112-7

27th January 1840.

Ameen on Case No. 167 whether or not the commitment of the 2d prisoner of the charge of cattle stealing, rested mainly on his Criminination by the 1st prisoner "Kundy" the Judge desire to receive an explanation of the nature of the evidence upon which the said second Prisoner was committed.—

Cases Nos. 169 and 170 2. The sentence of 9 months imprisonment with Labor in irons, passed upon the prisoners concerned in the cases noted in the margin would appear to be illegal.—

3. Unless the prisoners have been before Convicted of theft, by an authority competent to exercise the powers of punishment provided in Section VII Regulation X of 1816, or the commission of the theft was attended by any other of the circumstances of aggravation specified in Clause 4th Section III Regulation VI of 1822.— they are punishable, for the offences charged against them, only to the extent authorized by the former of the two enactments, viz: Section VII Regulation X of 1816.—

4. The Court of Enquiry Adalut desire therefore an explanation of the Sub Ameens sentence in the two cases referred to.—

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

E. Q.

27th January 1840.

by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 118)

Read the Criminal Reports for the Months of December 1839 submitted by the Acting Criminal Judge of Chittoor.—

(Here enter No. 107.)

Case No. 257 1. If the charge preferred in Case No. 287 was fully established against the 1st prisoner, he was punishable under Clause 6th Section II Regulation VII of 1822 not under the provision quoted by the Moofty Ameen:— if "breaking" into the House was not established, an explanation, to that effect should have been given in the Sentence; the Acting Criminal Judge will inform the Court of Enquiry Adalut of the nature of the Crime of which the 1st prisoner was convicted.—

Cases Nos. 259 and 266. 2. The Criminal Judge is directed in future briefly to explain the grounds of the commitment of a prisoner to take his trial before the Court of Circuit: in the Cases noted in the margin the mere fact of the commitment had been recorded.—

Case No. 262. 3 The Court of Enquiry Adalut desire that

that the Magistrate of North Arcot will report direct to the Court of Foujdaree Adaulut what notice he may have taken of the conduct of the Police Ameen who detained the prisoner concerned in Case No. 262. twenty four days in the Lalook in opposition to the repeated orders of the Court of Foujdaree Adaulut on the subject of such delays.

Cases Nos. 269. 270. and 271.

4. The Acting Criminal Judge is directed to submit an explanation of the circumstances which brought the case of the prisoner "Nangadoo" within the provisions of Clause 4th. Section III Regulation VI of 1822; as at present informed, the sentence appears to the Court of Foujdaree Adaulut illegal, and that the prisoner was liable only to the punishment provided in Section VII Regulation X of 1816.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Chittoor for his information and guidance by precept returnable in 5 days from and after its receipt, and with instructions to furnish the Magistrate of North Arcot with a copy of para 3 of these proceedings for his information and guidance.—

(Sent following Precept No. 119.)

Read

27th January 1840.

Read again the Report dated 8th June 1839. of the Sessions Judge of the Provincial Court of Circuit in the Northern Division — for the fourth Quarter Sessions of 1838 and First Quarter Sessions of 1839 held at Vizagapatam.

(Here enter Cir. Dr. No. 920 of 1839)

Also read Return dated 27th December 1839 from the Provincial Court of Circuit for the Northern Division to the Precept of the Court of Foujdaree Adaulut under date the 2d December 1839 — conveying their observations and orders on the said Report.—

(Here enter Cir. Dr. No. 45 of 1840.)

1. The Provincial Court of Circuit submit with the Return now recorded — copies of Returns from the Acting Joint Criminal Judge and the Magistrate of Vizagapatam submitting explanations on the several points noticed in this Court's proceedings of the 2d December last.—

2. Adverting to paras: 2 and 3 of those Proceedings the Acting Joint Criminal Judge has forwarded a copy of a Report from the Assistant Surgeon in Medical charge of the Jail upon the cases of the ten convicts particularly referred to, and upon the health of the prisoners generally.—

3. It appears by this Report that of the ten convicts in question three have died and that the remainder

that the Magistrate of North Arcot will report direct to the Court of Sudder Adawlut what notice he may have taken of the conduct of the Police Ameen who detained the prisoner concerned in Case No. 262. twenty four days in the Cutcherry in opposition to the repeated orders of the Court of Sudder Adawlut on the subject of such delays.

Cases Nos. 269. 270. and 271.

4. The Acting Criminal Judge is directed to submit an explanation of the circumstances which brought the case of the prisoner "Nangadoo" within the provisions of Clause 4th. Section III Regulation VI of 1822; as at present informed, the sentence appears to the Court of Sudder Adawlut illegal, and that the prisoner was liable only to the punishment provided in Section VII Regulation X of 1816.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Chittoor for his information and guidance by precept returnable in 5 days from and after its receipt, and with instructions to furnish the Magistrate of North Arcot with a copy of para. 3 of these proceedings for his information and guidance.—

(Sent following Precept No. 119.)

Read

27th January 1840.

Read again the Report dated 2d June 1839. of the Third Judge of the Provincial Court of Circuit in the Northern Division — for the fourth Quarter Sessions of 1838 and first Quarter Sessions of 1839. held at Vizagapatam.

(Here enter S. D. No. 920 of 1839)

Also read Return dated 27th December 1839 from the Provincial Court of Circuit for the Northern Division to the Precept of the Court of Sudder Adawlut under date the 2d December 1839 — conveying their observations and orders on the said Report.—

(Here enter S. R. No. 45 of 1840.)

1. The Provincial Court of Circuit submit with the Return now recorded — copies of Returns from the Acting Joint Criminal Judge and the Magistrate of Vizagapatam submitting explanations on the several points noticed in this Court's proceedings of the 2d December last.—

2. Adverting to paras. 2 and 3 of those Proceedings the Acting Joint Criminal Judge has forwarded a copy of a Report from the Assistant Surgeon in Medical charge of the Jail upon the cases of the ten convicts particularly referred to, and upon the health of the prisoners generally.—

3. It appears by this Report that of the ten convicts in question three have died — and that the remainder

remainder are considered "unfit for the ordinary labour of Convicts" but "may be employed in sweeping the cells and Courts of the Jail."

4. With reference to this opinion - the Court of Sovjdaree deem it resolve to recommend to Government to sanction the accomptrue of the seven Convicts, whose names are mentioned in the margin, from hard labour outside the Jail, and to authorize their being kept to labour suitable to their age and strength, within and about the Jail.-

5. It should be borne in mind that these persons are all advanced in years; one being eighty-one seventy-three, sixty-one, fifty-five, - and one, fifty years of age.-

6. In the same Report the Assistant Surgeon states that although the general health of the prisoners is "much better than it was lately, it is still bad": that "the daily number of sick is slowly decreasing and is now averaging about 8: but among those received with dropsical disorders, and they are mostly all of this kind, the disease is scarcely less fatal in its termination!" that "under these circumstances it would - the fears - prove very prejudicial to their health, to employ the people in any way that would expose them to wetness, but if kept dry and warm & moderate

Pasala panty Kuresmloo
Vaspala panty Bumperang
Chinnacoola Ramasawmy
Koola Venkapah
Bellary Ramareddy
Chittoory Lutchmadoo
Anantry Gommadoo.

E.G.

27th January 1840.

moderate labour will be beneficial"; and he submits his opinion that "it would be advisable to transfer all those who from having already had this disorder, or from other causes, may be considered to be predisposed to it - to some other Zillah where it does not prevail."-

7. The Acting Joint Criminal Judge has submitted a copy of a letter to his address from the Magistrate of Guntoor - requesting him "to obtain the necessary sanction for the transfer of a body" of Convicts - "not less than 100 - to be employed on the "high Northern Road through the District" of Guntoor - and stating the circumstances which render the employment of Convicts on that work, desirable.-

8. The Acting Joint Criminal Judge states that he has ascertained by private enquiry that there are "no cases of dropsy" among the prisoners at Guntoor.-

9. The Court of Sovjdaree deem it with reference to the order of Government 20th January 1840 No. 66 have instructed the Acting Joint Criminal Judge of Masulipatam to transfer immediately 100 Convicts to the Collector of Guntoor - including among the party those prisoners whose removal from Masulipatam is considered by the Medical officer, for the reasons above stated, to be especially desirable.-

10. In regard to the complaint of the prisoner Soreganiany

Seregunany Lutchoomoodoo adverted to in Parah: 7 of the Proceedings of the Sovjdaree Adaulut under date the 28th December last - the Acting Joint Criminal Judge observes "that the circumstance alluded to by the Petitioner Seregunany Lutchmoodoo took place at labour and was that the Duffadar and Peons accused the Prisoner of contumacious refusal to work: that the Acting Joint Criminal Judge on the spot enquired from the Prisoner if he had any thing to say, when from his own showing, he had refused to do the work he was ordered to do, and the Acting Joint Criminal Judge sent him to the Jailor with an order to inflict stripes as recorded in the Monthly Report for December 1838 - together with a Jail order to the same effect."-

11. This matter does not therefore require further notice.-

12. Under the explanation furnished by the Magistrate of Masulipatam in his return of the 19th instant the delay on the part of the Police in disposing of the petty cases noticed in Parahs. 8 & 10 of this Court's Proceedings of the 2d December, does not require further comment on this occasion. The inefficiency of the Village Police in the Northern Districts of this Presidency has been long known and lamented; but the question of remunerating them has been discussed at other times, and it is needless again to raise it here.-

13. The Proceedings of the Magistrate in Case No. 2 of the Calendar of Punishments appear to have been correct.-

14. With reference to the remarks of the Magistrate in the last Parah: of his Return on the two other cases of the Calendar the Court of Sovjdaree Adaulut observe that the Circular order of the 28th August 1828 does not allude to closed but open doors: and that the opening of a closed door, is a breaking & fastening is not necessary.-

Ordered, that Extract from these Proceedings with copies* of the papers noted in the margin be sent to the Chief Secretary to Government to be laid before Government.-

(Sent in No. 120-)

* Report of the Third Judge 2d June 1836 with appendices A and B.
Extract from the Proceedings of the Sudr. Ad. 2d December 1839.
Return of Provl. Court of Circuit in the S. D. 27th December 1839 - and enclosures.

Read return dated the 21st instant from the Provincial Court of Circuit in the Southern Division to the precept of the Sovjdaree Adaulut of the 28th December last directing them to look into Cases Nos. 175 and 177 of 1839 of the file of the Criminal Court of Salem and to pass such orders thereon as they may deem

27th January 1840.

deem proper reporting the result to the higher Court.—

(Here enter No. 159 of 1840.)

F. No.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre.—1st Puisne Judge

Tuesday

William Rudleston Esqre.—2d Puisne Judge

28th January 1840.

Alexr. Duncan Campbell Esqre.—3d Puisne Judge

Read letter dated the 14th Instant from the Provincial Court of Circuit for the Southern Division, submitting a copy of a communication dated 4th Instant, addressed to the Criminal Judge of Salem by the Assistant Surgeon in Medical charge of the Jail at that station relative to the state of mind of the Prisoner Rungarow Dhoy in Case No. 26 of the Salem Calendar of the 2d Sessions of 1832 whose continued detention in confinement was ordered by the Court of Foujdaree Udalut under date the 7th July 1835.

(Here enter F. No. 105 of 1840.)

With reference to the Report of the Assistant Surgeon the Court of Foujdaree Udalut deem it proper to direct that the Criminal Judge of Salem be instructed

28th January 1840.

instructed to call upon the Prisoner's friends to state if they will agree to take care of him; and report the result to this Court.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for the Southern Division by Precept returnable within fifteen days from and after its receipt.—

/Sent following Precept No. 121/

Read letter dated 4th Instant from the Provincial Court of Circuit for the Southern Division, submitting for the orders of the Court of Sessions Cuddalore a copy of a communication dated 4th Instant, addressed to the Criminal Judge of Salem by the Assistant Surgeon in Medical charge of the Jail at that station - relative to the State of mind of the Prisoner Vetrauzoo in Case No. 3 of the Salem Supplemental Calendar of the 2nd Sessions of 1832 - whose continued detention in confinement was ordered by the Court of Sessions Cuddalore under date 8th July 1835.—

/Here enter F. Rec. No. 106 of 1840./

28th January 1840.

1. In his letter of the 4th Instant the Assistant Surgeon observes "on the 15th June 1835 I certified that I saw no reason to believe the man to be insane, and after a further observation of 4½ years I have had of him, I beg to repeat that opinion."—

2. Under the Report of the Medical Officer the Court of Sessions Cuddalore resolve to authorize the release of the Prisoner Vetrauzoo.—

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

/Sent in No. 122/

Read the Criminal Returns for the month of December 1839 - submitted by the Acting Joint Criminal Judge of Cuddalore.—

/Here enter No. 110./

Case No. 130.

The Court of Sessions Cuddalore desire to be informed of the cause of the detention for 15 days, in the Taluk of Villoopooram,

of the prisoners concerned in Case No. 130; and if the reasons assigned by the Head of Police for such detention may not have appeared to the Magistrate satisfactory, he will explain what notice he has taken of the conduct of the Police Officer in question.

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

/Entered in No. 123/

Read the following Extract from the Proceedings of the First Judge late on Circuit in the Western Division, dated 15th January 1840.-

/Here enter F.No. No. 121 of 1840/

1. The First Judge referring to the 8th Paragh. of the Proceedings of the Tanjore Udalut under date the 7th Instant, submits, "that as the Prisoners therein alluded to appear, from a letter addressed by the Acting Principal Sudr Ameen of Kumbaconum to this Court,

Court, not to have left that place on the 9th Instant and as the Prisoners will have to pass this station" / Tellicherry "and Calicut, the proposal made in the First Judge's letter of the 12th Ultimo may readily be carried into effect, by sending instructions to detain some at the latter place; and that it is desirable to separate so many hardy offenders of one brotherhood who would be ready to risk together in any attempt to escape; and the separation will make the punishment be more felt."-

2. The Court of Sungdarree Udalut resolve, in accordance with the suggestion of the First Judge, to instruct the Criminal Judge of Madura to detain the five Prisoners hereinunder mentioned, at Calicut, and task them to hard labour in irons on the public roads or other public works in the District of Madura, according to the terms of their sentences.-

3. The remaining Prisoners will proceed

proceed on to Coimbatore, in accordance with the order to that effect already issued by the Foujdaree Udalut to the Principal Sadr Ameen of Sirsee.—

4. The names of the prisoners to be detained at Calicut are

Bhanna Khoobá

and Mothy Rama the 5th 6th and 9th prisoners in Case No. 4 of the Sirsee Calendar of the 2nd Sessions of 1839 and

Hanooma Saguer Ramjy

and Govinda, son of Dhakoo, the 1st and 2d prisoners in Case No. 5 of the same Calendar.—

5. Should the health of these prisoners be reported by the Zillah Surgeon to suffer from the climate of Calicut the Criminal Judge will be pleased to communicate the same to the First Judge of the Provincial Court of Circuit who will take such notice of it as it may appear to him to require, with reference to his letter to this Court dated 12th December 1839.—(Para. 2.)—

Ordered

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malabar by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 124)

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

(Sent in No. 125)

Read letter dated 8th Instant from the First Judge late on Circuit in the Western Division, submitting for the consideration and orders of the Court of Foujdaree Udalut a copy of a Return from the Criminal Judge of Malabar to a Precept issued by the First Judge to that Officer on the 23d Instant calling upon him to explain the great delay in making a Return to the Warrant issued for the execution of the Sentence of Death passed upon the prisoners in Case No. 23 of the Calicut Calendar of the 2d Sessions of 1839.—

(Here enter F. No. 268 of 1840.)

Also

Also read Extract from the Proceedings of the First Judge late on Circuit in the Western Division under date the 13th January 1840. submitting certain observations on the letter from the Criminal Judge of Malabar to the Tanjore Udalut dated 23d Ultimo with reference to the Proceedings of this Court of the 7th Instant requiring suspension of the execution of the sentence of death passed on Tuppa the 2nd prisoner in Case No 22 of the Calendar of the 2d Sessions of 1839 and directing that the Criminal Judge be instructed to examine the witnesses cited by the said Second Prisoner, subsequent to the passing of the said Sentence.—

[Here enter F.M. No 113 of 1840.]

1. The Court of Tanjore Udalut cannot sanction Mr Vaughan's proposed Appeal to the "full Court."

(para: 19)

2. He must be aware that a majority of the Puisne Judges passed the order of the 7th Instant; and the Court cannot

cannot permit a Judge of Circuit to propose an Appeal, or the calling in of another Judge, or Judges.—

3. It is in the opinion of the Court, quite irregular for a Judge of Circuit to come before the Court with such a recommendation.—

4. It amounts to a direct interference with the proceedings of this Court.

5. The Court of Tanjore Udalut consider the remarks of Mr Vaughan in his letter of the 13th Instant to be very important: but after a mature consideration of the whole matter, the Court feel it to be their duty to enforce their orders of the 7th January 1840, except that the Court resolve to delegate to Mr Anderson the Second Judge on Circuit in the Western Division the duty therein enjoined on the Criminal Judge of Malabar in paras: 3 & 5 of this Courts proceedings of the 7th Instant, for which Proceedings they do hereby resolve to furnish Mr Anderson with a copy for

this

F. 16.

At a Court of the Fouzdaree Udalut

Present,

Thomas Alexr Oakes Esqre — 1st Puisne Judge

William Rudleston Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Wednesday, 29th January 1840.

Read the Circuit Report dated 12th August 1839 required by Section XXXVII Regulation VII of 1802 — for that first Sessions of 1839 — submitted by the Third Judge on Circuit in the Western Division —

/ Here enter F. 16. № 1382 of 1839 /

Paras 13 & 21.

Those paras respect a practice

1.

obtaining in the Criminal Court of Canara of requiring a Moochilka, or Recognizance, from the party prosecuting, before the completion of the Trial, for his eventual attendance before the Court of Circuit —

2.

The Court of Fouzdaree Udalut concur with the Third Judge in considering the practice in question contrary to the provisions of Clause third, Section IX Regulation X of 1816.

A

on 28th January 1840 —

his information and guidance —

6.

