdaree Udalut direct that the prisoner

"Buntoo Buspuppa"

be removed to the Jail at Coimbatoor, there to

to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Canara, and to the Joint Criminal Judge of Coimbatore for their information and guidance respectively.—

/Sent in Nos. 1624 & 1625./

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read the Criminal Reports submitted by the Principal Sudr Ameen of Honore for the month of October 1841.

/Here enter No. 2060./

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

Ordered therefore that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Honore for his information.—

/Sent in No. 1626./

Mr Dickinson
and
Mr Casamajor

Read the Criminal Reports for the month of October last submitted by the Officiating Joint Criminal Judge of Tinnevelly.—

/Here enter F.U. No. 2038 of 1841./

4th November 1841.

Mode reports do not appear to call for any remark from the Court of Tuijdaree Udalut.—

Ordered accordingly that—

Extract from these proceedings be sent to the Officiating Joint Criminal Judge at Tinnevelly for his information.—

Sent in 4th 1627/—

Ex. C. D.

C. U.

Friday,
26th November, 1841.

At a Court of the Tuijdaree Udalut.

Present.

The Hon'ble Duncan Campbell Esqr. 1st Puisne Judge,

Henry Dickinson Esqr. 2d Puisne Judge,

George James Casamajor Esqr. 3d Puisne Judge,

Read letter dated the 30th Ultimo from the 1st Judge late on Circuit in the Western Division submitting certain observations on the Proceedings of the Tuijdaree Udalut of the 22d Ultimo in reference to the Pachimpoor proceedings on the occasion of an opposed disturbance in the Catholic Church.—

(Here enter No. 1966.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

1. The Court of Tuijdaree Udalut observe that the direct reference from the Magistrate in this case was, no doubt, not exactly regular; but such references from Magistrates and Criminal Judges are occasionally received and replied to by the Court as this has been, to save time; and the reply being sent thro' the proper superior has been considered a sufficient intimation of the Irregularity.—

2. The Court saw no occasion to doubt that they had before them all the papers necessary

10

to a due understanding of the case - A list of the papers sent, is given in the margin - The reasons on which the Proceedings and orders of the Circuit Judge was grounded ought of course to have been given in the Proceedings themselves and no doubt were so; and these are all that this Court required to know.—

3. The Court have no objection to Mr. Vaughan being furnished with a copy of Mr. Blair's and Mr. Pushington's letters, and direct that one be sent to him.—

4. The paragraphs referred to by this Court in para: 3 of their Proceedings of the 22d October is copied in the margin. It is numbered 7. in the copy before the Court.—

5. Upon the subject of para: 4 this Court have already expressed their opinion, and the consider the recurrence to it by Mr. Vaughan, as well as the style of his remarks, objectionable.—

Letter from the Magistrate of Canara to the Court of Enquiry dated 18th September 1841.
Letter from the additional Joint Magistrate to the Magistrate of Canara dated 4th September 1841.—
2. Deposition of Pedro Vaz taken before the acting additional Joint Magistrate dated 8th Decr. 1840.
1. Deposition of B. Martin Robos taken before the acting additional Joint Magistrate dated 8th December 1840.—
Petition presented by Pedro Vaz to the 1st Judge on Circuit dated 10th March 1841.—
Extract from the Proceedings of the Court of Circuit - dated 26th March 1841.—
Return to the above from the acting additional Joint Magistrate dated 9th April 1841.—
Extract from the Proceedings of the Court of Circuit dated 19th May 1841.—

Ex

6. The Court see no reason at all to review their Proceedings, but if Mr. Vaughan has any thing material to represent upon the subject of them, they will receive and consider it, and pending their orders thereon, he may suspend obedience to that part of their precept of the 22d October which directed him to furnish a copy thereof to the Magistrate of Canara.—

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.—

(Sent in No. 1634)

Read letter dated the 15th November 1841. from the Magistrate of Malabar informing the explanation called for in the Enquiry Malabar proceedings of the 8th August last relative to cases Nos. 105 and 109 of the Malabar Criminal Register for the Month of July last.

(Vide entered Vol. No. 2048.)

Mr. Dickinson
and
Mr. Ewing jr.

With reference to the explanation given in Case No. 112. The Court of Enquiry are desirous that a copy in English of the Magistrate's Circular order and of the Instructions of the Board of Revenue dated 15th June 1836. on which it was based may be submitted for their consideration.—

Ordered

Ordered, that Extract from these proceedings be sent to the Magistrate of Malabar for his information by precept returnable in three days from and after its receipt.—

(Sent following Precept No. 1635.)

Read letter dated 11th November 1841 from the Agent to the Governor of Fort St. George at Tellicherry transmitting the Criminal Reports for the Months of October last.—

(Here enter Cir. No. 2065.)

Mr. Campbell and Mr. Dickinson, Case No. 25 Report No.

1. The Court of Sudder Adalut see reason to doubt the propriety of the conviction of the prisoner in this case. Nothing appears to have been established against him. It is hardly possible that the grain should have been identified as the Prosecutor's, but, even admitting the proof of this fact, it appears that it may have been placed in the Prisoner's house by others during his absence. The Court of Sudder Adalut accordingly direct the Agent to call for the proceedings held in the case, with a view to ascertain whether the evidence against the prisoner is satisfactory and sufficient, and to report the result of his opinion to the Court of Sudder Adalut.—

2. The Court further direct that in the

26th November 1841.

the interim the sentence awarded the prisoner be suspended.

Case No. 26. 3. With reference to the statement made by the Prisoner in this case that he was beaten by the Head of Police of Copalayette Court of Conjeveram Adalut desire to be informed of any and what notice was taken of the conduct of the Police officer in question.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1636.)

Read letter dated the 15th instant from the 3d Judge on Circuit in the Centre Division forwarding the Criminal Calendar for the 2d Sessions of 1841.

(Here enter No. 2070.)

Mr. Cavenagh,

The above Calendar not requiring any remark from the Court of Sudder Adalut—

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

(Sent in No. 1637.)

Read return dated 5th December 1841 from the Acting Criminal Judge of Madura to the precept of the Sudder Adalut of the 29th Ultimo transmitting their remarks and orders on the Madura Criminal Reports for the Month of September last.—

(Here enter Cir. No. 2073.)

Under

26th November 1841.

Mr. Dickinson
and
Mr. Casamajor.

Under the explanation submitted in the foregoing return the Court of Foujdaree Adawlut are of opinion that the evidence against the 4th prisoner in Case No. 116 is altogether insufficient for his conviction and they accordingly direct that he be immediately set at liberty.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Madura for his information by precept returnable in 3 days from and after its receipt.—

(Sent following Precept No. 1638.)

No. 116.

Saturday,
27th November 1841.

At a Court of the Foujdaree Adawlut.—

—Present—

Alex. Duncan Campbell Esqre 1st Puisne Judge.—
Henry Dickinson Esqre —— 2d Puisne Judge.—
Geo. James Casamajor Esqre 3d Puisne Judge.—

Read letter dated the 19th July 1841 from the 3d Judge on Circuit in the Northern Division forwarding the record in case No. 10 of the Calendar of the Zillah of Salem.—

(Here enter S.H. No. 1345 of 1841.)

Mr. Campbell.
and
Mr. Casamajor.

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

Puttola Venkatayya Gandoo

is sufficient to convict him of the crime of gang robbery by open violence accompanied by torture and arson, do convict him thereof, and, under the provisions of Clause second Section IV. Regulation XV. of 1803, do sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads for and during the period

of

of his natural life.-

(Next following letter No 1641)

Dead letter dated 27th November 1841
from the 3rd Judge on Circuit in the Centre Division,
submitting for the consideration and final sentence of
the Foujdaree Adalut an English translation of the
record of the trial in case No 2 on the Hillary Calen-
dar for the 2d Sessions of 1841.-

(Here enter F. A. No 2080.)

Mr Campbell-
v
Mr Dickinson.

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

1st Dhermah Naik
3d Neelah
and
4th Cottoorapah

is sufficient to convict them of the crime of gang
robbery by open violence attended with murder, do
convict them thereof, and, under the provisions of
clauses first and fifth Section IX Regulation XV of
1803, do sentence the prisoner

1st Dhermah Naik-

to be transported to such place or places beyond sea,
as the Governor in Council shall appoint, there to

be

be imprisoned and kept to hard labor, in irons, on the
public roads or other public works, for and during the
period of his natural life, and the prisoners

3rd Kalah
and
4th Cottoorapah.

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 years.

The Court are also of opinion that the
proof against the prisoners

2d Seetalah.
6th Lutchmee
7th Kantolah
and
8th Puttunee.

is sufficient to convict them of having received stolen
property, knowing it to have been obtained in the
perpetration of gang robbery by open violence, and do
convict them thereof, and, under the provisions of
Clause second Section IX Regulation XI of 1822 do
sentence the prisoners

2d Seetalah.
and
7th Kalelah.

to be imprisoned and kept to hard labor, in irons,

on

on the public roads or other public works, for, and during the period of ~~11~~ fourteen years; and the prisoners

6th Lutchmee.

and

7th Puttenee.

to be admonished and released.-

The Court further being of opinion that the prisoner

5th Sukroo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of either of the crimes aforesaid, do acquit him thereof but considering that strong suspicion ~~ff~~ though not amounting to conviction, attaches to him, the Court of Foujdaree Udalut, under the provisions of Clause Sixth Section II Regulation XV. of 1803, direct that he be required to furnish two sureties, of 150 Rupees. One hundred and fifty each surety, for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for three years in confinement.-

1. The Court of Foujdaree Udalut do not concur with the 3d Judge in the acquittal of the 3d and 4th prisoners.-

2. The confessions of the prisoners before the

J. H.

the Police are in such detail as to bear internal evidence of their truth, and they are further corroborated by the facts of the 1st and 3d Prisoners having gone to Ipsalem with the view of falsely criminating the people of the Ippapoor camp, and the subsequent discovery of the property buried by them near the Ippapoor camp.-

3. The Court are not inclined to discredit the recognition by the 13 witness (who was intimate at first of the 1st 4th and 5th Prisoners, and they consider it inferrible from the evidence, that if the 4th Prisoner did not plan, he was privy to the crime and aided in melting part of the stolen property.-

4. On these grounds the Court have convicted all the prisoners of the crimes charged against them, with the exception of the 5th Prisoner.-

5. This Prisoner throughout denied the charge and there is no satisfactory proof that he took an active part in the false accusation preferred against the Ippapoor Lumbaries. The mere recognition of him by the 13th witness is not in the opinion of the Court sufficient for his conviction, tho' they think it subjects him to strong suspicion.

6. The Court fully concur with the sentiments expressed in the 2d Paragraph of the

3d

27th November 1841.

3rd Judge's letter, and on the grounds therein stated, they have directed the 6th and 8th prisoners to be released.—

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

(Sent following letter 1st 1842)

Read return dated 6th November 1841 from the Provincial Court of Circuit in the Western Division, to the precept of the 8th Forydaree Adalut of the 13th October 1841, Conveying their remarks and orders on the Tellicherry Calendar for the 3rd Quarterly Sessions of 1841.—

Mr. Richardson and Mr. Casamajor.

(Here enter F. H. No. 2025)

The Court of Foujdaree Adalut being of opinion that the Sentence passed in Case No 1 on the 5th Additional Calendar was too severe, resolved to call for an English translation of the record of the trial in consequence of the departure from this Country of the Judge who tried it.—

On a deliberation of the circumstances of the Case as stated in the record, it appears to the Court of Foujdaree Adalut that

27th November 1841

that a Sentence of one year's imprisonment with hard labor in irons would be a sufficient punishment for the prisoner and they direct that the Sentence be mitigated accordingly.—

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable in 3 days, from and after its receipt.—

(Sent following precept 1st 1842)

Read letter dated the 13th instant from the Acting 2nd Judge on Circuit in the Western Division, forwarding the Canara Calendar for the 2nd Sessions of 1841.—

Mr. Campbell and Mr. Dickinson

(Here enter No 2069)

Case No. II. 1. The Court of Foujdaree Adalut, under clause 1st Section III Regulation I of 1825, Sanction the mitigated Sentence proposed by the Acting 2nd Judge for the Prisoner "Pakkroma"—

of four years imprisonment, with labor suitable to her sex.—

Case No. III 2. The Court of Foujdaree Adalut under clause 1st Section III Regulation I of 1825

Sanction

J. A.

27th November 1844. Sanction the mitigated Sentence proposed by the Acting 2nd Judge for the Prisoner

"Jathy"

of eight years imprisonment with hard labor in irons.-

Case No. 16. 3 The Court of Tongdaree Adalut under clause 1st Section III Regulation I of 1825 Sanction the mitigated Sentence proposed by the Acting 2nd Judge for the Prisoner

Rama Shetty"

of eight years' imprisonment with hard labor in Irons.

Ordered, that Extract from these Proceedings (together with Certificates of pardon granted to the approvers Israh, Sammen Shetty and Raja Shetty) be forwarded to the Acting 2nd Judge on Circuit in the Western Division for his information and guidance.-

(Sentence No. 1644)

L.S.

Certificate of Pardon to Israh.

Whereas, under date the 30th [illegible] August

3/ J. A.

27th November 1844.

August 1841, the Court of Tongdaree Adalut were pleased to authorize the Criminal Judge of Canara to sanction the offer of a pardon to Israh, on Condition of his making a full disclosure of every circumstance within his knowledge relative to the Highway Robbery committed on the person of Shirk Dowlut, on the evening of the 15th March 1841.-

And whereas the Court of Tongdaree Adalut are of opinion that the Conditions of the said grant of pardon have been sufficiently fulfilled.- now these are to certify and declare that, in consideration thereof, the Court of Tongdaree Adalut have been pleased, under the provisions of Section XX Regulations VIII of 1802, to confirm the pardon conditionally tendered as aforesaid to the said

"Israh"

so far as regards the Note herein referred to.-

And the Court confirm the said pardon accordingly.

Given under my hand and the Seal of the Court this 27th day of November in the year of Our Lord 1841.

(Signed) W. Douglas

Register

(L.S.)

F. H.
27th November 1841.

L.S.

Certificate of Pardon

to

Jauna Shetty

and

Raja Shetty.

Whereas, under date the 17th September 1841. the Court of Foujdaree Adalut were pleased to authorize the Criminal Judge of Canara to sanction the offer of a pardon to "Jauna Shetty" and "Raja Shetty" on Condition of their making a full disclosure of every Circumstance within their knowledge relative to the Forgery committed in view to defraud Ramappa Canapty of Rupees 211-3-33.—

And whereas the Court of Foujdaree Adalut are of opinion that the conditions of the said grant of Pardon have been sufficiently fulfilled, now these are to certify and declare, that, in Consideration thereof, the Court of Foujdaree Adalut have been pleased, under the provisions of Section XX Regulation VIII of 1802 to confirm the pardon conditionally tendered as aforesaid to the said

Jauna Shetty

and

F. H.

27th November 1841

and

"Raja Shetty"

so far as regards the Acts herein referred to.

And the Court confirm the said pardon accordingly.—

Given under my hand and the Seal of the Court this 27th day of November in the Year of Our Lord 1841.—

(Signed) W. Douglas
Registrar.

Read return dated the 6th November 1841 from the 3d Judge on Circuit in the Northern Division to the precept of Mr Campbell the Foujdaree Adalut of the 28th Ultimo and directing him to submit an English translation of the record of the trial in Case No 2 of the Mr Dickenson Sumter Cabooar for the 2d Sessions of 1841.—

(Sumter F. H. No 2055.)

The Prisoner in this case, a Lingayet Shetty, was charged, with having at about 12 O'Clock in the night of the 25th February 1841 entered the house of the 1st Prosecutrix by breaking

Scaling the compound wall, with an intent to rob; and further with having stabbed the 2d. Prosecutor with a knife and thereby inflicted a dangerous wound below the back bone and wounded the 3d Prosecutor on both his thighs.—

2. The Mahomedan Law Officer acquitted the prisoner, on the ground that the evidence of the 1st Witness could not be believed under that law, because he was single in his statement, and the captor of the Prisoner and a servant, and because he was in the light of a complainant.—

3. The evidence of the second, third, fourth, fifth and sixth witnesses was by the M[illegible] Moofty deemed of no use to establish any of the crimes charged against the Prisoner, and there were contradictions in the evidence of the 3rd & 4th Witness.—

4. The Moofty however considers the prisoner not free from suspicion of the offence of wounding from his own statements and the evidence of the 2nd & 4th 5th; and 6th Witnesses.— The Circuit Judge concurred, in this futwah, and reprimanded and released the prisoner.—

5. The Court of Sudder Adalut are under the necessity of observing, that the

the futwa in this Case reflects most seriously on the Officer by whom it has been drawn up, and they are surprized to find that it has met with the concurrence of the Judge on Circuit. The inexperience of Mr Clark in the duties of a Judge of Circuit alone can be urged, in palliation of the extraordinary misconception of his duty, and want of judgment so obviously displayed in the result of this trial.—

6. It appears, from the record of the trial, that the prisoner was seized at midnight, in the prosecutrix's house, with the knife in his hand with which he had effected the wounds charged in the indictment, on two of the inmates therein.—

7. The evidence for the prosecution is most consistent, uniform, clear, and free from suspicion, on the part of all the inmates of the house. Before the Police the Prisoner admitted that in pleading about a knife he wounded some persons. Before the Criminal Court he also stated that he was seized in the house of the Prosecutrix. The imputation thrown out by the Prisoner, that he went to the Prosecutrix's house, to intrigue with her, is in the opinion of the Court proved to be entirely

entirely falsified, by the evidence of his own wit=
=nesses.—

8. No mention is made in the
futwa by the law Officer of the evidence of
the Prosecutrix or of the two other Prosecutors,
and it is to be presumed that the disregard
paid by the Court of Circuit to the material
evidence given by these 3 persons has arisen from
the mistaken light in which their testimony
is viewed by the Mahomedan Law. The Court
of Foujdaree Udalut deem it proper therefore
to direct the attention of Mr. Glass to the provisions
of Clause first Section II Regulation VI of 1829,
the expres object of which is to provide that the
testimony of Prosecutors should receive the
weight to which, on the principles of the
English Law of evidence and of the Circular
Order of the Foujdaree Udalut of the 25th
February 1829; it is entitled and, on the ground
of the Regulation just quoted, a second futwa
should also have been demanded, to remove
the objections taken by the Law Officer to the
evidence of the 1st Witness.—

9. Not only has Mr. Glass, from
ignorance of his proper duty, rejected the clear
testimony of these 4 persons but he has also
omitted to call evidence to prove the declaration

of.

of the Prisoner before the Police and has
acquitted a Prisoner taken in the fact whose
guilt was established by the most undis=
=able and satisfactory testimony.—

As this is the first instance
10.
of such misjudgment on the part of Mr. Glass
as a Judge of Circuit that has come under the
Cognizance of the Court of Foujdaree Udalut
they refrain from doing more than calling on
him to Shew Cause, why they should not re=
=port to Government the result of this trial
in order that they may be aware of the la=
=mentable error Mr. Glass has committed.—

The Court further direct that
11.
the Mooftty Hajee Mahommud Yacoob Ally
be suspended from his office by the 3rd Judge
on the receipt of these Proceedings, and that
he be called on to explain, how the evidence
of the 2nd Witness, who snatched the knife
out of the Prisoner's hand, of the 3rd and
4th Witnesses who saw the wounds, and of the
5th and 6th Witnesses who proved the knife,
(which the prisoner denied to be his) to
belong to the Prisoner, was deemed by
him, according to the Mahomedan Law
to be of "no avail" in this trial.—

Ordered

27th November 1841.

Ordered, that Extract from these Proceedings be sent to the 3rd Justice on Circuit in the Northern Division by precept returnable in 15 days from and after the receipt.—

(Sent following precept No. 1845)

Monday,
29th November, 1841.

No. 16.

At a Court of the Sonjdaree Adalut.

Present,

Alexr. Duncan Campbell Esqr. 1st Puisne Judge,
Henry Dickinson Esqre. 2d Puisne Judge,
G. J. Casamajor Esqre. 3d Puisne Judge.

Read again Miscellaneous—

Petition presented on the 30th June 1841 by Kaaly Cowndan Bhoothay Gatkul on behalf of Palany Vala Cowndan and Assuppa Cowndan of Palam.—

(Here enter Petn. No. P. No. 107 of 1841)

Read also return dated the 30th September 1841 from the Provincial Court of Circuit in the Southern Division to the precept of the Sonjdaree Adalut of the 16th August last directing them to submit a rough translation of the record of the trials in Cases Nos. 9 of the 2d Sessions of 1840 & No. 120 of the 4th Sessions of 1840 held at Palam for the consideration of the Sonjdaree Adalut.

(Here enter Petn. Nos. 1750 & 1826)

The Petitioner prays for the release of 2 of his relatives who had been Plaintiffs

Mr. Campbell
and
Mr. Dickinson

by the 2d Judge in Circuit in case No 9 of the 2d Sessions of 1840 on a charge of Gang Robbery, on the ground that the charge was false as appeared from the remarks of the 1st Judge recorded on the subsequent trial of 4 other prisoners tried by him for the same offence in case No 20 of the 1st Sessions of 1841.

2 The Court of Zongdareu Adalat adverting to the remarks made by the 1st Judge in case No 20 resolved to call for the proceedings held in both cases.

3 In accordance with this requisition the Provincial Court of Circuit have submitted the records of the trials in case No 9 of the 2d Sessions of 1840 and of No 20 of the 1st Sessions of 1841 held at Salem.

4 The remarks of the 1st Judge on the latter trial were to the effect that the evidence offered before him must of necessity be false - It became therefore necessary that the Judges of the Zongdareu Adalat should satisfy themselves that the evidence offered on the previous trial No 9 of the 2d Sessions of 1840 in which for the

the same crime no less than 25 Prisoners had been sentenced to imprisonment with hard labor in irons for 14 years, three of them having moreover been sentenced to receive 195 lashes, was of a less respectable character.

5 The 3d Prisoners were charged with having during the night of the 7th January 1840 in company with many others, attacked and plundered the houses of the Prosecutor of Jewels and money to the amount of Rupees 2186.

6 The Prosecutor did not lodge any complaint of the Robbery before the 23d January or 16 days after it had taken place. He then stated that immediately on his house being attacked he had made his escape and run off, but that hearing afterwards returned to the vicinity of his house he distinguished 20 Robbers by the glare of his own knowledge and established by the witnesses he knew the names of 30 persons having to well acquainted with the features of the other 50 as to be able to point them out. No reasons for the delay in lodging

a complaint, by stating that the alarm which he had suffered had thrown him into a fever. The names of the Prisoners nominated by him were not dictated by him from memory, - but from a written list, [page 554 Criminal proceedings] of which no record was made - and the writer of which was neither traced nor ascertained.

7 The 1st Witness on the part of the Prosecution was originally the 35th Prisoner, but on the 10th August 1840 the Court of Exchequer authorized his being admitted an approver.

8 In his Examination before the Criminal Court he stated that he had been forced by his master, the 28th Prisoner, to accompany the Robbers, and that he had stood on the outside of the house of the Prosecutor during the plunder. He described the parts which the 1st, 6th, 9th, 22nd, 23rd, 25th, 26th, 28th and 34th Prisoners performed on the occasion.

9 Before the Court of Circuit this Witness denied that he was present at the time of the Robbery, and only spoke of the 23rd, 28th and 34th Prisoners having subsequently divided the booty.