Mr Understood having taken the evidence for Theeming, will transmit the translations of the same to the First Judge, Mr Vaughan who will conform to the instructions already issued to him on the subject —

Ordered, that Extract from these Proceedings, together with a copy of the Proceedings of the Fouzdaree Udalut of the 7th January 1840 be sent to the Second Judge on Circuit in the Western Division by Precept returnable within five days from and after its receipt —

/ Sent following Precept № 126 /

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

/ Section № 127 /

3. It appears to the Court that the obvious meaning of that provision, is, that after committment, the Prosecutor and witnesses are to be bound over.—

4. The circumstance referred to by the Third Judge in parah: 16 of his Report that "the penalty under which the condition of the Recognizance is couched, is not recoverable, if the parties do not attend, should the prisoners be committed, unless apprized of it,"— shews the propriety of adhering strictly to the provision of the Clause: but the Court deem it proper to remark that there is no provision in the said Clause for the parties being "apprized of it."—

5. The Criminal Judge when shewing (see parah: 19) the nature and tenor of the Moochilka required from the parties should have explained how they are to learn the fact of the case being committed, after they have returned to their respective Villages.—

6. It appears to the Court of Sungaree

Sungaree Adalut that the parties being allowed to return to their Villages, the Moochilkas might, on the case being committed, be executed through the medium of the Magistrates in their Villages, which would obviate the inconvenience anticipated by the Criminal Judge in the event of the practice being declared illegal, as it certainly is.—

parahs: 22 & 25. 7. A reference having been recently made by the Criminal Judge of Canara in regard to the future provision of Paper for taking depositions &c., some samples of that manufactured in the Jails of Tellicherry & Cannanore &c. were forwarded to him: but he has reported that the dampness of the climate on the Western Coast and the ravages of an Insect which always attacks Country Paper render it unfit for the purpose on that Coast. The employment of the prisoners in the manufacture of paper for the use of the Courts on the Western Coast would therefore seem to be unexpedient

3. It appears to the Court that the obvious meaning of that provision, is, that after commitment, the Prosecutor and witnesses are to be bound over.—

4. The circumstance referred to by the Third Judge in parah: 16 of his Report that the penalty under which the condition of the Recognizance is couched, is not recoverable, if the parties do not attend, should the prisoners be committed, unless apprized of it,— shews the propriety of adhering strictly to the provision of the Clause: but the Court deem it proper to remark that there is no provision in the said Clause for the parties being apprized of it.—

5. The Criminal Judge when shewing (see parah: 19.) the nature and tenor of the Moochilka required from the parties should have explained how they are to learn the fact of the case being committed, after they have returned to their respective Villages.—

6. It appears to the Court of Fouzdaree

Fouzdaree Adalut that the parties being allowed to returns to their Villages, the Moochilkas might, on the case being committed, be executed through the medium of the Magistrate in their Villages, which would obviate the inconvenience anticipated by the Criminal Judge in the event of the practice being declared illegal, as it certainly is.—

parahs: 22 & 25. 7. A reference having been received made by the Criminal Judge of Canara in regard to the future provision of Paper for taking depositions &c., some samples of that manufactured in the Jails of Tellicherry & Cannanore &c. were forwarded to him: but he has reported that the dampness of the climate on the Western Coast and the ravages of an Insect which always attacks Country Paper, renders it unfit for the purpose on that Coast. The employment of the prisoners in the manufacture of paper for the use of the Courts on the Western Coast would therefore seem to be inexpedient

inexpedient.—

8. The Court of Sunjdarree Udalut are of opinion that the employment of Convicts on private property, would be objectionable.—

parah: 39. 9. The suggestion in this parah: in regard to the raising of the walls of the Jail at Mangalore, should, under the Circular Order of the 14th April 1834, be referred for the opinion of the Collective Court, who are at liberty to offer a recommendation upon the subject, should they deem the alteration absolutely necessary for the security of the Prisoners.—

parah: 40. 10. It does not appear that the European Medical Officers have been consulted on the suggestion to substitute Cast Iron Beds, for the Wooden Cots in use in the Gaol Hospitals.— The Third Judge will be pleased to submit the opinions of those Officers in the Western Division on the subject, and in the event of their being in favor of the suggestion, he will report what number of such cots will be required in each

each Jail, and what the aggregate estimated expence will be.—

parah: 47. 11. As at present advised, the Court of Sunjdarree Udalut see no reason to question the expediency of the measure of establishing an Auxiliary Court at Cochin which was not adopted without the most mature consideration.—

parah: 51. 12. This parah: relates to the proceedings of the Court of Circuit, and the explanations furnished by the Magistrate of Canara (forming part of Appendix No. regarding a Petition (p. 123) presented to the Third Judge on behalf of the Reverend Antonio Rozario, the Vicar of the Church at Caliampore in the Barcoor Talook complaining of his having been required by the (late) Assistant Magistrate, Mr. Reade to furnish two securities each in the sum of fifty Rupees, and praying that the order to that effect may be cancelled.—

13. It is unnecessary to advert to the circumstances which gave rise to the order

order of the Assistant Magistrate, and which are recited in the Proceedings of the Court of Circuit under date the 23d May 1839. The only question for consideration is the legality of the order.—

14. It appears that disputes having arisen between two parties of Roman Catholic Religionists, an affray ensued, in which an individual was severely wounded and beaten.—

15. The Paloah Sirishtadar, a Sub Officer of police repaired to the spot, and "investigated" the matter, and submitted a Report thereon to the Tahseeldar of Barcoor his immediate superior, by whom it was forwarded to the Assistant Magistrate, who on a perusal of the same, issued the order dated 18th February 1839, of which the Petitioner complained.—

16. The Court of Foujdaree Udalut observe that a Sub Officer of Police under the Provisions of Section III. Regulation IV of 1821 has no power to hold such investigation nor has a Tahseeldar except in

in cases within the Provisions of Section XXXIII. Regulation XI of 1816.—

17. Stat. No. 33 of 1837, referred to in Parah: 3 of the Acting Magistrates Return of the 30th July 1839 as authorizing "the Magistracy to punish on the Reports of District Police" confers such authority only in Cases cognizable by Heads of District Police; and in the case under consideration, the Report was by a Sub Officer of Police.—

18. The Court of Foujdaree Udalut observe that suspecting the investigation of the breach of the peace to have been regularly referrible to the Police Officer the Magistrate was competent to require Security under Section V Regulation VII of 1827 with reference to the evidence taken by such Police Officer.—

19. In this case a Subordinate Police Officer would seem to have been employed in holding Proceedings competent only to a Head of District Police under Section

Section XXXIII Regulation XI of 1816, and on this ground, the Court consider the order of the Assistant Magistrate, illegal; and direct that it be quashed.-

20. The remark of the Acting Magistrate in parah: 4 of his Return above cited - that the security taken by the Assistant Magistrate is not alluded to in the Circular Order of the Faujdaree Udalut dated 25th February 1824 is correct. No such security was provided for until 1827.-

21. There is also force in the argument of the Acting Magistrate in the concluding part of the same parah:- "that the legislature, in empowering the Magistracy to punish affrays and assaults on the Reports of Heads of Police, sanctioned the requisition of security to prevent further breaches of the Peace, without subjecting the parties and witnesses to the inconvenience of appearing before the Magistracy": but it applies only to cases cognizable under Section XXXIII Regulation XI of 1816.-

The

parah: 54. 22. The Court of Faujdaree Udalut observe that the explanations which, in the parah:, it is suggested the Magistrates should be required to give to the Judges of Circuit, regarding the fluctuations in the extent of different crimes, at different periods, are furnished by those Officers in their Annual Police Reports: and the Court are unwilling to subject them to an additional labour which is not absolutely necessary.-

parah: 57. 23. The Court approve the suggestions offered in this parah:-

Circular Order. No. 116. 24. The Court of Faujdaree Udalut resolve in extension of the Rule contained in Circular Order No. 15- dated 15th September 1834 to the effect, that "whenever a search is made in any house there should be a list taken down, and attested by two unexceptionable persons on the spot, of the articles of property found in such house, the attesting witnesses should be present at the search and be able to speak

of

29th January 1840.

their own knowledge, to the correctness of the list so returned by a Circular Order that on such occasions the accused shall also be present, and their presence be so certified in the List; that where this is not practicable, the circumstance of their absence at the time of search be likewise notified in the same list: that in order to prevent (what is supposed to be not infrequently the case) the persons making the search from secreting the property of the complainant in the houses, or on the premises of the accused, they be themselves inspected previous to commencing the search - the fact to be certified in the list; - and lastly that the Head of the Village, in which the offence is charged to have been committed, or the Head of the neighbouring Village, if the accused reside there, be likewise required to attend during the search and to affix his signature to the List in corroboration of the correctness of the circumstances therein certified. -

Ordered

29th January 1840.

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

(Sent following Precept No. 129)

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

(Sent in No. 130)

Ordered also, that Extract from these proceedings (Para: 24.) be sent to the Four Provincial Courts of Circuit for their information, and that of the Criminal Courts and for the information and guidance of the Magistrates and their Native Police Subordinates by Precept, returnable within fifteen days from and after its receipt. -

(Sent following precept No. 131)

Read the following letter dated the 18th Instant from the Criminal Judge of Bellary. -

(Here enter L. No. No. 154 of 1840.)

In

29th January 1840.-

1. In this letter the Criminal Judge suggests, "that a Prisoner named Tuppioogandoo, who has been forwarded to the Criminal Court of Bellary charged with having, together with another Person, ex Nubbeegandoo, wilfully and maliciously killed one Ramaya by beating him with a stick, be recommended to the Governor in Council for a pardon, in order to his being admitted an approver."-

2. After reciting in Parah 2 the substance of the case, the Criminal Judge remarks in the third Parah, that "there is no further evidence against the 1st Prisoner Nubbeegandoo, beyond his confession before the Head of Police, and one or two circumstances which would create strong suspicion against him; but the evidence is not sufficient for conviction."-

3. The Court of Sunjdarees Udalut observe that the whole of the evidence against the first Prisoner should be stated in order that this Court may determine as to the propriety

4. F.C.

29th January 1840.-

propriety of admitting the 2d Prisoner to a conditional pardon."-

4. The Criminal Judge has overlooked Section XII Regulation XIII of 1832, which, in modification of Section XX Regulation VIII of 1802, declares that "the Court of Sunjdarees Udalut shall have authority to sanction the offer of a conditional pardon, without reference to the Governor in Council."-

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellaree, by Precept returnable within Seven days from and after its receipt.-

Sent following Precept No. 132/

Read return, dated the 15th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Sunjdaree Udalut of the 26th Ultimo, directing them to call up the record of proceedings in Case No. 108 of the Supplemental Report of the Zillah Court of Rajahmundry for the month of November 1839, and to pass such order thereon as they may deem proper

proper, reporting the result to the higher Court.

/Here enter No. 17./

Read return, dated the 17th Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Sunjdaree Udalut of the 8th January 1840, forwarding Circular Order No. 114, directing them to enjoin the Peons in charge of escorting parties of Convicts at a distance from the Jail to keep their swords drawn in their hands ready for use so long as they may be employed on such duty, and not to allow the Convicts to approach so near to them as to lay hold of their weapons.—

/Here enter No. 156./

Read letter, dated the 23d Instant from the Acting 3d Judge in Circuit in the Northern Division, reporting the opening of the 1st Sessions of 1840 at Vellore on the 23d Instant, and the state of the Calendar.—

/Here enter No. 170./

Read return, dated the 20th Instant, from the Magistrate of Masulipatam

to the precept of the Sunjdaree Udalut of the 11th Instant, enforcing the order of the Sunjdaree Udalut of the 29th November last regarding the committal of the Duffadar and Peons who were charged with the ill-treatment of the Prisoner in Case No. 73 of the Masulipatam Criminal Report for July last before the Court of Quarterly Sessions.—

/Here enter No. 173./

Read Statement dated the 1st Instant from the Criminal Judge of Salem, of the amount realized by the labor of the Prisoners in the fourth quarter of 1839.—

/Here enter No. 192./

At a Court of the Foujdaree Udalut

Present

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Thursday 30th January 1840. William Hudleston Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

JB

Read letters dated the 16th and 20th Instant from the Criminal Judge of Combaconum, requesting that either the original or an authenticated copy of the enclosed Report of the Police Sahukidar of Trivadi Talook in the Zillah of Combaconum dated 25th June 1838 which formed part of the record of Proceedings in a Mr. 223 of the Combaconum Supplemental Report for July 1838 or the translated copy thereof may be forwarded with the least possible delay.-

/Here enter Nos. 111 and 15/

1. Ordered, that the Criminal Judge of Combaconum be informed that only an English translation of the Proceedings of the Police Officer and Assistant Criminal Judge

Judge in No. 223 of the Combaconum Criminal Report, was forwarded to the Court of Foujdaree Udalut by the Acting 3rd Judge late on Circuit in the Southern Division in a Supplemental Return dated the 17th June 1839.—

2. The original report required by the Criminal Judge by his letter of the 16th, will probably be found among the records of the Provincial Court of Circuit:— the translated record of the proceedings referred to, belongs to the records of the Court of Foujdaree Udalut, and cannot therefore be "returned" to the Criminal Judge as suggested in his letter of the 20th Instant:— but the rough copy of the translations in question may be found amongst the records of the Provincial Court of Circuit, who will no doubt furnish it to the Criminal Judge on his application.—

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

(Sent in No. 140)

(Read

30th January 1840.

Read letter dated 22nd Instant from the Criminal Judge of Salem, submitting copy of a warrant issued by the Acting 1st Judge late on Circuit in the Southern Division in Case No. 14 of the Salem Calendar for the 2nd Sessions of 1839, and requesting the instructions of the Court as to the disposal of the Convicts sentenced to banishment.—

(Here enter No. 175.)

The Court of Foujdaree Udalut direct that the prisoners

1st Varadiyppa Counden

and

2nd Vellian

be removed to the Jail at Chingleput, there to be imprisoned agreeably to the terms of their sentence.—

Ordered, that Extract of these proceedings be sent to the Criminal Judges of Salem and Chingleput for their information and guidance.—

(Sent in Nos. 141 & 142)

Read

30th January 1840.

Read letter dated the 15th Instant. from the Acting 2nd Judge of Circuit in the Centre Division, requesting to be furnished with the record of the trial held in the case of the murder of Mr. Mc Donald; as he has not at present been able to obtain possession of the original papers in the case.—

(Here enter No. 98 of 1840.)

1. The Court of Sanjdaree Udalut observe that in their Proceedings of the 26th of September 1839, the Provincial Court of Circuit in the Centre Division were instructed immediately on the receipt of those Proceedings to dispatch to the Officer in charge of the Zillah Court of Cuddapah the entire record of Case No. 1 of the Cuddapah Special Sessions of 1832, wherein the prisoners were charged with the murder of Mr. Mc Donald the Sub Collector of Cuddapah. The Court therefore resolve to call on the Provincial Court to report whether those orders have been obeyed, and in the event of the entire record of the trial in question not having been forwarded, as commanded, the Judges of

No.

30th January 1840.

the Provincial Court will be pleased to state the circumstances which have hitherto prevented their transmission.—

2. In the mean time however the Court of Sanjdaree Udalut resolve to direct that the English translation of the record of the Trial in question (belonging to the records of the Court of Sanjdaree Udalut) be forwarded for the use of the Acting 2nd Judge on Circuit in the Centre Division;— to be returned however by that Officer when no longer required.—

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 2 days, from and after its receipt.

(Sent following precept No. 143)

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

(Sent ue No. 144)

F.C.

Civil Court of the Tongidarre Udalut

Present,

Friday 31st January 1840

Thomas Alexr Oakes Esqre Actg 1st Puisne Judge

William Rudleston Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read again Return dated 21st December last and Supplemental Return dated 16th Ultimo from the Provincial Court of Circuit for the Southern Division to the Precept of the Court of Tongidarre Udalut under date the 3rd December 1839, calling for an English Translation of the Record of Case No. 1. of the 5th Supplemental Calendar of the Auxiliary Court at Trichinopoly for the 2nd Quarter Sessions of 1839 and directing the Provincial Court to require the Magistrate of Trichinopoly to submit an explanation in regard to the alleged proceeding on the part of Mr Boalthey the Head of Police, of issuing Blank Warrants:-

Here enter F.C. No. 2146 of 1839 and 142 of 1840

With

1. With their Supplemental Return dated the 16th Ultimo, the Provincial Court of Circuit have submitted an English Translation of the Record of the Case above mentioned.

2 The Court of Foujdaree Udalut having read with attention the proceedings in the said trial, are satisfied that the Prisoner has not been properly convicted.

3. The Court discover nothing that can be called evidence against the Prisoner, besides the testimony of the Prosecutor and of the 9th Witness.

4. The Statement made by "Annoroquinalavarayen" /P. 44/, (who was charged on the information of the Prisoner,) that the latter came at 12 Oclock at night with 30 other persons, put him /the declarant/ and his wife in different places, and certain Articles /produced as stolen from the Prosecutor/ in declarants house, that not the doors and guarded the house till morning, appears to be worthy of little credit. When reference is had to the evidence of this next door neighbour, that no noise

noise must made in the house that night, and the evidence of the other witnesses, which is particularly relied on, that there were no doors to the house.

5. In respect to the Prosecutor's evidence above mentioned, the Court adopt the following remarks of the Magistrate in his letter dated 12th August 1839, of which a copy accompanied the Return of the Provincial Court of the 20th November 1839 to this Court's Precept of the 11th of the same month.

6. Adverting to the Prosecutor's "hesitation" to depose before Mr. Boalth that he "had seen the Prisoner during the "robbery," the Magistrate observes, "the Prosecutor "when asked if he could state positively "that he saw Shanguilly," the Prisoner "required "7 days to make up his mind whether he should "state he saw him, or not; he attempts to "account for this extraordinary hesitation by "saying that recollection of this man's ferocious "conduct during the robbery, so filled him with "dread that he could not find courage to speak

"against

"against him, until he saw him safely lodged
"in custody; but he had already said quite enough
"to excite Shungully's wrath, and he could not
"but be aware, that if he had at once positively
"deposed to having seen him, Shungully would
"at once have been committed."

7. The Court concur also in the following remarks of the Magistrate respecting the aforesaid 9th Witness, in explanation of whose non-examination by Mr. Boalth it is stated, "the Prosecutor repeatedly declared
"that besides the persons who had already been
"examined, he could not think of any one else
"who would identify any of the robbers." "The
"cause of the happy after-thought which
"suggested Vengudakistna Chetty to the
"Prosecutor, as a person able to bear testimony
"to this effect, or the unlucky forgetfulness which
"in the first instance prevented his doing
"so, I will not venture to surmise. This
"witness is a begging Brahmin of mean
"habits, and was sleeping on the night of
"the robbery, not in his own Town, but in a
Muntapum

"Muntapum to which beggars are accustomed
"to resort."

8. "But," proceeds the Magistrate,
"let it be taken for granted that the prosecutor
"had, or supposed himself to have, good grounds
"for not naming this witness to the Head
"of Police, how comes it that he omitted to
"name him to the Ameen of Police, before
"whom he gave certain statements concerning
"the Robbery, and who he professed to desire
"might be intrusted with the conduct of the
"investigation. I think this may be well
"said to be an extraordinary circumstance."

9. Not only so, but the Court are of opinion, that if this 9th Witness had recognized the prisoner on the occasion, the Prosecutor must have known that fact, and knowing it, would have stated it; and the witness himself would have come forward, in the first instance, to give his evidence.

10. It had been alleged that the prisoner in this case is "an old offender."

11. Upon this, the Magistrate,

whose

whose authority on the point is unimpeachable, states as follows:- "I have not been able to "discover any thing in the records which would "enable me to state that such is a fact to a "Court of Justice, according to the rules laid "down by the Tenjdaree Udalut, but I beg to "assure the Judge at the same time, that his "character was very well known to the Police "authorities." The prisoner was employed, under the Magistrates sanction, as an informer on this occasion. Such persons are seldom respectable, and the mere non-conviction of any offence hitherto, must be taken to be in his favor.

12. The Circular Order of 25th February 1829 indicates the sort of corroboration which a prosecutor's evidence should receive in order to conviction thereon; there is no such corroboration in this case; as above intimated the Court find nothing in support of the prosecutor's testimony itself open to suspicion but the unsatisfactory testimony of the 9th witness: and the Court resolve therefore to

to set aside the conviction and order the discharge of the prisoner from confinement.-

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

Sent following Precept No. 151

Read letter dated 30th Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division, submitting a copy of the Calcherry Calendar of the First Quarter Sessions of 1840.-

(Here entr. S.Cs. No. 171 of 1840)

Case No. 1. 1. In this case the 1st and 3rd prisoners were charged with being in possession of stolen property belonging to the Prosecutor valued at 11 Rupees, and the 2d and 4th prisoners with being concerned in the receipt thereof:- the Prosecutor's house having been on the night of the 7th September 1839 entered, by the wall thereof being perforated, and property of the value of Rupees 29-11-5

stolen

stolen therefrom."—

2. The Court of Singalese Udalat observe that the guilty Knowledge is not charged but as it is inducted in the Finding, it is presumable that it was in the arraignment.—

3. The Court however resolve to call upon the Third Judge to state whether it formed part of the charge or not.—

4. The Court observe that the Provision cited in support of the Sentence Clause Seventh, Section II Regulation XV of 1803 is inapplicable.— Clause third, Section IV Regulation VI of 1822 should have been quoted.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Western Division by Precept, returnable within three days from and after its receipt.—

(Vide following precept No. 157)

Read letter dated the 16th of January 1840 from the Acting 1st Judge Circuit in the Southern Division, submitting for

for the consideration and final sentence of the Court of Singalese Udalat the record of the trial in Case No. 17 on the Salem Calendar for the 2d Sessions of 1839.—

(Here enter S.C. No. 143 of 1840.)

1. The Court of Singalese Udalat observe that this trial took place on the 24th of October 1839.—

2. Mr. Graham the Medical Officer on the 15th August preceding gave a certificate, not altogether decisive, as to the Prisoner's state of mind, which he describes as having a strong tendency to insanity.— the evidence of the 9th and 10th Witnesses on this trial go to support the supposition of mental alienation.—

3. Before proceeding to judgment on this trial the Court of Singalese Udalat are desirous of having the evidence of the Medical Officer as to the state of the Prisoner's mind and resolve to direct the Acting 1st Judge to issue a precept to the Criminal Judge of Salem directing him to examine the

the Medical Officer on oath as to the result of his observation of the prisoner since the 15th of August 1839.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge of the Provincial Court in the Southern Division late on Circuit by precept returnable in 15 days from and after its receipt.—

Sent following precept No. 153.

Read letter dated the 20th Instant from the Acting 3rd Judge on Circuit in the Northern Division reporting his arrival at Cuddalore, and requesting information relative to the opening of the Sessions at Vellore.—

Here enter No. 146.

Read return dated the 20th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Tanjore Udalut of the 8th January 1840. forwarding Circular Order No. 114 directing them to enjoin the Peons in charge of escorting parties of Convicts at a distance from the Jails

Jails to keep their swords drawn in their hands ready for use so long as they may be employed on such duty, and not to allow the Convicts to approach so near to them as to lay hold of their weapons.—

Here enter No. 147.

Read returns dated respectively the 20th, 16th and 13th Instant from the Provincial Courts of Circuit in the Centre, Western and Northern Divisions to the precept of the Tanjore Udalut dated the 10th January 1840 forwarding Circular Order No. 115 directing that in future in every trial in which the Judge of Circuit may recommend the Capital punishment of a Prisoner an English translation of the whole of the Proceedings held before the Magistrate and the Officers of Police be submitted with the record of the Case.—

Here enter Nos. 148, 155 and 168.

Read return dated the 15th Instant from the Criminal Judge of Vizagapatam to the precept of the Tanjore Udalut

4

31st January 1840.

of the 6th Instant upon the Review of the Criminal Reports of the late Zillah Court at Chicacole for the months of November 1839.—

(Here enter No. 149.)

Read further return dated the 10th Instant from the Provincial Court of Circuit in the Northern Division to the precept of the Tongdaree Udalut of the 2d November 1839 directing them to look into the Proceedings in Cases Nos. 75 and 79 Report of the Criminal Reports of the Zillah Court of Chicacole for the month of September last and to report their opinions as to whether or not the 3d Prisoner should be committed for trial.—

(Here enter No. 167.)

Ord.

Ab

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Ord.

Ab

distance from the Gaol to keep their Swords drawn in their hands ready for use so long as they may be employed in such duty and not to allow the convicts to approach so near to them as to lay hold of their weapons.—

(Here enter No. 100 of 1840.)

Read letter dated the 13th Ultimo from the Provincial Court of Circuit in the Western Division, submitting translations of the Criminal Reports of the Principal Sudr Ameen of Ling for December 1839.—

(Here enter No. 112 of 1840.)

Read return dated the 13th Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjeveram Calendar of the 4th January 1840, directing, with reference to the opinions recorded by the 1st and 2d Judges of the Northern Provincial Court, in Case No. 98 of the Report V of the Criminal Report of the late Zillah Court of Chicacole, for October last, that the case be referred for the consideration of the 3d Judge of the Provincial Court.—

(Here enter No. 115 of 1840.)

Read return dated the 11th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Conjeveram Calendar dated the 8th January

1st February 1840.

January 1840. forwarding Circular Order No. 114, directing them to enjoin the Peons in charge of working Parties of Convicts at a distance from the Gaol to keep their Swords drawn in their Hands ready for use so long as they may be employed on such duty and not to allow the Convicts to approach so near to them as to lay hold of their weapons.—

(Here enter No. 118 of 1840)

Read letter dated the 17th Ultimo from the Acting Criminal Judge of Chittoor, forwarding a Statement shewing the amount realized by the labor of Prisoners during the 4th Quarter of 1839.—

(Here enter No. 134 of 1840)

Read the Criminal Report dated the 15th Ultimo from the Acting Joint Criminal Judge of Rajahmundry for December 1839.—

(Here enter No. 132 of 1840)

Read return dated the 8th Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjeveram Calendar of the 2d January 1840, directing that Case No. 103 of the Report V of the Zillah Court of Rajahmundry for the Month of October last, in which the 1st and 2d Judges recorded different opinions, be laid before the 3d Judge on his reaching Rajahmundry in order that

that it may be disposed of, and requiring a report of the result to be submitted for the information of the Zoujdaree Udalut.—

(Here enter No. 119 of 1840.)

Read the Criminal Reports dated the 31. December 1839 from the Acting Joint Criminal Judge of Ellichpore for December 1839.—

(Here enter No. 125 of 1840.)

Read letter dated the 9. Ultimo from the Criminal Judge in the Zillah of Vizagapatam, forwarding the Statement of the amount realized by the labour of the Prisoners in the Gaol of Chicacole for the months of October and November 1839 in the Fourth Quarter.—

(Here enter No. 128 of 1840.)

Read letter dated the 10. Ultimo from the Sudr Ameen in charge of the Principal Sudr Ameen's Court at Sholapoor, forwarding Criminal Report for the months of December 1839.—

(Here enter No. 130 of 1840.)

At a Court of the Zoujdaree Udalut.

Present,

Monday, 3d. February 1840.

Thomas Alexr. Oakes Esqr. ——— Acting 1st. Puisne Judge

William Rudleston Esqr. ——— 2d. Puisne Judge

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

Read letter dated the 7th. of January 1840 from the 2d. Judge on Circuit in the Western Division submitting for the consideration and final sentence of the Court of Zoujdaree Udalut the record of the trial in Case No. 11 of the Madurai Calendar for the 1st. Session of 1840.—

(Here enter S. C. No. 84 of 1840.)

Mr. Oakes.
Mr. Rudleston,
and
Mr. Campbell,

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

Rachon Koonoomul Koonatoopoonakel

Esau Thoty Ramen

of the crime of murder and awarding Kisas, but being of opinion under the circumstances of the case, that the

the punishment, to which the said prisoner is liable under the finding of Risca declared in the foregoing sentence, & would in the present instance be too severe, the Court of Cuzidara Edalat, do, under the authority with which they are vested by Clause second Section VI Regulation I of 1825, sentence the said prisoner to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of his natural life.—

With reference to the opinion expressed by the 2d. Judge in the concluding paragraph of his letter as to the sentence to be passed on the prisoner's final conviction, the Court of Cuzidara Edalat observe that the Principle of the Law of England as applicable to such a case as this, may be seen from the following passage in Roscoe's (163)

"As the indulgence which is shewn by the Law in some cases to the first transport of passion is a condescension to the frailty of the human frame, to the furor brevis, which, while the frenzy lasts, renders a man deaf to the voice of reason, & the provocation which is allowed to extenuate in the case of homicide must be some thing which a man is conscious of

of, which he feels and resents at the instant the fact which he would extenuate is committed. All the circumstances of the case must lead to the conclusion, that the act done was not intentional of death, or great bodily harm, was not the result of a cool deliberate judgment and previous malignity of heart, but solely imputable to human infirmity. For there are many trivial and some considerable provocations, which are not permitted to extenuate an act of homicide, or rebut the conclusion of malice, to which the other circumstances of the case may lead."—

2. In this case it is, in the opinion of the Court, unquestionable, that the act was done on sudden provocation: the deadly weapon used, was, according to the statement of the 1st witness, before the Court of Circuit, in the prisoner's hand; in his examination before the Criminal Court, this witness stated also that "a scuffle took place" between the prisoner and the deceased.—

3. The indecent abuse addressed to the 4th witness by the deceased in the prisoner's hearing was calculated to enrage the latter, and if he made an attempt

attempt to lay his hand on the female, the prisoner's desperation would have been proportionably increased.—

4. The Court therefore being of opinion that it would not be unduly to strain the principle above referred to, and on the ground of alleviating circumstances in the case, such as the Legislature may be presumed to have had in view in Sections XV, XVI and XVII Regulation XII of 1807, resolve to pass on the prisoner a sentence of transportation for life.—

Ordered, that Extract from these proceedings be sent to W. B. Anderson Esqr. 2d Judge on Circuit in the Eastern Division.—

(Sent in d/ 157)

Read Return dated the 18th Ultimo and Supplemental Return dated the 23d Ultimo from the 3d Judge of the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Enquiry dated of the 2d January 1840; directing him to submit an English translation of the Record of Case No. 7 of the Eachenpoly Supplemental Calendar for the 4th Quarterly Sessions of 1839.—

(Here enter S.R. Nos. 137 and 184)

1. With his Supplemental Return now recorded, the Third Judge submits an English translation of the Trial above mentioned.—

In

S.R.

3d February 1840.

2. In the note by the 3d Judge Presiding in Sessions upon this case, it is observed that "the main "point to be ascertained", were, whether or not "the mob "were distinctly warned by the proper authorities to disperse "and refused to do so, so as to bring the case within "the provisions of the Regulation and section quoted,"— (Section III Regulation III of 1831) "and whether the persons at the bar formed a component part of the mob assembled."—

3. It appears to the Court of Enquiry dated that in addition to the said points, an essential condition of the application of the above section is, that the assembly of persons was "for riotous or rebellious purposes" in this point seems to consist the difference between the provisions of Sections II and III of the Regulation; if the assemblage indicated merely "an intention to commit "an unlawful act," or was such as to be "inconsistent "with public tranquility" the penalty for not dispersing would not exceed a fine of 50 Rupees, or one Months' imprisonment without Labour.—

4. In this case the charge entered in the Calendar is for "having, on the 27th September 1839, "with an evil intent riotously assembled or caused to "be assembled a mob of persons on account of the feast at—

attempt to lay his hand on the female, the prisoner's
escape would have been proportionably increased.—

4. The Court therefore being of opinion that
it would not be unduly to strain the principle above referred
to, and on the ground of alleviating circumstances in the
case, such as the Legislature may be presumed to have
had in view in Sections XV, XVI and XVII Regulation XIII
of 1802, resolve to pass on the prisoner a sentence of
transportation for life.—

Ordered, that Extract from these
proceedings be sent to W. B. Anderson Esqr. 2d Judge on Circuit
in the Western Division.—

(Sent in 4th 157)

Record Return dated the 18th Ultimo and
Supplemental Return dated the 23d Ultimo from the 3d Judge
of the Provincial Court of Circuit in the Southern Division,
to the precept of the Court of Confidence dated the 2d
January 1840, directing him to submit an English translation
of the Record of Case No. 3 of the Ruchenpoy Supplemental
Calendar for the 4th Quarterly Sessions of 1839.—

(Here enter S.R. Nos. 137 and 184)

1. With this Supplemental Return now
recorded, the Third Judge submits an English translation
of the Trial above mentioned.—

In

S.R.

3d February 1840.

2. In the note by the 3d Judge Presiding
in Sessions upon this case, it is observed that "the main
"point to be ascertained", were, whether or not the mob
"were distinctly warned by the proper authorities to disperse
"and refused to do so, so as to bring the case within
"the provisions of the Regulation and section quoted,"
(Section III Regulation III of 1831) "and whether the prisoners
at the bar formed a component part of the mob assembled."

3. It appears to the Court of Confidence
Evident that in addition to the said point, an essential
condition of the application of the above section, is, that
the assembly of persons was "for seditious or rebellious purposes"
in this point seems to consist the difference between
the provisions of Sections II and III of the Regulation; if
the assemblage indicated merely "an intention to commit
"an unlawful act," or was such as to be "inconsistent
"with public tranquility" the penalty for not dispersing
would not exceed a fine of 50 Rupees, or one Month's
imprisonment without Labour.—

4. In this case the charge entered in the
Calendar is for "having on the 27th September 1839
"with an evil intent riotously assembled or caused to
"be assembled a mob of persons on account of the feast

at

"at the Christian Church at Edaterroo, of the Coroned
"Calcok, and with having opposed the Police and Magistrate
"authorities (in the execution of their duties), refusing to
"disperse when repeatedly ordered to do so, and further
"with having grossly attacked and maltreated the Head
"Assistant Magistrate, while present, in the execution of
"his duty, endeavouring to disperse the crowd".

5. The Court of Enjidara Edalut observe that in this indictment, upon which also the prisoners were tried before the Court of Dr. Sessions, the assembly is not averred to have been "for riotous or rebellious purposes," but "on account of the feast at the Christian Church"; the vague allegation of an "evil intent" does not (in the opinion of the Court) suffice to bring the act within the scope of the highly penal provisions of this section; and moreover the prisoners were charged with having assembled a Mob, instead of themselves assembling in such mob; and the occurrence of the feast was sufficient of itself to account for the assemblage of a number of people on the occasion.—

6. According to Russell (on Crimes) p. 350 "A riot is described to be a tumultuous disturbance of the peace

"by three persons or more, assembling together of their own
"authority, with an intent mutually to assist one another
"against any who shall oppose them in the execution
"of some enterprize of a private nature, and afterwards
"actually executing the same, in a violent and
"turbulent manner to the terror of the people, whether
"the act intended were of itself lawful or unlawful".

7. An unlawful assembly (p. 362.) according to Mr. Serjeant Rawlins is "any meeting of
"great numbers of people, with such circumstances of terror
"as cannot but endanger the public peace, and
"raise fears and jealousies among the King's subjects".

8. With reference to these definitions, and to the preceding observations on the subject, the Court of Enjidara Edalut are of opinion that the prisoners were not properly charged with the offence described in Section III Regulation III of 1831, though if they had been so charged, the facts in evidence would seem sufficient for their conviction thereof.—

9. Notwithstanding the mere assault com-
=mitted, the precise matter of aggravation alleged in

"at the Christian Church at Edaterroo of the Convicted
"Caloots, and with having opposed the Police and Magistrate
"authorities (in the execution of their duties) refusing to
"disperse when repeatedly ordered to do so, and further
"with having grossly attacked and maltreated the Head
"Assistant Magistrate, while present, in the execution of
"his duty, endeavouring to disperse the crowd".

5. The Court of Cuidaree Edalut observe that in the indictment, upon which also the prisoners were tried before the Court of 2d Sessions, the assembly is not averred to have been "for riotous or rebellious purposes," but "on account of the feast at the Christian Church"; the vague allegation of an "evil intent" does not (in the opinion of the Court) suffice to bring the act within the scope of the highly penal provisions of this section; and moreover the prisoners were charged with having assembled a Mob, instead of themselves assembling in such mob; and the occurrance of the feast was sufficient of itself to account for the assemblage of a number of people on the occasion.—

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"by three persons or more, assembling together of their own
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"against any who shall oppose them in the execution
"of some enterprize of a private nature, and afterwards
"actually executing the same, in a violent and
"turbulent manner to the terror of the people, whether
"the act intended were of itself lawful or unlawful".—

7. An unlawful assembly (p. 352.) is according to Mr. Serjeant Hawkins is "any meeting of
"great numbers of people, with such circumstances of terror,
"as cannot but endanger the public peace, and
"raise fears and jealousies among the King's subjects".—

8. With reference to these definitions, and to the preceding observations on the subject, the Court of Cuidaree Edalut are of opinion that the prisoners were not properly charged with the offence described in Section III Regulation III of 1831, though if they had been so charged, the facts in evidence would seem sufficient for their conviction thereof.—

9. Notwithstanding the mere assault committed, the precise matter of aggravation alleged in

in the latter part of the arraignment, the Court do not consider to have been brought home to these prisoners. The testimony of the 7th. witness for the prosecution, the Police Ameen, exculpates them, in the opinion of the Court, as to that part of the charge.—

10. It is not by any means clear to the Court, that the party to which the prisoners belong are more properly chargeable with having caused the riotous assemblage which took place — than the opposite party.—

11. There can be no doubt as to the prisoners having committed the offence provided for by Section II Regulation III of 1831: and under all the circumstances the Court of Zoujdaree Adaulut resolve to direct that the sentence upon the prisoners be reduced to the penalty prescribed in that Section: namely a fine not exceeding fifty Rupees, or imprisonment, without labour, not exceeding one Month.—

12. As this penalty has already been undergone by the prisoners, they are now entitled to their discharge from confinement.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Southern Division by Precept returnable within seven days, from and after its

its receipt.—

(Sent following Precept No. 158.)

Read letter dated the 21st. Ultimo from the Acting Criminal Judge of Madura, submitting the information required by the Zoujdaree Adaulut in their Proceedings of the 17th. January 1840, relative to the penalty inflicted on a Peon for negligence whereby a prisoner effected his escape from Gaol.—

(Here enter No. 176 of 1840)

Read return dated the 25th. Ultimo from the 3d. Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Zoujdaree Adaulut of the 21st. January 1840, calling upon him for an explanation of the delay in disposing of the cases entered in the Statement required by the Circular Order No. 4.—

(Here enter No. 178 of 1840)

Read return dated the 24th. Ultimo from the Joint Criminal Judge of Guntoor to the Precept of the Zoujdaree Adaulut of the 20th. January 1840, conveying their observations and orders on the Criminal Reports for the Month of December 1839.—

(Here enter No. 183 of 1840)

Read

Read letter dated the 23d Ultimo from the Provincial Court of Circuit in the Centre Division, forwarding the death warrant in Case No. 19 of the Cuddapah Calendar for the 2d Sessions of 1839.—

(Here enter No. 185 of 1840.)

Read letter dated the 23d Ultimo from the Provincial Court of Circuit in the Centre Division, forwarding the death warrant in Case No. 29 of the Cuddapah Calendar 2d Sessions of 1839.—

(Here enter No. 186 of 1840.)

Read return, dated the 23d Ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division, to the Precept of the Sonjdaree Adalut of the 18th January 1840, conveying their observations on Case No. 1 of the Malabar 4th Additional Calendar for the 4th Quarterly Sessions of 1839.—

(Here enter No. 190 of 1840.)

Read return dated the 7th Ultimo from the Officer Commanding at Neilgherries of Convicts for the Month of December 1839.—

(Here enter No. 193 of 1840.)

Read Statement dated the 27th Ultimo from

3d = February 1840.

from the Provincial Court of Circuit in the Centre Division, showing the amount of Batta paid to Prosecutors and witnesses in attendance before the Court of Circuit at 2d Sessions 1839 according to Section XXXIII Regulation X of 1816.—

(Here enter No. 196 of 1840.)

Read return, dated the 23d Ultimo from the Criminal Judge of Nellore, to the precept of the Sonjdaree Adalut of the 23d January 1840, conveying their observations and orders on the Criminal Reports for the Month of December last.—

(Here enter No. 201 of 1840.)