The

10 The 2nd Witness stated that he was sleeping in the house of the Prosecutor; that the Robbers seized and tied him to a pillar. Before the Police he stated that in this situation he recognized the 9th, 10th, 13th, 21st, 28th and 29th Prisoners.

11 Before the Circuit Court he stated that he recognized the 9th, 10th, 16th, 22nd, 28th, 31st and 32nd Prisoners.

12 Before the Court of Circuit he stated that the Persons whom he recognized were the 10th, 16th, 21st, 22nd, 28th, 33rd and 34th Prisoners.

13 He declared moreover that on the night of the Robbery the Prosecutor did not return to his house until some time after the Robbers had left it, and that he then said that he had only recognized 2 or 3 of the Robbers but did not mention any of their names.

14 The 3rd Witness was also bound to a pillar and stated before the Police that he recognized the 1st, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 18th, 19th, 20th, 28th, 30th and 34th Prisoners. He said that he did not see the 2nd, 3rd and 4th Prisoners.

Before

15 Before the Criminal Court he only mentioned the 1st 5th 6th 8th 11th 21st 28th and 31st Prisoners.-

16. Before the Court of Circuit he stated that he recognized the 1st 6th 8th 14th 15th 16th 17th 20th 22nd 28th 30th 33rd and 34th Prisoners.-

17 The 4th witness stated before the Police that he recognized the 1st 3rd 6th 7th 8th 9th 10th 11th 13th 28th 30th 31st and 34th Prisoners. He declared that he did not see the 2nd 4th 12th 14th and 15th Prisoners

18. Before the Criminal Court he only mentioned the 1st 3rd 5th 8th 9th 28th 31st and 34th as having been seen by him.-

19. Before the Court of Circuit he stated that he saw the 1st 6th 7th 8th 9th 10th 19th 28th 30th and 34th Prisoners.-

20 The 5th witness was not examined before the Police - Before the Criminal Court he stated that he saw the 1st 5th 9th 18th and 28th Prisoners, and that most of them were disguised with ashes on their faces.-

21 Before the Court of Circuit he said that

he recognized the 1st 5th 18th and 28th Prisoners and that none of the Robbers were disguised.-

22 The 6th witness was also not examined before the Police Officer - He is the younger Brother of the Prosecutor, and is only 15 years of age - He declared before both the Criminal Court and the Court of Circuit that he only recognized the 5th and 17th Prisoners.-

23. The 7th Witness declared before the Police Officer that he only saw the 28th 30th and 31st Prisoners

24 Before the Criminal Court and Court of Circuit he added the 9th and 29th to this list.-

25 The 8th witness stated before the Police that he distinguished the 1st 2nd 4th 6th 9th 10th 11th 12th 13th 14th 15th 18th 25th 28th 30th 31st and 34th Prisoners.-

26 In addition to the above Prisoners he stated before the Criminal Court that he saw the 5th 19th 20th 21st 22nd 23rd and 24th Prisoners.-

27 Before the Court of Circuit he also mentioned the 8th Prisoner as having been recognized by him.-

The

28. The 9th witness stated before the Police that he had seen the 1st 2d 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th and 25th Prisoners

29. Before the Criminal Court he only mentioned the names of the 1st 2d 5th and 25th Prisoners and said that he did not know the names of the others.

30. Before the Court of Circuit he omitted the 7th and 12th Prisoners from the above list and added the 29th 31st and 32d instead of them

31 The 10th witness before the Police stated that he saw the 1st 2d 3d 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 25th and 27th Prisoners.

32. Before the Criminal Court he said nothing about having seen the Prisoners at the time of the Robbery but merely deposed to having apprehended the 27th Prisoner (since dead) in a field belonging to the 31st Prisoner and having found the articles 1st 2d and 3d hidden under a heap of Straw in that field. The Court suppose however that this is not the person who was examined as the 10th witness before the Police and Court of Circuit.

Before

33. Before the Court of Circuit he omitted from his first list the 3d 7th 11th 12th and 27th Prisoners and added instead of them the 17th 18th 19th 20th 21st and 23d Prisoners

34 The 11th witness stated before the Police that he recognized the 2d 9th 28th 30th 31st 33d and 34th Prisoners

35 Before the Criminal Court he declared that he saw the 2d 9th 28th 31st 33d and 34th Prisoners and no others.

36. Before the Court of Circuit he said that he recognized the 2d 28th 30th 31st and 33d Prisoners

37. The 12th witness stated that he looked through a hole in the door of a house adjoining to the Prosecutors when he saw the 1st 2d 6th 7th 8th 9th 10th 16th 20th 25th and 28th prisoners

38. Before the Criminal Court he stated that he opened the door and saw only the 2d 6th 7th 8th 9th 10th 16th and 25th Prisoners

39. Before the Court of Circuit he added the 4th 5th and 22d Prisoners to the list he gave before

the

the Police Office, and omitted the 9th from it.—

40 The 13th witness Hooker on the house opposite to the Prosecutors and deposed before the Police that he distinguished the 1st 2d 3d 5th 7th & 8th & 10th 11th 12th 14th 15th 16th 25th 28th 30th and 34th Prisoners.—

41 Before the Criminal Court he omitted from the list he gave before the Police the 7th 10th 11th 12th 14th 15th 30th and 34th Prisoners, and added the 18th 19th 20th 22d and 24th Prisoners.—

42 Before the Court of Circuit he omitted the 7th 12th 14th 15th 30th and 34th Prisoners from his list, before the Police, and added the 5th 17th 18th 20th and 22d Prisoners to it.— He stated that he was standing 10 fathoms from the Robbers at the time he remarked them.—

43 The 14th witness declared before the Police that he perceived the 1st 2d 3d 4th 6th 7th 8th 9th 10th 11th 12th 13th 15th 16th 18th 25th 28th 29th 31st and 34th Prisoners.—

44 Before the Criminal Court he omitted the 6th 7th 8th 9th 10th 11th 12th 13th 15th 16th and 31st prisoners, and added the 5th and 23d & 7 not mentioned before the Police.—

45 Before the Court of Circuit he omitted

omitted the 3d 7th 8th 9th 12th 13th from the Police list and added to it the 5th 14th 17th 19th 20th 22d 23d 30th and 33d Prisoners.—

46 The 15th witness was not examined before the Police or Court of Circuit. Before the Criminal Court he deposed to having seen the 2d and 25th Prisoners.—

47 The 16th witness was not examined before the Police. but before the Criminal and Circuit Courts he declared that he had seen the 2d 6th and 25th Prisoners.—

48 The 17th witness was only examined before the Criminal Court before which he stated that he saw the 1st 2d 9th 13th and 20th Prisoners.—

49 The 18th witness declared before the Police that he distinguished the 26th 27th 31st 32d and 33d Prisoners.—

50 Before the Criminal Court he stated that he saw the 5th 8th 13th 21st 23d 28th 29th 31st 32d and 33d Prisoners.—

51 Before the Criminal Court he declared that he saw the 2d 4th 25th 28th and 34th Prisoners

his

29th November 1841

his intimate friend the 33d not being mentioned—

52 Before the Court of Circuit he said that he saw the 2d 5th 6th 7th 19th 25th and 28th Prisoners all of whom he stated that he had known for six or seven years.

53. The 20th witness when examined before the Police stated that he saw the 5th 13th 27th 28th 31st and 34th Prisoners—

54 Before the Criminal Court he stated that he saw the 2d 5th 8th 9th 21st 23d 25th 27th 28th and 31st Prisoners—

55 Before the Court of Circuit he deposed to having seen the 2d 5th 25th 29th 30th and 31st Prisoners.

56 Before the Police the 21st witness declared that he only distinguished the 31st Prisoner

57. Before the Criminal Court he enlarged his list and stated that he saw the 9th 17th 20th 30th and 33d Prisoners

58. Before the Court of Circuit he stated that he only saw the 17th 20th and 30th Prisoners.

59. The 22d witness was not examined before the Police— Before the Criminal Court he stated that he distinguished the 1st 2d 3d 4th 5th 6th 7th 8th 9th 11th 12th 13th 14th 15th 17th 18th 19th 20th 21st 22d 25th 28th and 33d Prisoners.

Before

to Before the Court of Circuit he omitted from the above list the 3d 13th 14th 15th 25th and 33d Prisoners and added to it the 10th 16th and 28th.

The 23d witness was not examined before the Police— Before the Criminal Court and Court of Circuit he declared that he did not recognize any of the Robbers.

62. The 24th witness stated before the Criminal and Circuit Courts that he distinguished the 2d and 23d Prisoners.

63. The 25th witness was not examined before the Police or Court of Circuit and before the Criminal Court he stated that he did not recognize any of the Robbers—

64 The 26th witness stated before the Police Officer that he saw the 30th and 31st Prisoners—

65 Before the Criminal Court he stated that he saw the 2d 9th 21st and 30th.

66 Before the Court of Circuit he only mentioned the 2d and 30th.

67. The 27th witness declared before both the Criminal and Circuit Courts that he did

29

not recognize any of the Robbers.

68 The 28th witness declared before the Criminal Court that he recognized the 25th Prisoner whereas before the Court of Session he declared that he had recognized any of them.

69 The 29th 30th and 31st witnesses knew nothing of the robbery.

70 The 32d witness stated before the Police that he saw some of the Prisoners talking together before, as well as after the Robbery.

71 The rest of the witnesses knew nothing bearing directly against the Prisoners.

72 The whole of the Prisoners denied all knowledge of the Robbery. The 16th Prisoner, a Goldsmith, on his examination before the Police Officer said that he had weighed some Jewels, and made others for certain of the Prisoners. He however did not acknowledge that he knew that the Jewels which he had weighed and melted had been stolen. Before the Criminal Court he denied this confession and declared that all that he had stated had been extorted from him by force.

Notwithstanding

Notwithstanding that there was no other evidence against this Prisoner than the above Police examinations he was convicted and sentenced to be imprisoned with hard labor in irons for 14 years.

74 The only part of the stolen property which has been discovered consisted of clothes which were found under a heap of straw in a field in which the 24th Prisoner (since dead) was watching.

75 It is to be observed however that the 24th Prisoner immediately denied all knowledge of the clothes having been concealed. The description given of the way in which they were found leads the Court strongly to the belief that they were hidden by the persons who found them.

76 Notwithstanding the very discordant state of the evidence as above detailed, and it being moreover remarked that the Prisoners denied the charge, and that none of the stolen property was found

found in their possession, the 1st 2d 4th 5th 6th 7th 8th
9th 10th 11th 14th 15th 16th 17th 18th 19th 20th 21st 22d 25th 26th 28th
30th 33d and 34th Prisoners were declared to be convicted
and sentenced to be imprisoned with hard labour
in irons for 14 years, the 2d 5th and 28th Prisoners
being besides sentenced to receive each 195 lashes.

77 The 13th 26th 27th 29th and 31st Prisoners
were acquitted to furnish security for 2 years and
the 12th and 32d Prisoners were acquitted and released.

78 There can the Court think be little
doubt but that as regards the accused the case
was got up by the Prosecution and his witnesses
during the 16 days that he delayed to prefer the
charges. The Court do not think that the slightest
faith can be placed on the evidence offered and
they therefore direct that the whole of the Prisoners
be immediately set at liberty.

79. It is to be lamented that no remedy
can be applied for the lashes which have on
such evidence been inflicted.

80. The trial, the Court conceive was
superficially conducted by the Circuit Judge
who tried it. It was one of peculiar difficulty

which ought to have engrossed the attention
of the Circuit Judge for many days if it
had been prosperly lifted. It commenced
on the 12th November and was concluded on
the 14th, the intermediate day having been
Friday. The Calendar shews that beside
this case No. 14 was tried on the 12th and that
on the 15th the Court of Circuit were engaged
on the trial of Nos. 6. 24 - 27. 28 and 34. Now,
amidst these other trials, the Circuit Judge
found time to have all the examinations and
depositions taken in this case even committed
to writing within two days as we hear the Court
do not well understand.

81 That he had during that period,
time to bestow on these examinations the attention
and care which so very important a case
demanded, seems improbable.

82 With reference to case No. 20 the
Court of Inquiry do not see no reason to doubt
the propriety of the acquittal of the Prisoners by
the Court of Circuit or of the order for their immediate
discharge.

29th November 1841

83

The evidence in the case is not considered sufficient for the conviction of the prisoners.

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 10 days from and after its receipt.—

Sent following precept No. 1647.

Ordered also, that Extract from these Proceedings be sent to the Pt. Judge of the Provincial Court of Circuit in the Central Division for his information.

Sentence No. 1648.

Ordered also, that Extract from these proceedings (paras. 1, 2, 3, 4, 5, 6, and 7 only) be furnished to the Petitioner on his application.

Mr. Dickinson and Mr. Cassamajor

Read Miscellaneous Petition presented on the 30th November 1841 by Coolly of the Zillah of Chingleput.

Here enter S.H. M.P. No. 158 of 1841.

The Petitioner states that her husband having been severely beaten and ill-used by certain parties named in the Petition the complaint

complained to the Police who forwarded the case to the Criminal Court, and that her husband subsequently died in the Hospital attached to the Jail from the effects of the wounds.—

2. She complains that notwithstanding the testimony of the Medical Officer attached to the Jail that her husband died from the wounds he had received, and the clear evidence against the prisoners they were released by the Criminal Judge and she prays the Court to call for the proceedings and do her justice done her.—

3. The Court of Sudder Adawlut having reviewed the monthly Criminal Reports see no reason to doubt the propriety of the Criminal Judge's proceedings in this case and the Petitioner states nothing to alter their view.—

Ordered that the Petition be rejected and that a copy of these Proceedings be furnished to the Petitioner on her application.—

Mr. Dickinson and Mr. Cassamajor

Read Miscellaneous Petition presented by Jyana Dood of the Zillah of Bellary.—

Here enter S.H. M.P. No. 159 of 1841.

The Petitioner complains of the

Sentence

29th November 1841.

sentence passed on his brother the prisoner in Case
№ 188 on the Bellary Criminal Reports who
was charged with Embezzlement and sentenced
to 6 months imprisonment and to pay a fine of 50
Rupees or in default to be imprisoned a further period
of 6 months.

2 He states that he has appealed to
the Judge on Circuit but that that Officer affirmed
the proceedings of the Criminal Court and he prays
the Court of Zoujdaree Adalut to call for the pro-
ceedings in the Case and render him justice.

3 The Court of Zoujdaree Adalut observe
that in reviewing the Criminal Reports they have
issued orders to the Criminal Judges to suspend
the sentence in the Case and to forward the pro-
ceedings to the Provincial Court of Circuit for their
consideration & orders.

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

Mr. Casamajor

Read Miscellaneous Petition presented
on the 15th November 1841 by Vencatachella Achary
of

6 741

29th November 1841.

of the Zillah of Chingleput.—

(Here enter F.C. Cr. P. № 160 of 1841.)

The Petitioner repeats the prayer
1 of his Petition № 104 of 1841 for the release of his
brother a prisoner in Case № 2 of the Chingle-
put Calendar for the 1st Sessions of 1841.—

The grounds on which the
2 Petition № 104 were rejected are stated in
this Court's proceedings of the 27th September.
The Petitioner is referred to those Proceedings
and informed that the Court see no reason for
departing from the decision therein given.—

Ordered that this Petition be
rejected and that Copy of these proceedings be
furnished to the Petitioner on his application.—

Mr. Dickinson

Read Miscellaneous Petition
presented on the 15th November 1841 by Sowndy-
rungum Pillay of the Zillah of Trichinopoly.

(Here enter F.C. Cr. P. № 162 of 1841.)

The Petitioner represents that
having complained to the Provincial Court
of Circuit against the proceedings held by
the

29th November 1841.

the Police, in a charge preferred by him against one Mathew Pillay of having broken into his shop removed his goods and assaulted him, the Judge presiding at the Quarterly Sessions fined him 10 Rupees and rejected his Petition

2

He prays the Court will therefore call for the proceedings, grant to him a fair hearing and decision in his Case, and direct that the fine imposed on him be refunded &c

3

The Court of Sungdaru Adalut observe that the case has been remanded by the 2nd Judge holding the Quarterly Sessions at Trichinopoly who has confirmed the proceedings of the Police Amuns

4

Not doubting the correctness of the decision of the Presiding Judge at the Quarterly Sessions the Court of Sungdaru Adalut do not feel disposed to enter further into the matter and accordingly direct that this Petition be dismissed &c

Ordered that Certified copies of these proceedings be furnished to the Petitioner on his application

Read

29th November 1841

Mr Dickinson

Read letter dated the 17th Current from the Criminal Judge of Combaconum submitting the Criminal Reports for the month of October last

(Here enter J.R. No 2071 of 1841)

Case No 155.
Dismissed

The Court observe that the delay allowed to take place in forwarding the 3 Appellants / Prisoners / in this Case to the Criminal Court is to be highly condemned. They have been under restraint since the 11th May last and when sent to the Court there was no evidence forthcoming tending to criminate them.

Case No 156

2

In this Case also the Court of Sungdaru Adalut consider the explanation given of the delay in forwarding the parties to the Criminal Court to be unsatisfactory. The Police Officer should be informed that he ought to have forwarded the Case direct to the Criminal Court instead of sending it to the Assistant Magistrate

The Court accordingly direct that

3

copies of these Cases as they stand in the Reports

without

29th November 1841

without the remarks of the Criminal Court and of paras 1 and 2 of these proceedings be sent by the Criminal Judge to the Magistrate for his information —

Among the casualties which occurred in the Jail during the months of October last the Court of Fouzdaree Udalut observe there were 5 deaths and they desire to be informed of the cause of this mortality.

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

/ Sent following precept No. 1649. /

Read return dated the 23d Instant from the Criminal Judge of Combaconum to the precept of the Fouzdaree Udalut of the 9th October 1841 conveying their observations and orders on the Criminal Reports for the months of August 1841.

/ Here enter F.H. No. 2092 of 1841. /

F.116.

Tuesday, 30th November 1841.

At a Court of the Fouzdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge.
Henry Dickinson Esqre. 2nd. Puisne Judge.
George James Casamajor Esqre. 3rd. Puisne Judge.

Read the Criminal Report for the month of October last submitted by the Criminal Judge of Salem. —

Mr. Dickinson and Mr. Casamajor.

/ Here enter F.116. No. 2037. /

Case No. 116 Suspl. Report.

The Court of Fouzdaree Udalut observe that only the names of 9 Prisoners have been entered in the report, while it is stated that the 10th. Prisoner was been released and the 11th. Prisoner committed for trial. The Court require an explanation of this discrepancy. —

2. It also appears to the Court that the evidence, as stated in the Report, against the 7th. Prisoner does not justify the demand of security from him, and they direct that the security if entered into be discharged, or the Prisoner if in Jail, released. —

Under

Case No. 131. 3. Under the circumstances of this Case, the Court of Foujdaree Udalut resolve to direct the 3rd Judge on Circuit to call for the proceedings held in it, and to pass on them such orders as may appear to him proper, reporting the result for the information of the Foujdaree Udalut.—

Case No. 137. Report No. V. 4. The Court of Foujdaree Udalut do not understand why, having examined the 1st Prisoner on the 6th September, a Warrant was not issued by the Acting Joint Magistrate before the 15th of that month for the apprehension of the other prisoners; and they desire an explanation may be submitted on this point.—

Case No. 140. 5. No reason having been assigned for the delay in this case, the Court of Foujdaree Udalut direct that the Magistrate may be called on to submit an explanation of it direct to the Foujdaree Udalut.—

Case No. 147. 6. With reference to the remarks of the Criminal Judge in this case, the Court of Foujdaree Udalut direct that the Magistrate be instructed to point out to the Head

Head Assistant Magistrate, that Section XXVIII. Regulation XI of 1816 requires that the crimination of one prisoner by another should be corroborated by evidence to warrant the forwarding of him to the Criminal Court.—

7. The Court consider the explanation of the delay in forwarding the case to the Criminal Court to be unsatisfactory, and direct that this remark be communicated to the Magistrate.—

8. The Court of Foujdaree Udalut direct that copies of Cases Nos. 137 and 140, without the remarks of the Criminal Court, and of Case No. 147 with those remarks together with copies of paras. 4 to 7 inclusive of these proceedings be furnished by the Criminal Judge to the Magistrate for his information.—

Ordered, that Extract of para. 3 of these proceedings be sent to the 3rd Judge on Circuit in the Southern Division for his information by precept returnable in 10 days, from and after its

receipt

receipt.—

/Sent following precept No. 1654/

Ordered also, that copy of these proceedings be sent to the Criminal Judge of Salem for his information by precept returnable in 5 days, from and after its receipt.—

/Sent following precept No. 1655/

Read the Criminal Reports for the month of October last submitted by the Acting Criminal Judge of Malabar.—

Mr. Dickinson.

/Here enter F. Re. No. 2036 of 1841/

These reports appear to call for no remarks from the Court of Foujdaree Udalut.—

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

/Sent in No. 1656/

Read the Criminal Reports submitted by the Acting Criminal Judge of Madura for the month of October 1841.—

Mr. Dickinson.

/Here enter No. 2072./

The

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

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

/Sent in No. 1657/

Read letter dated 17th November 1841 from the Magistrate of North Arcot, submitting the explanation called for in the proceedings of the Foujdaree Udalut of the 27th Ultimo, relative to certain cases on the Chittoor Criminal Reports for the month of September last.—

Mr. Cadamajor.

/Here enter F. Re. No. 2067./

1. The Court consider the explanation given in Case No. 152 to be satisfactory.—

2. With reference to Case No. 153 the Court of Foujdaree Udalut think that the Sudr. Ameen should, with the whole of the Police Proceedings before him

him. in which it appears that no mention at all is made of the Prosecutrix being deranged. was not justified in taking so material a fact for granted on the bare statement of the Prosecutrix before himself. which appears from his remarks to have been all the ground he had for believing it.—

3. The Court consider the explanation of the Arnee Police Ameen satisfactory and approve the Joint Magistrates proceedings reported in his letter to the Magistrate of North Arcot.—

4. Adverting to the question propounded by the Joint Magistrate. as to what degree of violence and coercion persons in that pitiable state may lawfully be subjected by their relations. the Court of Sudder Adalut think that any individual in such a state of mental derangement, as to be dangerous to himself and to others. may lawfully be put in irons by those who have natural authority over him, if there is no milder way of securing him from

30th November 1861.

from injuring himself and others.— But this liberty. which is the result of necessity cannot be made an excuse for any degree of cruelty or term of constraint beyond what is absolutely necessary. or for longer than to admit of application to the proper public authority. which is the Magistrate.

Ordered, that Extract from the proceedings be sent to the Magistrate of the Northern Division of Arcot for his information.—

/Sent in No. 1658/

Ordered also, that Extract of para. 2 of these proceedings be sent to the Criminal Judge of Chittoor for the information of the Moofsee Sudr Ameen of his Court, with reference to his decision of Case No. 151.—

/Sent in No. 1659/

Read letter dated the 13th September 1861 from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting English translation of the Records of trials in Cases Nos. 2

and

Mr. Campbell and Mr. Dickinson.

and 5 of the Canara Calendar for the 1st Sessions of 1841, called for in Tonjdaree Udalut's letter of the 3rd August last.—

/True Extr. No. 1731./

1. The Court of Tonjdaree Udalut, on review of the Calendar, were induced to order a remission of the stripes awarded in these cases, because, as a general rule, they are opposed to the infliction of corporal punishment upon any except offenders of the lowest and most degraded classes.—

2. A consideration however of the records of these Trials has satisfied the Court of Tonjdaree Udalut that the parties against whom corporal punishment was awarded by the 1st Judge of the Provincial Court of Circuit in the Western Division, are peculiarly fit objects of the full measure of punishment provided in the Regulations for the crimes of Forgery and Perjury, of which they have been convicted, and they resolve therefore to cancel so much of their order of the 15th April 1841, as remits the corporal punishment awarded against the

the 1st, 2nd, 4th and 5th prisoners concerned in Case No. 2, and against the 1st and 2nd prisoners concerned in Case No. 5 of the Canara Calendar for the 1st Sessions of 1841.