Read letter dated the 24th Ultimo from the 1st Judge late on Circuit in the Western Division, forwarding the Death warrant in Case No. 22 on the Malabar Calendar for the 2d Sessions of 1839.—

(Here enter No. 204 of 1840.)

Read return dated the 25th Ultimo from the Acting Joint Criminal Judge of the Auxiliary Court at Cochin, to the precept of the Sonjdaree

3d February 1840.

Foujdaree Udalut of the 20th January 1840, conveying their observations and orders on the Criminal Reports for the month of December 1839.—

(Here enter No. 207 of 1840.)

Eg. L.

F. U.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Agt 1st Puisne Judge

Tuesday 4th February 1840.

William Hudleston Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read the Report dated 14th August 1839 prescribed by Section XXXVII Regulation VII of 1802 of the Second Judge of the Provincial Court of Circuit for the Southern Division, for the Circuit of the first half of the year 1839.—

(Here enter F. U. No. 1378 of 1839.)

Parah. 3. 1. The Court of Foujdaree Udalut have no particular information respecting the system adopted by the present Magistrate of Madura Mr. Blackburne, of guarding the Town of Madura, but the practice of having patrols constantly on watch at night, as well as Duffadars and others going their visiting rounds, to ascertain that each Peon is at his post, appears to be a necessary

necessary part of every efficient Police system.—

2. The Court resolve however to direct that the Magistrate of Madura be requested to report particularly the nature of the arrangements to which the Second Judge alludes, and the strength of the Police Force necessary to give effect to them.—

Paras: 7. 3. The Second Judge states that "upon inquiry he was given to understand that since the introduction of Fire Arms, no attempt at escape had been made by any of the Convicts."—

4. It is presumed that the Judge here alludes to the Jail; on a late occasion reported to Government of an attempt to escape by a party of Convicts working at a distance from the Jail, it would appear that the Peons were armed with Swords only which the Convicts contrived to seize.—

Paras: 10. 5. Referring to the suggestion of the 2d Judge that in consideration of the prevalence of the crime of murder in the District of Salem—"such persons as may be finally sentenced

sentenced to Capital Punishment by the Tanjore Adalut may occasionally be executed as near to the spot or village in which the crime may have been perpetrated, especially when attended with any atrocious barbarities"

Para: the Court observe that this course is not pursued by them whenever the circumstances of the case may appear to render such an example expedient:— but it involves expence.

Paras: 12 and 14. 6. The Court of Tanjore Adalut observe that the orders respecting the arming of a portion of the Guards with Fire arms were intended to apply to Peons in charge of working parties of Convicts, and not to the Jail Guards only: and the Court direct that the Criminal Judges of Salem and Combaconum, and the Acting Joint Criminal Judge of Coimbatore, be instructed to report whether a portion of those Peons have been and are now so armed, or not.—

Magistrates' Calendars— 7. The Court of Tanjore Adalut observing that in Case No. 14 of the "Calendar of persons punished by the" Magistracy of Salem

"from

necessary part of every efficient Police system.—

2. The Court resolve however to direct that the Magistrate of Madura be requested to report particularly the nature of the arrangements to which the Second Judge alludes, and the strength of the Police Force necessary to give effect to them.—

Parah: 7. 3. The Second Judge states that "upon inquiry he was given to understand that since the introduction of Fire Arms, no attempt at escape had been made by any of the Convicts."—

4. It is presumed that the Judge here alludes to the Jail; on a late occasion reported to Government of an attempt to escape by a party of Convicts working at a distance from the Jail, it would appear that the Peons were armed with Swords only which the Convicts contrived to seize.—

Parah: 10. 5. Referring to the suggestion of the 2d Judge that in consideration of the prevalence of the crime of Murder in the District of Salem—"such persons as may be finally sentenced

sentenced to Capital Punishment by the Fouzdaree Adalut may occasionally be executed as near to the Spot or village in which the crime may have been perpetrated, especially when attended with any atrocious barbarities" the Court observe that this course is now pursued by them whenever the circumstances of the case may appear to render such an example expedient—but it involves expence.—

Parahs: 12 and 14. 6. The Court of Fouzdaree Adalut observe that the orders respecting the arming of a portion of the Guards with Fire arms were intended to apply to Peons in charge of working parties of Convicts, and not to the Jail Guards only: and the Court direct that the Criminal Judges of Salem and Combaconum, and the Acting Joint Criminal Judge of Coimbatore, be instructed to report whether a portion of those Peons have been and are now so armed, or not.—

Magistrates Calendars—7. The Court of Fouzdaree Adalut observing that in Case No. 14 of the "Calendar of persons punished by the" Magistracy of Salem "from

4th February 1840.-

"from 11th November 1838 to 3rd May 1839"- certain parties were fined one Rupee each "for contempt of orders, and public nuisance, in not raising walls round their wells when directed,"- resolve to direct that the Magistrate of Salem be called upon to cite the particular provision of the Regulations which is considered by him to authorize such punishment for the act above mentioned.-

8. The Court of Sanjdaree Udalut observe that the "Calendar of Persons committed by the "Magistracy of Tanjore," under the Provisions of Clause 2nd First Section VI. of Regulation VI of 1827, and released from confinement from 1st September 1838 to 20th March 1839" and others of the Calendars submitted with this Report, contain many instances of illegal requisition of security on suspicion of a particular offence, which, by their Circular Order of the 7th July 1831, is shewn to be competent only to the Criminal Judge and the higher Courts to demand.-

9. The Magistrate can demand security

security only from persons of the description specified in Clause first Section III. Regulation II of 1822, and Clause 1st Section V. Regulation VI of 1827.-

10. In Case No.1 of the "Calendar of persons committed by the "Magistracy of Salem" under Clause first Section III. Regulation II of 1822, and Sections V. VI. VII. VIII Regulation VI of 1827," "from 1st November 1838 to 3rd May 1839," it is stated that "on examination, these persons" (the prisoners) "having been proved of having afforded refuge to their brother Chinnachinguer, a person of notorious bad character, and also attempting to extricate him from the hands of the Police, when apprehended by them, they were required by the Magistrate on the 11th February 1839 to find a security in 50 Rupees each for their future good behaviour for 6 months, and in default to be imprisoned in the Criminal Jail for that period."-

11. The Court of Sanjdaree Udalut observe that the prisoners in question might have

have been sentenced to punishment: but the requisition of security on the grounds above stated was not sanctioned by any provision of the Regulations.—

12. With reference also to the order passed in Case No 1 of the same Calendar whereby the Prisoners were required to furnish security for their good behaviour "on the supposition" that they were concerned in a Robbery - "and that they were men of bad "characters, having no ostensible means of "livelihood" - the Court of Sanjdarree Udalut observe that "supposition", or "suspicion", does not constitute sufficient ground for the requisition of security: there must be Proof of bad character as pointed out in their Circular Order of the 25th February 1824.—

13. As the Magistrates in the Southern Division (with the exception of the Magistrate of Trichinopoly) generally appear to be in error in regard to the power of demanding security under the provisions of Regulation II of 1822, and Regulation VI of 1827, and it is not improbable

improbable that the error is not confined to that Division - the Court of Sanjdarree Udalut resolve to direct the attention of the Magistrates under this Presidency to the subject of their Circular Orders of the 25th February 1824 and 7th July 1831.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Southern Division by Peon returnable within twelve days from and after its receipt.—

Sent following precept No 1567

Ordered further, that Extract from these proceedings (Para: 13) be sent to the 4 Provincial Courts of Circuit for their information, with instructions to communicate the same to the several Magistrates within their Division for their information and guidance.—

(Sentence No 160)

Read letter dated the 15th of January 1840 from the Acting 2nd Judge late on Circuit in the Southern Division,

submitting

4th February 1840.

submitting for the consideration and final sentence of the Court of Sunjdaree Udalut the records of the trials in Case Nos 5 on the Rajahmundry Calendar for the 2d Sessions of 1839.

/Here enter F.C. No 133 of 1840./

Mr Huddleston and Mr Campbell.

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

1st Goobbalah Veeradoo
2nd Cossireddy Atchreyaudoo
3rd Calavalah Vanamoodoo

and

4th Mundapilly Atchreyaudoo

of the crime charged and awarding Sentence and under the provisions of Clause Second Section IV Regulation XV of 1803 Sentence the said Prisoners to be transported to such place or places beyond Sea as the Governor

S.C.
4th February 1840.

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 respectively.—

/Sent following letter No 161./

The Court of Sunjdaree Udalut observe that the Judge of Circuit in the 3d para: of his letter of reference alludes to the Prosecutors identification of the Prisoners which in the opinion of the Court of Sunjdaree Udalut is unworthy of credit.—

The confessions of the 1st 2d 3d and 4th Prisoners are corroborated by testimony to the discovery of Articles sworn to belong to the Prosecutor in the houses of the 1st 2d and 3d and on the premises of the 4th.—

The Court of Sunjdaree Udalut do not see reason to distrust this evidence, but they observe that the proceedings are marked with great want of precision and careful examination.—

The witnesses who swear to the property

4th February 1840.

property on this trial, to desire a description
in detail of the property, and should have been
made to particularize the articles known to
them, and the particular marks by which
they were enabled to recognize them.

Ordered, that Extract from these
Proceedings be sent to H. Montgomerie Esqr
Acting 2d Judge Sate on Circuit in the Northern
Division, for his information and future guidance,
and that he be directed to communicate the
observations contained in the concluding Paragraph
to Mr Jellicoe Register of the Criminal
Court of Rajahmundry, for his information
and guidance

Precept returnable in 10 days
Next following Precept No 162.

Ex No.

Ex No.

In the Court of the Zillah Circuit

Present,

Wednesday
5th February 1840. Thomas Fleet Oakes Esqr ——— Acting 1st Puisne Judge,
William Rudleston Esqr ——— 2d Puisne Judge,
Alexr Duncan Campbell Esqr ——— 3d Puisne Judge,

Read miscellaneous Petitions presented on
the 28th October and 23d December 1839 by Vaderaya Naidoo of
Pichaingolgo
(Vide enter Nos Dec Nos 138 and 170 of 1839)
the Petitioner complains of the sentence
passed by the Court of Quarter Sessions in Case No 1 of
the Pichaingolgo 5th Supplemental Calendar of the 2d Quarter
Sessions of 1839 upon his elder brother Sunghiy Naidoo
Pattalen — who was convicted of Gang Robbery and sentenced
to fourteen years imprisonment with hard labour in
Irons —

The Court of Zillah Circuit observe

2. That upon review of the Calendar they deemed it proper
to call for an English Translation of the Record of the
Case in question, and upon consideration thereof have,
in this proceedings under date 31st Ultimo, set aside the
conviction, and issued orders for the immediate release of the

the said prisoner.—

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 23d of December 1839 by Ramayya Pillay of the Zillah of Chingleput.—

(Here enter F.C. No. 2 No. 171 of 1839)

The Petitioner's father in whose behalf the above petition is presented was convicted in Case No. 71 on the Chingleput Criminal file of Rainy made a false complaint of house breaking against certain individuals, and was condemned to six months' imprisonment with Labor in irons: the Petitioner complains of the injustice of this sentence, and asserts that there was evidence forthcoming sufficient to establish the charge brought by his father had it been required by the Criminal Judge.—

The Petitioner prays the Court will call for the Proceedings held in the case, in view to the release of his father, and at the same time direct that an adequate punishment be inflicted on those who entered his House and robbed it.—

The Court of Sudder Adawlut desire the Petitioner be informed that if he has any complaint to prefer against the proceedings of the Criminal Court, he should lay it before the Provincial Court of Circuit.—

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

Read Miscellaneous petition presented on the 30th of December last by Vencatacharyulu of the Zillah of Chittoor.—

(Here enter No. 3 No. 175 of 1839)

The Petitioner complains of an order of the Provincial Court of Circuit in the Centre Division dated the 9th of December 1839 declining to disturb the order of the Magistrate whereby the Petitioner was adjudged to pay a fine of 20 Rupees, and was deprived of his office of Manayem, on a charge of extortion (which he declares to have been false) brought against him by certain individuals named in the Petition.—

The Court of Sudder Adawlut are precluded from taking into consideration the case of the Petitioner without a copy of the Magistrate's order complained against.—

Ordered, that the above be communicated to the Petitioner and that copy of these Proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 30th of December 1839 by Chengalrayadoo of the Zillah

Zillah of Salem.—

(Here enter S.C. Rr. P. No. 176 of 1839)

This Petition contains a more repetition of the circumstances stated in Petitions Nos 19 and 46 of 1839, and which have already been answered: The Court of Enjidaree Udalut direct that the Petitioner be made acquainted with the purport of their order passed on the 22d April 1839, viz:, that if he is dissatisfied with the Proceedings of the Magistrate, he should lay his complaint before the Judge of Circuit, and that he be informed that that order is final.—

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

Read Miscellaneous Petition presented on the 6th January 1840 by Eroomalay alias Eroorangada Pillay of the Zillah of Chingleput.—

(Here enter S.C. Rr. P. No. 2 of 1840.)

The Petitioner explains the circumstances under which some tobacco which he had obtained a permit to remove to his tobacco godowns at Vadakapatoo, was seized at Kalcattoo as smuggled, and complains of the fine of 100 Rupees imposed on him by the Sub Ameen of the Criminal Court of Chingleput in Case No. 85 on the Criminal file in which

which he was charged with and convicted of having smuggled 110 1/4 Vis of tobacco valued at Rupees 38—9—6 to the village of Kelcattoo, with an intent to carry to Madras, to defraud the Circar of the duty Rupees 57—7—2 due thereon, and with having sold on the 19th November 11 1/2 vis of the above tobacco.

He prays the Court to issue orders to permit him to sell the tobacco according to the Rowannah obtained, and to remit the fine levied from him.—

The Court of Enjidaree Udalut direct that the Petitioner be informed, that if he has any complaint against the Proceedings of the Criminal Court, he should address it to the Provincial Court of Circuit.—

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

Read return, dated the 30th ultimo, made by the Criminal Judge of Conjeveram to the precept of the Court of Enjidaree Udalut of the 27th of January 1840, conveying their observations and orders on review of the Criminal Reports for the month of December 1839.—

(Here enter No. 236)

1. In the above return, the Criminal Judge explains that the 1st prisoner in Case No. 164 was made

made a witness and the 5th witness was made a Prisoner, but submits that he is "not aware" of having committed "any irregularity".—

2. The Court of Zoujdaree Udalut desire that the attention of the Criminal Judge of Combaconum be called to their Circular Order of the 28th of October 1822, wherein it is pointed out that it is not competent to the Criminal Judge to institute proceedings against "a party "sent to the Criminal Court as a witness, who may appear "to be implicated in the charge under investigation".—

3. The course of proceeding to be observed when a Police officer may happen to send in, as witnesses, persons so circumstanced, is indicated in para: 8 of the Circular Order referred to, and the Criminal Judge of Combaconam is enjoined to an observance of such rule on all future similar occasions.—

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

(Sent in A.

Read Letter dated 22d ultimo from the Agent for the Governor of Fort St. George in Vizagapatam, submitting a Calendar of Prisoners tried by him under the

the Provisions of act No. XXIV of 1839.—

(Vide entry Sel. Ct. No. 195 of 1840.)

1. In the case (No. 3) on this Calendar—erroneously termed by the Agent in the Letter now received, a "Register of cases filed before" him—the 1st Prisoner was charged with Forgery—the 2d with subornation of Forgery—

2. The latter Prisoner alone is convicted, "but as he appears to have been a tool in the hands of some more guilty person and to be in a state of distress, he is sentenced to 2 years' imprisonment with hard labour in irons, and as the sentence is within the punishment laid down in Clause 1st Section III Regn. VI of 1811—it is forwarded for confirmation to the Court of Zoujdaree Udalut according to the latter part of the above clause and Section V Regulation I of 1825".—

3. The Court of Zoujdaree Udalut sanction the said mitigation of the prescribed penalty in this Case.—

4. The Court observe that it is not competent to the Agent to pass a sentence not allowed by the Regulations: and the course to be pursued on such occasions is that indicated in the last para: of their

their Circular Order of the 20th March 1834.—

Ordered, that Extract from these proceedings be sent to the Agent for the Governor of Fort St. George in Vizagapatam for his information and guidance.—

(Sent in No.

1. The Printed Criminal Statements for the half year ending the 30th June 1839 not having been yet received from the Provincial Court of Circuit in the Centre Division—

2. Resolved, that that Court be called upon immediately to submit the Reports in question, and to explain the cause of the great delay in transmitting those Statements to the Sovidarea Adalut.—

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable within 3 days, from and after its receipt.—

(Sent following Precept No.

Read letter dated the 27th ultimo from the Provincial Court of Circuit in the Centre Division, requesting instructions as to the disposal of certain cases included in the Cuddapah, Cumbum and Bellary Criminal Reports for the months of July last, which, by desire of the Court of Sovidarea Adalut, were called up for

for review by the late Acting Judge of Circuit Mr. Thomas, but have not yet been disposed of.—

(Vide enter No. 197)

1. As Mr. Davies is the only Judge of the Provincial Court of Circuit in the Centre Division, present at the Salor Station, and as such single Judge is incompetent under the provisions of Section XXIV. Regulation X. of 1816 to pass any "orders" on the Cases referred to, the Court of Sovidarea Adalut resolve to direct the 3d Judge of the Provincial Court of Circuit to forward the proceedings of the Lower Courts, with his opinion on each separate Case, to the Court of Sovidarea Adalut for their orders.—

2. As much public inconvenience may result from the Provincial Court in the Centre Division being left with only a single Judge present at the Salor station, the Court of Salor and Sovidarea Adalut resolve respectfully to suggest to the Right Honorable the Governor in Council, the expediency of a Judge being appointed to officiate in the Provincial Court of Appeal and Circuit in the Centre Division during the absence of Mr. Casamajor, should the duty on which that Gentleman is at present engaged be likely to detain him

time longer at Vellore.—

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.

Ordered further, that a copy of para: 1. of these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.—

(Sent in No.

Read letter dated the 15th Ultimo from the Acting Criminal Judge of Cuddapah, submitting the Criminal Reports for the Months of December 1839.—

(Here enter No. 145)

1. These Reports do not appear to call for particular remark from the Court of Sudder Adalut; but the Judges desire that in cases heard before the Sessions a more brief abstract of the evidence be given in the Monthly Report.—

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

Cuddapah for his information and future guidance.—

(Sent in No.)

Fd

The Court of Sudder Adalut seeing reason to doubt the sufficiency of the evidence for the conviction of the prisoner in Case No. 9 on the Criminal Calendar 2nd Sessions of 1839 resolve to instruct the Provincial Court of Circuit in the Centre Division to prepare and to submit with the least practicable delay an English translation of the record thereof.—

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.

Read again order of Government dated the 6th of August 1839 No. 642: requiring the Court of Sudder Adalut to ascertain and report for their information the probable expence which would be entailed by the adoption of the Courts suggestions to pay the expence of all prosecutors and witnesses appearing before the Courts of Circuit without reference to the restriction contained in Section XXXIII Regulation X of 1816.—

(Here enter Sec. Let. No. 1311 of 1839)

Read

Read letter from the Chief Secretary to Government dated the 10th of December 1839 No. 975. calling the attention of the Court of Enquiry deputed to the order above recorded and requesting that the report required therein may be submitted at their earliest convenience.—

(Here enter C.L. No. 2065 of 1839.)

Read also returns and Supplimentary Returns from the 4 Provincial Courts dated respectively 7th October 6th November 13th November 22d November and 20th December 1839 to the Precept of the Court of Enquiry deputed under date the 14th August 1839. directing them to call on the several Criminal Courts within their respective Divisions for reports as to the probable expence which would be entailed on the State by the adoption of this Courts suggestion to pay the expences of all prosecutors and witnesses appearing before the Courts without reference to the restrictions contained in Section XXXIII Regulation X of 1816.—

(Here enter J.G. Nos. 1720-1876-1948-1978 and 2131.)

1. On the receipt of the order of Government of the 6th of August the Court of Enquiry deputed

5th February 1840.

issued a Circular Precept to the lower Courts commanding the Judges severally to submit a report as to the probable expence which the adoption of the measure recommended in their proceedings of the 27th July would occasion.— A considerable time elapsed before returns could be procured from the several judicial officers in the Provinces and this has occasioned the delay in submitting the information required by Government. and for which the Judges request their indulgent consideration.—

2. The Provincial Court of Circuit in the Northern Division have forwarded the opinions recorded by the 1st and 2d Judges who composed the Court when the reports from the several Zillah Stations were taken into consideration.—

3. The 1st Judge is of opinion that Jurors should in all cases be paid to Prosecutors and witnesses attending the Criminal Courts for he observes in cases committed for trial before the Courts of Circuit the parties have always two journies to perform and in some cases three and it is obvious that their absence from their homes must in most cases be attended with great loss and inconvenience, and he expresses his belief that many juries are now quietly submitted to by the parties injured rather

rather than be put to the additional loss and incon=
=venience to which these repeated journies must subject
them.—

4. The 2d Judge after adverting to the
rules in force for the payment of batta states that with
the exception of a few wealthy individuals and persons
residing at or close to the stations where the Sessions are
held, all other Prosecutors and witnesses attending the
Courts of Circuit should in his opinion be paid batta
at the full rate of 2 annas per diem from the date
of their quitting their homes till they return to them,
allowing 2 annas per twenty miles for travelling expenses.

5. And he observes that the expence to
the Government for batta as well as the vexation, &
inconvenience and expence to individuals would be
much reduced if the Criminal Judges were to be careful
to insure the attendance of the average number only of
Prosecutors and witnesses according to the nature of the
cases and the points to be proved by them.—

6 The Criminal Judge of Chicacole
suggests the reduction of the present rate of batta
from

from 2 annas to 1 anna six pice whereby he observes "a differen
"of 146—4—10 would be left annually to the advantage of
"Government and the reduction in no way distress those
who are entitled to receive batta in procuring their
daily attendance.—

7. The Acting Joint Criminal Judge of
Masulipatam offers no suggestions but states that as
far as his own practice is concerned. he thinks three fourth
of those attending the Courts of Circuit have been allowed
batta by his orders.—

8. The Acting Joint Criminal Judge of
Vizagapatam merely submits a statement which shews
that while the batta actually paid from the 2d Sessions
of 1834 to the 1st Sessions of 1839 inclusive amounted to
2869—3—4 it would have exceeded this amount by
Rupees 712—7—6½ had it been paid indiscriminately
to all parties attending before the Courts of Circuit.—

9. The Acting Criminal Judge of Rajah=
=mundry offers it as his opinion that there can be no
doubt but this measure will be attended with benefit
as at present many persons who have been robbed of
articles of small value are unwilling to prosecute
because

rather than be put to the additional loss and inconvenience to which these repeated journies must subject them.—

4. The 2d Judge after adverting to the rules in force for the payment of batta states that with the exception of a few of the individuals and persons residing at or close to the stations where the Sessions are held, all other Prosecutors and witnesses attending the Courts of Circuit should in his opinion be paid batta at the full rate of 2 annas per diem from the date of their quitting their houses till they return to them, allowing 2 annas per twenty miles for travelling expences

5. And he observes that the expence to the Government for batta as well as the vexation, & inconvenience and expence to individuals would be much reduced if the Criminal Judges were to be careful to insure the attendance of the average number only of Prosecutors and witnesses according to the nature of the cases and the points to be proved by them.—

6 The Criminal Judge of Chicacole suggests the reduction of the present rate of batta from

from 2 annas to 1 anna six pice, whereby he observes "a difference "of 146–4–10 would be left annually to the advantage of "Government and the reduction in no way distress those who are entitled to receive batta in procuring their daily attendance.—

7. The Acting Joint Criminal Judge of Masulipatam offers no suggestions but states that as far as his own practice is concerned. he thinks three fourths of those attending the Courts of Circuit have been allowed batta by his orders.—

8. The Acting Joint Criminal Judge of Vizagapatam merely submits a statement which shews that while the batta actually paid from the 2d Sessions of 1834 to the 1st Sessions of 1839 inclusive amounted to 2869–3–4, it would have exceeded this amount by Rupees 712–7–6½ had it been paid indiscriminately to all parties attending before the Courts of Circuit.—

9. The Acting Criminal Judge of Rajahmundry offers it as his opinion that there can be no doubt but this measure will be attended with benefit as at present many persons who have been robbed of articles of small value are unwilling to prosecute because

because their expences in attending before the Court frequently exceed the value of the property lost, and he shews by a statement framed from the accounts of batta paid during the most plentiful and scarce seasons - that had batta been paid to all persons the average increase of expenditure in 5 years would have amounted to Rupees 706_13_-

10. From the Return of the Joint Criminal Judge of Guntoor it appears that the charges actually incurred for batta and travelling expences to Prosecutors and witnesses amounted during the three last years to Rupees 145_15_-, and that the expences would have amounted to Rupees 306_10_- making an increase of Rupees 160 annas 11 under this head, if batta had been paid to all witnesses who attended during those years.

11. Mr. Newberry is of opinion that a liberal measure of the kind proposed would prove most acceptable to the people at large, and would tend to reconcile them in some degree to the dilatory system of administering justice which requires a double journey and attendance at the Court before a case can be disposed of, and as it is difficult adds Mr. Newberry for a Criminal Judge

Judge to ascertain by merely asking a few questions whether or not a prosecutor or witness is in actual need of batta and in many cases persons must suffer great hardship from the refusal of it. He considers that the administration of justice would be materially improved if all Asst. Public servants were allowed batta and travelling expences on attending the sessions of the Courts of Circuit.-

12. The Criminal Judge of Nellore after reporting on the practice of paying batta followed in his Court from which it appears that it has not been customary in that Court to pay parties attending at the Court for the days which it would take up for their coming to Court from their houses. observes that on an average calculation (excluding the amount of expence incurred in famine years) he thinks that the probable expence of paying the daily allowance of 2 annas each to all Prosecutors and witnesses appearing before the Courts of Circuit would amount to about 150 Rupees for each session.-

13. The Criminal Judge also recommends that the expence of the journey to the Court (if to be defrayed

defrayed by the State) should be paid by the officers of the Police and he considers it unnecessary to pay any daily allowance to Circar Servants whose salaries exceed 4 Rupees a month.—

14. The Provincial Court of Circuit in the Western Division in transmitting the several figured statements received from the Courts subordinate to them, express their opinion that the adoption of the measure suggested by the Conjeveram Cutcherry is certainly desirable if it can be effected, as, under its operation it is reasonable to expect that Prosecutors and witnesses will be induced to obey with more cheerfulness and alacrity than they perhaps now do, the summonses to attend the Circuit Courts, It is however probable they observe that the measure is less urgently required in the Western Division than in most of the other districts of the Madras Presidency there being reason to believe that in Malabar and Canara there is less of poverty among the people generally than in many other parts of the country.—

15. This remark they are of opinion, seem from the Statements to apply more particularly to Canara or at least to Mangalore the station of the Zillah Court where

where it will be seen that during the three years embraced by the Statement 1836-1837 and 1838 the total number of persons who attended before the Court of Circuit was 1558, of whom only 825, or hardly more than one half received batta. Whereas at Calicut, as also at Edicherry and Tellicherry the proportion of those who attended to whom batta was paid was about three fourths.—

16. It further seems to the Provincial Court deserving of notice that though the number of Prosecutors and witnesses who attended during the said 3 years at Calicut Sessions, exceeded by 1,000, the highest number at any of the other Stations in the Division, the difference in the expence of batta if the whole number had been paid at the rate authorized by the Regulation, would not have exceeded 1,000 Rupees for the three years, being an average of about 170 Rupees for each Sessions. a sum which does not appear very large when it is considered that the Sessions at Calicut are seldom concluded under two months or more.—

17. In conclusion the Provincial Court suggest

suggest, whether if the proposed measures be adopted some rules should not be enforced for checking the payment of batta in cases in which the charge and evidence may be considered by the Presiding Judge to be false.. The Court of Sudr Adalut are of opinion that some such precautionary rules would be found advisable and are of opinion that this suggestion is deserving the consideration of Government.—

18. No suggestions have been submitted nor opinions offered by the subordinate officers in this Division but it appears from the several statements sent up, that if batta had been paid to all prosecutors and witnesses attending before the Courts at the authorized rates, the increase under this head would have amounted to Rupees 3,222–14–7— in all the Courts in the Western Division—

19. The Provincial Court of Circuit in the Southern Division are also in favor of the proposed measure for removing the restriction contained in Section XXXIII Regulation X of 1810 notwithstanding the considerable additional expence it will entail on the Government.—

And

20. And after adverting to the present system which only provides for the payment of batta to those actually in need, all other persons being obliged to defray their own expences during the period of their absence from their houses, the Provincial Court observe that it is evident that the latter persons (with very few exceptions such for instance as those in the employment of the Government) must suffer materially in pecuniary matters from being called away from their usual avocations and engagements, and it appears to the Judges to be but fair and equitable that such persons should receive some remuneration for the loss sustained by them in consequence of their services being required by the State.—

21. The Acting Criminal Judge of Madura is of opinion that the average probable expence of batta for one year if paid indiscriminately to all prosecutors and witnesses would be Rupees 250—a—.—

22. The Officiating Joint Criminal Judge of Tinnevelly states that the average expense of batta for the last five years would have been 163 Rupees per

per annum if all the parties who attended before the Courts of Circuit had been paid at the rate specified in Section XXXIII Regulation X of 1810 and unless in years of famine he does not anticipate any increase on the above amount in future years.—

23. The Criminal Judge of Combaconam reports that the probable expence which the adoption of the Loyd are Gdaulat suggestion to pay the expences of all prosecutors and witnesses appearing before the Court of Circuit would incur is estimated to be Rupees 120.—

24. The Joint Criminal Judge at Trichinopoly states that the expences of batta without reference to the restriction contained in Section XXXIII Regulation X of 1810 would annually be 150 Rupees.—

25. The Acting Criminal Judge of Salem reports that if the Loyd are Gdaulat suggestion were adopted, the probable expence would amount to Rupees 250 for each sessions and he observes that any estimate that can be formed is only an approximation to the real expence which would be incurred.—

26. The Acting Joint Criminal Judge at Coimbatore

Coimbatore is of opinion that the proposed measure would entail an additional expence of two thirds in excess of what has hitherto been incurred under the restriction contained in Section XXXIII Regulation X of 1810.—

27. The Provincial Court of Circuit in the Centre Division have taken a wider range in the discussion of this subject, and have submitted a statement shewing the actual expenditure under the present system and the probable increase of expence by the adoption of the proposed measure; in this statement the Provincial Court have followed the classification suggested by the Criminal Judge of Chittoor and have calculated on a detention of 10 days for each party.—

28. The Statement exhibits a considerable increase of expense. But the Judges of the Provincial Court are inclined to believe that when the system has come into full operation, the expence will exceed this estimate, as many parties it is believed will hereafter come forward in cases which are now suppressed by them

them, owing to their want of means to give attendance at the Courts and that as the access to justice becomes easier many crimes will come to light which at present are never heard of.—

29. With reference to the expediency of withholding batta from public servants the Provincial Courts are of opinion "that public servants should be debarred the receipt of batta" as the disinclination to leave their homes is as much felt by the public service, as by private individuals and the causes in both cases is the same viz. the want of means necessary to support them, in absence from their families and they observe that as the Government have lately granted batta to Peons, sent from their districts in charge of convicts there seems no reason why the same rule should not be extended to other service which takes them from their homes.—

30. The Judges of the Provincial Court do not think that a higher rate than 8 annas should be paid to any individual. The object being to afford the means of subsistence not of luxury and they remark that men whose expenditure would amount to a rupee per diem

diem would seldom ask for any allowance and could seldom require it. Besides it may be fairly expected of men of rank and wealth that they should set an example to those below them by readily submitting to the inconvenience and expense inseperable in all countries from a connexion with Judicial proceedings.—

31. The Criminal Judge of Cuddapah proposes to divide the parties appearing before the Courts as prosecutors and witnesses into 3 classes. the 1st to include the smaller cultivators Handicraftsmen, labourers and petty shop keepers to be paid 4 annas per day, the 2d class to include respectable shop keepers and merchants, natives of the middle class Brahmins, persons not employed in manual labor and persons whose usual habits required that they should have some menial assistance to be paid 6 or 8 annas per diem, the third class to include, opulent natives, men of rank, Zemindars, rich merchants, and Brahmins of the higher order, who are to receive one Rupee per diem. Of this last class observes the Criminal Judge very few individuals attend the Criminal or Circuit Courts and to many of them in attendance, allowance of any reasonable amount would be no object and perhaps many of them would

would refuse it.—

32. From an estimate framed by the Criminal Judge from the returns of parties present during the year 1838 before the Court in which he calculates that two thirds of the persons would be included in the first class and of the remainder three fourths would be in the 2nd and one fourth in the 3d it appears that the increase of expenditure in one year would amount to Rupees 1366—4—9 or a little more than double what it was during the year 1838.—

33. The acting Zillah Judge of Cuddapah offers no suggestions on the proposed measure, but states that it can hardly be anticipated that there will be any very considerable difference. while gang robberies and other heinous crimes are so common as they have been and still continue to be in the Cuddapah District.—

34. The Criminal Judge of Bellary submits a statement from which it appears that on an average calculation made from the accounts of three years ending on the 30th June 1839 the increase of expenditure to the State if all parties in attendance had been paid batta would have amounted to Rupees 87—9—11½.—

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35. The Criminal Judge of Chingleput shows from a statement submitted with his return that if batta had been paid to all parties indiscriminately including public servants the average increase during the last five years in consequence of the adoption of the proposed measure would have amounted to Rupees 11—3—5¼ but excluding of public servants who the Criminal Judge is of opinion are not entitled to receive batta. the amount would only have been 4—4—6¾.—

36. The Joint Criminal Judge of Cuddalore states that it has hitherto been the practice of his Court to pay batta to almost all parties attending the Courts of Circuit except Government servants, persons of known wealth and residents of the Town of Cuddalore. and adds that had all persons received the allowance without the restriction contained in Section XXXIII Regulation X of 1816 the average additional expence to the state taken on an aggregate of the last three sessions would have been 36 Rupees per session.—

37. It thus appears that no difference of opinion prevails among the Judicial officers under this Presidency regarding the highly beneficial effects to be derived

derived from the removal of the restriction contained in section XXXIII Regulation X of 1816. which is described as operative in discouraging and often precluding injured parties from applying to our Judicial Tribunals.—

38. The Court of Sudder Dewanny have no doubt that the restriction under consideration has operated in this manner and that it will be deemed advisable to discontinue the limitation. But, under the opinions given by the Lower Courts, the Sudder Dewanny would suggest that, until the effect of the measure is tried, no batta be granted to public servants whose pay exceeds 10 Rupees per mensem.—

39. It does not appear from these returns that a very considerable additional expense will be entailed on the Government by offering the payment to all individuals, appearing before the Courts of Circuit, as prosecutors and witnesses, of the prescribed allowance of 2 annas each.—

40. The Court of Sudder Dewanny are of opinion that these returns do not afford a just criterion by which to judge of what may hereafter be the amount of expenditure

expenditure on this account, because it is impossible to ascertain from such rough average calculations as those submitted what addition may accrue to those averages from the increased attendance of parties consequent on the operation of the proposed measure. But many of the most wealthy will decline to receive this allowance; and if the attendance of the witnesses is duly regulated, so as to prevent unnecessary detention, the expense will be proportionally kept within limit and they trust that financial difficulties will not be found to obstruct a measure requisite to afford the people greater facilities of access to good judicature and which at present would appear likely to be attended by an increase of expenditure to the State comparatively trifling with the advantages it will purchase.—

Ordered, that Extract from these Proceedings, together with the figured statements Nos. received from the several subordinate Courts be transmitted to the Chief Secretary to Government for

for the purpose of being laid before the Right Honorable the Governor in Council.—

Ext in Nº

Ext in P. J.

1. The Register lays before the Court the following Statements drawn up in his Office from the returns received thro' the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and the Courts of Circuit respectively, and he submits also an abstract of the operations of this Court from the 1st of July to the 31st of December 1838 according to the forms approved by Government.—

(Here enter Nº 1 to 9)

Village Police. 2. Statement Nº 1 with the details in Nº 2 exhibits the number of persons summoned before the Village and District Police and Magistracy for Petty offences punishable by themselves together with the number of acquittals and convictions and the nature of the punishments inflicted.—

3. The total number of persons brought before the Village Police together with the number acquitted

acquitted or convicted of petty offences, as compared with the preceding half year, or from the 1st January to the 30th June 1838, is as follows.—

	Persons summoned	Persons acquitted after investigation	Persons acquitted without investigation upon Razeenamah &c.	Persons punished.
From the 1st of January to the 30th June 1838.	2280	368	552	1360
From the 1st of July to the 31st December &c.	3199	889	622	1688.

4. Of the 1688 persons punished by the Village Police 1063 were confined in the Village Cloatry and 625 in the stocks.—

5. Complaints for Petty Assaults or affrays constitute the great majority of the cases brought before the Village Police.—

6. Out of 3199 persons brought before them 2635 were for Petty Assaults or affrays and 564 for petty thefts, of the former 1163 were Punished, of the latter 525.—

7. In the District of Vizagapatam the Village Police do not appear to have exercised in a single instance during the half year under review, that of Judicial powers in petty Criminal Cases, and in Ganjam only one person, and in Chittoor only two persons

persons, were brought before the Village Police during the same period.—

8. The Magistrate of Masulipatam explains in his annual Police report dated 23d March 1839, that in his District "the Head of a Village exists only in name "all duties connected with the Police are conducted by the "Curnam, who is the irresponsible person, while in fact "the whole responsibility is thrown on the Head of the "Village who from Apathy does nothing, and would, "for his services, receive nothing, if he did all that he "is required to do."—

9. The Court of Sudder Adalut do not consider it necessary to renew the consideration of the question of remunerating the Village Police — as the subject has long since been referred for the consideration of the Board of Revenue.—

District Police. 10. The total number of persons brought before the District Police from the 1st of July to the 31st of December 1838 for petty offences punishable by themselves was 57463 — there were also 1163 persons whose cases were not

not disposed of at the date of the last report, making a total of 55226 persons.—

11. In the preceding half year the number of persons summoned and under examination before the District Police was 47476.—

12. Of the 55226 persons brought before the District Police during the half year under review, 1981 were acquitted, against 883 of whom the charge was considered to be wilfully false and malicious, and 219 were discharged upon a mutual settlement of their dispute or without investigation for default or other cause.—

13. The total number of persons convicted and punished by the District Police was 13602 — without reference to the Magistracy and 797 after reference to that authority making a total of 14399; and 990 are entered as under examination at the close of the report.—

14. Of the persons punished by the District Police 9622 were fined 4570 confined in the Choultry with or without labour 269 in the stocks and 98 were flogged by order of the Magistrate upon reference made to that authority under the Provisions of Clause second, Section IV. Regulation IV of 1821.—

15. The sum remitted to the Magistrates on account of the 9522 persons fined by the District Police was Rupees (8304-4-4.) Eight thousand three hundred and four, annas four and Pie four.