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.—

/Sent in No. 1660/

N. B. The original papers specified in the List appended to the 1st Judge's letter of the 13th September 1841. are herewith returned.—

Wednesday 4th December 1844.

At a Court of the Tonjadarce Udalut,

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

George James Casamajor Esqre. 3rd Puisne Judge

Read letter dated the 24th. Ultimo from the 3rd. Judge on Circuit in the Southern Division, transmitting the record of Trial in Case No. 9 on the Combaconum Calendar for the 2nd. Sessions of 1844.—

Mr. Campbell.

/ Here Enter No. 2094. /

The Court of Tonjadarce 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

1. Ponnadagom Appavoo.

is sufficient to convict him of a repetition of the crime of gang robbery by open violence; do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831; Clause third Section

Section II Regulation I of 1825, and Clause Second Section IV Regulation XV of 1803 to sentence him to receive 195 lashes of the 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 labor, in irons, on the public roads or other public works, for, and during the period of his natural life.—

/Sent following letter No. 1661/

Read letter dated the 24th Ultimo from the 3rd Judge on Circuit in the Southern Division, reporting his intention to open the 2nd Sessions of 1841 at Coimbatore on the 15th Proximo.—

/Here enter No. 2088./

Read letter dated the 24th Ultimo from the 3rd Judge on Circuit in the Southern Division, reporting the opening of the 2nd Sessions of 1841 at Salem on the 23rd Instant, and the state of the Calendar.—

/Here enter No. 2089./

Read.

Read returns dated the 23rd Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 20th Ultimo, conveying their opinion that the Minutes recorded by the 1st and 3rd Judges of the Northern Provincial Court in Case No. 21 of the Guntoor Supplemental Calendar of July last, should be referred for the opinion of the Acting 2nd Judge.—

/Here enter No. 2090./

Read letter dated the 24th Ultimo from the Acting 2nd Judge on Circuit in the Western Division, reporting the opening of the 2nd Sessions of 1841 at Honore on the 24th Instant, and the state of the Calendar.—

/Here enter No. 2103./

Friday 3rd December 1841.

At a Court of the Foujdaree Udalut

Present:

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

George James Casamajor Esqre. 3d Puisne Judge

No final return having been received from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 6th September last, calling for a rough English translation of the whole of the proceedings which were forwarded to the Provincial Court by the Zillah Judge of Salem, relative to the removal of the Petitioner Soobby Naicken, from his appointment of Court Peon, and directing them to call for and submit any further papers pertaining to the Petitioners case that may not have been included in the proceedings already before them—

Mr. Campbell
Mr. Dickinson
Mr. Casamajor

Ordered that the Provincial Court of Circuit in the Southern Division be required by Precept returnable in 7 days from and after the receipt to make a final

final return to the precept aforesaid
without further delay.—

/Sent following precept No. 1663./

Read the Criminal Reports
for the month of October last submitted
by the Joint Criminal Judge of Combaconum.—

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

/Here enter Fol. No. 2026./

These reports do not appear
to call for any remarks from the Court of
Foujdaree Udalut.—

Ordered accordingly that Extract
from these proceedings be sent to the Joint
Criminal Judge of Combaconum for his
information.—

/Sent in No. 1664/

Read again return and
supplemental return made by the 1st Judge
of the Provincial Court of Circuit in the
Centre Division to the precept of the
Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.
Foujdaree Udalut of the 7th September 1841,
returning the original record of trial in
Case No. 6 Chittoor Calendar for the 3rd
Quarterly Sessions of 1841, in view to
certain additional evidence being taken and
submitted.

submitted to the Court of Foujdaree Udalut.—

/Here enter Nos. 1804 and 1823./

1. In their proceedings of the
9th October 1841, the Court of Foujdaree
Udalut directed that the evidence of the
remaining witness "Yamarauzz", Jemadar,
be taken before the Criminal Court of
Chittoor, and forwarded thro' the Provincial
Court of Circuit to the Foujdaree Udalut.—

2. The Court of Foujdaree Udalut
have as yet however received no further
information as to whether the evidence of
this person is procurable:— they desire
therefore that an immediate report may
be made as to the delay in procuring the
evidence of the individual Yamarauzz, who
in the 1st Judge's Supplemental Return
of the 6th October 1841 was [redacted] to be
expected to return to his village in 15
or 20 days, from the date of the Magistrate's
letter, referred to in the Criminal
Judge's return of the 5th October 1841.—

Ordered that Extract from
these proceedings be forwarded to the
1st Judge

3rd December 1841.-

1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 3. days from and after its receipt.—

(Sent following precept No. 1665)

No further return having been received from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Fanjidaree Udalut of the 4th August last relative to Case No. 7 on the Chittoor Calendar for the 4th Sessions of 1841.—

Ordered, that the 1st Judge of the Provincial Court of Circuit in the Centre Division be required by Precept returnable in 3. days from and after its receipt to make a final return to the precept aforesaid.—

(Sent following precept No. 1666.)

Mr. Campbell. Mr. Dickinson. and Mr. Casamajor.

Ent'd

F. 11.

Fanjidaree Adawlut.
1st December 1841.

Present:

Hon'ble Duncan Campbell Esq. 1st Judge
Henry Dickinson Esq. 2d Judge
Geo. James Casamajor Esq. 3d Judge

Read letter dated the 10th November 1841 from the Officiating Register to the Provincial Judge of Tellicherry forwarding the Provincial Reports of that Court for the month of October last.—

Ordered that the Register be informed that the Reports have been received.—

Case No. 8 and 81 of the Report.

It appearing to have been the practice of the Fanjidaree of the latter part of Charles the first Section V. Regulation XI of 1816 The Court at once threw out of the case as not falling within the Regulation but the Fanjidaree Criminal Court of this Zillah will be referred to the Magistrate who will be pleased

pleased to take such notice of the conduct of the officer concerned, as may appear proper, reporting the result for the information of the Imperial Authority.

Case Nº 82 2. If there was proof that the door of the Prosecutor's house was closed at the time the theft was committed, the case came under Clause 2nd Section II. Regulation VII of 1822, and if there was proof that property was stolen to the value charged the prisoner should have been committed under Clause 1st Section of that Section.

Ordered that Extract from these Proceedings be sent to the Officiating Joint Criminal Judge of Jaffnapatam by precept returnable in 5 days from and after its receipt.

(Sent following precept Nº 1667)

Ordered also that Extract of part of these Proceedings be sent to the Magistrate of Mullaitivu by precept returnable in 15 days from and after its receipt.

(Sent following precept Nº 1668)

Read letter dated 13th November 1841 from the Joint Criminal Judge of Caddalore forwarding the Criminal Reports of this Court for the month of October last [Register L. 16 - Nº 2059]

Case Nº 80 1. This case should have been disposed of by the Head of Police under Section III Regulation VI of 1827, and the Courts of Inquiry Act direct that Report Nº VI the prisoner be released on receipt of the Proceedings as the punishment already undergone is sufficient for the offence.

Case Nº 83 2. No explanation of the delay in the transmission to the Criminal Court of this case having been given, the Courts of Inquiry Act direct that the attention of the Head Assistant Magistrate should be drawn to the Circular Order of the 8th February 1830 and that he be required now to explain the delay.

Case Nº 84 3. In this case the Head of Police states that the Prisoners were brought to him

him on the 12th and the witnesses appeared on the 14th and 15th the case was examined on the 16th and 17th. This is an unsatisfactory account and there would appear to stand more need attention to the latter part of Clause first Section V Regulation XI of 1816 which should be brought to the Magistrate's notice in order that the proper Head of Police may be called to account.

Case No. 85. 4 It must be explained why this case was sent to the Tondaramanam Head of Police and returned by him. It must also be explained why the witnesses were not sent with the Prosecutor.

5 The Court direct that copies of Case No. 80 with the remarks of the Criminal Court and of Cases Nos. 83, 84 and 85 without the remarks of the Criminal Court together with copies of these Proceedings be sent direct from this Office to the Acting Magistrate of Cuddalore.

Ordered that a Extract from these Proceedings be sent to the Magistrate of Cuddalore for his information by

by precept returnable in 5 days from and after its receipt.—

(Sent for following precept 1869.)

Ordered also that Extract from these Proceedings be sent to the Magistrate of Cuddalore by precept returnable in 15 days from and after its receipt.—

(Sent for following precept No. 1870.)

Read letter dated the 4th August 1841 from the 3d Judge on Circuit in the Southern Division transmitting the record of Trial in Case No. 2 on the Madura Calendar for the 2d Sessions 1841

(Held under F. R. No. 2512.)

Read also return dated the 13th November 1841 from the 3d Judge on Circuit in the Southern Division to the precept of the Undersigned Under date the 28th August last setting aside him to return from the Criminal Judge of Madura further evidence in Case No. 2 of the Madura Calendar 2d Sessions 1841

(Held under F. R. No. 2223.)

No. Pamphlet and Not Published

4th December 1841.

The Court of Inquiry Malakal
on a deliberate consideration of all the
circumstances of the case as rendered before
them being of opinion that the prisoners,

1st Moorenguda
2d Paren Carrapan
3d Sorbiad,
4th Paren Carrapan
10th Candee Lah,
12th Manis Rochan
13th Mootusamen Pillay,
14th Terrumanen Pillay,

and

15th Meeralan Pardan

are not convicted on presumptive proofs or on
the evidence of credible witnesses or on their own
confessions of the crime of murder, do acquit
them thereof, and under the provisions of Clause
Sixth Section II Regulation XV of 1802, direct
that they be each at liberty.

(Sent following Letter No 1671)

Read the Military Secretary.

Reports for September 1841.

Head quarter F. G. No 1965/

Mr Campbell
and
Mr Cossmayer.

4th December 1841.

Supplemental
Report
Nos 120, 162 and 191

The Court of Inquiry Malakal
are of opinion that the charge against the 3d
Prisoner is brought under Clause 4th
Section IV Regulation XV of 1803 Against
the 1st, 2d, 3d, 4th, 5th, 7th, 10th, 11th, 16th, 18th, 19th, 22d, 23d, 24th,
30th, 37th, 38th, 39th and 43d Prisoners there appears
to be sufficient evidence to warrant
committal against the 9th, 12th, 13th, 15th, 29th,
25th, 26th, 27th, 28th, 29th, 31st, 32d, 33d, 34th, 35th, 36th, 40th, 41st,
and 42d Prisoners the evidence appears under
specific Against the 21st Prisoner no evidence
at all appears against the 32d nothing
but his Police confession; against the
latter there is the testimony of only one
witness, and except in the cases of the 9th
12th, 13th and 15th Prisoners, that one witness
is a approver, unless there is some
reason for the committal of all the Prisoners
so confirmed in the latter of the above
two enumerations, which does not appear
in the Reports which ought not to be the
case, the committals should be quashed and
security may be demanded from those
against whom there is sufficient evidence
to

to warrant it, and who are not concerned
in either N^os.

2 In Cases 123, 168 and 193 it is
not stated whether any of the Prisoners
confessed; if they did not, the evidence
does not appear sufficient to warrant
committal in any but the first (N^o 123)
and scarcely in that. All the evidence in
the 2 latter N^os is that of an approver. In
N^o 123, in addition to this there is the
evidence of one witness who heard the Pri-
soners conversing about the Robbery after
it was over. The course suggested in the
last Report might with propriety be taken
respecting N^os 168 and 193.

N^o 166. 3 The Court of England would
observe that if all the reason for believing
the Prisoner's complaint false, and himself
guilty of perjury is the denial of the
witnesses that he told them he had been
robbed, as he alleges that he did, there
are not sufficient grounds to commit
him for perjury. They direct that the record
of this case be immediately sent up to
the

the Provincial Court of Circuit which
Court will be pleased to pass orders
upon it, reporting the same.

N^o 165. 4 The evidence, as described, is
totally insufficient for committal. The
committal should be quashed and the
prisoners detained as Security. In this and
in all the cases against the same Gang,
immediate measures should be taken to
obtain further evidence; and if no better
is procurable, the Court of England
would not be prepared to admit some
one of the Prisoners as approvers on the
recommendation of the Acting Criminal Judge.

5 N^os 166, 167, 169, 170, 171, 172, the remarks
on N^o 165 applies equally to the 3d N^o

N^o 175 6 The sentence past upon the
2^d Prisoner is of very doubtful propriety
but, as it has existed some time upon it
is unnecessary to notice it further.

N^o 177 7 Ought not to have been
sent up to the Court and a copy of the case
as it stands in the Report is directed to
be sent to the Magistrates of Bathurst
for

for his information and admonition to the Prisoner at the Bar, which was accordingly done.

8. The charge was in the form of a Presentment. No person can be charged on suspicion of an offence; the offence charged must be charged.

No 180 9 The sentence passed upon the 3d Prisoner appears to the Court of Sessions Adalut quite unwarranted by the evidence as described in the Report; all that was proved against him was indiscretion.

10 The Sentence also upon the Prisoner, who at the Prisoner's request appeals to the Court of Sessions Adalut, is illegal, and they direct that the Record be immediately sent up to the Provincial Court, which Court will pass orders upon the case and report the same. The sentence of the 1st Prisoner to be varied, while that passed upon the 3d Prisoner to be released.

Report No 11 As the sentence passed upon
No 184 the Prisoner was declared by the Surgeon and Assistant Surgeon to be permanently

therein and no sufficient grounds for demanding Security. The Court direct that the demand be cancelled.

12 No 188 as described in the Report, appears to the Court of Sessions Adalut a fit subject for a Criminal prosecution. If the case has not since been dismissed the Acting Criminal Judge will suspend any sentence of punishment that may have been passed, and transmit the Record to the Provincial Court of Circuit, which Court will be pleased to pass orders thereon, depositing the Prisoner.

No 195 and 202 13 The delay in sending up the Prisoners must be accounted for.

No 202 14 The explanation of the delay is not satisfactory. Eight days is an unreasonable time for the Pleaders to have been expressing the case.

Ordered that a Copy of this Proceedings be sent to the Acting Criminal Judge of Bellary for his information by precept to be returned in 3 days from and after the receipt of the same by him (following precept No 1672.)

4th December 1841.

Ordered also that a Extract
from these Proceedings (paras 3, 9, 10 and 12.)
be sent to the 3d Judge on Circuit in the
Central Division for his information by
precept returnable in 20 days from and
after its receipt.—

(Sent following precept No. 1673.)

Ordered also that a Extract
from these Proceedings (paras 7 – 13 and 16)
together with copies of Case Nos 177 with
the remarks of the Criminal Court and
of Cases Nos 195, 200 and 202 without the
remarks of the Criminal Court be sent
to the Magistrate of Bellary for his informa-
tion by precept returnable in 15 days
from and after its receipt.—

(Sent following precept No. 1674.)

Ent WH

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F. No.

Monday 6th December 1841. At a Court of the Foujdaree Udalut &c.

Present,

Alexr Duncan Campbell Esqre — 1st Puisne Judge
Henry Dickinson Esqre — 2d Puisne Judge
George James Casamajor Esqre — 3d Puisne Judge

Read letter dated the 11th November 1841 from the Criminal Judge of Hamirpur, forwarding the Criminal Reports of that Court for the month of October last.—

Mr. Dickinson and Mr. Casamajor.

(Here enter F. No. 2039.)

Case No. 162. Report No. V.

1. The prisoner in this case is charged with larceny in having dislodged a stone which bore the impression of a snake from the place where it was lodged by the Prosecutor from religious feelings, and after pronouncing some magic spells upon a green cocoanut and some ashes attempted to bury them in the hole from which the stone was removed and is stated to have been sentenced to 6 months imprisonment with hard labor in irons under the provisions of Section VII Regulation

X

X of 1816.—

2. Unless the prisoner was guilty of some overt act tending to injure the prosecutor the Criminal Judge had no power to take cognizance of this charge, and in that case the charge should have alleged the act perpetrated and not the imaginary offence of Sorcery—The Judges direct therefore that if the only allegation against the prisoner be Sorcery, that the Sentence passed be annulled and the prisoner immediately discharged—

3. The Court further direct the Criminal Judge be furnished with a copy of their Proceedings of the 2nd July 1817 from which it will be seen that the opinion of their Law Officers was that the mere confession of Sorcery does not subject a person to punishment under the Mahommedan Law unless it shall appear that injury has ensued.—

Ordered, that Extract from these proceedings, together with copy of the Proceedings of the Foujdaree Adalut of the

the 2nd July 1817 be sent to the Criminal Judge of Canara for his information by precept returnable in 5 days, from and after its receipt.—

Sent following precept dt. 16th/41

Circular Order

No. 147.

Mr. Dickinson. and Mr. Cathcart for. 1. The attention of the Court of Foujdaree Adalut has lately been attracted by a case wherein a prisoner charged with Sorcery had been sentenced under the provision of Section VII Regulation X of 1816 to six months imprisonment with hard labor in irons—

2. The Court observed that unless the prisoner was guilty of some overt act tending to injure the prosecutor the Criminal Judge had no power to take cognizance of the charge, and in that case the charge should have alleged the act perpetrated and not the imaginary offence of Sorcery—

3. The Foujdaree Adalut have pulled to far back as the 2nd July 1817 that

that Section XXXIV Regulation VII of 1802 virtually prohibits the Criminal Courts from taking cognizance of any charge of Sorcery and that if such a charge be brought before a Criminal Judge, he should be careful to ascertain whether or not any injury has been inflicted on the supposed Sufferer. that if no injury has pushed the charge is to be dismissed, but if there has been injury done, evidence is to be taken to the overt act charged, and if the prisoner appear liable to commitment, the indictment is to be framed for such overt act.—

4. The opinion of the Law Officer was given on the same occasion to the effect that "a confession of Sorcery does not subject a person to punishment under the Mahomedan Law, unless it shall appear that injury has ensued."—

5. As it is desirable that a general rule should be established for the guidance of the Criminal Courts on similar occasions, the Court do accordingly direct

direct that in disposing of accusation of Sorcery or witchcraft or other similar charge, the Criminal Judges be guided by the above remarks.—

Sent following Circular Order No 1680/

The first Judge has separately recorded his reasons against this Circular Order.—

Minute for record.

I dissent altogether from the reasoning, on which this Circular Order is founded. It is entirely at variance with Clause 283 of the proposed new Penal Code. In my Minute upon which, I observed, that I attached great importance to that clause, for I hoped it would check the horrid Murders for Sorcery, committed in consequence of the refusal of our Tribunals to take cognizance of what the people (however erroneously) deem a great crime. "On "this point, the sentiments which, for "years, I have singly advocated, have at "last, found support from the Law Commission,

6th

"Commission; when they say- though we
"wish their opinions and feelings may
"undergo a considerable change, it is our
"duty, while their opinions and feelings
"remain unchanged, to pay as much respect
"to those opinions and feelings as if we
"partook them".—

/Signed/ A. D. Campbell—

30th November 1841.—

Read return and supplemental
returns dated respectively the 5th October
and 17th November 1841 from the Third
Judge on Circuit in the Centre Division,
to the precept of the Fouzdaree Adalut
of the 13th September 1841, directing him
to call for the Record of Case No. 149 of
the Cuddapah Supplemental Report
for the month of July last and pass
orders upon it.—

/Here Enter Nos. 1839 and 2061./

Read supplemental return
dated the 21st October 1841 from the Pre-
=vincial Court in the Centre Division, to
the precept of the Fouzdaree Adalut of

the

the 16th December 1839, calling upon them
to make a supplemental return to the
precept of the 11th August last, directing
them to call upon the several Criminal
Courts to report the probable expence
which the adoption of the Higher Courts
suggestion to pay the expences of all
Prosecutors and witnesses appearing
before the Courts of Circuit without
reference to the restriction contained in
Section XXXIII Regulation IX of 1816,
would entail upon the State.—

/Here Enter No. 1928./

Read Statement, dated the 1st
October 1841 from the Criminal Judge
of Salem, of amount realized by the
labor of the Prisoners in the 3rd quarter of
of 1841.—

/Here Enter No. 1946./

Read return dated the 23d
October 1841 from the Agent to the Governor
of Fort St. George at Ganjam, to the precept
of the Fouzdaree Adalut of the 13th October
1841, conveying their orders to carry into
effect

effect, without delay, the final sentence passed by the Court on the Prisoners in Case No. 55 of 1840 of the file of the Agent to the Governor in Ganjam.—

/Here Enter No. 1948./

Read letter dated the 23rd October 1841 from the Agent to the Governor of Fort St. George at Ganjam, submitting the original death warrant in Case No. 55 of 1840 of the file of the Agent to the Governor in Ganjam.—

/Here Enter No. 1949./

Read letter dated the 10th Ultimo from the 3rd Judge on Circuit in the Centre Division, reporting the opening of the 2nd Sessions of 1841 at Cuddalore on the 29th Ultimo.—

/Here Enter No. 2003./

F.C.

Thursday, 9th December 1841.— At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre.— 1st Puisne Judge
Henry Dickinson Esqre.— 2nd Puisne Judge
George James Castamajor Esqre.— 3rd Puisne Judge

Read letter dated the 27th November 1841 from the 2nd Judge of the Provincial Court of Circuit in the Centre Division forwarding for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No. 1 of the Chittoor Calendar for the 4th Quarterly Sessions of 1841.—

Mr. Dickinson and Mr. Castamajor.

/Here Enter F.C. No. 2098./

1. Before proceeding to judgment in this trial the Court of Foujdaree Udalut are desirous that the following additional question should be put to the Assistant Surgeon Mr. Simpson.— "Do you consider it possible that such fractures and contusions as the head of the corpse exhibited and such squirtings of blood as

as are shewn in the plan on three places of the wall could have been occasioned by the deceased falling in a swoon on a Shunam float.2d.—

2. The Court accordingly direct that Doctor Simpson's former deposition and the plan which accompanied be returned to the 2nd Judge of the Provincial Court of Circuit in the Centre Division with instructions to issue a precept to the Criminal Judge directing him to obtain the attendance of the said Doctor Simpson— The 2nd Judge will then in the presence of the prisoner take his examination on oath on the questions above recorded and will permit the prisoner to cross question this witness and to offer any thing further in his defence should he wish it at the close of his examination.—

3. The Second Judge will annex English translation of the additional evidence to be taken to the record and will retransmit the same for the consideration and final judgment of the Tanjore Udalut.—

Ordered

Ordered that Extract from these proceedings be sent to the 2nd Judge of the Provincial Court of Circuit in the Centre Division by precept returnable in 10 days from and after its receipt.—

Sent following precept No. 1683.

Read letter from the Provincial Court of Circuit in the Northern Division dated the 15th Ultimo submitting a reference from the Joint Criminal Judge at Masulipatam as to the period from which a sentence passed by the Court of Tanjore Udalut should be computed,— whether from the date of the sentence passed by the Tanjore Udalut, or from the date of the Warrant of the Court of Circuit for its execution.—

Mr Dickinson and Mr Cushing jr.

Here Entered No. 2070.

The Court of Tanjore Udalut are of opinion that the sentence should be considered to take effect, in every case, from the date of the Warrant.—

Ordered that Extract from these proceedings be forwarded to the

Provincial

9th December 1841.

Provincial Court of Circuit in the Northern Division to be by them communicated to the Joint Criminal Judge at Masulipatam for his information and guidance.—

/Sent in No. 1684/

Read letter dated the 17th Ultimo from the 3rd Judge on Circuit in the Centre Division, forwarding the Statement of Batta paid to the prosecutors and witnesses who attended the Circuit Court for the 2nd Sessions of 1841 at Bellary.—

/Here enter No. 2062./

Read return dated the 10th Ultimo from the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut dated the 27th October last directing them to call for the record in Case No. 154 of 1841 on the Criminal file of the Zillah of Chittoor and pass such orders thereon as they shall see fit reporting the same to the higher Court.—

/Here Enter No. 2027./

Eqr.

No. 46.

Friday 10th December, 1841.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge

Henry Dickinson Esqre. 2nd. Puisne Judge

George James Casamajor Esqre. 3rd. Puisne Judge

Mr. Casamajor.

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Western Division, transmitting the Sirdar Criminal Reports for October 1841.

/Here enter No. 2083./

The Court wish to be informed of the reason why the Prisoners are exempted from Irons.—

Cases Nos. 43 & 45.

Ordered, that Extract from those proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable in 10 days from and after its receipt.—

/Sent following precept No. 1686./

Read letter dated the 24th Ultimo from the Acting 2nd Judge on Circuit in the Western Division, forwarding a Statement

Statement received from the Criminal Judge of Canara of the batta paid to the Prosecutor and Witnesses during the 2nd Sessions of 1841 –

/ Here Entr No 2107 /

Read letter dated the 29th Ultimo from the 3rd Judge on Circuit in the Centre Division, reporting the opening of the 2nd Sessions of 1841 at Cuddalore on the 29th Ultimo and the state of the Calendar –

/ Here Entr No 2108 /

Read return dated the 29th Ultimo from the Joint Criminal Judge of the Auxiliary Court at Coimbatore to the precept of the Fl. of the 20th Ultimo, conveying their observations and orders on the Criminal Reports for the month of October 1841 –

/ Here Entr No 2114 /

Read letter dated the 25th Ultimo from the Acting 2nd Judge on Circuit in the Western Division, transmitting the original death warrant in Case No 5 on the Mangalore Calendar for the 2nd Sessions of 1841 –

/ Here Entr No 2116 /

Read

Read return dated the 30th Ultimo from the Acting Criminal Judge of Madura, to the precept of the Fouzdaree Udalut dated the 26th Ultimo, directing that the 4th Prisoner in Case No 115 of 1841 on the Criminal Reports for Septem. last be immediately set at liberty –

/ Here Entr No 2125 /

Read return, dated the 2nd Instant, from the Provincial Court of Circuit in the Western Division, to the precept of the Fouzdaree Udalut of the 27th Ultimo, relative to Case No 1 of the Tellicherry 6th Additional Calendar for the 3rd Quarter Sessions of 1841 –

/ Here Entr No 2136 /

Read return, dated the 6th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Fouzdaree Udalut of the 3rd Instant, calling for a supplemental return to the precept of the Fouzdaree Udalut of the 7th September last, relative to Case No 6 of the Chittoor Calendar for

for the 3rd quarterly Sessions of 1841.—

/Here enter No. 2140./

Read letter dated the 4th Instant from the 3rd Judge on Circuit in the Southern Division, retransmitting the Statement of Batta paid to the Prosecutors and witnesses who attended before the Court of Circuit during the 2nd Sessions of 1841 at Tinnevelly.—

/Here Enter No. 2148./

Read return dated the 6th Instant from the Criminal Judge of Salem, to the precept of the Tsoujdaree Adawlut of the 30th Ultimo, regarding the Criminal Report for the month of October 1841.—

/Here Enter No. 2153./

Read return, dated the 6th Instant, from the Joint Criminal Judge of Huddalore, to the precept of the Tsoujdaree Adawlut of the 4th Instant, conveying their observations on the Criminal Reports for the month of October last.—

/Here Enter No. 2154./

Saturday 11th December 1841.

11th Dec.

At a Court of the Fouj the

Present,

Alexr. Duncan Campbell Esqre.—1st Puisne Judge.
Henry Dickinson Esqre.—2nd Puisne Judge.
George James Casamajor Esqre.—3rd Puisne Judge.

Mr. Campbell.
Mr. Dickinson.
and
Mr. Casamajor.

Read letter dated the 20th Ultimo from the 3rd Judge on Circuit in the Northern Division forwarding copy of a letter addressed by him to Government dated the 23rd October last requesting instructions on the subject of the proper employment of Dhalegats.—

/Here Enter No. 2100./

The Judges observe that Dhalegats are public, and not private Servants, and that therefore their employment in private Service of any sort or kind, however common it may be, is irregular and improper. Dhalegats are properly personal attendants upon public Officers as such, they may therefore be properly required to accompany the public Officers, to whom they are attached, wherever those Officers may

may have need of their services for any purpose immediately connected with their public duty; but wherever they may be their services ought to be confined to public purposes.—

Ordered that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Northern Division for his information and guidance.—

/Sentin No. 1689/

Read return dated the 3rd December 1841 from the Criminal Judge of Cuddapah to the precept of the Fouzdaree Udalut of the 6th Ultimo conveying their observations and orders on the Cuddapah Criminal Reports for the month of September last.—

Mr. Catanagar.

/Here enter P.U. No. 2127./

With reference to the explanation offered in the 1st para: of this return in regard to the clerical errors pointed out in this Courts proceedings of the 6th Ultimo the Court of Fouzdaree Udalut observe that the duty of correcting the Criminal Reports might

might with propriety be entrusted to the Assistant Criminal Judge.—

In para: 3 the Criminal Judge certifies that as directed in para: 3. 4. 6. 7. 8 and 11 copies of certain cases together with the para: referring to them had been sent to the Magistrate.— It appears by a letter from the Joint Magistrate in charge that Case No. 172 was not sent to him.— The omission should now be supplied.

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

/Sentin No. 1899/

Read letter dated the 3rd Instant from the Joint Criminal Judge of Guntoor forwarding the Criminal Reports for the month of November last.—

Mr. Campbell & Mr. Dickinson.

/Here enter No. 2138./

The above Reports do not appear to call for any remark from the Court of Fouzdaree Udalut.—

Ordered therefore that Extract from these proceedings be forwarded to the Joint

11th December 1841.

Joint Criminal Judge of Guntoor for his information.—

/Sent in No. 1691./

Read again letter dated the 24th August last from the 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting the record of the Trial in Case No. 6 on the Chittoor Calendar for the 3rd Quarterly Sessions of 1841.—

/Here Enter No. 1595./

Also read Supplemental return dated the 2nd Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Adalut of the 7th September 1841 returning the original record of the trial in Case No. 6 of the Chittoor Calendar for the 3rd Quarterly Sessions of 1841 directing him to submit with the former record translations of all the additional evidence taken in the case which was available.—

/Here Enter No. 2117./

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of

Mr. Campbell and Mr. Cotton for

of the case in evidence before them, being of opinion that the proofs against the prisoner,

Poorna Sing

is sufficient to convict him of the fact of having wounded the Prosecutor

Munnapermaul,

do convict him thereof; but considering that the prisoner was not in his right mind at the time he committed the act of violence established by the evidence the Court of Foujdaree Adalut consider him exempted from punishment; and, direct that he be placed under charge of the Surgeon of the Zillah of Chittoor, in view to his eventual confinement in the Lunatic Asylum at Madras under the rules prescribed by the Circular Order of the 1st of June 1829, and that he be on no account released without the orders of the Court.—

/Sent following letter No. 1692./

J. Us.

Monday
13th December 1841

At a Court of the Foujdaree Udalut

Present:

Alexr Duncan Campbell Esqr 1st Puisne Judge
Henry Dickinson Esqr ——— 2d Puisne Judge
Geo. James Casamajor Esqr — 3d Puisne Judge

Read the Criminal Report

Mr Campbell
and
Mr Casamajor

submitted by the Joint Criminal Judge
of Vizagapatam for the month of November 1841

(Here enter No 2147)

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

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

(Sentence No 1697.)

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read the Collector Criminal
Reports for the Month of October 1841

(Here enter F/C No 2066)

Report No V
No 2175

The Sentence should be passed

and recorded as soon as the trial is over, it
is not necessary to wait till sentence is
passed by the Court of Quarter Sessions
in the committed case.

No. 186. 1. The proceedings returned in
this case should have been stated agreeably
to Circular Order No. 62, and the omission
should now be supplied by the Magis-
trate. Eleven days (from the 9th to the 21st
October) seems a long period for the
answer being received.

3. The Court directs that a copy
of case No. 186 without the remarks of the
Criminal Court, and a copy of this foregoing
parah be sent direct from this Office to
the Magistrate of Chittoor.

Ordered, that a Extract from
these Proceedings be sent to the Criminal
Judge of Chittoor for his information.

(Sent No. 698.)

Ordered also, that Extract from
these Proceedings (Parah 2) together with a copy
of the case No. 186 be sent to the Magistrate
of Chittoor for his information by prompt
returnable

returnable in 5 days from and after
its receipt.

(Sent following precept No. 699.)

Read letter dated 2d December
No. Cavanagh 1841 from the Joint Magistrate in charge
of the Taluk of Cuddapah, submitting
the explanations called for in the Sanjam
Adalut Proceedings of the 6th ultimo,
related to certain cases on the Cuddapah
Criminal Reports for the month of
September last.

Hereunto No. 2124.

And adverting to the 6th & 7th
paras of this letter, the Court of Sanjam
Adalut observe that case No. 172 had
been ordered to be sent to the Joint
Magistrate in charge. Case No. 154 was
not intended to be sent.

With reference to case No. 176
2 the Court of Sanjam Adalut remark
that the No. 180 of the order of the Magistrate
is no doubt an error. An Extract of the
case as it stands in the report is enclosed, and
the Joint Magistrate in charge will be
able

13th December 1841

able to send us a translation of the right paper.

Ordered, that Extract from these Proceedings be sent to the Joint Magistrate in charge of the Zillah of Cuddapah for his information.

(Sent in No 1700.)

Read Miscellaneous Petition presented on the 29th November 1841 by Sookal Naicken of the Zillah of Combaconum.

Mr Dickinson and Mr Casamajor.

(Here enter F. 10. M. P. No 163 of 1841)

1. The Petitioner again prays the Court to over-rule the Sentence passed by the Criminal Court of Combaconum in Case No 154 of 1840.

2. The Court of Sudder Adalut have on two former occasions dismissed Petitions presented by the Petitioner on this subject.

3. The Petitioner is referred to the orders passed by the Court on his Petitions No 102 and 157 of 1841.

Ordered, that this Petition be

F. 10.

13th December 1841

be rejected, and that copy of these Proceedings be furnished to the Petitioner on his application.

Mr Dickinson

Read Miscellaneous Petition presented on the 29th November 1841 from Sheshagherry Row of Tinnevelly.

(Here enter F. 10. M. P. No 164 of 1841)

1. The petitioner repeats the prayer of his former Petition presented on the 1st November, that the Court would call for the Proceedings held in the case of his Nephew, the prisoner of the Tinnevelly Calendar for the 1st Sessions of 1841, and order his release.

2. The Petitioner has, it appears, been furnished with a copy of the Proceedings of the Court of Sudder Adalut of the 15th November last, upon his Petition No 153 of 1841.

3. The Court adhered to the Resolution recorded on those Proceedings, there not appearing the slightest ground for supposing that the Sentence of the Court

13th December 1841

Court of Circuit on the case alluded to
was not in all respects just.

4. The Court accordingly directed
that the Petition be rejected.

Ordered, that Extract from
these Proceedings be furnished to the Petit-
-ioner on his application.

Shashagerry Rex of Imo.
-petly moves the Court to return the
enclosure in his Miscellaneous Petition
Nº 153 of 1841.

Mr Campbell.
Mr Dickinson
and
Mr Cassamajor.

Ordered accordingly.

Zillah of Combaconum, moves the
Court to return the enclosure in his
Miscellaneous Petition Nº 157 of 1841.

Ordered accordingly.

Read letter dated the 18th
October 1841 from the 3rd Judge on Circuit
in the Northern Division, reporting the
date he has fixed for the opening
of the 2nd Sessions of 1841 at Vizagapatam.

[Here enter T. C. Nº 149]

Read

13th December 1841

Read letter dated the 20th
November 1841 from the 3rd Judge on Circuit
in the Northern Division, reporting the
opening of the 2nd Sessions of 1841 at
Rajahmundry on that date.

[Here enter T. C. Nº 2101]

Read letter dated the 2nd Instant
from the 2nd Judge of the Provincial Court
of Circuit in the Southern Division,
forwarding a Statement of Batta paid
to the Prosecutors and Witnesses before
the Court of Circuit during the 3rd
Quarterly Sessions of 1841.

[Here enter T. C. Nº 2132]

Read letter dated the 6th
Instant from the 1st Judge of the Provincial
Court of Circuit in the Central Division,
reporting the date he has fixed for the
opening of the 1st Sessions of 1842 at
Cuddapah.

[Here enter T. C. Nº 2142]

Read letter dated the 27th
Ultimo from the 3rd Judge on Circuit
in the Northern Division, reporting the
closed

13th December 1841

Close of the Sessions at Mohapoor

/ Hudwater J. M. A. 2143 /

Read letter dated the 4th Instant from the 3rd Judge on Circuit in the Southern Division, transmitting the Statement of batta paid to the Prosecutor and witnesses who attended before the last Court of Circuit of the 2d Sessions of 1841 at Madhu.

/ Hue enter J. M. A. 2157 /

No. 6.

Tuesday, 7th December, 1841.

Hon'ble Court of the Conjeveram Adalat.

Present,

The Hon'ble Duncan Campbell Esqr — 1st Puisne Judge,
Henry Dickinson Esqr — 2d Puisne Judge,
George James Casamajor Esqr — 3d Puisne Judge.

Read return dated 18th November 1841 from the Joint Criminal Judge of Guntoor, to the precept of the Conjeveram Adalat of the 13th November last, containing his observations on the return of the Joint Criminal Judge to the proceedings of the Court held on receipt of the Criminal Register for the month of September last, and calling on him to report the number of refractory prisoners he would suggest should be removed to another Gaol.

(Here enter Dr. C. No. 2147.)

Ld. Campbell,
Ld. Dickinson,
Ld. Casamajor,

1. Adverting to the concluding part of this Court's proceedings of the 18th November, the Joint Criminal Judge certifies "that in obedience to the orders "of the Conjeveram Adalat under date the 5th November, 57 "prisoners have been selected, amongst whom are all "able-bodied refractory men".

2. The Court of Conjeveram Adalat observe that in the 2d para of their letter of the 5th November

desiring

desiring the Joint Criminal Judge to take immediate measures for transferring 60 Convicts to the charge of Lieutenant Worster, - Mr. Story was enjoined to observe "all the rules laid down in the new Government of the 9th June 1834, and the Circular Orders of 15th 1835 and "1836." The last of these orders prohibits the transfer from a Gaol "to a working party detached for employment at "a distance from the Gaol," of any Convicts of desperate "character."-

3.

The Court calls Mr. Story's attention to those orders, and direct that orders be issued by the Joint Criminal Judge, immediately on receipt of these proceedings, recalling all the refractory prisoners who have been transferred by him to the charge of Lieut. Worster, and substituting in their room the best conducted convicts of good conduct, the term of whose unexpired sentence exceeds 6 months.-

4:

The Court further resolve, with reference to the Minutes of Consultation under date the 5th October last, and to the letter of the Acting Judge of Nellore of the 13th November, to direct the Joint Criminal Judge of Guntoor to transfer 50 of the refractory prisoners from his Gaol to the charge of the Joint Criminal Judge of Nellore, who will then be united to forward from Nellore, under the instructions conveyed

to him in this Court's letter of the 6th November last, 50 other convicts for employment on the Great Western Road.-

5:

The Court approve of the suggestions contained in the 2d para of the Joint Criminal Judge's return, and they direct that he be called on to submit an estimate of the expence of completing the proposed alterations in the wards of the Gaol.-

6.

In conclusion the Court observe, that no idea was entertained of impugning the correctness of the Statements made by the Joint Criminal Judge, in regard to the insufficiencies of the guard.-

Ordered, that Extract proceedings be sent to the Joint Criminal Judge of Guntoor for his information by Precept returnable in 15 days, from and after its receipt.-

(Cert following Precept No. 1703.)

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

(Cert in No. 1704.)

E. 66.

Thursday
16th December, 1841.

At a Court of the Supreme Adelaide.
Present

His Honor Alexr. Duncan Campbell Esqre. — The Puisne Judge,
Henry Dickinson Esqre. — 2d Puisne Judge,
George James Casamajor Esqre. — 3d Puisne Judge

Read return dated the 7th November 1841 from the Provincial Court of Circuit in the Western Division, to the precept of the Supreme Adelaide of the 2d Ultimo, conveying the remarks and orders of the Court on the Circuit Criminal Reports for the Month of September last.—

(Here enter Ord. No. 2129.)

Mr. Casamajor

1. In accordance with the requisition contained in the 2d Paragraph of this Court's proceedings of the 2d Ultimo, the Provincial Court submits the explanation required from the Magistrate of the delay which occurred in the transmission of Case No. 30 to the Criminal Court.—

2. The Prisoners in that case appear to have been detained by the Additional Court Magistrate for the purposes of an enquiry collateral to the offence charged upon them; and the case must therefore be considered as peculiar.—

The

16th December 1841.

3. The Court however cannot observe that 2 months, all but 3 days, is a longer period than would be usually necessary for such enquiry.

4. The necessity for the reference to which would have been saved, had the Principal Sudr Ameen given a brief statement of the cause assigned for the delay in the note appended to the papers sent up with the Prisoners, of which an Extract is furnished by the Magistrate. The Principal Sudr Ameen's attention should be called to this Court's Circular Order of 16th Ult.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information, with directions to make the necessary communications to the Magistrate of Candra and the Principal Sudr Ameen of Zilla.

(Sent in No. 1712)

No. 66.

Friday, 17th December, 1841.

At a Court of the Foujdaree Adalut.

Present,

The Hon'ble Duncan Campbell Esqre — 1st Puisne Judge,

Henry Dickinson Esqre — 2d Puisne Judge,

George Lance Carnegie Esqre — 3d Puisne Judge.

Read letter dated the 8th Instant from the Acting Criminal Judge of Nuddea, forwarding the Criminal Reports for the Month of November 1841.

(Here enter No. 2135.)

Mr. Campbell, and Mr. Carnegie,

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

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

(Sent in No. 1714)

Read letter dated respecting the 30 Returns and 1 Return this instant from the Acting Criminal Judge of Rajshahy, reporting with reference to his letter of the 29th October last, the contingency of the Prisoners and the measures adopted to correct them.—

(Here enter Sudr Dis. Nos. 2119 and 2134 of 1841.)

17th December 1841.

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

1. The Court of Foujdaree Adaulut approve of all that the Acting Criminal Judge has done in this matter.—

2. With reference however to Lieut. S's letter of the 1st instant, the Court of Foujdaree Adaulut observe that they are not legally competent to authorize the punishment of three months' additional imprisonment: and moreover the Court doubt the expediency of any further punishment. All the prisoners having submitted and returned to their work, the Court are of opinion that the matter may now be allowed to rest.—

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

(Sent in No. 1715.)

Exd.

Saturday
18th December 1841.

F.16.

At a Court of the Foujdaree Adaulut.

Present,

Alexr. Duncan Campbell Esqre. 1st. Puisne Judge
Henry Dickinson Esqre. 2nd. Puisne Judge
George James Casamajor Esqre. 3rd. Puisne Judge

Mr. Campbell

Read return dated the 6th December 1841 from the Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the Foujdaree Adaulut of the 26th November last, conveying their remarks and orders on the Criminal Reports for the month of October last.—

[Here enter F.16. No. 2164.]

The Court of Foujdaree Adaulut approve of the proceedings of the Agent reported in the foregoing return, and they direct that the prisoner in Cooly No. 25 Report No. 1 be held to security for the period and in the amount recommended by the Agent.—

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam

Vizagapatam for his information.—

/Sent in No. 1723/

Read letter dated the 9th December 1841 from the Agent to the Governor of Fort St. George at Vizagapatam, forwarding the Criminal Reports for the month of November last.—

/Here enter F.R. No. 2173/

Mr. Campbell.

Case No. 33.
Report No. 1.

The Court of Sanjidaree Adalut desire to be informed why the report of the escape in this case required by the Circular Order No. 42 has not been submitted to them.—

Ordered, that Extract from these proceedings be sent to the Governor Agent at Vizagapatam for his information by precept returnable in 5 days, from and after its receipt.—

/Sent following precept No. 1724/

Read return dated the 23d Ultimo from the 3d Judge on Circuit in the Northern Division, to the precept of the Sanjidaree Adalut of the 12th Ultimo, directing him to return and submit an

explanation of the omission on the part of the Criminal Court to comply with the requisitions of the Standing Assistant Magistrate of Rajahmundry for the delivery of the prisoner in Case No. 2 of the Rajahmundry Calendar for the 2nd Sessions of 1841 to his Cutcherry for his trial.—

/Here enter No. 2113/

Read return dated the 2d Instant from the Magistrate of Malabar, to the precept of the Sanjidaree Adalut of the 26th Ultimo, desiring him to transmit copy in English of the 100th para. of the standing Circular Orders of the Court of Sudder Adawlut of the 16th June 1834.—

/Here enter No. 2139/

Read letter dated the 4th Instant from the 3d Judge on Circuit in the Northern Division, forwarding the Statement of Batta paid to the Prosecutors and witnesses in attendance before the Court of Circuit at the 2d Sessions of 1841.—

/Here enter No. 2150/

Read

18th December 1841.—

Read peturn dated the 4th Instant from the 3rd Judge on Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 28th September 1841, directing him to call for the proceedings in Cases Nos 86 and 90 of the Tinnevelly Criminal Reports for the month of August last, and to pass such orders upon them as may appear proper, reporting the result for the information of the Foujdaree Udalut.—

/Here Enter No. 2159./

Read letter dated the 11th Instant from the Officiating Chief Magistrate and Superintendt of Police at Madras, transmitting the Report of Cases tried under Act XXII of 1837 in the Months of September and October 1841.—

/Here Enter No. 2165./

Monday 20th December 1841.

At a Court of the Foujdaree Udalut.

Present,

The Hon'ble Duncan Campbell Esqr. 1st Puisne Judge

Henry Dickinson Esqr. —— 2d Puisne Judge

George Lamie Cavanagh Esqr. —— 3d Puisne Judge

Read again petition presented on the 8th June 1841 by Coosa Nadien Cutti a Com on the establishment of the Zillah Court of Salem, complaining against an order of the Provincial Court of Circuit in the Southern Division, refusing to order the restoration to the situation from which he was removed by the Zillah Court of Salem, and attributing the loss of his situation to the influence of the Vajeer and his Agents against whom he had preferred charges of corruption, which charges he alleged the Zillah Judge refused to examine.—

(Here enter No. 7 of No. 101.)