Magistracy

16. Before the Magistracy there were brought, for petty offences, in the same period 3846 persons, and 32 were also before them whose cases had not been disposed of at the close of the last report, making a total of 3878; of whom 1961 were acquitted, against 81 of whom the charge was considered wilfully false and [illegible] were convicted and punished, 808 by fine, 384 by imprisonment, and 102 by flogging. 586 were discharged upon a mutual settlement of their differences and 37 were under examination at the close of the report.—

17. During the half year under review 158 persons being Police Officers were charged before the Magistracy with abuse of authority, of whom 104 were acquitted and 62 punished 48 by fine and 14 by imprisonment.—

Crimes and Misdemeanors. Nos 3 and 4.

18. The Statements Nos 3 and 4 exhibit the operations

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operations of the District Police and Magistracy with respect to all crimes and misdemeanors, not punishable by themselves, but by the higher tribunals.—

19. By the first of these statements it appears that the number of crimes committed during the six months under review was 5826, in which 19688 persons are supposed to have been concerned; being 967 cases and 3649 persons more than in the preceding six months.

20. Of the 19688 persons supposed to have been concerned in the cases ascertained to have occurred during the period under review, 10417 persons are supposed to have escaped apprehension, which is 2403 persons more than are supposed to have eluded apprehension during the previous six months.—

21. The Court now proceed to take into consideration the annual report submitted by the Magistrates on the state of the Police in their respective Districts, and also the reports from the Heads of Police required by the 58th para: of the dispatch from the Honble Court of Directors under date the 12th October 1831.—

The

Northern Division
Masulipatam.

22. The immense disproportion between the number of persons charged with petty offences, and the number convicted within the District of Masulipatam, the Magistrate observes will doubtless "attract attention":- various reasons he adds may be assigned for this result,- but a very important one appears, to the Magistrate, to be, "the "practice so prevalent of including in a charge many "individuals, relations or dependants perhaps of the real "offender, altho those persons have nothing to do with the case":- the Magistrate however records his opinion, that the provision of Regulation IX of 1832 do not appear to him to afford a sufficiently prompt remedy for the evil, and accordingly he suggests that "the Heads of Police and Magistrates be em= "=powered to punish persons who may have preferred false "and malicious accusations"; but Mr. Grant adds, that "it seems indispensable if this additional labor is to be thrown "on the Magistrate, that the necessity of recording evidence "in cases sentenced by him should be dispensed with".-

23. The Magistrate of Masulipatam when recording these observations appears to have overlooked the provisions of Section XXXV Regulation IX of 1815, whereby Magistrates are empowered to punish persons whose complaints

complaints of petty thefts and petty offences may appear to be litigious, vexatious or groundless,- but it is not in the opinion of the Court of Sudder Adawlut expedient that such power should be conferred upon Native officers of Police;- it is sufficient in the opinion of the Court of Sudder Adawlut that false and malicious accusations of crimes and offences, preferred to Native Police Officers, are punishable by the Criminal Courts under Section II Regulation IX of 1832.-

(vide also para: 65. of the Pros: of the Sdr. submitted to Govt: on the 1st of Novr: 1837.)

Rajahmundry

24. The Magistrate of Rajahmundry, in para: 2. of his Report now under review, accounts for the increase of Crime in the District of Rajahmundry in the year 1839. and having in his Police Report for the year 1837 adverted to the disturbed state of the Dolvoram Hills, he reports now with "satisfaction" that that part of the Country is restored "to perfect tranquility".-

25. The Police Reports received from the other Magistrates within this Division do not appear to call for particular remark in these proceedings.-

Centre Division
Cuddapah

26. On the subject of the Police Reports for 1838, submitted by the Magistrates within the Centre Division, the Acting 1st & Acting 2d Judges of the Provincial

Provincial Court of Circuit have recorded separate Minutes, dated the 24th May 1839, to which the Court of Coylaare Edaaut would direct the particular attention of Government.—

27. The state of crime in the Cuddalore District (as exhibited in the statements now submitted to Government) has been commented on in para: 1. of the Magistrates' annual Police report of the 14th March 1839, and the state of the Police of this District has also been adverted to in the proceedings of the Coylaare Edaaut of the 21st June 1839, recorded on consideration of the Circuit Report of the Acting 2d Judge of the Court of Circuit in the Centre Division for the 2d Sessions of 1838,— the very period embraced in the statements now submitted to Government.—

28. But the Magistrate ett: Blane, after detailing in para: 1. the causes to which "in a great "measure" the increase of crime in the District of Cuddalore is "to be attributed," viz, to the great natural facilities & "primary cause of the great increase of Gang Robbery since "the Company's Government has ceased from," he declares "that

"that its origin will be found in causes still more remote" that is— "to the nature of the institutions introduced by the "Company's Government"— ett: Blane's experience leading him to the conclusion that the moral character of the people is more deteriorated than it was formerly, and in nearly direct ratio "with the greater or less intimacy of their "acquaintance with the institutions under which they live, "and the length of time they have lived under them;" and in proportion as they are near or "more remote from the seat "of Government; and lastly the increase of crime has been attributed by ett: Blane "to that undefined dread "of the name of the Cæsar (which must have lasted for "many years after the Company's Government commenced) having "become gradually obliterated from the minds of the "people," and the Magistrate craves the indulgence of the Court, "when he states," a fact that he has heard "from the mouth of almost every native," whom he has conversed with on the subject, "that the present "judicial system has little place in the confidence "or regards of the people, on the contrary they are said "to condemn and dislike it".—

29. "The people," ett: Blane adds, have learnt

Provincial Court of Circuit have recorded separate Minutes, bearing the 24th May 1839, to which the Court of Sessions Ordered would direct the particular attention of Government:—

27. The state of crime in the Caddapah District (as exhibited in the statements now submitted to Government) has been commented on in para: 1. of the Magistrates' annual Police report of the 14th March 1839, and the state of the Police of this District has also been adverted to in the proceedings of the Sessions Ordered of the 7th June 1839, recorded on consideration of the Circuit Report of the Acting 2d Judge of the Court of Circuit in the Centre Division for the 2d Sessions of 1838,— the very period embraced in the statements now submitted to Government:—

28. But the Magistrate Mr. Blane, after detailing in para: 1. the causes to which "in a great "measure" the increase of crime in the District of Caddapah is "to be attributed," viz, to the great natural facilities presented for its commission, adds in para: 2, that "of the "primary cause of the great increase of Gang Robbery since "the Company's Government has competed for," he believes "that

"that its origin will be found in causes still more remote" "that is" "to the nature of the institutions introduced by the "Company's Government" Mr. Blane's experience leading him to the conclusion that the moral character of the people is more deteriorated than it was formerly, and in nearly direct ratio "with the greater or less intimacy of their "acquaintance with the institutions under which they live, "and the length of time they have lived under them; and in proportion as they are near or "more remote from the seat "of Government; and lastly the increase of crime has been attributed by Mr. Blane "to that undefined dread "of the name of the Circar (which must have lasted for "many years after the Company's Government commenced)" having "become gradually obliterated from the minds of the "people", and the Magistrate craves the indulgence of the Court, "when he states," a fact that he has heard "from the mouth of almost every native," whom he has conversed with on the subject, "that the present or "judicial system has little place in the confidence "or regards of the people, on the contrary they are said "to condemn and dislike it".—

29. "The people," Mr. Blane adds, have learnt

"learnt that Gang Robbery is the easiest thing in the
"world to commit," - and "with it" they have attained "the
"knowledge that detection is improbable, and finial -
"conviction more so; - in short that the chances of
"ultimate punishment are so small as to render it
"worth their while to run the risk, and that if the
"worst comes to the worst, they can but incur a punish-
"-ment, that has no terrors for them, and is consequently
"insufficient to deter them from the Commission of crime"!
whilst the prosecutors have become "apathetic and
"indefferent about supporting the Criminal Branch"
of the Courts, "by seeing so frequently persons whom they
"feel confident are guilty, set at liberty, after the annoyance,
"expense, and inconvenience they have suffered in attending
"prosecutions." - "Persons who have suffered by Robbery,"
Mr. Blanc adds, "know that they never can get back
"their property - and they think it better," therefore,
"to put up with the first loss, than suffer the
"additional inconvenience of attending the Court many
"times - It consequently frequently now happens that they
"decline to identify their own property or under-state the
amount

"amount of their loss".-

30. "No great amelioration" of this state of
things can, in the judgment of Mr. Blanc, be expected
to take place "from directing our attention only to the minor
detail of Police," the only "hope" remains "in a material change
"of the Judicial system by simplifying it, and rendering
"it more adapted to the tastes, habits and feelings of the
"people".-

31. The Court of Conjoarce did not fully concur
with the acting 2d Judge of the Provincial Court of Circuit
in the Centre Division, that Mr. Blanc, in assigning
of the causes of crime in his District, "has attributed to
"the institutions of Government an effect passing beyond
"their influence.-

32. If it be true that the persons seized
on suspicion by the Police are generally the real Criminals,
the origin of crime, Mr. Lewin states, "will not be found
"in the working of the Courts, but would seem to commence
"with the neglect of those whose duty it is to supply the
"information capable of preventing it".-

33. If the persons seized on suspicion of
Gang Robberies or other crimes are generally the real Criminals,
why Mr. Lewin justly enquires, "is the proof kept back,

for

"for the same evidence, which justifies this well grounded
"opinion of the Magistrate would be sufficient to prevent
"the offence".- The real cause of the acquittals complained of
by the Magistrate, Mr. Lewin states to be, "that the best
"evidence is often not brought forward, and that much which
"is offered to the Court is false, and the result of
"combination on the part of the Police, to effect a
"conviction, when the just means of doing so were not
"within their reach;- and this because too much has been
"expected of the Police." "Their want of success has been too
"often imputed to them as a crime, when the circumstances
"under which they have failed have been beyond their control"
The Police, Mr. Lewin adds, "have seldom obtained credit for
"what they have done, and it has ever been expected of them
"to do more - it has not been unusual for the tenure of a
X "Tahsildar's office to depend on the discovery of a Robbery which
"the means in his hands were more other than depended
"on the most worthless agency," and accordingly it has been
"observed of the regular Police, and not without some
"truth, that so long as they produced a victim, it
"signified little who he was," and that "this was the
"natural consequence of calling upon the Police to do,
what

X As an instance of the practice which is found recorded in the Police report of the Joint Magistrate of Guadoor - and another instance of the practice which is found recorded in the Letter addressed to Government by the acting Magistrate of Cuddapah under date the 31st of January 1840.-

"what in the condition of things around them, was often
"beyond their power".-

34. With regard to the Judicial System in the Civil Department the long experience of Mr. Casamajor leads him to a very different conclusion as to its popularity from that arrived at by Mr. Blane.- Mr. Casamajor states that "a Zillah Court, administered in the true "spirit of the Regulations," "is a thing that all the "honest and respectable people in the Zillah look up "to and adore, and the very last thing they would wish "to have altered". But if it be true, as alleged by Mr. Blane that the people condemn and dislike our Courts, as explained by Mr. Lewin, chiefly by "want of weather and "consideration, because they (the Courts) contain a levelling "principle, unsuitable to the genius of rank in India, and "subversive of ancient prejudices - they have occasionally produced "hardship by a rigid and sudden enforcement of contracts.- "They have assisted family division, a principle known to "the Hindoo law, but at variance with the practice of the "country, and condition of the people,- they have brought "about a system of dealing more consonant with equal "rights and honesty, but that they have been the means "of setting up and supporting false and groundless claims,"

Mr.

Mr. Lewin "wholly disbelieves."—

35. The perjury and forgery which usually take place in the Civil Courts are not, as observed by Mr. Lewin "with the object of advancing fictitious claims, but to ward "off just obligations – they are as 20 to 1 with the latter object "as compared with the former:– it must be confessed," observes Mr. Lewin, "that between the two there is no great "medium in morality, but in practice there is great difference "between the forgery which aims at annihilating all of "property, and the dishonesty which an individual employs "to evade his debts."—

36. But whether the alleged prevalence in the District of Cuddapah of Forgery and Perjury, and the alleged practice of extorting money from the people under the threat of presenting them before the Civil Courts for claims wholly false and fictitious, referred to in paras 14 and 15 of the Magistrates Report, has been caused by any bad administration of the Judicial System in the District of Cuddapah in particular, is a question, which, (together with other points noticed in the Magistrates Report) will receive full consideration from the Court of

Sudr and Foujdaree Adalut when making their final reply to the Extract from the Minutes of Consultation in the Judicial Department under date 13th August 1839 No. 678; the information at present before the Court of Sudr Adalut has not yet enabled them to bring the subject to an effectual conclusion.—

Chittoor. 37. The Magistrate of Chittoor on a review of the present state of crime in that District strongly recommends in the 18th para of his Report, the continuance, for another year, of the Extra Police force entertained under the orders of Government contained in the Extract from the Minutes of Consultation under dates the 23d February 1837 and 19th of June 1838.—

38. This suggestion of the Magistrate of North Arcot should be submitted thro the prescribed channel of the Board of Revenue, and with reference to the order of Government of the 21st June 1839 No. 497.—

39. The Court of Foujdaree Adalut resolve to furnish the Magistrate of North Arcot with a copy of paras: 6 and 7. of the Acting 1st Judge's minute recorded on consideration of the Reports submitted by the

the Heads of Police in the District of Chittoor, and to desire him to enquire and to report thro' the Provincial Court of Circuit on the points referred to by Mr. Casamajor.—

40. In the concluding para: of the Joint Magistrates Report a complaint is made of the practice, supposed to obtain in the Zillah Court of Chittoor, of accepting security tendered by persons suspected of having committed crimes, without proper means being taken to ascertain its fitness.—

41. Upon enquiry being made by the Provincial Court of Circuit it would appear that this surmise of the Joint Magistrate of Chittoor was without foundation; the result of the enquiries made by the Provincial Court of Circuit is contained in an Extract from their Proceedings of the 4th of June 1839, a copy of which is submitted for the information of the Right Honorable the Governor in Council.—

South Circle 42. The subject discussed by the Magistrate in the Southern Division of Arcot in para: 4 and 6 of his Police Report, and by Mr. Casamajor in para: 13 of his Remarks thereon, are no doubt important, and deserving the

5th February 1840.

the consideration of Government; but the matter does not appear to fall properly within the scope of a Report of the nature now submitted to Government.—

43. The order of the Court of Sujdaree Adalut referred to in the concluding para of the Cuddalore Magistrates Report of the 25th April 1839, and brought to his notice by the Acting 2d Judge when on Circuit in the Centre Division, is dated so far back as the 22d June 1824.—

44. Adverting to the Extract from the Proceedings of the Court of Circuit of the 4th December 1839 a copy of which accompanies those proceedings the Acting 2d Judge of the Provincial Court of Circuit does not appear to have correctly understood the order of the Sujdaree Adalut of 22d June 1824, which was recorded by the Court in explanation of the provisions of Section XXIV Regulation IX of 1816.—

45. The Court of Sujdaree Adalut hold the opinion that when a Prisoner is once brought before a Magistrate under the provisions of Section XXIV Regulation IX of 1816 that officer is bound to hold a personal investigation into the case; but if the Magistrate

Magistrate see cause to distrust the truth of any complaint preferred before him, it is the duty of that officer, under Section XIV of the same Regulation, to postpone issuing his warrant for apprehension, and to cause a previous enquiry to be made, either by means of the local Polici officers, or in such other mode as he shall judge most proper.—

46. In the cases referred to in the proceedings of the Court of Circuit of the 14th December 1838, it does not appear that any prisoners had been actually brought before the Magistrate but merely a written complaint which it was competent to him to refer to the Police Officer of the Talook under the Section of the Regulation quoted above.—

47. The other Police Reports received from this Division do not appear to call for remark from the Court of Enjdaree Adalut.—

48. The subject discussed by Mr. Cavanagh in the concluding para: of his minute of the 24th May 1839, appears to have been disposed of by Government in para: 1 and 2 of the minutes of Consultation of the 13th March

March 1839, copies of which have been circu... general information.—

Southern Division Madura.

49. The Court of Enjdaree Adalut [illegible] in the encomiums passed by the Provincial Court of Circu... in the 4th and 5th para:s of their proceedings of the 29th May 1839, on the Magistrate of Madura, for the very efficient way in which his duties as a Magistrate have been performed in the District of Madura.—

50. But adverting to para:s 54 and 55 of the proceedings of the Enjdaree Adalut of the 20th September 183... and to para: 12 of the minutes of Consultation of the 4th January 1839, No. 6, the Judges must bow to the consideration and orders of the Right Honorable the Governor in Council the earnest request made by Mr. Blackburne, and supported by the Provincial Court of Circuit in the Southern Division, that the censure on his conduct recorded in the minutes of Consultation under date the 11th October 1837, No. 19 may be recalled by the Government.—

51. With reference to para: 8 of Mr. Blackburn... report the Court of Enjdaree Adalut would record their concurrence in the opinion expressed by the Provincial Court of Circuit in the 46th para: of their proceedings of the 29th May 1839, viz; that the evidence of attesting witnesses to confessions, made before Native Officers of Police cannot

cannot be dispensed with.— The Magistrate of Madura errs in believing that "a Talak confession" is considered by the Courts to be entitled "to little weight".— a confession before a Police officer has considerable weight, and is considered of great importance and value when corroborated by other evidence.—

52. Of the two cases referred to in para: 8. of the Magistrates Report, and quoted by Mr. Blackburne as instances in which due weight was not given by the Criminal Court to the confessions before the Tahsildar — in only one case (Viz: that of the plunder of the Ramagunga Carnatanam Treasury in the Zillah of Madura) did the proceedings of the Criminal Court come under the review of the Court of Sudder Adalut, and in that instance the Court of Sudder Adalut saw no reason to dissent from the opinion recorded by the Provincial Court of Circuit in the Southern Division, in their proceedings of the 31st October 1838, (copy of which is annexed), that the Acting Criminal Judge acted correctly in directing the release of the prisoners on security.—

Eminently 53. Adverting to the remarks by the Magistrate of Eminently in para: 4, and to the remarks recorded

recorded by the Joint Magistrate of the same District in para: 3 of their respective Police Reports, the Court of Sudder Adalut would point out for the information of those officers, that false and malicious accusations of crimes and offences, preferred before native officers of Police, are already punishable by the Criminal Courts under Regulation IX of 1832, whilst false complaints in the cases specified in Sections XXXII and XXXIII Regulation IX of 1816, which shall appear to the Magistracy to be litigious, vexatious or groundless, are punishable under Section XXXIV of that enactment.— For perjury committed by the Complainants or their witnesses, in graver cases, heard before the Magistracy on oath, a prosecution can be had in the Criminal Court.—

54. The Court of Sudder Adalut are not prepared to suggest the enactment of further legislative provisions on the subject, nor are they disposed to concur in the suggestion of the Provincial Court of Circuit, in para: 47 of their proceedings of the 29th May 1839, that the provisions of Regulation IX of 1832, and of Section XXXV Regulation IX of 1816, should be extended to witnesses supporting such false complaints.—

55. Adverting to the concluding para: of the Acting Magistrates Report the Right Honorable the Governor

Governor in Council will perceive that in para: 57 of their proceedings of the 20th September 1838, the Court of Foujdaree Udalut, at the suggestion of Mr. Thompson, resolved upon a slight modification in the heading in the printed forms of Statements of Crimes and Punishments, and the same has been made accordingly.— But it does not appear necessary that any separate heading should be entered for cases of Highway Robbery:— such a case should be entered under one or other of the two Columns of Robbery, according as the crime may have been committed by a single individual, or by a gang,— and no other distinction it will be remarked is observed in the Regulations.—

Salem. 56. The great increase of crime in the Salem District as exhibited in the Statements now submitted will doubtless attract the attention of Government.—

57. The Court of Foujdaree Udalut are not of opinion that the cause of such increase has been sufficiently accounted for by Mr. Glass. The same causes detailed in para: 11 of the Magistrate's Report must have existed during the administration of the Police

Police of the District of Salem by Mr. Glass, whose Police Management on more occasions than one called forth the approbation of the Court of Foujdaree Udalut.—

58. The suggestions offered by Mr. Glass for the improvement of the Village Police of his District will probably be referred by the Right Honorable the Governor in Council for the consideration of the Board of Revenue.—

59. To the opinion of the Court of Foujdaree Udalut as to the illegality of the measures proposed by Mr. Glass to be adopted towards the wandering tribe of Coorwahs, the Judges beg leave to refer in paras: 120 and 121 of their proceedings submitted to Government under date the 7th November 1837.—

Coimbatore. 60 The Magistrate of Coimbatore, and the Provincial Court of Circuit in the Southern Division, support the suggestion of the Joint Magistrate of that District, that upon "Peishcars of Talooks" be conferred "the "powers given to Ameens of Police".—

61. The Joint Magistrate observes that "as "they stand now, only subordinate officers of Police, their "utility is merely nominal — most of them, I may say all, reside

"reside at the same station with the Head of Police, and
"perform no duty except just what he delegates to them".—

62. The "inutility" of these sub officers of Police is thus shewn to be occasioned by the provisions of Section III Regulation IX of 1821 being totally set at nought in the District of Coimbatore.—

63. The location of a Sub officer of Police at the same station as the Head of Police, is quite at variance with the intention of Clause 1st Section III Regulation IV of 1821, which contemplates the location of these officers "in different parts of each Taluk".—

64. The Magistrate will accordingly be directed to nominate Sub Police officers, in the District under his charge, in the manner required by the Regulations: But the Court of Sudder Adalut do not approve of the suggestion that Peshcars should be empowered to exercise the extended powers conferred upon the Tahsildars of a District.—

Western Division 65. The Reports from the Magistrates in the Western Division shew that the state of the Police in the Districts of Malabar and Canara is decidedly good and improving, and great credit

is due to the officers who have respectively preceded over those Provinces:— their Reports however do not appear to call for further remark from the Court of Sudder Adalut, the subject discussed by the Magistrate of Canara in the 10th 11th and 12th paras of his Report having been already finally disposed of by the Government.—

Vide Dis: of Con 12th March 1839.