Also read return and supplemental return dated the 8th and 25th October 1841 from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 6th September 1841 calling for a rough English translation of the whole of the proceedings which were forwarded

20th December 1845.

to the Provincial Court by the Circuit Judge of Salem, relative to the removal of the Petitioner, Neilson from his appointment of Court Peon; and directing them to call for and submit any further papers relative to the Petitioner's case that may not have been included in the proceedings already before them.—

(Here enter No. 1845 and 1988)

Read a petition dated the 11th Inst. from the Provincial Court of Civil & Criminal Jurisdiction in the Eastern Division of the Province of Malacca, dated the 26th October 1845, stating that by the Circuit Judge of Salem, the instructions to call upon the Attorney General (Mr. Norton) for a copy of the decision pronounced by him on the Circuit Judge on that charge, and for a copy of the order passed by the Provincial Court on the Petition of Neilson, were complied with, and praying that the same may be presented to Him on this subject.—

(Here enter No. 2190)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Cockerton,

1. The Petitioner Neilson, Peon of the Court, was called upon by the Circuit Judge to produce evidence in support of his charge against the Magistrate of the Provincial Court, but declined to do so.—

2. The Court of Civil Jurisdiction therefore declared the charge to be unfounded, & quashed the

20th December 1845.

3. The Court found that the Petitioner was properly dismissed by the Criminal Judge for insubordination and disobedience of orders.—

4. The Court therefore refuse to interfere for his restitution.—

Petition dismissed.—

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

Read petition presented by Mr. Complaint of the Petitioner.

(Presented Vol. 8, No. 161)

The Petitioner complains of an order passed by the Provincial Court of Criminal & Civil Jurisdiction in the Eastern Division dated the 10th August 1845, which order it is alleged confirmed the proceedings of the Criminal Court of Malacca dismissing a charge of Perjury, arising out of a Suit No. 194 of 1844 of the file of the Circuit Court of Malacca.—

The Petitioner prays for an attested copy of the order of the Provincial Court against which he appeals.—

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

Read

Read Miscellaneous Petition presented on the 6th December 1841 by Narraina Pedamallanaya of the Zillah of Canara.—

(Here enter M. D. No. 165 of 1841)

Mr Campbell

The Petitioner complains of the sentence passed against his brother the 2nd Prisoner in Case No. IV of the Canara Calendar for the 2nd Sessions of 1841 who was charged with several others with forgery and sentenced on conviction by the acting 2nd Judge on Circuit to seven years imprisonment with hard labor in irons and to be publickly whipped.—

He prays the Court to call for the proceedings held in the case and order the release of his brother.—

The Court of Sudder Adawlut see no reason to doubt the propriety of the conviction or the justice of the sentence passed on the prisoner in question and decline to interfere in the manner prayed for.—

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

Read Miscellaneous Petition presented by Ducharg Ammah of Timevelly complaining of the acquittal of the prisoners charged with the murder of her Son and tried by the Court of Circuit in Case No. 5 of the Timevelly Calendar for the 2nd Sessions of 1841.—

(Here enter M. D. No. 166 of 1841)

Mr Dickinson

The Court when they originally reviewed the

the Calendar saw no reason for doubting that the case referred to in this Petition had been properly disposed of.—

The Court have again inspected the Calendar, and they are confirmed in their opinion that the decision arrived at by the Judge on Circuit was correct.—

Several gross contradictions are pointed out by the Presiding Judge in the evidence of the witnesses on the side of the prosecution, which rendered the conviction of the Prisoners altogether impracticable.—

Ordered, that the above be communicated to the Petitioner, and that Extract from the Proceedings be furnished to her on her application.—

Read Petition presented by Iramuga Sathya Naiken of the Zillah of Bangalore.—

(Here enter No. D. No. 167)

Mr Cockburn,

This Petition appears to be an appeal against the Proceedings of a Judge on Circuit, or the Collective Court of Circuit, for not following up the enquiries into the Petitioners complaints.—

Before taking any order the Court require the Petitioner to produce the order to which he alludes.—

Ordered that the above be communicated to

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

Read petition presented by Cooly Ammay and Camatchy Ammay complaining of the sentence passed by the Court of Circuit on the prisoner concerned in Case No. 8 of the Madura Calendar for the 1st Sessions of 1841.—

(Here enter Mr. D. No. 168.)

Mr. Dickinson.

The Court have already declared, in their Proceedings of the 20th September 1841, that they could discover no reason for questioning the correctness of the sentence passed by the Judge on Circuit in the Case referred to in this Petition.—

The Court adhere to that opinion and decline to interfere in the matter.—

Petition dismissed.—

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

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor,

1. The Registrar lays before the Court the following statements drawn up in his office from the returns received from the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an abstract

abstract of the operations of this Court from the 1st of July to the 31st of December 1840, according to the forms approved by Government.—

(Here enter No. 169.)

Village Police Statements No. 1 & 2.

2. Statement No. 1, with the details in No. 2. exhibits the number of persons summoned before the Village and District Police and the Magistracy, for petty offences punishable by them, together with the number of acquittals and convictions, and the nature of the punishments inflicted.—

3. The total number of Persons brought before the Village Police together with the number acquitted or convicted of petty offences as compared with the preceding half year, or from the 1st of January to the 30th June 1840, is as follows:—

	Persons summoned	Persons acquitted after investigation or without investigation upon Reports received by the Village Police	Persons convicted	Persons punished.
From 1st January to 30th June 1840 —	2939	871	706	1722.
From 1st July to 31st December 1840 —	6024	958	1282	3784.

Of the 3784 persons punished by the Village Police 2876 were confined in the Village Choultry and 908 in the Stocks.—

4. Complaints for petty assaults or affrays constitute the greater Bulk of the cases brought before the

the Village Police—

6. Out of 6023 persons brought before them, 5254 were for petty assaults or affrays, and 770 for petty thefts; of the former 3107 were punished, of the latter 677.—

7. The Districts in which recourse to punishment by the Village Police has been most frequent are

Madura
Canara
South Arcot
Malabar
Combaconum
Erichinopoly
Chittoor and
Nellore

8. The number of persons brought before the Village Police in

Madura	was 2319	of whom punished 2198
Canara	972	112
South Arcot	564	273
Malabar	458	85
Combaconum	1469	274
Erichinopoly	1443	371
Chittoor	165	92
Nellore	160	8

9. Of the remaining persons there were

summoned in

Cuddapah	125	of whom punished 68
Bellary	110	65
Tinnevelly	101	89
Chingleput	65	46
Salem	59	49
Coimbatore	44	39
Guntoor	27	4
Rajahmundry	14	9
Ganjam	13	2
Vizagapatam	1	1

District Police 10. The total number of persons brought

Statements Nos 1 and 2. before the District Police from 1st July to 31st December 1840, for petty offences punishable by fine only, was 55,000; besides whom there were 1161 whose cases were not disposed of at the close of the previous reports.

11. In the preceding half year, the number of persons summoned before the District Police was 52,650.—

12. The subjoined is a comparative statement of the acquittals and convictions by the District Police during the term under review, as contrasted with the 1st half of the year 1840.—

From

	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants	Cases in which charges were made against the Complainants
From 1st January to 30th June 1840.	52852	18782	2275	1231	1220	62594	65	1193.
" 1st July to 31st December 40.	56161	18446	2241	1223	1178	57948	57	1162.
Increase	2[illegible]		226	65		2354		
Decrease		336			42		14	31.

13. In the number of persons acquitted as shewn above are included those against whom the complaint was considered to be wilfully false and malicious amounting to 671.—

14. The following statement exhibits the number of persons punished, and the nature of the punishments, by the District Police for the two periods above referred to, the inclusive of those punished after reference to the Magistrates.—

Punishment	Half year ending 30th June 1840.	Half year ending 31st December 1840.
Fined	9167	9387
Confined in the Cloaths with or without labor	3944	4246
Confined in the Stocks	287	279
Flogged	152	189
	13537.	14101.

The

15. The 189 persons entered as having been flogged by the District Police were subjected to corporal punishment, by order of the Magistrate, upon reference made to that authority under the provisions of Clause 2d Section IV Regulation IV of 1821.—

Magistrate's Statements No. 1 & 2.

16. Before the Magistracy during the half year under review, there were brought 4154 persons for petty offences, besides which there were 7 persons whose cases had not been disposed of at the close of the previous six months,— making a total of 4161 persons.— In the preceding half year the total number was 3677.

× 4161
⊛ 3677
484 Increase

17. The following is a statement of the acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy, during the 2d half of the year 1840.—

	Persons who were acquitted on the merits	Discharged upon Complaints withdrawn or dismissed for default of the Complainant	Total discharged	Persons under examination at the close of the year	Total
From 1st July to 31st Dec. 1840.	1966	816	1303	4080	76	4161.

Statement of Number of the Prisoners acquitted, the persons convicted before the Magistrates and punishments.

	Total discharged	Flogged	Punished	Total.
From 1st July to 31st Dec. 1840.	847	207	47	1303.

18. Of the 1966 persons acquitted by the Magistracy

Magistracy, there were 100 persons against whom the accusations were considered to be wilfully false and malicious, the number of persons considered to have been falsely and maliciously accused before the Magistracy during the previous half year was 185.—

19. Of the 4161 persons charged with Petty offences, 3186 persons were brought up for Petty assaults, 321 persons for Petty thefts—46 persons for using false weights and measures—81 persons for frauds on the customs when rented, and 142 persons for abuse of authority,—Of these last only 41 were convicted, and all of whom were punished by fine.—

20. The following is a general statement in which the number of persons brought before the Village and District Police and the Magistracy for Petty offences during the first half of the year 1840 has been contrasted with the number acquitted and punished for the same offences during the last half of that year.—

	During the half year ending 30th June 1840.				During the half year ending the 31st December 1840.—			
	Summoned and depending	Acquitted	Discharged upon Recognizance &c.	Punished	Summoned and depending	Acquitted	Discharge upon Recognizance &c.	Punished
Village Police	2939	511	706	1722	6024	958	1282	3784
District Police	53852	1782	20275	13537	56161	18446	22407	14101
Magistracy	3677	1928	456	1286	4161	1966	816	1303
	60468	21221	21437	16545	66346	21370	24499	19188.

The

21. The above statement exhibits an increase as compared with the preceding half year of 5878 persons brought before the Native Police Officers and Magistracy.—

22. The sum remitted to the Magistrates by the District Police Officers on account of the 1387 persons who were fined by them, amounts to Rupees 9190—14—10.

Crimes and Misdemeanors. Statements Nos. 3 and 4.

23. The total number of Crimes and Misdemeanors committed during the half year ending the 31st December last, as exhibited in the Statement No. 3, with its details in No. 4, amounts to 3967 in which it is calculated that 13120 persons were concerned; being 2% each more, and 371 persons less, than in the preceding six months.—

24. Of the 13120 persons supposed to have been concerned in the cases ascertained to have occurred during the period embraced in this report, 6665 persons appear to have escaped apprehension, which is 203 persons less than are supposed to have eluded apprehension during the preceding six months.—

25. The following statement exhibits the cases of Crimes and Misdemeanors during the 2d half of the year 1840.—

Murder—

	Half year ending the 31st December 1840. Cases	Persons
Murder	96	331
Culpable Homicide	15	68
Robbery and Murder	13	100
Gang-robbery attended with aggravating circumstances	148	1686
Do without aggravating circumstances	252	2384
Robbery by a single Individual	103	101
House breaking by day	48	64
Do by night	1341	3393
Theft	822	2079
Receiving stolen goods	67	142
Arson	78	216
Sodomy	3	3
Rape	27	38
Adultery	10	18
Procuring abortion	19	31
Forgery	43	107
Perjury	3	3
Subornation of Perjury or Forgery	2	2
Examined or Wounding	123	308.

26. The greatest number of the above cases have occurred in the undermentioned districts:—

Cuddapah

Cuddapah
Rajahmundry
Canara
Chittoor
Coimbatore
South Arcot
Malabar
Bellary
and
Salem

27. The Districts in which the smallest number of serious crimes has occurred are

Madura
Combaconum
Ganjam
Guntoor
and
Vizagapatam

28. The Court now proceed to take into consideration the annual Reports submitted by the Magistrates on the state of the Police in their respective Districts.—

29. The Magistrate of Masulipatam in alluding to the number of cases of Housebreaking which occurred during the year under review,

Northern Division
Masulipatam

Vide 121; and to the fact of "the parties concerned in only "1 of those cases having been apprehended" states, that no exertions on his own part, or on that of his Head Assistant, have been wanting in improving the means of detecting, as well as preventing, crimes, but that he is sorry to say that the Peons in the Town of Bundar, where the greatest number of Burglaries occur, are often liable to be taken away from their proper duties by the necessity under which he has been placed of employing them as Guards, escorting Treasure to Ellore and Condapilly for the payment of Troops at those stations, and it appears to him that either the present system of forwarding money should be altered by the substitution of Military Guards, or the number of Peons attached to the Bundar Division should be increased.—

30. The circumstances here brought to notice would appear to be matter for the consideration of Government.—

Rajahmundry. 31. The Magistrate of Rajahmundry has sufficiently accounted for the extent of serious crimes committed in that District during the year under review.—

32. The Reports from the other Magistrates within this Division do not appear to call for remark from the Court of Sudder Adawlut.—

Centre Division North Arcot. 33. The Provincial Court of Circuit in the

the Centre Division in submitting the half yearly statements prepared by the Magistrate of North Arcot observe that the attention of the Magistrate should be particularly drawn to the large proportion of persons remaining undetected in cases of Gang Robbery, and that he should be directed to stimulate the Officers of the Police to use greater exertions both for the detection of the offenders, as also with the view to suppress as much as possible the commission of this serious crime. By establishing night Patrols, much benefit has been derived in the Provinces of Madura and Tanjore, and through the continued exertions of the Police under the able superintendence of the Magistrates in those Districts, the crime of Gang Robbery has been greatly suppressed.—

34. The Court of Tanjore Sudder Adawlut resolve to call the particular attention of the Magistrate of Chittoor to the remarks of the Court of Circuit on this subject.—

South Arcot. 35. The observations of the Magistrate and Joint Magistrate of South Arcot in respect to the improvement of the Village Police of that District are deserving of attention, but the subject has been so frequently brought to the notice of Government, and

and by that authority to the notice of the Board of Revenue, that the Court of Sovdaree Udalut do not deem it proper to make further allusion to the subject on the present occasion.

Cuddapah 36. The state of crime in the District of Cuddapah is upon the whole favorable, as compared with the preceding year, - and particularly as as regards the offence of Gang Robbery under aggravating circumstances, under which head there has been a decrease of 57 cases, and in House breaking by night there has been a decrease of 50 cases. The Sovdaree Udalut consider Mr. Hamilt entitled to commendation for his exertions to suppress this offence.

Bellary 37. In the District of Bellary also, where Gang Robbery has been the prevailing crime, there has been a decrease of 54 cases.

38. The temporary augmentation of the Police force of these two Districts, sanctioned by Government under date the 7th April 1840 and 12th and 15th April 1841, appears to have been effectual to the suppression of this crime within those Districts.

Chingleput 39. The Court of Sovdaree Udalut resolve to call the attention of the Magistrate of Chingleput to the great number of cases entered in the Statement of Crimes ascertained to have occurred in which no one party concerned has been apprehended.

40. In 6 cases of Gang Robbery not a single individual has been apprehended.

Out

41. Out of 67 cases of House breaking by night in only 5 cases have the parties concerned been apprehended leaving 62 cases and 93 persons undiscovered.

42. And in theft, only 9 out of the 28 cases ascertained to have occurred, have been discovered.

43. The Magistrate of Chingleput has not in any way attempted in his Police Report to account for this failure and apparent want of vigilance on the part of his Police. The Provincial Court of Circuit will therefore call upon the Magistrate especially to account for his want of success in apprehending offenders in the District under his charge.

Southern Division 44. The Police Report of the Magistrate of

Trichinopoly. Trichinopoly does not appear to call for remark from the Court of Sovdaree Udalut.

45. The subject noticed in para 8. of the Magistrate's Report (the Mun Cavil System) is matter for the consideration of the Board of Revenue and of the Government.

Madura. 46. The Magistrate of Madura had submitted a most able, and a very satisfactory, report of the state of the Police in the District under his charge.

47. Great reform appears to have been effected throughout this District in the system of Village Police, and the great exertions and excellent arrangements

arrangements made by Mr. Blackburne in view to effect this most desirable end, evinces the strong interest he takes in the performance of his public duties, and in the welfare of the District committed to his charge—

48 In para: 8 of his Report Mr. Blackburne refers to the boundary dispute between the Zemindaries of Ettiapooram and Ramnad, but as the whole matter connected with the proceedings of the Collector in this boundary dispute, I have, since the date of Mr. Blackburne's Report been discussed by the Court of Leon Adalut in their proceedings submitted to Government under date the 3d of May and 5th July 1841, the Court of Sovjdaree Adalut do not consider it necessary, in this place, to do more than refer to those proceedings and to the minutes of Consultation on the same subject dated the 8th June 1841 No. 436.—

Eminenlly 49. The acting Magistrate of Eminenlly, Mr. Agilvie, has not submitted any Report on the general state of the Police of that District "having received charge of the Department only a few weeks before the end of the year" 1840— but the late Joint Magistrate Mr. C. Bird has ably reported on the state of the Police in that portion of the District placed under the immediate superintendence of the Joint Magistrate.—

50. In para: 4 of this Report the Joint Magistrate

Magistrate has suggested that "the penal provisions against framers of false charges, be made "applicable, in whole or in part, to false witnesses."—

51. The inexpediency of any such extension of the provisions of Regulation IX of 1832 has already been discussed by the Court of Sovjdaree Adalut in paras 134 and 135 of their proceedings submitted to Government under date the 24th December 1835,— and the Court of Sovjdaree Adalut being in possession of the fact that the enactment of Regulation IX of 1832 rendering even complainants in such cases punishable was regarded by the Legislature as of doubtful expediency, are not prepared to submit to Government a recommendation that the provisions of Section II of that Regulation should be extended to witnesses giving false evidence in charges not sworn to, preferred before the Native officers of Police.—

Vide paras 66 of the proc: of the Sovjdaree submitted to Govt under date the 7th November 1837—

52. The Court of Sovjdaree Adalut observe that the fine reported by the Joint Magistrate of Eminelly to have been levied upon the owner of a hut for not enclosing it was unauthorized at the time it was imposed— It would be legal under Act 21 of 1841 provided the prescribed previous injunction or notice was given—

Tanjore 53. The Magistrate of Tanjore has sub= =mitted a very satisfactory Report on the state of

Crime

crime in that District, and very favorable mention is made by the Magistrate of the efficient aid in his Police duties rendered to him by the Head Assistant Magistrate Mr. Cook and of the cordial co-operation of the Joint Magistrate, Mr. R. Parker.—

54. The result of the Trial in the case of Assault committed by a body of armed men in the service of His Highness the Rajah of Tanjore referred to in para 9. of the Magistrate's Report has already been communicated to Government in the letter from the Conjeveram Dated at the 19th of August 1841.—

55. The other Police reports received from this Division do not appear to call for particular remark from the Court of Conjeveram Dated.—

Western Division 56. The Report of the Magistrate of Malabar does not appear to call for remark from the Court of Conjeveram Dated; but the Joint Magistrate of the District; in the 12th para: of his Report, has again called attention to the prevalence of Tobacco smuggling; he states, that "the Tobacco sold by Government continues to be of the same wretched quality, and infinitely inferior to that which can be procured at Mahé"; and that he is firmly persuaded that "the vile quality of our Tobacco both diminishes the revenue and causes great and general discontent.—

Malabar.

57. The sentiments of the Court of Conjeveram Dated on this subject are already before Government and will be found detailed in para 70 and 71 of their proceedings of the 31st December 1840, and notwithstanding the remarks of the Government in para 24 of the Minutes of Consultation of the 9th March 1841, the Court of Conjeveram Dated respectfully but earnestly press upon the notice of Government the hardship this entails upon the community, and the effect this importation of inferior Tobacco must have on the smuggling of a better kind into the District, for which the French settlement of Mahé affords such facilities.—

Canara 58. The Report of the Magistrate and Joint Magistrate in the District of Canara is upon the whole satisfactory, particularly as regards the offence of Gang Robbery, which according to the Joint Magistrate's Report has lost all its former features of cruelty and daring.—

59. The remarks of the Magistrate relative to an increase in the number of Village Peons to assist the Heads of Villages, and the remarks of the same Officer in support of the measure proposed by the Acting additional Joint Magistrate of increasing the Police Establishment of the Town of Mangalore, are subjects for the consideration of the Board of Revenue; and

referring

referring to para 16 of the Magistrates Report, the Court of Sovjdaree Edalut conclude that the matter is already under the consideration of that Board, as the Court of Sovjdaree Edalut have not been addressed separately by the Magistrate on this subject.—

60. Adverting to the disproportion between the number of persons summoned and those punished in the District of Canara, Nellore (Sub Division) - Guntoor, and South Arcot, the Court of Sovjdaree Edalut fear that the humane provisions of the Regulations which require that before an accused party be apprehended, enquiry be made to ascertain whether credit be due to the charge, is not attended to in these Districts.—

61. The attention of the Magistrates in these Districts is called to this subject.—

Nos. 5 and 6.

Criminal Courts. 62. Statement No. 5 with the details in No. 6. exhibits the operations of the Criminal Courts from the 1st July to 31st December 1840—

63. The total number of cases brought before the Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding report, is 1723 including 3713 prisoners.—

64. In the preceding half year the total number

number of cases was 1703, including 3578 prisoners, being an increase in the half year under review of 20 cases and 195 prisoners.—

65. Of the cases brought, and depending before the Criminal Courts 82 were cases of Murder, 15 of culpable Homicide, 17 of Robbery and Murder, 117 of Gang Robbery attended with aggravating circumstances, 47 of Gang Robbery without aggravating circumstances, 9 of Robbery by a single individual, 22 of House breaking by day, 229 of House breaking by night, 6 of Thuggee or belonging to a Gang of Thugs, 303 of Theft, 87 of Receiving stolen goods, 22 of Arson, 2 of Sodomy, 12 of Rape, 9 of Adultery, 8 of Procuring abortion, 36 of Forgery 57 of Perjury, 3 of Subornation of Perjury or Forgery, 103 of Maiming and wounding, 132 of cases of a Breach of Revenue Laws &c. &c.—

66. Of the 3713 persons brought before the Criminal Courts - in cases adjudicable by them.—

771 - were released unconditionally.

against 146 of whom the charge was considered wilfully false and malicious.—

62. were released on security

94. were detained on demand of Security

1282 - were convicted and punished - in cases cognizable by the Criminal Courts.—

In

67. In cases cognizable by the Court of Circuit.

407. were released by the Criminal Courts — In cases punishable by the Court of Circuit.
- against 27 of whom the charge was considered wilfully false and malicious
- 58. were released on security
- 63. were detained on demand of security

766 were committed for trial.

209 were under examination.

1. Escaped.

3713.

68. Of the 1282 persons who were committed and punished by the Criminal Courts —

619. were imprisoned.

463. were fined

13. flogged

50. were imprisoned and fined.

137. Imprisoned and flogged

1282.

69. The number of persons committed and punished by the Criminal Courts in the preceding half year was 1005, the number committed was 836, and the number unconditionally released in cases either punishable by themselves, or the Courts of Circuit was 1167.—

* in the half year under review the number as shewn above was 1178.