Statements Nos 5 and 6.

Criminal Courts. 66. Statements Nos 5 and 6 exhibit the operations of the Criminal Courts from 1st of July to the 31st December 1838.—

67. The total number of cases brought before the Criminal Courts during the above period inclusive of those not disposed of at the date of the previous report is 2198 including 4795 prisoners.— In the preceding half year the total number of cases was 1917 including 4115 prisoners being an increase in the half year under review of 281 cases and 680 prisoners.—

68. The following statement exhibits the particulars of the cases before the Criminal

Court

5th February 1840.

Courts during the 2d half of 1838.—

Crime	No. of Cases	No. of Persons
Murder	80.	184
Murder by Thuggee	9.	24.
Culpable Homicide	20.	48.
Robbery and Dacoity	28.	82.
Gang Robbery attended with or without aggravating circumstances	279.	1144.
Robbery by a single individual	23.	24
House breaking by day	14.	19.
Do. by night	337.	668.
Theft	368.	583.
Arson	30.	40.
Maiming and wounding	89.	180.
Perjury	49.	42.
Subornation of Perjury	3.	2.
Forgery	29.	37.
Breaches of the Revenue Laws.	135.	305.
69.		

Of the 4795 persons brought before the Criminal Courts — In cases cognizable by them

1032.

1032. were released unconditionally

Against 29 of whom the charge was considered wilfully false and malicious.

97. were released on security.

150. were detained on demand of security.

1355. were convicted and punished.

In cases cognizable by the Court of Circuit.

611. were released by the Criminal Courts

Against 60 of whom the charge was considered wilfully false and malicious

55. were released on security.

84. were detained on demand of security.

999. were committed for trial

412. were under examination

4795

In cases punishable by the Court of Circuit.

70. Of the 1355 persons who were committed and punished by the Criminal Courts

749 were imprisoned

296 were fined

26 flogged

48 were imprisoned and fined

237 Imprisoned and flogged

1355.

71. The number of persons committed and punished by the Criminal Courts in the preceding half year was

was 1835 — the number committed was 754, and the number unconditionally released in cases either ignored by the Grand Jury or the Courts of Circuit was 513 in the half year under review this number as shown above was 1643.

Statements 7 and 8.

Courts of Circuit. 72. The Statement No 7 and 8 exhibit the operations of the Courts of Circuit from the 1st July to the 31st December 1838.—

73. The Cases of every description which came before those Courts during the six months under review were 388, including 949 persons, having 441 persons more than were brought before the Courts of Circuit during the 1st half of the year 1838.—

74. Of the 949 persons who were committed for trial, 207 were released unconditionally, of whom 7 were considered to have been falsely and maliciously accused, 68 were released on security and 284 were convicted and punished.—

75. Of these latter,

8 were flogged and imprisoned for a term exceeding 7 years
16 do — do for a term not exceeding 7 years
141 were imprisoned for 7 years and upwards without flogging
119 imprisoned for 7 years and under without flogging.

There were 75 Cases including 139 persons referred to the Grand Jurors Statute; 42 cases including 209 persons were postponed by the Court of Circuit, 34 persons were returned to the Criminal Courts to be disposed of by them; 4 persons were returned to those Courts in order that they might demand security from them, if they deemed fit, 3 persons were concerned in other cases 1 person was discharged without trial and 6 persons died.—

76. The greatest number of cases was brought before the Court of Circuit in the Centre Division Eg. 145 of which 37 cases were referred to the Grand Jurors Statute.

77. In the Southern Division the number of Cases was 118 of which 8 were referred to the Grand Jurors Statute.—

78. In the Western Division 72 Cases of which 17 Cases were referred; and in the Western Division 53 Cases of which 13 were referred to the Grand Jurors Statute.—

79. Of the 75 Trials referred to the Grand Jurors Statute by the Circuit Courts, the Verdicts delivered by their Law Officers were concurred in by the Court of Circuit in 58 Cases, that the nature of the offences made the trials of necessity horrible, and 17 Cases were referred because

because the County of Circuit did not approve of the Instruc
of their Law Officers.—

Statement No 9.

Statement No 9 exhibits the operations
of the Soujdaree Adaulut during the 2d Half of the year 1839.—

81. It shews that at the date of the last
report there were 6 Cases including 34 persons, which had
not been disposed of, and that there were received
during the half year 46 Trials, including 79 persons making
together 52 trials and 108 prisoners; whereof 20
for Murder, 15 Cases of Robbery and Murder, 1 of Murder
by Thugee 1 Case of Treason rebellion and Murder, 6 Cases
of Rebellion, 1 Case of Rebellion and Gang Robbery, 2
Cases of Gang Robbery, 1 Case of Rape and Robbery, 1 Case
of Robbery and Wounding, 1 Case of Theft, 1 Case of
Forgery and 2 Cases of Wounding.—

82. Of these 52 trials 46 were disposed
of within the half year under review, leaving only 6
undisposed of at the Close of the report.—

83. Of the 46 Cases containing 90 Prisoners
in which the Court of Soujdaree Adaulut proceeded to
Judgment.—

17

17. persons were released upon Petitions of
13. Ordered to be released on Security
64. Convicted and sentenced to punishment
1 Insane
1 Punished in other Code
96

84. Of the 64 persons tried.

15. were sentenced to suffer death.
30. Transported without flogging.
7. Imprisoned for more than 7 and not more than 14 years without flogging.
1. Flogged and imprisoned for 7 years and under
9. Imprisoned for 7 years and under without flogging.
2. Punished in other Cases.
64

85. Of the trials disposed of the Soujdaree Adaulut there were 14 Cases in which the Court of Sessions were overruled, under the provisions of Regulation I of 1818, in 5 of which the Convictions were found on error from the competency of the witnesses, and in the remaining 9 on the insufficiency of the evidence adduced.

86. In these 14 Cases, including 3 prisoners, sentence of death was passed on 2, 17 prisoners were transported without flogging, 2 imprisoned for more than 7 and not more than 14 years without flogging, 1 flogged and imprisoned for 7 years and under, and 1 imprisoned for 7 years and under without flogging.—

&c

87. The grounds on which the Petitions were overruled in the 9 Cases in which the evidence adduced was considered by the Law Officers insufficient, will be fully detailed in an Appendix to these proceedings.—

88 In conformity to the instructions contained in the 22d para of the Extract from the Minutes of Consultation per date the 8th of August 1834, the Judges may direct to explain at one of the 11 Cases referred to the Coyndaree Adawlut, wherein the Presiding Judge dissenting of the Opinion of the Law Officers, in 6 Cases the decision of the Judge of Circuit was affirmed by the Coyndaree Adawlut.—

89. The subjoined Statement exhibits the information required by the Honorable Court of Directors in the 41st para of their General Letter under date the 28th of March 1833 as to the number of Sentences passed by each Judge of the Coyndaree Adawlut, whether either singly, or whether more than one Judge be present.—

	Singly	Conjointly	attached to the Cut
John Reid Esqre 1st Judge	1	32	during the above Period under review
T. L. Cakes Esqre acting 2d Judge	1	29	do do
A. D. Campbell Esqre 3d Judge	2	33	do do

90. A Statement also is appended shewing what number of referable trials have actually been referred to the Coyndaree Adawlut within the Period under review, and what has been the average

number

number of days delay in the disposal required by the 33d para of the Hon'ble the Court of Directors dated 28th of March 1833 that the Court have given it in a new form, the previous one being such as to give an erroneous impression of the delay actually incurred in this Court.—

Ordered, that Extract from these proceedings together with Copies in duplicate of the 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 4)

Ordered also that paras 22 & 23 of these proceedings be sent to the Provincial Court of Circuit in the Northern Division with instructions to communicate a Copy of paras: 22 and 23 to the Magistrate of Masulipatam for his information and guidance.—

(Sent in No 4)

Ordered also that paras 26 & 48 of these proceedings be sent to the Provincial Court of Circuit in the

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the Centre Division with instructions to communicate paras 26 & 36 to the Magistrate of Cuddapah paras 37 & 41 to the Magistrate of Chittoor with copy of paras 6 and 7 of the Acting Tn Judge's minute dated 24th May 1839 and paras 42 & 47 to the Magistrate of the Southern Division of Arcot and to the Com Acting 2d Judge on Circuit in the Centre Division for their information and guidance.—

Sent in Ag 4

Ordered also that paras 49 & 64 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division with instructions to communicate paras 49 & 52 to the Magistrate of Madura paras 53 & 55 to the Magistrate of Tinnevelly paras 56 & 59 to the Magistrate of Salem and paras 60 & 64 to the Magistrate of Coimbatore for their information and guidance.—

Sent in Ag 4

Appendix

1. The following is an abstract of the grounds of conviction in the trials disposed of by the Court of Cuddapah Zillah under the provisions of Section II Regulation I of 1818 from the 1st July to 31st December 1838.—

Case No 2 Rajahmundry Supplemental Calendar for the 1st Sessions of 1838.

2. 2 of the Prisoners in this Case were charged with having entered the hut of a certain individual and after killing him by squeezing his throat, with having taken some of his property and 4 others were charged with having aided and abetted the other prisoners

5th February 1840.

prisoners in the Commission of the crime charged.—

3. The Provincial Law officer declared the prisoners liable to Ookoobut at the discretion of the Judge who in accordance with that futwa recommended that the two first should be transported for life and that the rest should be imprisoned for fourteen years.—

4. The Cazee of Cuddapah and Moopter of the Cuddapah Zillah convicted the two last prisoners on their own confessions of being parties to the design of the murder and awarded Ookoobut, but acquitted the others on the grounds of the contradictions in the evidence of the 1st & and 3d witnesses the legal disabilities of the 4th and 17th and the single and unsupported testimony of the 16th.—

5. The Court of Cuddapah Zillah confirmed such part of this futwa as convicted the two last prisoners, and acquitted 2 others but considering that strong suspicion lies not amounting to proof attached to one of the two required them to find 2 sureties in 100 Rupees to appear if required within three years. The Court were of opinion that the proof against two others was sufficient to convict them of being parties to the murder and sentenced the one to transportation for life and the

other

other to imprisonment and banishment with hard labour for 14 years.—

Case No 1 on the Vizagapatam Special Sessions of 1838.—

6. 4 Prisoners stood charged with having joined a gang of Malcontents who were concerned in a Treasonable designs against the State — attacked the House of a female Zemindar, subject of Government — forcibly dragged her from her House — carried her to a river and there put her to death and with having aided and abetted the said gang in the commission of those acts.—

7. The Provincial Law Officer declares one liable to Kokoolut Shunda and the other three liable to Kokoolut.—

8. The Cazee ool Cozat and Mooftee of the Zillah Court convicted the first of the crime of Murder on strong presumptive proof — two others of assisting to commit the same and the 4th of accompanying the murderer notwithstanding he was aware of his evil designs — and awarded Kokoolut proportioned to their respective Criminality.—

9. The Court of Sudder Adawlut confirmed such part of the finding as referred to three of the prisoners but

that being satisfied that there was also evidence sufficient to convict the 4th of the Crime of assisting in the Commission of the Murderer sentenced him under the provisions of Section X Regulation VIII of 1802 to be hanged in chains in a public place near the scene of the Murder.—

Case No 3 Guntoor Calendar for the 2d Sessions of 1838.

10. The prisoner in this Case was charged with having struck one Pingapsah in his sleep with a hatchet on the head side and wrist whereby he died on the fifth day after the outrage.—

11. The finding of the Provincial Law Officer acquits the prisoner of premeditated malice to Zubbur (wounding with an axe) but convicts him by his confession of jinayet-e-Zud-o-Zuob az chob (the Crime of striking and wounding with a stick) and declares him to be liable to Kokoolut.—

12. The Cazee ool Cozat and Mooftee of the Zillah Court, in their finding delivered on this Case, declare that altho' the crime of Murder is not established against

against the prisoner by his own confession, yet he is
convicted of having aided and abetted another person
in beating and wounding the deceased, and he is therefore
liable to Kokoolut.—

13. The Court of Zoujdaree Adaulut upon a
deliberate consideration of the evidence, were of opinion
that the proof against the prisoner was sufficient
to convict him of express murder, and under the provision
of Section X Regulation VIII of 1832 sentenced him to be
hanged at the usual time and place of execution.—

Case No. 1 Madura Supplemental Calendar for the 2d Sessions of 1838.

14. In this Case the prisoner was charged
with having decoyed a child of 4½ years to a tank and
after stripping him of his earrings murdered him by
pressing his neck.—

15. The Provincial Law officer convicted
the prisoner on strong presumptive proof and
declared him liable to Kokoolut.—

16. The Cazee ool Coozat and Law officers
of the Zoujdaree Adaulut having considered the evidence
inadmissible in consequence of the contradictions therein
acquitted

acquitted the prisoner.—

17. The Court of Zoujdaree Adaulut considered
that the circumstance of the prisoner pointing out
where the Corpse was and his delivery of the earrings
taken in conjunction with the numerous intrigues to his
confession and other circumstantial evidence were sufficient
to convict him of the Crime of Murder and
sentenced him to Death.—

Case No. 15 Canara Calendar for the 1st Sessions of 1838.

18. The Prisoner Basva was charged with
having stabbed one Canta on the breast with a knife
which caused instantaneous Death.—

19. The Provincial Law officer in his futwa
convicted him on strong presumptive proof and
awarded Kokoolut, a finding which met with the
concurrence of the Judge on Circuit.—

20. The Law officers of the Zoujdaree
Adaulut in their futwa delivered in this Case, on the
grounds of the discrepancies, insufficiency and interested
motives in the evidence of the witnesses acquitted the
prisoner.—

The

21. The Court of Sudder Adalut considered the prisoner clearly convicted of murder on the evidence, and liable to suffer Death, but on the ground of the absence of all malice and premeditation and of the great excitement at the moment mitigated the sentence to transportation for life.—

Case No. 3 Canara Calendar for the 2d Sessions of 1838.

22. Of five prisoners in this Case four were charged with having entered the house of a certain individual, strangled him and robbed his house of property to a considerable amount, and the 5th with being an accomplice in the said Crime.—

23. The Provincial Law officer in his futwa declared the first four prisoners convicted on their own confessions of robbery and liable to Hud-Sirka-i-Kobra, and the fifth prisoner of having been accessary thereto and awarded to Kooloot, with this futwa the Judge presiding on the trial concurred.—

24. The Law officers of the Sudder Adalut in their futwa gave a similar award.—

25. The Court of Sudder Adalut concurred with the Judge of Circuit, who expressed himself thus.

"I see no reason whatever for supposing that either of the "first four prisoners had any direct concern in causing "the death of the deceased Vinaya Rut, but after their "admission that his life was taken by one of their party "I cannot propose with regard to them (i.e. the first four) "any sentence less severe than transportation."—

26. On this the Court of Sudder Adalut sentenced the first four prisoners for robbery attended with murder to transportation for life and the fifth to im=prisonment for eight years.—

Case No. 5 on the Malabar Calendar for the 2d Sessions of 1838.

27. Of four prisoners in this Case, the third died in Jail the remaining three were charged with having gone armed to the prosecutors house, seized wounded and beat and bound his younger brother Parvan Nair various of the witnesses and after breaking open the door of the house, robbed therefrom considerable

property

property. Raman died on the same night in consequence of the maltreatment he received.—

28. The futwa of the Provincial Law officer declares them to be guilty of the crime charged and liable to Corroboot-Kud-Sirka-i-Kobra being barred by the denial of one of the prisoners before the Court of Circuit.—

29. The Cazie col Cozat and Mooftad of the Coujdaree Adaulut convict the first and second prisoners of the crime of gang robbery and murder Corroboot and acquit the fourth.—

30. The Court of Coujdaree Adaulut considered the crime of murder committed in the perpetration of robbery by open violence fully established against all the prisoners by the confessions of the first and second before the Court of Circuit and of the fourth before the Police, and convicted them accordingly. They sentenced the first and fourth prisoners to death but in consideration of the youth of the second and from the fact of his not having been one of the leaders the Court awarded the mitigated sentence of transportation for life.—

Case

Case No. 11 on the Malabar Calendar for the 2d Session of 1838.

31. The Prisoner in this case was charged with having stabbed his own wife, her mother, and another female, whereby the two first died.—

32. The Provincial Law Officer rejected the evidence of the only eye witness on account of her sex, and of the evidence containing a Complaint and the attestations to the confession of the prisoner, in consequence of the witnesses being Hindoos, and therefore acquitted the prisoners. Upon a second futwa being demanded he declared the prisoner convicted and liable to Kissas.

33. The Law Officers of the Coujdaree Adaulut in consequence of the sex of the first witness the discrepancies in the evidence of the 2d 3d 4th and 5th and the irrelevancy of that of the 6th and 7th considered the crime not proved against the prisoner and acquitted him accordingly.—

34. The Court of Coujdaree Adaulut considered that notwithstanding the inconsistencies and manifest exaggerations of the 2d 3d 4th and 5th witnesses the double murder was fully proved by the evidence of the 1st

witness

witness and the declaration of one of the deceased women and sentenced the prisoner to Death.—

Case No. 6 on the Malabar Calendar for the 2d Sessions of 1838.