20th December 1841.

70. In conformity to the instructions conveyed in paras 4 of the Minutes of Consultation under date the 24th October 1839 No. 853, the statements exhibiting the operations of the Criminal Courts are accompanied by a report upon the manner in which the Sudr Ameens attached to those Courts have exercised the Criminal Jurisdiction conferred upon them by Regulation III of 1833.—

71. These Reports shew that the Sudr Ameens have exercised their duties as Criminal Judges satisfactorily.—

Courts of Circuit.

Statements Nos 7 and 8.

72. The Statements Nos 7 and 8 exhibit the operations of the Courts of Circuit from 1st July to the 31st December 1840.—

73. The cases of every description which came before those Courts during the six months were 361, including 861 persons, being 37 persons less than were brought before the Courts of Circuit during the 1st half of the year 1840.—

74. Of the 861 persons who were committed for trial 216 were released unconditionally, of whom none was considered to have been falsely and maliciously accused, 100 were released on security and 37 were convicted, and punished.—

Of

75. Of these latter

39. were flogged and imprisoned for a term exceeding 7 years.

15. do — do for a term not exceeding 7 years.

184. were imprisoned for 7 years and upwards without flogging.

136. were imprisoned for 7 years and under without flogging.

76. There were 72 cases including 136 prisoners referred to the Coujdaree Adalut, 11 Cases containing 23 prisoners were postponed by the Court of Circuit, 3 prisoners were returned to the Criminal Courts to be disposed of by them; 7 prisoners died, 1 prisoner escaped and 1 prisoner insane.—

77. The greatest number of cases was brought before the Court of Circuit in the Centre Division Viz. 122, of which 31 cases were referred to the Coujdaree Adalut.—

78. In the Southern Division the number of cases was 119, of which 12 were referred to the Coujdaree Adalut.—

79. In the Northern Division there were 60 cases of which 18 were referred, and in the Western Division 60 cases of which 11 were referred to the Coujdaree Adalut.—

80. Of the 72 Trials referred to the Coujdaree Adalut by the Circuit Courts, the Futwas delivered by their Law Officers, were concurred in by the Court of Circuit in 43 trials, but the nature of the offences

offences made the trials of necessity referrible; and 23 cases were referred because the Courts of Circuit did not approve of the Futwas of their Law Officers; the remaining 6 cases were referred under Act No. XXX of 1836.—

Coujdaree Adalut.

Statement No. 9.

81. Statement No. 9 exhibits the operations of the Coujdaree Adalut during the 2d half of the year 1840.—

82. It shews that at the date of the last report, there were 7 cases including 13 prisoners which had not been disposed of; and that there were received during the half year 101 Trials including 241 prisoners; making together 108 Trials and 255 prisoners; whereof 47 were Trials for Murder, 5 Cases of Murder and Plunder, 1 Case of Murder and Arson, 1 Case of Homicide 14 Cases of Robbery and Murder, 1 Case of Rape and Homicide, 2 cases aiding and abetting in Murder by Thugs, 8 Cases of Thuggee or belonging to a gang of Thugs, 6 Cases of Gang Robbery, 1 Case of House breaking by night 2 Cases of House breaking by night and Theft, 1 Case of Theft, 1 Case of Rape, 1 Case of Rape and Robbery, 1 Case of attempt to commit a Rape, 3 Cases of Perjury, 4 Cases of Perjury, 4 Cases of wounding, 1 Case of attempting to commit Theft and wounding, 1 Case of exposing a Child

1

1 Case of Robbery, 1 Case of Embezzlement, and 1 Case of Abstracting a document from the record of a Court.—

83. Of these 108 Trials 103 were disposed of within the half year under review inclusive of 1 Case which was returned to the Court of Circuit for disposal; leaving only 5 undisposed of at the close of the report.—

84. Of the 102 cases containing 237 prisoners in which the Court of Sunjdara Adalut proceeded to Judgment.—

36. Prisoners were released unconditionally
14. were ordered to be released on Security
187. were convicted and sentenced to punishment
237

Of these 50 prisoners 22 were committed by the Judge of Circuit.
Of whom 5 were ordered not committed by the Judge of Circuit.—

85. Of the 187 prisoners convicted

46. were sentenced to suffer death.
9. Flogged and Transported.
36. Transported without flogging.
22. Imprisoned for life without flogging.
1. Flogged and Imprisoned for more than 7 and not more than 14 years
43. Imprisoned for more than 7 and not more than 14 years without flogging.
2 Flogged and Imprisoned for 7 years and under.
26. Imprisoned for 7 years and under without flogging.
2. Released in consideration of the Imprisonment already undergone having been considered sufficient punishment.—
187.

86. In conformity to the instructions contained in the 22d para. of the extract from the Minutes of Consultation under date the 8th of August 1834, the Judges beg leave to explain that out of the 32 cases referred to the Sunjdara Adalut, because the Presiding Judge disapproved of the Futwa of the Law officer, the decision of the Judge of Circuit was affirmed by the Sunjdara Adalut in 25 cases.—

87. The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 41st para. of their General letter under date the 20th March 1833, as to the number of sentences passed by each Judge of the Sunjdara Adalut whether sitting singly or whether more than one Judge be present.—

	Singly	Conjointly	Attached to the Court
John Reid Esqr. 1st Judge	1	41	From 1st July to 15th Nov. 1841.
A. D. Campbell Esqr. 2d and acting 1st Judge	8	70	During the whole period.
H. Dickinson Esqr. 3d and acting 2d Judge	8	61	Do. Do.
G. L. Casamajor Esqr. acting 3d Judge	2	15	" 15th Nov. to 31st Dec. 1841.

88. A Statement also is appended showing what number of reports that have actually been referred to the Sunjdara Adalut within the period under review, and what has been the average number of days delay in the disposal of those trials, as required by the 33d para

para of the General letter from the Hon[ble] the
Court of Directors dated 20th of March 1833

89. With reference to the in[struction]
in para: 8. of the General letter from the Hon[ble]
Court of Directors dated 19th February 1840, the Jurors beg leave
to submit the two annexed statements, shewing in
what degree the Magistrates themselves discharged their
Police duties, and how far it is delegated by them to their
Assistants.—

90. Accompanying the statements now
submitted for the consideration of Government will
be found statements in Abstract exhibiting the
state of crime during the 2d half of 1840 in the
separate tracts of the Rajahmundry and Ganjam
Districts placed under the jurisdiction of the
Government Agents.—

Ordered, that Extract from these Proceedings
together with copies in triplicate of all Statements and Reports
connected therewith be forwarded to the Chief Secretary to
Government for the purpose of being laid before the
Right Honorable the Governor in Council.—

(Sent in No 1729)

Ordered also that paras 33 to 48 and 60
and 61 of these Proceedings be forwarded to the Provincial
Court in the Central Division for their information and
with

1841.

with instructions to communicate the same for the information
and guidance of the several officers whom it may concern
by precept returnable in 20 days from and after its receipt—

Sent following Precept No 1730)

Ordered also that paras 29–30–60 and 61 of
these Proceedings be forwarded to the Prov[l] Court in
the Northern Division for their information and with
instructions to communicate the same for the information
and guidance of the several officers whom it may concern—
Sent in No 1731.

Ordered also that paras 60 and 61 of
these Proceedings be forwarded to the Provincial Court
in the Eastern Division for their information and
with instructions to communicate the same to the Magistrate
of Canara for his information and guidance—

(Sent in No 1732.

Ordered also that para 52 of these
Proceedings be forwarded to the Provincial Court in the
Southern Division for their information and with
instructions to communicate the same to the Joint
Magistrate of Chingleput for his information and
guidance.—

(Sent in No 1733).

Read the Criminal Reports submitted
by the Acting Criminal Judge of Rajahmundry for
the

the months of November last.—

(Here enter No. 2195.)

Mr. Campbell,

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

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

(Sent in No. 1734.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

The Records of the Trials in Cases Nos. 6-15-23 and 27 on the Bellary Calendar for the 2d Sessions of 1841 under reference to the Court of Sudr. Adawlut not having been received.—

Ordered, that the 3d Judge in Circuit in the Centre Division be required by Precept returnable in 3 days from and after its receipt to expedite the preparation of the records in question, and to explain the cause of the delay in referring those trials for the final orders of the Court of Sudr. Adawlut.—

(Court following Precept No. 1735.)

Read letter dated the 9th September last from the Second Judge late Presiding at the Second Quarter Sessions of 1841 at Masulipatam, submitting for the orders of the Court of Sudr. Adawlut a copy of a Return dated 7th of the same month from the Magistrate of Masulipatam

20th December 1841.

Masulipatam.—

(Here enter Sdr. No. 1695 of 1841.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

1. The Magistrate, adverting to the order of the Court of Sudr. Adawlut of the 3d September last which directed the return to the parties therein mentioned of the Fine termed "Charana"—states that that fine was not levied from any party who has presented the petition No. 10 to the Court, and that these Petitioners merely claim the restoration of their Grain, on which point no orders have been issued:—That the Charana was levied from the Ryots in whose custody the grain was before it was made away with and who were therefore responsible for the same; but it does not appear that these Ryots have ever yet complained to the Court for the recovery of the fine; and the Magistrate therefore wishes to be informed whether, under these circumstances, it is the intention of the Court of Sudr. Adawlut to restore the fine to parties who have not claimed it, and to leave the parties who claim the grain and who are the only petitioners before the Court, without redress:—

2. The Court of Sudr. Adawlut have recorded their opinion that the system of fines termed "Charana", is illegal, and recommended its prohibition, in their letter to Government of the 3d September last, of which they desire that a copy be now sent to the Provincial

Provincial Court of Circuit, for communication to the Magistrate.

3. The Court observe that the fine ought if ... could be returned to the party from whom it was levied: whether they be the complainants or not. - the silence of the parties illegally fined, does not give legality to the fine. -

4. In regard to the grain the Court observe that it is stated to have been unhusked grain of which the shares of the Ciker and the Ryot had not been separated. The Court therefore direct that a part of the proceeds of the grain bearing the same proportion to the whole proceeds as the Ryots share of the grain to the whole grain, be paid to the Petitioners. They are entitled to no more. A fraud cannot alter property. It is true that the Petitioners bought the whole grain of the Ryots, but the Ryots had no right to sell more than their own share of it. The property in the Ciker share and consequently the right to the money for which it was sold, is still in the Ciker, and cannot be alienated from the latter by the fraud of the Ryots in selling it. The Petitioners must bear that loss. Their remedy is by a Civil action against the Ryots of whom they bought the grain. -

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

20th December 1841.

(Cutt in No 1736.)

Read Miscellaneous Petition presented on the 6th September 1841 by Meer Elahee Buksh of Hoosain Khan and Syad Wooden of the Zillah of Chittoor. -

(Here enter Mr. Mac. P. No 135 of 1841.)

Mr. Campbell and Mr. Dickinson

1. It appears that a complaint was brought against the Petitioners and others for a Saunte by the Government Dubash of the Zillah Court of Chittoor and that the 1st and 2d Petitioners were fined each 50 Rupees and the 3d Petitioner 20 Rupees. The Petitioners complain that the Acting Head Assistant Magistrate who conducted the investigation refused to receive the Petitioners defence or examine their witness and that on appealing to the 3d Judge on Circuit, that Officer not only refused to interfere on their behalf, but also imposed a fine of 20 Rupees each on the 2 first Petitioners and one of 5 Rupees on the third. -

2. The Petitioners pray the Court to call for the proceedings held in the case and to order the fines imposed on them to be remitted. -

3. The Court of Conjeveram did not interfere on appeal

respone the Proceedings of the 3d Judge appealed against with the single exception of the fine imposed in paras: 9. which they direct be returned to the Petitioners.—

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Centre Division by precept returnable in 10 days from and after its receipt.—

(Sent following Precept No: 1737.)

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

Read Letter dated the 9th December 1841 from the 3d Judge on Circuit in the Centre Division submitting for the consideration and final sentence of the Loydare Hdatuti an English Translation of the record of the trial in Case No: 21 Bellary Calendar for the 2d Sessions of 1841.—

(Vide enter No: H: No: 2184.)

Mr: Campbell, and Mr: Dickinson,

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

Coobaroo

is sufficient to convict him of the crime of Lojony, for which, according to the Mahommedan Law, as declared in the futwa of their Law officers, discretionary punishment

punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section III Regulation I of 1825, and Clause third Section VII Regulation XI of 1803 do adjudge him to receive 150 Lashes of the Cat of nine tails, to suffer exposure in the manner commonly denominated Cadjan and to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of 5 years.—

2. The Court of Loydare Hdatuti are surprised at the very lenient sentence proposed by the 3d Judge to be passed on the prisoner in this case convicted of a most detestable crime.—

They consider him deserving of very severe punishment including Cadjan, and have accordingly sentenced him to receive 150 Lashes to be exposed in the manner denominated Cadjan and to be imprisoned for 5 years with hard labor in irons.—

3. The Court also notice that the 3d Judge has omitted to take the evidence of Parasseram, mentioned by Mr Fisher in his letter of the 16th June 1841 as able to identify the handkerchief with which the legs of the ass were found to be tied as being the property of the Prisoner Coobaroo.—

4. The Court feel surprised that on a point manifestly of great importance, evidence should not have been taken.—

5. The Court observe that if the information of

of the acting Head Assistant Magistrate was correct, the omission of the Criminal Court and of the Circuit Judge to examine his witness as to the Cloth No. 3 was much to be regretted.

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

(Sent following letter No. 1738.)

The Records of the trials in Cases No. 6. 15. 23 and 27 on the Kellaee Calendar for the 2d Sessions of 1841, under reference to the Court of Cujdaree Adalut not having been received.—

Ordered, that the 3d Judge on Circuit in the Centre Division be required by speedy return of Post in 3 days from and after its receipt to expedite the preparation of the records in question, and to explain the cause of the delay in referring those trials for the final orders of the Court of Cujdaree Adalut.—

(Sent following Precpt No.

Read letter dated the 22d April 1841. from the Provincial Court of Circuit in the Centre Division, transmitting printed Statements No. 1. 2. 3 and 4. for the Half year ending 31st December 1840.—

(Here enter No. 781.)

Read letter dated the 21st July last from the Provincial Court of Circuit in the Centre Division, retransmitting printed Statements 1 and 2 for the

the 2d Half 1840 with the information called for.—

(Here enter No. 1378.)

Read letter dated the 21st July 1841 from the Provincial Court of Circuit in the Centre Division, forwarding copies of the returns of the Magistrates of North and South Arcot respecting the Statement No. 2 for the 2d Half of 1840.—

(Here enter No. 1380.)

Read letter dated the 7th September 1841 from the Provincial Court of Circuit in the Centre Division, forwarding printed Statements No. 1 and 2 from the Magistrates of Chittoor and Chingelpet. and the Acting Magistrate of Southarcot with the information called for.—

(Here enter No. 1662.)

Read letter dated the 14th May 1841 from the Provincial Court of Circuit in the Southern Division, submitting printed Statements for the 2d Half of the year 1840.—

(Here enter No. 905.)

Read letter dated the 27th July 1841 from the Provincial Court of Circuit in the Southern Division, returning the printed Statements for the 2d Half of 1840 received with the Cujdaree Adalut letter of the 5th June last, the requisite Memorandum having been duly appended thereto by the several Magistrates.—

(Here enter No. 1413.)

Read

Read letter dated the 2d. November 1841 from the Provincial Court in the Southern Division, returning the statement furnished by the Magistrate of Salem for the 2d. half of 1840 the entries pointed out in Conjeeram Sedatunt's letter of the 11th. October last having been duly made.—

(Here enter No. 1979.)

Read letter dated the 14th. April 1841 from the Provincial Court in the Northern Division, transmitting printed statements for the 2d. Half year of 1840.—

(Here enter No. 769.)

Read letter dated the 18th. September last from the Provincial Court of Circuit in the Northern Division, retransmitting the Statements No. 1 and 2 of the Magistrates for the 2d. half of 1840 duly amended, together with copy of a return from the Magistrate of Guntoor.—

(Here enter No. 1771.)

Read letter dated the 30th. January 1841 from the Agent to the Governor of Fort St. George at Vizagapatam, forwarding translations of the annual Reports of the Heads of Police under his Jurisdiction for the year 1840.—

(Here enter No. 265.)—

Read.

with according to the orders of the Court contained in the Circular Order of the 1st June 1829 and 23d. February 1841. No. 133.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Canara for his information by precept returnable in 5 days from and after its receipt.—

(Next following precept No. 1742.)

Read return dated the 7th. instant from the Provincial Court of Circuit in the Northern Division to the precept of the Tongdarce Moolut dated the 22d. Ultimo directing them to furnish a copy of a letter to the address of the Madras Govt. from the Joint Criminal Judge of Masulipatam, relative to the abuses of the present system of granting Abkaree Contracts to the Magistrate of the District, and require him to submit a report upon the subject.—

(Here enter No. 2176.)

Read Supplemental Return dated the 13th. December 1841 from the Provincial Court in the Northern Division to the precept of the Tongdarce Moolut

T. R.

21st Decr. 1841. of the 20th October last conveying their opinion that the Minutes recorded by the First and 3rd Judges of the Northern Provincial Court in Case No. 21 of the Gunter Supplemental Calendar for July last should be referred for the opinion of the Acting 2nd Judge

Exd. D'A

(Here enter No. 2236A)

T. R.

Tuesday 21st December 1841. At a Court of the Tongdaree Adawlut.

Present

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. — 2nd Puisne Judge

Geo. T. Casamajor Esqre. — 3rd Puisne Judge

Mr. Campbell and Mr. Casamajor

Read again letter dated 20th December 1840 from the 2nd Judge on Circuit in the Southern Division transmitting an English translation of the record of the trial in Case No. 43 on the Salem Calendar for the 2nd Sessions of 1840 for the Consideration and final Sentence of the Tongdaree Adawlut.—

(Here enter T. R. No. 7 of 1841)

Read again also return and 4 Supplemental returns dated the 22nd February 25th and 30th March and 12th April respectively from the 2nd and 3rd Judges of the Provincial Court of Circuit in the Southern Division to the precept of the Tongdaree Adawlut of the 27th January last returning for further Enclosure the record of the trial in Case No. 43 of the Salem Calendar for the 2nd Sessions of 1840.—

(Here enter Nos. 425. 6th. 627 & 702 of 1841)

Read also returns and Supple-
mental returns dated the 23rd April, 19th
May and 13th July 1841 from the Provincial
Court of Circuit in the Southern Division to
the precept of the Fonjdaree Adalut of the
15th instant directing that the Criminal Judge
of Salem be called on to submit the additional
evidence required in Case No. 43 of the Salem
Calendar 2nd Sessions of 1840.

(Here enter F. H. Nos 867, 904 and 1333 of 1841)

Read also letter dated 16th July
1841 from the Magistrate of Salem bringing to the
notice of the Court of Fonjdaree Adalut the
inconvenience experienced in the revenue department
by the Suspension of the Tahsildar of Shankeghery
Taluk and requesting that he may be reinstated
or another person appointed.

(Here enter F. H. No. 1289 of 1841)

Read also letter from the 1st Judge
late on Circuit in the Southern Division trans-
mitting the record of the trial No. 6 of the Salem
trial for the 1st Sessions of 1841.

The Court of Fonjdaree Adalut
on a deliberate consideration of all the circumstances
of

of the Case in evidence before them, being of
opinion that the proof against the prisoner

Maumpipa Cowriden.

is sufficient to convict him of the Crime of
having instigated murder, do convict him there-
of, and under the provisions of Section X
Regulation VIII of 1802, do sentence him to
suffer death by being hanged at the usual
time and place of execution.—

This last letter was only received
by the Fonjdaree Adalut on the 9th instant—
until the result of the trial of the two informers
was known they have deferred passing Sentence
in the last No. 43 of the 2nd Sessions of 1840—
2.

Adverting to the 4th paragraph of
their proceedings of the 15th April last, the
Court of Fonjdaree Adalut observe that in
the enquiry that has been made no evidence
has been adduced to bring home positive
misconduct to the Head Police of Shankeghery
and they accordingly resolve to order his rein-
statement to Office.—

Ordered, that Extract from
these Proceedings be sent to the Provincial
Court

F. C.

22nd Dec.r 1841.

Court of Circuit in the Southern Division for their information and guidance

(Sent in No. 1740.)

Read the Criminal Reports submitted by the Joint Criminal Judge of Masulipatam for the Month of November 1841.

Mr. Campbell.

(Here enter No. 2203.)

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

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

(Sent in No. 1741.)

Mr. Campbell and Mr. Dickinson

Read letter dated 11th December 1841 from the Criminal Judge of Canara submitting the Criminal Reports for the month of November last

(Here enter F. C. No. 2196)

Case No. 172.

The Court of Foujdaree Adalut observe that if the 1st prisoner was in an undoubted state of insanity at the time the Crime charged against him was committed he should have been acquitted and then dealt with

Wednesday 22nd December 1841.

F. C.

At a Court of the Foujdaree Adalut

Present.

Alex.r Duncan Campbell Esq.re 1st Puisne Judge.

H. Dickinson Esq.re ——— 2nd Puisne Judge.

G. J. Casamajor Esq.re ——— 3rd Puisne Judge.

Read letter dated the 7th instant

Mr. Campbell and Mr. Dickinson

from the late 2nd Judge of the Provincial Court of Circuit in the Southern Division now at Chittoor offering certain remarks with reference to the Proceedings of the Foujdaree Adalut under date 29th Ultimo relative to the Trial of Case No. 9 of the Salem Calendar 2nd Sessions 1840.

(Here enter No. 2151)

1. With reference to the observations of the late 2nd Judge as offered in Para 3 of this return, the Court have only to remark that on turning to the detail of the trial, as given in the Calendar, the following entry is found.—

"The trial of this Case is "Commenced on the 12th November and "Concluded on the 5th November."

Now

2. Now as the 13th November was Friday, on which day the late 2nd judge acknowledges that he only sat in Court for 4 hours, and as the Calendar shews that on the 12th and 14th Several other Cases were tried as enumerated in para 80 of the proceedings of the Foujdaree Adaulut of the 29th November 1841, it is manifest that even if the trial of this Case occupied the late 2nd judge for 20 hours, it was rather hastily conducted.-

3. With respect to the concluding part of para 4 of this Return, the Court deem it necessary to say more than to express their astonishment that the late 2nd judge can make no distinction between an opinion formed on an Abstract of the Case submitted with the view of shewing the necessity for supplying the deficiency of evidence by the tender of a Conditional pardon, and an opinion formed after the whole of the evidence offered in the Case has been Scrutinized and Considered.

4. The late 2nd judge is mistaken in supposing that the Foujdaree Adaulut inferred "that because the charge was not

"not substituted in Case No. 20 the evidence in "the Case referred to (No. 9) must of necessity have "been false also." No such inference was drawn by the Court of Foujdaree Adaulut in any part of their proceedings.-

5. The Court do not consider the explanation of the late 2nd judge satisfactory, the whole of the Puisne Judges having after mature Consideration of the trial recorded their unanimous opinion that it had been conducted in an inefficient and unsatisfactory manner.

Ordered, that Extract from these Proceedings be sent to Mr. W. R. Taylor late 2nd Judge of the Provincial Court of Circuit in the Southern Division (now at Chittoor) for his information.-

(Sent in No. 1748.)

Read letter dated the 20th November 1841 from the 3rd Judge on Circuit in the Northern Division, transmitting for the consideration and final Sentence of the Foujdaree Adaulut an English translation of the record of the trial in Case No. 9 on the Rajahmundry Calendar for the 2nd Session of 1841.

(Mr. Campbell, Mr. Dickinson and Mr. Cavanagh)

(Mem. Entered J. H. 8th Jan.)

F. U.

22nd December 1811.

The Court of Foujdaree Udalut
on a deliberate consideration of all the cir-
=cumstances of the case in evidence before
them being of opinion that the prisoners

1 Samanampoody Ringasspah

and

2. Madapaty Sodhanah

are not convicted on presumptive proof or
on the evidence of credible witnesses or on
their own confessions of the Crime of murder
do acquit them thereof, but considering that
strong suspicion the not amounting to Con-
=viction attaches to them the Court under
the provisions of Clause Sixth Section II
Regulation XV of 1803 direct that the said
prisoners be each required to furnish two
Sureties of 50 Rupees each surety for their
future good behaviour and appearance when
required within three years or in default
that they be detained for 3 years in
Confinement.

The Court of Foujdaree
Udalut are of opinion that it would

not

F. U.

22nd December 1811. not be safe to convict the prison
evidence recorded in this Trial—
=ner had said from the first that the appro-
=ver Jogadoo informed her of the particulars
of the murder on the morning after it had
been perpetrated, as Jogadoo himself constitutionally
states before all the tribunals. The Court would
have considered this such a confirmation of
Jogadoo's veracity that his evidence alone with
the subsidiary facts otherwise proved would
have sufficed for Conviction.—

2. But the prosecutrix mentions
Jogadoo as her informant before the Court of
Circuit for the first time before the Criminal
Court and the Police she ascribes her information
to the 1st witness: now as the 1st witness before
the Criminal and Circuit Courts retracts the
important part of his evidence before the Police, this
looks like a Concerted attempt of the Prosecutrix
to fall in with his Conversation and of course
leaves it doubtful whether Jogadoo did inform
her.—

3. Under these circumstances the
Court have resolved to acquit the prisoners

but

22nd December 1841.

ecr. 1841. sent to require them to furnish Security.—

4th. The Court direct that the accompanying Certificate of Pardon be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

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

(Sent in No. 1749)

Certificate of Pardon.

L. S.

Whereas under date the 3rd July 1841 the Court of Foujdaree Adalut were pleased to authorize the Acting Criminal Judge in the Zillah of Rajahmundry to tender an offer of pardon to.

Codamanchely Jogadoo.

on condition of his making a full disclosure

of

22nd December 1841

of every circumstance within his knowledge relative to the murder of Bungaroo committed on the 18th April 1841. in the field of the Village of Mullemperdy of the Talook of Pongondah in the Zillah of Rajahmundry.—

And whereas the Court of Foujdaree Adalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.—

Now these are to certify and declare that in consideration thereof the Court of Foujdaree Adalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm the pardon conditionally tendered as aforesaid to the said

Codamanchely Jogadoo

so far as regards the Acts herein referred to And the Court do hereby confirm the said pardon accordingly.—

Given under my hand and the Seal of the Court this 22nd day of December in the Year of our Lord A. D. 1841.—

(Signed) T. Clarke

Head Assistant to the Register

Seal

F. U.

22nd Dec.r 1841.

Read return dated the 9th December 1841 from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 3d instant Calling for a final return to the precept of the Foujdaree Udalut of the 5th September last.

(Here enter No. 2189)

Read letter dated the 9th December 1841 from the 3d Judge on Circuit in the Centre Division. For=warding the Statement of Batta paid to Prosecutors and Witnesses who attended before the Court of Circuit at Cuddalore for the 2d Sessions of 1841.—

(Here enter No. 2186)

Read return dated the 10th December 1841 from the officiating Joint Criminal Judge of the Auxiliary Court at Tellicherry to the precept of the Foujdaree Udalut of the 4th instant on review of the Criminal Reports for the month of October 1841.—

(Here enter No. 2191)

Read return dated the 11th December 1841 from the Criminal Judge of Combaconum to the precept of the Foujdaree Udalut dated the 29th Ultimo Conveying their observations on the Criminal Reports for October last.—

(Here enter No. 2180)—

F. U.

Thursday 23d December 1841.

A Court of the Foujdaree Udalut

Present

Alex.r Duncan Campbell Esq.re 1st Puisne Judge

Henry Dickinson Esq.re 2d Puisne Judge

George James Casamajor Esq.re 3d Puisne Judge

Mr. Campbell and Mr. Casamajor.

Read the Criminal Reports submitted by the Criminal Judge of Chingleput for the month of November 1841.—

(Here enter No. 2153.)

The above reports do not appear to call for any remark from the Court of Foujdaree Udalut.—

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

(Sentence No. 1751.)

Mr. Dickinson.

Read letter dated the 11th December 1841 from the Criminal Judge of Combaconum, forwarding the Criminal Reports of this Court for the month of November last.—

(Here Enter F. U. No. 2174.) Annexed

Among the casualties of the months it is observed that 5 prisoners are stated to have died in Jail during the month of November last. The Court of Foujdaree Udalut desire that the cause of this mortality may be explained.—

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

/Sent following precept No. 1752/

Read the Criminal Reports for the month of November last submitted by the Officiating Joint Criminal Judge of Tinnevelly.—

Mr. Dickinson

/Here enter F.H. No. 2208./

Case No. 138. 1. In this case the prisoner was charged with having with another stopped the Prosecutor on the Highway and robbed him of Rupees 27/4/4 and was sentenced by the Officiating Joint Criminal Judge for having been found in possession of stolen property knowing it to be stolen, to one years imprisonment.—

It

2. It appears to the Court of Foujdaree Udalut from the abstract of the evidence given in the report that there was sufficient proof to convict the Prisoner of the offence charged against him and they direct that the 2nd Judge about to proceed on Circuit be instructed to call for the proceedings held in the case and pass on them such orders as may appear to him proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Foujdaree Udalut.—

Ordered that Extract from these proceedings be sent to the 2nd Judge of Circuit in the Southern Division for his information and guidance by precept returnable in 25 days from and after its receipt.

/Sent following precept No. 1753/

Ordered also that Extract from these proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly for his information.—

/Sent in No. 1754/

Read

23rd December 1841.

Mr. Dickinson & Mr. Casamajor

Read the Coimbatore Criminal Reports for the month of November last.—

[Here Entr. F.R. No. 2212.]

Case No. 122. Report 11th V.

The Court of Foujdaree Udalut direct that a copy of this case as it stands in the Report and of this parah. be sent direct from this Office to the Magistrate of Coimbatore, who will be pleased, with reference to the remarks of the Joint Criminal Judge warn the Head Police of Palladam against apprehending persons who have committed no offences—

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

[Sent in No. 1757]

Ordered also that Extract from these proceedings be sent to the Magistrate of Coimbatore for his information & guidance by precept returnable in 10. days from and after its receipt.—

[Sent following precept No. 1756/]

F.R.

At a Court of the Foujdaree Udalut

Present,

Friday 24th December 1841.

Alex.r Duncan Campbell Esq.r 1st Puisne Judge
Henry Dickinson Esq.r — 2d Puisne Judge
Jno. James Casamajor Esq.r — 3d Puisne Judge

At Campbello.

Read letter dated the 14th Instant from the Agent to the Governor of Fort St. George in the Vizagapatam District, submitting with reference to Clause 5th Rule I of the Rules framed by Government for his guidance, a Summary of the evidence against a Prisoner charged with murder, and communicating his opinion that he can be convicted of Culpable homicide only, and as to the punishment to be passed on the Prisoner.

[Here enter F. No. Ps. 2237]

The Court of Foujdaree Udalut have maturely considered the Summary of the evidence taken before the Agent, the Statement of the grounds for the Conviction of Culpable homicide and his opinion as to the punishment which should be passed on the Prisoner. They concur in the Prisoner's Conviction of homicide—but as it would appear that the blow which caused the death of the deceased was not given with intent to kill, that

24th December 1841

the Court of Foujdaree Udalut resolve to sentence the prisoner

"Cooroo Cumroyah"

to the mitigated punishment of 3 years' imprisonment with hard labor in irons on the public roads, or other public works.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George, in the Vizzagapatam District, for his information and guidance.

/Sent in No. 1762/

Mr. Dickinson and Mr. Casamajor

Read letter dated 9th December 1841 from the Acting Criminal Judge of Malabar, forwarding the Criminal Reports of that Court for the Month of November last.

/Here enter F. No. No. 2194/

Case No. 181. Report No. V

The Prisoners in this case have been charged with receiving Stolen property, but the guilty knowledge which is the essence of this offence has not been charged. The Court direct that the attention of the Acting Criminal Judge be drawn to the Circular Order (No. 109) of 13th August 1839.

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of

24th December 1841

of Malabar, for his information and guidance.

/Sent in No. 1763/

Mr. Campbell and Mr. Dickinson

Read the Criminal Reports for the Month of November last, submitted by the Acting Joint Criminal Judge of Trichinopoly.

/Here enter F. No. No. 2226/

These Reports not appearing to call for any remark from the Court of Foujdaree Udalut.

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

/Sent in No. 1764/

Mr. Dickinson

Read the Criminal Reports for the Months of November last submitted by the Criminal Judge of Salem.

/Here enter F. No. No. 2207/

Supplemental Report Cases Nos. 1401 to 1411

Adverting to the remarks of the Criminal Judge in these cases, the Court of Foujdaree Udalut direct that Copies of the Cases as they stand in the report and of this para. be sent from this Office direct to the Magistrate of Salem, who will be pleased to caution his Head Assistant against forwarding to the Criminal

24th December 1841.

Criminal Court. persons in so ignominious a charge as that of perjury, except on the most satisfactory evidence that the offence has been actually and wilfully committed, and that it can be fully established against the prisoner.

Case No. 142. 2. The Court observe that the charge in this case should have specified the value of the Sheep stated to have been stolen.

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

/Sent in Ao. 1765/

Ordered also, that Extract of Para: 1 of these Proceedings and Copies of the Cases therein referred to, be sent to the Magistrate of Salem for his information.

/Sent in Ao. 1766/

J. Uc.

Monday, 27th December 1841.

At a Court of the Foujdaree Adalut.

Present,

The Honorable J. Bird Esqre. Chief Judge,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge,

Henry Dickinson Esqre. ——— 2d Puisne Judge,

L. S. Casamajor Esqre. ——— 3d Puisne Judge,

Read letter dated the 27th November 1841 from the 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Records of the Trial in Case No. 1 on the Calendar for the 4th Quarterly Sessions of 1841.

/Here enter J. U. No. 2098 of 1841/

The Court of Foujdaree Adalut,

Mr. Bird 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 prisoner,

Biram alias Shaik Biram

is sufficient to constitute him guilty of the Crime of Murder, do convict him thereof; but considering that there are circumstances in the case which do justify them in passing on the prisoner a less severe sentence than that to which he is

27th December 1842.

liable under the provisions of Section X Regulation VIII of 1802, the Court of Zoujdaree Udalut, under the provisions of Clause Second, Section VII Regulation I of 1825, do sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of his natural life.—

[Sent following letter No 1767.]

Read letter dated the 11th December 1841, from the 3d Judge on Circuit in the Northern Division, forwarding for the consideration and final sentence of the Zoujdaree Udalut, an English translation of the record of the trial in case No 8 on the Rajahmundry Calendar for the 2d Sessions of 1841.

[Annexure I.L. No 2240.]

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

Doollah Murder

W. Campbell and W. Dickinson

24

27th December 1842

is sufficient to convict her of the crime of murder, do convict her thereof, and, under the provisions of Section X Regulation VIII of 1802 do sentence her to suffer death by being hanged at the usual time & place of execution.—

The Court of Zoujdaree Udalut observe that this is a clear case of Murder, committed by a Mother on her own too helpless infants, apparently out of revenge for the Fisca[illegible] for having threatened to separate his children from the Prisoner.

2. The Court cannot discover in the evidence any of those gross contradictions of which the 3d Judge speaks. On trifling immaterial points such as whether a lamp was lighted in a Palmira leaf, or otherwise, in order to examine the bodies discrepancies may be discovered; but where witnesses are clear and consistent in their detail of the important facts of a case, discredit should not be thrown on their evidence, though inaccuracies should be discovered in their account of circumstances of minor importance.—

Making

27th December 1841

3 . . . Making allowance for the imperfection of memory which must be always apparent when witnesses are examined at considerable intervals, the evidence in this case appears to the Court to be as clear and consistent as could be looked for.

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information

/ Sent in No 1768

Mr Dickinson
and
Mr Casamajor

Read letter dated the 30th ultimo from the Acting Second Judge on Circuit in the Western Division, reporting that Cuny a the 2d prisoner in Case No 3 of the Sessions Calendar for the 4th Sessions of 1838, has been brought before him, agreeably to the terms of the sentence passed by the Soujdaree Adalut in that Case - and suggesting that in modification of the former sentence, he be now required to furnish two Sureties in fifty Rupees each Surety for the further period of three years and that at the Expiration of that time, in default of furnishing such Security he be

2/

JH

27th December 1841

be again brought before the Judge presiding at the Sessions, for his orders on the case.

/ Here enter JH No 2146 of 1841 /

The Court of Soujdaree Adalut sanction the modification of the sentence, recommended by the Acting Second Judge of Circuit, who will accordingly issue the requisite orders on the subject.

Ordered that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Western Division for his information and guidance.

/ Sent in No 1769 /

Mr Dickinson
and
Mr Casamajor.

Read Letter dated the 15th December 1841 from the Acting South Criminal Judge of Cuttack forwarding the Criminal Reports for the month of November last.

/ Here enter JH No 2222 of 1841 /

Case No 15
Report No V

The Court are at a loss to understand with what particular crime the prisoner in this case is charged.

Jno

27th December 1841

2 In the first instance he is stated to have sworn that he saw the Defendant execute a certain document; that he knows the Defendants signature; and that the document shewn to him is the same that he saw the Defendant execute.—

3. In the 2d Instance he is stated to have sworn that he thinks that the writing at "the top of the paper is the Defendants," whereas it was written by a Count Gonastal.—

4 And in the 3d Instance he is charged "with having uttered the aforesaid forged instrument with intent to defraud the Plaintiff" in the aforesaid suit in defrauding the Defendant.

5 The Court have to remark that if it was intended to accuse the Prisoner of perjury he should have been distinctly charged with that offence.—

6. Further the averment in the second instance amounted but to belief of a fact, and cannot be adduced as a positive swearing to that fact.—

7 Finally, as it is not declared that the

27th December 1841 the deed was fabricated, the Prisoner cannot be charged with having uttered the aforesaid "forged instrument".—

8 The Acting Joint Criminal Judge must therefore amend the charge against the prisoner and submit for the consideration of the Tongdaree Adalut the amended form.—

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

(Sent in No 1770)

Read letter dated the 9th Instant from the Acting 2d Judge of the Northern Provincial Court, reporting the issue of a Proclamation for the opening of the 13 Sessions of 1842 at Tellicherry on the 8th Proximo

(Entered Ltr. No 2178 of 1841)

Read letter dated the 9th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, reporting the date of the opening the 1st Sessions of 1842 at Alwaye on the 15th Proximo.—

(Entered Ltr. No 2179 of 1841) Read

27th December 1841.

Read letter dated the 16th Instant from the 3d Judge on Circuit in the Southern Division, reporting the opening of the 2d Sessions of 1841 at Coimbatore on the 15th Instant and the state of the Calendar.

/ Here enter F. C. No. 2229 of 1841 /

Read Supplemental Return dated the 13th Instant from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Udalut of the 22d November last, directing them to furnish a copy of a letter to the address of the higher Court from the Joint Criminal Judge of Masulipatam relative to the abuses of the present system of granting abkaree contracts to the Magistrate of the District, and requiring him to submit a report upon the subject.

/ Here enter F. C. No. 2236 of 1841 /

Read letter dated the 20th Instant, from the Acting Second Judge on Circuit in the Western Division transmitting statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Honore during the 2d Sessions of 1841.

/ Here enter F. C. No. 2259 of 1841 /

End of F. C.

F. C.

Tuesday 28th December 1841

At a Court of the Foujdaree Udalut

Present -

Hon'ble Duncan Campbell Esq're 1st Puisne Judge

Henry Dickinson Esq're 2d Puisne Judge

Geo. Jones Casamajor Esq're 3d Puisne Judge

Read letter dated the 15th Dec'r 1841, from the 3d Judge on Circuit in the Northern Division, submitting English translation of Case No. 1 on the Rajahmundry Supplemental Calendar for the 2d Sessions of 1841.

/ Here enter No. 2234 /

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

"Bobbady Junnadoo"

is sufficient to convict him of the crime of murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802. do sentence him to suffer death by being hanged at the usual time and place of execution.

Mr Campbell and Mr Dickinson

/ Sent following letter No. 1771 /

Read

28th December 1841.

Mr Casamajor.

Read letter dated the 20th Ultimo from the Acting Criminal Judge of Bellary, forwarding the Criminal Reports for the Months of October 1841.

/Here enter No. 2093/

Cases Nos 155 and 156. 1. The Court of Foujdaree Udalut desire that the proceedings of the Criminal Court in Cases Nos 155 and 156 of the Supplimental Report, may be submitted to the Judge about to proceed on Circuit in the Centre Division, who, should he be of opinion either that a further enquiry into those Cases is requisite for the ends of Justice, or that there are grounds for directing proceedings to be commenced against the witnesses for Perjury, will proceed accordingly under Section XXIII Regulation X of 1816.

Case No. 188. 2. The Court of Foujdaree Udalut observe that in their proceedings of the 4th December 1841, the Acting Criminal Judge was directed to suspend the sentence of punishment in Case No. 188, and to transmit the record to the Provincial Court of Circuit for their orders.

Report No. V. Case No. 209. 3. The Court of Foujdaree Udalut, desire that the Magistrate of Bellary will ascertain, and report to them direct, why if the Head of Police was

28th December 1841.

was doubtful as to the mode in which he should dispose of the prisoner in Case No. 209, (who was apprehended on the 14th September) he made no reference to the Magistrate for instructions previous to the 24th of the Month; but the Case appears to be one in which a previous reference to the Magistrate was wholly unnecessary, and according: ly the Police Officer should be warned in future to act in such Cases on his own responsibility.

Case (No. 211.) 4. The Court of Foujdaree Udalut do not see that there is any evidence in Case No. 211 to convict the prisoner of theft; and considering the very doubtful nature of the Case, they direct that the punishment awarded by the Acting Criminal Judge be remitted, and the prisoner discharged, if no grounds exist for a requisition of Security from him.

Case No. 212. 5. By no overt act was committed by the prisoner in Case No. 212, he was not liable to the punishment awarded against him by the Acting Criminal Judge - It is not shown that the prisoner actually enticed the house of the prosecutor, and the only grounds for the sentence of 8 Months' imprisonment awarded under

28th December 1841.

under Clause 4th Section III. Regulation VI of 1822, would appear to be, that - it appears from "the record that the Prisoner has been frequently "before punished by the Criminal and Circuit Courts "for theft and house-breaking - and as the Prisoner "seems to have no honest way of obtaining his live= "lihood, it is desirable that some severe punishment "should be inflicted upon him".-

6. If nothing else can be urged by the Acting Criminal Judge in justification of his sentence, the punishment must be remitted, and the prisoner for= warded to the Magistrate, in order that if he be a person of the Class described in Clause 1st Section III Regulation II of 1822, he may be dealt with accordingly.

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

(Sent following precpt. dated 1772)

Ordered also, that Extract from these proceedings (para: 1) be forwarded to the Judge about to proceed on Circuit in the Centre Division, for his information and guidance.

(Sent in dated 1773)

Ordered

Fl. 16.

28th December 1841.

Ordered also, that Extract from these proceedings (para: 3) be forwarded to the Magistrate of Bellary, for his informa= tion and guidance by precept returnable in 7. days from and after its receipt.

(Sent following precpt dated 1774)

Mr Campbell
Mr Dickinson
and
Mr Casamajor

Read letter from the Provincial Court of Circuit, in the Centre Division, under date the 22nd November 1841.

(Here enter F. No. 20904)

Write the foregoing letter. the Provincial Court of Circuit submit a Copy of the opinion of the 3d Judge on Circuit, in the Centre Division, on review of the Proceedings of the Criminal Judge of Cuddapah, in Case No. 103 of the Criminal Reports, for the Month of August last.

2. The Criminal Judge, it appears, entertained no doubt of the prisoner having killed his wife, but death probably not having been intended, the Corpse not having been found, and the Evidence not being altogether satisfactory, he sentenced the prisoner for the assault only.

3. The 3d Judge on Circuit is of opinion that the Prisoner should have been committed to take his

28th December 1841.

his trial, if not for murder, at least for homicide; and that the Criminal Judge had no alternative but to pursue that course now, as the case is one beyond his jurisdiction.

4. The Provincial Court of Circuit however entertain a doubt, whether the prisoner can be legally placed again, on his trial; and they submit the question, therefore, for the determination of the Foujdaree Udalut

5. The Court of Foujdaree Udalut think that, under the circumstances stated, of death having occurred, the preferable course would have been to have committed the prisoner on the gravest charge; leaving the Court of Circuit to have disposed of it; and the highest authority to decide, whether it involved murder, homicide, or merely assault. But the Criminal Court having decided on the case, that it came as an assault, within their jurisdiction; the Foujdaree Udalut are disposed to uphold the opinion conveyed to the Provincial Court of Circuit in the Centre Division, in para: 8 of this Court's letter of the 8th of February 1826; that it is open to objection to direct a Criminal Judge to commit a prisoner, upon whom he may have, even illegally passed sentence.

The

28th December 1841.

6. The Court of Foujdaree Udalut observed in that case that the impropriety of a Criminal Judge passing sentence in a case not regularly cognizable by him, deserved censure; but that they were inclined to think that when sentence may have been declared, and in part executed, the prisoner should have the benefit of the errors committed in his case, and that he should not be put on his trial and called upon for his defence, twice for the same offence, which would be the case, if his commitment were ordered. The hardship imposed upon the prosecutor and witnesses in summoning them a second time to the Criminal Court, in order to be bound over for appearance at the Court of Circuit, was also, the Court observed, a matter deserving of consideration.

In the present case, death having occurred, the verdict for assault is more open to objection. But as the body was not identified, legal proof of even homicide may have been wanting; and at all events a second trial of the accused, on the same charge, would be a greater evil, in the way of due administration of justice, than the escape of an individual from contingent punishment, in consequence of error, or leniency, on the part of the Lower Court.

7. Order.

5th December 1841.

Ordered, that Extract from these Proceedings be Forwarded to the Provincial Court of Circuit in the Centre Division, for their information and Guidance.

/Sent in Ao. 1775/

Mr. Campbell and Mr. Casamajor

Read letter dated the 29th Ultimo, from the Criminal Judge of Cuddapah, Forwarding the Criminal Reports for the Month of October 1841.

/Here enter F.C. No. 2126/

Report No. V for September 1841 Case No. 160.

The Court of Foujdaree Udalut seeing reason to doubt the sufficiency of the evidence in this case for the conviction of the prisoner, resolve to direct the Criminal Judge to send up the record of the Case to the Provincial Court, who will proceed therewith according to Section XXIV Regulation X of 1816. The Criminal Judge will in the meantime suspend the Sentence awarded by him against the two prisoners.

2. The Court of Foujdaree Udalut call the attention of the Criminal Judge to the many Cases in these Reports remaining undisposed of.

Ordered, that Extract from these proceedings, be Forwarded to the Criminal Judge of Cuddapah, for his information and Guidance.

/Sent in Ao. 1776-/

Ordered also, that Extract from these proceedings (paras 1) be Forwarded to the Provincial Court of Circuit in the Centre Division, for their information and Guidance.

/Sent in Ao. 1777/

F.C.

Wednesday 29th December 1841.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. 1st Puisne Judge

Henry Dickinson Esqre. 2nd Puisne Judge

George James Casamajor Esqre. 3rd Puisne Judge

Mr. Dickinson and Mr. Casamajor

No return having been received from the 3rd Judge on Circuit in the Southern Division, to the precept of this Court of the 29th September last, desiring him to call for the proceedings of the lower Court held in Cases Nos. 81 and 114 of the Salem Criminal Report for the month of August 1841, and to pass on them such orders as may be proper, reporting the result for the information of the Foujdaree Udalut.—

Ordered, that the 3rd Judge on Circuit in the Southern Division be required by precept returnable in 3 days from and after its receipt to make a return to the precept aforesaid without further delay.—

/Sent following precept No. 1780/

Mr. Dickinson. and Mr. Casamajor.

No return having been received from the Criminal Judge of Huddalpak to the precept of this Court of the 26th October last, transmitting a copy of the translation of a part of the original complaint given in para: 4. of the Joint Magistrate's letter of the 21st September 1841, and requiring him to state, after having it compared with the original, whether it appears to him to be a correct translation; and in that case to explain his remark in No. 79 of the Criminal Report for May last.—

Ordered, that the Criminal Judge of Huddalpak be required by precept returnable in 3 days from and after its receipt to make a return to the precept aforesaid without further delay.—

Sent following precept No. 1781.

Mr. Dickinson and Mr. Casamajor.

No return having been received from the 3rd Judge on Circuit in the Southern Division, to the precept of this Court of the 28th October last, desiring him to call for the proceedings of the lower

lower Court held in Cases Nos. 99-100-101. 102. 103 and 104 of the Tinnevelly Criminal Report for the month of September last, and "to decide whether or not the "crime of perjury is sufficiently established "to warrant the prisoners being put on "their trial on that charge."—

Ordered, that the 3rd Judge on Circuit in the Southern Division be required by precept returnable in 3 days from and after its receipt to make a return to the precept aforesaid without further delay.—

Sent following precept No. 1782.

Mr. Dickinson and Mr. Casamajor.

No return having been received from the 3rd Judge on Circuit in the Southern Division, to the precept of the Tinjdaree Udalut of the 29th October last, directing him to call for the proceedings of the lower Court held in Cases Nos. 100-101-116 of the Madura Criminal Reports for the month of September last, and to pass orders upon them under the provisions of Section XXIII. Regulation X

of

29th December 1841.-

of 1816, reporting the result for the information of the Tonjdaree Udalut.—

Ordered, that the 3rd Judge on Circuit in the Southern Division be required by precept returnable in 3 days from and after its receipt to make a return to the precept aforesaid without further delay.—

(Note following precept No. 1783)

Read return dated the 27th September and Supplemental returns dated respectively the 6th October and 11th December 1841- from the First Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Tonjdaree Udalut under date the 4th August 1841- directing that the Magistrate of Huddapah be instructed to endeavour to ascertain to whom belonged the Badge and Belt said to have been given up by the 7th Prisoner in Cause No. 7 of the Chittoor Calendar of the First quarter Sessions of 1841.-

(Here Enter F.C. Nos. 1783-1824 & 2169 of 1841.)

Read

Mr. Dickinson and Mr. Lautour for

Read also return dated the 1st October from the same Officer to the precept of the Court of Tonjdaree Udalut under date the 28th September 1841- and Return dated the 6th to the precept of the 3rd December 1841- both calling for a return to the Precept of the 4th August 1841.—

(Here enter F.C. Nos. 1798 and 2141 of 1841.)

The Court of Tonjdaree Udalut possessing to direct the First Judge, if nothing is discovered in consequence of the reference which, according to the Return of the 11th Instant, are now being made, to order the immediate release of the Prisoner.—

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

(Note in No. 1784)

Read Supplemental return dated the 7th December 1841 from the 3rd Judge of the Provincial Court of Circuit in

Mr. Dickinson

in the Centre Division, to the precept of the Fouzdaree Udalut of the 21st September last, authorizing him to suspend under certain circumstances the sentence of transportation passed upon Doollacoora Maonegadoa prisoner in Case No. 11 on the Chittoor Supplemental Calendar for the 2nd Quarterly Sessions of 1841.—

(Here enter F. No. 2168.)

1. The Court of Fouzdaree Udalut do not consider that the evidence reported in this return to be forthcoming against the prisoner would be sufficient to convict him of the crime of murder, and they accordingly resolve to direct that the sentence passed on him by the Court of Fouzdaree Udalut under date the 9th August last be allowed to take its course and that he be forwarded without further delay to Chingleput, with a view to his immediate transportation.—

2. It would have been better if Mr. Ogilvie instead of showing the prisoner singly to the boy Doorgayee, as he

he appears to have done, had placed the prisoner among several other men and asked the boy whether among them he recognized any of the robbers.—

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

(Sentence No. 1785)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Tellicherry for the month of November 1841.—

(Here enter No. 2197.)

The above Reports do not appear to call for any remark from the Court of Fouzdaree Udalut.—

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

(Sentence No. 1786)

Read return dated the 11th December 1841 from the Magistrate of Cuddalore

Mr. Casamajor.

Cuddalore, to the precept of the Tonjdaree Udalut dated the 4th December 1841, conveying their observations on the Cuddalore Criminal Reports for the month of October last.—

/Here enter No. 2205./

Case No. 83.

The Court of Tonjdaree Udalut consider the explanation offered for the delay which occurred in this case very unsatisfactory. No reason is assigned why the case was sent to the Assistant Magistrate or a reference made to him, or the Magistrate, at all about it; and such references are in direct opposition to standing orders.— The Acting Magistrate's attention is called to this point.

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

/Sent in No. 1787/

Read letter dated the 13th Instant from the Second Judge of the Provincial Court of Circuit in the Centre Division.—

Mr. Dickinson and Mr. Castanayor.

/Here enter F.Rs. No. 2209 of 1841./

The

F.Rs.

29th December 1841.

1. The Second Judge submits for the orders of the Tonjdaree Udalut, copies of a Return from the Magistrate of North Arcot to a Precept of the Second Judge of date the 26th Ultimo and of a Letter dated the 8th Instant from the Joint Magistrate, relating to the Petition of a person named D[illegible] who has been fined by the Joint Magistrate for allowing contrary to orders, his cattle to trespass upon and injure the recently repaired Bank of the Tank at Drummadeam respecting which the Joint Magistrate observes that "the Reports and orders were all in the Revenue Department" and "it does not seem necessary to lay them before the Court."—

2. The Court of Tonjdaree Udalut observe that a Fine for Trespass of Cattle cannot be levied by a Collector as such; it must be levied by him as Magistrate and is of course subject to the cognizance of the Judge of Sessions. The fine in question ought to have been entered in the [illegible] Magistrate's

Magistrates Calendar—

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

[Sent in No. 1788]

Read return dated the 11th December 1841 from the 3rd Judge in Circuit in the Northern Division, to the precept of the Inquiries Oblata of the 27th Ultimo

Mr Campbell an Mr Dickinson

concerning the remarks and animadversions of the Court on the proceedings of the trial in Case No. 2 on the Quntoor Calendar for the 2nd Sessions of 1841.—

[Here enter F.lio No. 2235]

1. The Court of Inquiries Oblata observe that tho' the evidence might not have appeared to the 3rd Judge sufficient to establish the charge of robbery brought against the prisoner yet there was no room to doubt that he inflicted the wounds, chargeable on the person of the 2nd and 3rd prosecutors; and he certainly should have been convicted on that part of the charge.—

Adverting

2. Adverting to the remarks of the Court in regard to his omission to take a second fiat from the Law Officer the 3rd Judge admits his error, but, as the fact that he was authorized and required to do so was not brought to his notice by any one, he trusts the Court will not submit his conduct to Government.—

3. By his oath of office the 3rd Judge has solemnly sworn that he will truly and faithfully execute the duties of a Judge of a Court of Circuit and that he will administer justice according to the Regulations that have been or may be enacted by the Governor in Council to the best of his ability & knowledge and judgment—

4. The Court do not understand how the 3rd Judge can fulfil the conditions of this oath while he is ignorant of the regulations to which he is bound to conform and is daily dependant on others to point out to him his duty—

5. The necessity imposed on Every Officer of being thoroughly conversant with the

the regulations is too obvious to require any further remarks from the Court of Foujdaree Udalut, and they feel assured that the 3rd Judge will see the propriety of duly studying and observing them in future.—

As this is the first trial at which Mr Glass has presided as a Judge of Circuit and as the errors which have been pointed out in his proceedings appear to be attributable to inexperience the Court will not bring them to the notice of the Government, but they trust that no exertion will be spared by Mr Glass to fulfil the high and responsible duties which have now been confided to him.—

Ordered that an Extract from these proceedings be sent to the 3rd Judge on Circuit in the Northern Division for his information.—

(Sd) H. Rattray Actg Regr

(Sd) A. Ross

F. 116.

Thursday 30th December 1841.

At a Court of the Foujdaree Udalut.

Present

Alexr Duncan Campbell Esqre 1st Puisne Judge.

Henry Dickinson Esqre 2nd Puisne Judge.

George James Casamajor Esqre 3rd Puisne Judge.

Read letter dated the 10th Instant from the Principal Sudr Ameen at Honore requesting permission to offer a conditional pardon to the 2nd and 3rd Prisoners in Calr Nos 4 on the Honore Calendar for the 2nd Sessions of 1841.—

Mr Dickinson and Mr Casamajor

(Here enter No 2228 of 1841)

The Court of Foujdaree Udalut having maturely considered the circumstances urged in support of this application resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoners

2nd Shumna Murry

and

3rd Moocry Jetty.

on the terms and conditions specified in Section XX Regulation VIII of 1802.—

Ordered that an Extract from these

30th December 1841.

these proceedings be sent to the Principal Sudr Ameen of Honore for his information and guidance.—

/ Entrin No. 1790 /

Read the following letter dated the 26th Ultimo from the Magistrate of Bellary:—

Mr. Dickinson and Mr. Casamajor—

/ Mre. Entrin No. 2106 of 1841. /

1. The Magistrate submits for the consideration of the Sunjdaree Court copies of letters to his address from the Assistant Criminal Judge of the Court of Bellary, relative to a case on the Criminal file of the Court.—

2. The Magistrate submits that it is unusual and inexpedient for the Assistant Criminal Judge to communicate direct with the Magistrate, especially when, as in the present instance, the former Officer charges with most serious misconduct, a Head Native Officer of Police.—

3. The Magistrate likewise states that the communications to him direct from the Assistant Criminal Judge are

30th December 1841.

are "incessant", and tend to the interruption of the regular business."—

Proceedings
25th November 1831
7th February 1834
25th September 1835
25th July 1837
30th October 1837—

4. The Court of Sunjdaree Adawlut have repeatedly ruled that the correspondence between the Criminal Judges and the Magistrates, shall be carried on by the Heads of those offices or the persons in charge of them.—

5. In cases referred to and examined by the Assistant Criminal Judges and Sudr Ameens, whenever those Officers may find it necessary to communicate with the Magistrate, they should address an Official Memorandum to the Judge containing what they have to state, and the Judge should forward it to the Magistrate.—

6. In cases of suspicion against any Head of Police, the depositions on which it merits should be sent to the Magistrate, with no more note or comment upon them than may be absolutely necessary.—

Ordered that Extract from these

these proceedings be forwarded to the Magis=
=trate and Criminal Judge of Bellary
for their information and guidance respec=
=tively—

(Sent in Nos 1791 & 1792)

Read letter dated the 16th
Instant from the Joint Magistrate in
charge of Cuddapah forwarding with reference
Mr. Castamajor— to the proceedings of the Faujdaree Adalut
of the 13th December 1841 translation of an
order (No. 183) of the Magistrate of the Dis=
=trict relative to Case No. 171 of the Criminal
Reports for the month of September last.

/Here Enter No. 2232./

The Court of Faujdaree Adalut
observe that the reference of this case by
the Head of Police, to the Magistrate, was
without any reasonable cause— From the
answer of the Magistrate it is evident
that there was no special point of reference
at all— and that the only ground of reference
was whether the evidence was, or was not,
sufficient to justify the case being sent up
to the Criminal Court; a point upon
which

which it was the duty of the Head of
Police to judge, and act for himself.—
The reference was in direct breach of
the Circular Orders of this Court of the
21st May 1829 and 28th November 1834,
and ought to have been censured by the
Magistrate as such.— The Magistrates
attention is called to these Circulars.

Ordered—

Ordered, that Extract from
these proceedings be forwarded to the
Joint Magistrate in charge of the Dis=
=trict of Cuddapah for his information
and guidance.—

/Sent in No. 1793./

Read return dated the 11th
Instant from the Criminal Judge of Canara
to the precept of the Faujdaree Adalut
of the 6th Instant, on the perusal of the
Criminal Reports for the month of
October last.—

/Here Enter No. 2200./

Read return dated the
11th Instant from the Provincial Court
of

of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 29th November 1841 directing the immediate release of the whole of the prisoners in Case No. 9 of the Salem Calendar for the 2nd Sessions of 1840.—

/Here enter No. 2215./

Read letter dated the 23rd Instant from the Officiating Chief Magistrate and Superintendent of Police at Madras transmitting the Report of Cases tried under Act XXII of 1837 in the month of November 1841.—

/Here enter No. 2253./

Read letter dated the 20th Instant from the Joint Magistrate of Cuddapah stating with reference to Foujdaree Udalut Proceedings of the 13th Instant that the Head of Police of Dudwail was called upon to explain the reasons of the neglect mentioned in para: 7. of the Extract of Proceedings of the Foujdaree Udalut dated 6th November last.—

/Here enter No. 2257./

30th December 1841

Read return dated the 22nd Instant from the Third Judge on Circuit in the Southern Division to the precept of the Foujdaree Udalut dated 30th September 1841 directing him to call for the proceedings in certain cases of the Madura Criminal Reports for the month of August last, and to pass such orders as may appear to him proper.

/Here enter No. 2266./

Read Supplemental return dated the 20th Instant from the Provincial Court of Circuit in the Western Division to the precept of the Foujdaree Udalut of the 2nd November 1841 relative to Case No. 30 of the Sirsha Criminal Reports for the month of September last.—

/Here enter No. 2272./

F. U.

At a Court of the Fouzdaree Udalut

Friday
31st December 1841.

Present;

Alexr Duncan Campbell Esqr 1st Puisne Judge
Henry Dickinson Esqr 2d Puisne Judge
Geo: James Casamajor Esqr 3d Puisne Judge

Read again letter dated the 30th Septem-
ber 1841, from the 2d Judge of the Provincial
Court of Circuit in the Southern Division, sub-
mitting the record in Case No 1 on the Trichinopoly
2d Additional Calendar of the 3d Quarterly
Sessions of 1841.

/Here enter F. U. No 1873/

Read also Supplemental Return
dated 7th December 1841, to the Precept of the
Fouzdaree Udalut of the 20th October 1841, requiring
further evidence in Case No 1 on the Trichinopoly
2d Supplemental Calendar for the 3d Quarterly
Sessions of 1841.

/Here enter F. U. No 2163/

Mr Campbell
Mr Dickinson.

The Court of Fouzdaree Udalut in
deliberate consideration of all the circumstances of
the Case as recorded before them, being of opinion
that

31st December 1841.

that the Prisoner

"Soobyen"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of theft, do acquit him thereof, but considering that strong suspicion, tho' not amounting to conviction attaches to him, the Court of Foujdaree Udalut under the provisions of Clause Sixth Section II Regulation XII of 1803 direct that he be required to furnish two sureties of (100—0—0) One hundred Rupees each surety for his good behavior and appearance when required within two years, or in default that he be detained for two years in Confinement.

/Sent following letter A° 1795/

Read again letter dated the 11th August 1841, from the 3d Judge on Circuit in the Southern Division, transmitting the Record of Trial in Case A° 10 on the Madura Calendar for the 2d Sessions of 1841.

/Here enter F. C. A° 1530/

Read also return dated the 18th December 1841, from the 3d Judge on Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 4th September last, calling for further evidence in Case A° 10 on the Madura Calendar

31st December 1841. Calendar for the 2d Sessions of 1841.

/Here enter A° 2247/

Mr Dickinson and Mr Casamajor.

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 "Shaivoogapernal"

2nd Pundyapen

3rd Mutchacaulay

and

4th Shavoogum.

is sufficient to convict them of the Crime of Murder, do convict them thereof, and, under the provisions of Clause X Regulation VIII of 1802, do sentence the Prisoner

1st Shavoogapernal

to suffer death, by being hanged, at the usual time and place of execution; and the prisoners

2nd Pundyapen

3rd Muchacauly

and

4th Shavoogum

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons.

1st December 1841.

wrecks, on the public roads or other public works for and during the period of their natural lives.

/ Sent following letter A° 1796

Read Extract from the Proceedings of the 1st Judge late on Circuit in the Western Division, dated the 4th Instant, forwarding Copy of a return from the Magistrate of Canara dated the 27th November 1841, having reference to the Proceedings of the Faujdaree Udalut of the 30th October last.

Mr Dickinson and Mr Casamajor

/ Here enter F. 16. A° 2160 /

Under the circumstances explained in para 3 of the Magistrate's return of the 27th November 1841, it was not necessary that the proceedings of the Joint Magistrate should have been laid before the Judge presiding at the Sessions, and this opinion the Court of Faujdaree Udalut desire may be communicated to Mr Blair, the Magistrate of Canara.

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

/ Sent in A° 1797 /

F. 16.

31st December 1841

Read further Petition presented by Mrs Dickinson Summary Journal of the 2d Instant (Here enter R. P. A° 171-)

The Petitioner is incorrect in stating that on the Petition formerly presented by her, the Court passed an order that the Record of the Trial alluded to should be sent to them.

The Court on that occasion distinctly declared that they refused to interfere in the matter, being satisfied that the Sentence of the Circuit Judge was correct.

Vide Pro: F. 16. 26 April 1841

To that resolution the Court adhere.

Petition dismissed.

Extract from these proceedings to be furnished to the Petitioner on her application.

Mr Campbell and Mr Dickinson

Read letter dated 15th December 1841 from the 3d Judge on Circuit in the Northern Division, submitting Copies of the Rajahmundry Primary and Supplemental Calendars for the 2d Sessions of 1841.

/ Here enter F. 16. A° 2255 /

Case N° 4.

In Case N° 4. the Mahomedan Law Officer delivered a Futwa of acquittal, but the 3d Judge is of opinion "that the facts" which are

are in evidence "appear too strong against the 1st Prisoner to allow of his being set at liberty without the orders of the Foujdaree Udalut". He is therefore "to remain in Jail till the finial orders may be received from the Upper Court".

2. In such a Case, if the Judge considers the Prisoner convicted, or if he differs in opinion with his Law Officer, it is necessary that he should refer the trial to the Foujdaree Udalut, and the 3d Judge is directed to observe this course.

Case No. 9. 3. In Case No. 9, 14 prisoners are charged with having in Company with several others armed with Sticks, with force and violence carried from the Prosecutor's threshing floor grain to the value of Rupees 57-12-, and were sentenced to 14 years' imprisonment with hard labor in irons under the provisions of Clause third Section IV Regulation XV of 1803.

4. The Court of Foujdaree Udalut adverting to the circumstances of the Case, and to nothing but grain having been taken, are of opinion that the Sentence passed by the Court of Circuit is too severe, and that the ends of justice will be attained by a Sentence not exceeding 8 years

years imprisonment with labor in irons.

5. Should the 3d Judge upon further consideration concur in this view, the Court of Foujdaree Udalut authorize him in that event to pass a Sentence of 8 years imprisonment on the prisoners

1. Valecherla Dakeergandoo
2. Nakoory Soobbadoo
3. Pulwanty Mauregandoo
4. Mairowa Mauregandoo
5. Awkoonooroo Thurmadoo
6. Gauty Padda Ramoodoo
7. Gauty Sonadoo
8. Gauty Nuregandoo
9. Nullay Gangadoo
10. Nullay Venkadoo
11. Goodesay Ramdoo
12. Valecherla Naregandoo
13. Valecherla Cristadoo

save

14. Dauty Chentadoo,

but should he be unable to do so, he will be pleased to submit an English translation of the record for the Court's consideration.

Ordered

28th December 1841.

his trial, if not for murder, at least for homicide; and that the Criminal Judge had no alternative but to pursue that course now, as the case is one beyond his jurisdiction.

4. The Provincial Court of Circuit however entertain a doubt, whether the prisoner can be legally placed again, on his trial; and they submit the question, therefore, for the determination of the Foujdaree Udalut

5. The Court of Foujdaree Udalut think that, under the circumstances stated, if death having occurred, the preferable course would have been to have committed the prisoner on the gravest charge; leaving the Court of Circuit to have disposed of it; and the highest authority to decide, whether it involved murder, homicide, or merely assault. But the Criminal Court having decided on the case, that it came as an assault, within their jurisdiction; the Foujdaree Udalut are disposed to uphold the opinion conveyed to the Provincial Court of Circuit in the Centre Division, in para: 8 of this Court's letter of the 8th of February 1826; that it is open to objection to direct a Criminal Judge to commit a prisoner, upon whom he may have, even illegally passed sentence.

The

28th December 1841.

6. The Court of Foujdaree Udalut observed in that case that the impropriety of a Criminal Judge passing sentence in a case not regularly cognizable by him, deserved censure; but that they were inclined to think that when sentence may have been declared, and in part executed, the prisoner should have the benefit of the errors committed in his case, and that he should not be put on his trial and called upon for his defence, twice for the same offence, which would be the case, if his commitment were ordered. The hardship imposed upon the prosecutor and witnesses in summoning them a second time to the Criminal Court, in order to be bound over for appearance at the Court of Circuit, was also, the Court observed, a matter deserving of consideration.

In the present case, death having occurred, the verdict for assault is more open to objection. But as the body was not identified, legal proof of even homicide may have been wanting; and at all events a second trial of the accused, on the same charge, would be a greater evil, in the way of due administration of justice, than the escape of an individual from condign punishment, in consequence of error, or leniency, on the part of the Lower Court. Ordered

December 1841.

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information, by precept returnable in 8 days, from and after its receipt.

/ Sent following precept &c. 1798 /

Read Return, dated the 22d instant from the Provincial Court of Circuit in the Southern Division to the precept of the Faujdaree Udalut of the 15th Ultimo, directing them to call for the proceedings held in Case No. 39 on the Tinnevelly Criminal File and to pass such orders thereon as they may consider right, reporting the same for the information of the Faujdaree Udalut.

/ Here Enter No. 2270. /

Read Return dated 20th Ultimo, from the 2d Judge of the Provincial Court of Circuit in the Southern Division to the Precept of the Faujdaree Udalut of the 20th October 1841 requiring further evidence in Case No. 1. of the 2d Supplemental Calendar of the 3d Quarterly Sessions 1841.

(Here enter No. 2081)