35. The first prisoner in this Case was charged with having murdered a person by the name Lima with his hands and with a piece of plank and by kicking him in the abdomen and the 2d with having aided and abetted the 1st prisoner in disposing of the corpse of the deceased.—

36. The Provincial Law officer convicted the 2d prisoner on his confession of having an accessary after the fact, but rejected the evidence of the chief witness in the Case of the 1st prisoner on account of their age and declared him not free from Collusion (suspicion).—

37. On a second future being taken the prisoner was declared convicted and liable to Death.—

38. The Cazee of Cotgar and Deputies of the Conjeveram Adawlut convicted the second prisoner and declared him liable to Excoution, but taking exception to the evidence of the 1st and 2d witnesses on account of their age to that of the 3d from its being unsworn and to that of the 5th and 6th on account of it not shewing

shewing by whom the murder was committed against the first prisoner.—

39. The Court of Conjeveram Adawlut confirmed such part of this future as convicted the 2d prisoner and sentenced him to 4 years imprisonment, and being of opinion that the 1st prisoner was clearly convicted by the evidence of the first 3 witnesses and other collateral circumstances sentenced him to transportation for life.—

Read Letter dated the 12th April 1839 from the Provincial Court of Circuit in the Western Division forwarding the Statements of Crimes and Misdemeanors for the half year ending the 31st December 1838.—

(Here enter No. 616 of 1839.)

Read Letter dated the 15th May 1839 from the Provincial Court of Circuit in the Northern Division transmitting printed Statements &c. for the 2d Half year of 1838.—

(Here enter No. 857 of 1839.)

Read Letter dated the 29th May 1839

from

5th February 1840.

From the Provincial Court of Circuit in the Southern Division transmitting printed Statements &c. for the 2d half year of 1838.—

(Here enter No. 871 of 1839.)

4/5 L

J. U.

At a Court of the Foujdaree Udalut.

Present.

Thursday, 6th February 1840.—

Thomas Alexr Oakes Esqre.—Actg 1st Puisne Judge.

William Sudleston Esqre.—2nd Puisne Judge.—

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

Read return dated the 18th January 1840. from the Acting 2nd Judge of Circuit in the Centre Division to the precept of the Court of Foujdaree Udalut under date the 28th of December last, directing him to look into cases Nos. 219 of the Report No. V for July, and cases Nos. 238 to 241. both inclusive of the Report No. V for August—with reference to the Provisions of Section XXIII Regulation X of 1816, and report the result for the information of the Court of Foujdaree Udalut—

(Here enter J. U. No. 141 of 1840.)

The Acting 2nd Judge transmits in the above return copy of his proceedings on the cases Nos. 238. 239. 240. & 241. wherein he records his opinion regarding the disposal of these cases by the Criminal Court, and reports having transmitted

copy

6th February 1840.

copy of the proceedings to the Provincial Court of Circuit in the Centre Division.

2. The Court of Fouzdaree Udalut observe, that under the provisions of Section XXIII Regulation X of 1816, it rests with the Collective Court of Circuit to pass orders in these cases, and they resolve to call on that Court to submit a report of their Proceedings for the information of the Court of Fouzdaree Udalut, whenever orders may be passed thereon.

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

(Sent following Precept No 181)

Read return dated the 29th ultimo from the Acting Criminal Judge of Rajahmundry to the precept of the Fouzdaree Udalut of the 23d January 1840, conveying their observations on the Criminal Reports for the month of December last.

(Here enter F. No 223 of 1840.)

Read letter dated the 31st ultimo from the 3d Judge of the Provincial Court of Circuit in the Centre Division forwarding copy of the Primary Calendar for the Cuttack 1st Quarter Sessions 1840.

(Here enter F. No 230 of 1840.)

F. Vs.

At a Court of the Foujdaree Udalut.

Present:

Friday
the 7th February 1840.

Thomas Alexr Oakes Esqre — Actg 1st Puisne Judge

William Studleston Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read letter dated the 30th of October 1839 from the 3d Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in case No 6 on the Rajahmundry Calendar for the 2d Sessions of 1839.—

(Here enter No. 1846)

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 Valoodonty Puddeyandoo

and

2nd Varoobundy Nungadoo

is sufficient to convict them of the crime of murder, do, under the authority with which they are vested by

Mr Studleston and Mr Campbell

by Clause first Section II Regulation I of 1818, convict them thereof, and sentence them to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour, in irons, on the public roads or other public works, for and during the period of their natural lives.—

The Court of Foujdaree Udalut resolve to direct the Acting 2nd Judge late on Circuit in the Northern Division, to instruct the Acting Criminal Judge of Rajahmundry to commit for trial at the ensuing Sail delivery, the 2nd and 4th witnesses for the 1st prisoner for perjury on the ground that they falsely swore that the deceased stabbed himself.—

Ordered, that Extract from these Proceedings be sent to A. Montgomery Esqre Acting 2nd Judge of Circuit in the Northern Division for his information and guidance.—

(Sent following letter No. 187.)

Read letter dated the 4th of September 1839 from the 2nd Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in Case

No.

No. 4 on the Chicacole Calendar 1st Sessions of 1839.—

(Here enter F.H. No. 1836 of 1839)

Question.

Mr. Campbell.— The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in Evidence before them, being of opinion that the proof against the prisoners

1st Bolly Pundah.
&
2nd Pooro Naiko.

is sufficient to convict them of the crime charged do, under the authority with which they are vested, by Clause first Section V Regulation VIII of 1831; and Clause first Section II Regulation I of 1818, convict them thereof, and under the Provisions of Clause Second, of the latter Section and Regulation, direct their Law Officers to declare by a second Futwa, to what sentence the prisoners would have been liable under the Mahomedan Law if they had been convicted by full legal evidence.—

Answer.

If the prisoners abovementioned were convicted of the crime aforesaid by the evidence of credible witnesses, they would be liable to Askoobut.—

Under

7th February 1840.

Mr Campbell.

Under the finding of Ashoobuk declared in the foregoing finture, and in conformity with the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section VII Regulation IV of 1803, the Court of Sudder Adalut sentence the prisoners

1st Bolly Pundah.

and

2d Poroo Naiko.

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of four years.—

1. The prisoners in this case are charged with having concealed themselves in a shed situated opposite the house of the Prosecutor and assaulted and dragged him into the street and the 1st Prisoner is further charged with having wounded him on his head and broken his left arm by beating him with a stick.

2. The prisoners are fully convicted of the crime charged, in the opinion of the 2d Judge, who recommends that they be sentenced to imprisonment with labor for the period of 18 months.—

3. The Court of Sudder Adalut concur with the Judge on Circuit in the conviction of the prisoners, but they observe that the nature of the

F.H.

7th February 1840.—

the assault was so aggravated and the wounds inflicted on the prosecutor so severe as to bring the offence under the class contemplated in the Circular Order of the 28th June 1837 No 90 and the omission of the Judge on Circuit to return the charge to the Criminal Judge for correction in accordance with the provisions of the Circular Order above quoted is to be regretted.—

4 With this view of the nature of the offence and under the circumstances of the case, the Court are of opinion that the punishment proposed by the 2d Judge would prove altogether inadequate, they have therefore passed on them the sentence of 4 years' imprisonment with labor.—

Ordered, that Extracts from these Proceedings be sent to the Acting 1st Judge on Circuit in the Northern Division for his information and guidance.—

(Sent following letter No 188)

Perusal the Criminal Reports for the month of December 1839 submitted by the Criminal Judge of Bellary—

(Here enter Sd 152—)

Case Nos 257. 261. & 266—

1. The Criminal Judge is directed to explain the reasons which have prevented him bringing to a conclusion

7th February 1840.

Mr Campbell.

Under the finding of Acheebut declared in the foregoing futwa, and in conformity with the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section VII Regulation IV of 1823, the Court of Foujdaree Udalut sentence the prisoners

1st Bolly Pindah.

and

2d Ponoo Naiko.

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of four years.—

1. The prisoners in this case are charged with having concealed themselves in a shed situated opposite the house of the Prosecutor and assaulted and dragged him into the street and the 1st Prisoner is further charged with having wounded him in his head and broken his left arm by beating him with a stick.

2. The prisoners are fully convicted of the crime charged, in the opinion of the 2d Judge, who recommends that they be sentenced to imprisonment with labor for the period of 18 months.—

3. The Court of Foujdaree Udalut concur with the Judge on Circuit in the conviction of the prisoners, but they observe that the nature of the

7th February 1840.—

the assault was so aggravated and the wounds inflicted on the prosecutor so severe as to bring the offence under the class contemplated in the Circular Order of the 28th June 1837 No 90 and the omission of the Judge on Circuit to return the charge to the Criminal Judge for correction in accordance with the provisions of the Circular Order above quoted is to be regretted.—

4 With this view of the nature of the offence and under the circumstances of the case, the Court are of opinion that the punishment proposed by the 2d Judge would prove altogether inadequate they have therefore passed on them the sentence of 4 years' imprisonment with labor.

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

(Sent following letter No 188)

Read the Criminal Reports for the month of December 1839 submitted by the Criminal Judge of Bellary—

(Here enter Sr No 152—)

Cases Nos 257, 261, 266.

1. The Criminal Judge is directed to explain the reasons which have prevented him bringing to a conclusion

7th February 1840.

Mr Campbell.

Under the finding of Ashoobut declared in the foregoing futwa, and in conformity with the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section VII Regulation XV of 1803, the Court of Foujdaree Adalut sentence the prisoners

1st Bolly Pundah.

and

2d Poroo Naiko.

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of four years.—

1. The prisoners in this case are charged with having concealed themselves in a shed situated opposite the house of the Prosecutor and assaulted and dragged him into the street and the 1st Prisoner is further charged with having wounded him on his head and broken his left arm by beating him with a stick.

2. The prisoners are fully convicted of the crime charged, in the opinion of the 2d Judge, who recommends that they be sentenced to imprisonment with labor for the period of 18 months.—

3. The Court of Foujdaree Adalut concur with the Judge on Circuit in the conviction of the prisoners, but they observe that the nature of the

7th February 1840.—

the assault was so aggravated and the wounds inflicted on the prosecutor so severe as to bring the offence under the class contemplated in the Circular Order of the 28th June 1837 No 170 and the omission of the Judge on Circuit to return the charge to the Criminal Judge for correction in accordance with the provisions of the Circular Order above quoted is to be regretted.—

4 With this view of the nature of the offence and under the circumstances of the case, the Court are of opinion that the punishment proposed by the 2d Judge would prove altogether inadequate they have therefore passed on them the sentence of 4 years imprisonment with labor.—

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

(Sent following letter No 188)

Read the Criminal Reports for the month of December 1839 submitted by the Criminal Judge of Bellary—

(Here enter Sr 152—)

Cons. Nos 257. 261. 266. 1. The Criminal Judge is directed to explain the reasons which have prevented him bringing to a conclusion

7th February 1840

conclusion the examination of the Cases specified in the margin, the whole of which appears to have been forwarded to the Criminal Court in the month of November last—

Case of No 274— 2. The Court of Zillah Ahalut have ascertained by a reference to their Law Officers that the offence charged against the prisoner in Case of No 274 is punishable under the Mahomedan Law a course of proceeding that should have been adopted by the Criminal Judge himself under the Circular Order of the Zillah Ahalut of the 28th January 1828) and they are of opinion that the Criminal Judge should have disposed of the case himself under the provisions of Section VII Regulation X of 1816.

3 The prisoner has already been detained in Custody for 3 Months and during such detention as a sufficient punishment for the offence charged against her, the Court of Zillah Ahalut direct her unconditional discharge from confinement.

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

(And following Precept No 189)

Read return dated the 1st Instant from

7th February 1840—

from the Provincial Court of Circuit in the Centre Division to the precept of the 7th day Ahalut of the 30th Ultimo calling upon them to report whether the entire record of Case No 1 Cuddapah Special Sessions of 1832 was dispatched to the Officer in charge of the Zillah Court at Cuddapah as directed in this Courts Proceedings of the 25th September 1839 and if not to state the circumstances which have hitherto prevented their transmission —

(Here enter No 231 of 1840 —)

At a Court of the Foujdaree Udalut

Present,

Saturday,
8th February 1840. Thomas, Alexr Oakes Espre — Acting 1st Puisne Judge.

William Sudleston Espre — 2nd Puisne Judge.

Alexr Duncan Campbell Espre 3d Puisne Judge.

Read the Criminal Reports for the Month of December 1839 submitted by the Criminal Judge of Salem.—

Here enter No. 726.

Case No. 189.

The 1st prisoner committed the crime charged whilst at large on security given for his good behaviour.

With reference to the remarks recorded by the Criminal Judge on Case No. 189 of 1839. the Court of Foujdaree Udalut desire that that Officer will ascertain from the Magistrate of the District, and report direct to this Court, whether the amount of the security given for the 1st prisoner's good behaviour, has been declared forfeited, and the Bail Bonds enforced accordingly.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Salem for his information and guidance by precept returnable in 15 days from and after its receipt.—

(Sent following Precept No. 193)
Read

8th February 1840.

Read the Criminal Reports for the Month of December 1839 submitted by the Criminal Judge of Vizagapatam.—

(Here enter No. 127.)

Case No. 1. 1. The Criminal Judge is directed to submit an explanation of the Causes which prevented the examination of Case No. 1 being brought to a conclusion before the close of the month of December last.—

Case No. 3. 2. The sentence passed upon the prisoner in Case No. 3 was not adjudicable under the provision of Regulation XI of 1822, quoted by the Criminal Judge;— no breaking having been charged* the punishment to be inflicted upon the prisoner should be awarded under Clause 4th Section III of Regulation XI of 1822.—

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

(Sent following Precept No. 194.)

Read the Criminal Reports for the month of December 1839 submitted by the Criminal

* "The prisoner is "charged" with having "entered the Prosecutor's "house which had no "door."

8th February 1840.

Criminal Judge of Malabar.—

(Here enter No. 131.)

Case No. 222. 1. The sentence passed upon the prisoner in Case No. 222 is illegal and must be cancelled.—

2. The provisions of Regulation IX of 1832 apply only to false and malicious accusations preferred "to the Native Police Officers," and accordingly the Criminal Judge should have exercised the authority vested in him by Section II of Regulation III of 1838 by immediately over-ruling the sentence passed by the Sudr Ameen, as contrary to the Regulations.—

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

(Sent following Precept No. 195)

Read the following letter dated 25th ultimo from Mr. J. H. Stromboom Acting Third Judge on Circuit in the Northern Division

(Here enter F. L. No. 177 of 1840.)

1. In this letter, the Acting Third Judge

Judge requests the opinion of the Court of Foujdaree Adalut whether it is incumbent on the Criminal or Circuit Court to examine all the witnesses on the part of the prosecution, before examining the witnesses for the defence; and whether if a witness for the prosecution who was not before forthcoming, may, if subsequently found, be examined after the evidence for the Prisoner is closed."—

2 In parah: 2 of his letter the Acting Third Judge observes that he is "not aware of any rule, or order, prohibiting this practice, but as the Criminal Judge,* in one case on the Calendar, has omitted to examine a witness for the prosecution, on the grounds that the defence of the Prisoners had already been taken, and in another the examination of thirty four witnesses for the prisoner is delayed from the absence of one witness for the Prosecution, and as he "thinks a strict adherence to such a rule will tend much to impede the course of justice," he requests "the opinion and orders of the Judges on the subject, holding in remembrance" of course, that, if, from the evidence taken for the prosecution, subsequent to the examination for the defence, any new matter should be elicited, which the Prisoners could rebut by evidence, more witnesses to this point should be called on their behalf."—

In

* meaning the Criminal Judge of Nellore.—

3 In reply to the first question proposed in this reference the Court of Foujdaree Adalut observe that it is undoubtedly incumbent on the Courts to examine all the witnesses for the prosecution before examining those for the defence: and in reply to the second, that the witness, in the case supposed, may not be examined after the close of the evidence for the defence.—

4 With reference to the remark at the commencement of parah: 2 of the Acting Third Judge's letter, the Court of Foujdaree Adalut observe that Clause first Section XV Regulation VII of 1802 shows the only legal order of the proceedings.—

5. Under that provision, "the evidence" (that is, all the evidence) on the part of the prosecution must precede "the prisoner's defence."

Ordered, that Extract from these Proceedings be sent to the Acting Third Judge on Circuit in the Northern Division for his information and guidance.—

(Sent in Lr. 1976)

Read Supplemental return dated the 28th of January 1840 from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Court of Foujdaree Adalut

Adalut under date the 17th December 1839 directing him to look into the Proceedings in Case No. 177 on the Criminal Reports of the late Auxiliary Court at Vizagapatam for the month of November last, and submit his opinion as to the propriety or otherwise of the conviction of the Prisoner in the above case.—

(Here enter F.H. No. 224 of 1840.)

1. The Acting 2nd Judge records his opinion that the conviction of the Prisoner was proper, and states that the prisoner was sentenced, as appears to him from the Criminal Proceedings, to 2 months' imprisonment, and not 12 as mentioned in the Proceedings of the Higher Court of the 17th December last.—

2. On reference to the Criminal Reports of the late Auxiliary Court for the months of November last, the Court of Foujdaree Adalut observe that the period of the prisoner's imprisonment is stated to be 12 months. The Court accordingly resolve to direct the Acting 2nd Judge to call on the late Acting Joint Criminal Judge of Vizagapatam to submit an explanation of the incorrect entry of the sentence in the Monthly Criminal Report.—

Ordered

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge of Circuit in the Northern Division by precept returnable in 20 days from and after its receipt.—

(Sent following Precept No. 197.)

Read the Criminal Reports for the Months of December 1839 submitted by the Acting Criminal Judge of Madura.—

(Here enter No. 160.)

Case No. 153. 1. If the prisoner concerned in Case No. 153 was convicted of Housebreaking—Clauses 6th Section II Regulation VII of 1822 should have been quoted, as the authority under which the Sentence awarded by the Moofter Sudr Ameen was passed.

2. Of the nature therefore of the offence of which the prisoner has been convicted, the Court of Foujdaree Adalut desire explanation, as also of the remark that the prisoner "produced the "yam from a punja Garden." the charge against the prisoner, was, that he had stolen a "plough-share."

3. But throughout the Reports now under review, the Court of Foujdaree Adalut have

Northern Division, reporting his intention to open the 1st Sessions of 1840 at Guntoor on the 24th Instant.—

(Here enter F. R. No. 264 of 1840.)

Read return dated the 6th instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 29th January 1840, forwarding Circular Order No. 116, extending the rule contained in the Circular Order No. 15, dated 15th September 1834, to be observed on the occasion of a search being made in any house &c.a.—

(Here enter F. R. No. 265 of 1840.)

Read Supplemental return dated the 29th Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut of the 26th December 1839, directing them to call up the record of proceedings in case No. 108 of the Supplemental Report of the Zillah Court of Rajahmundry for the month of November last, and to pass such orders thereon as they may deem proper, reporting the result to the higher Court.—

(Here enter F. R. No. 249 of 1840.)

Read

have observed more than ordinary orthography, and they desire therefore that in future these reports be carefully examined before they are submitted for the review of the Foujdaree Adalut.—

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

(Sent following Precept No. 198).

Read letter dated the 30th ultimo from the 3d Judge of the Provincial Court in the Western Division, reporting his having presided at the Court of Quarterly Sessions, an additional Calendar containing one case of Murder and Robbery, and 1 Prisoner.—

(Here enter F. R. No. 252 of 1840.)

Read letter dated the 7th instant from the Acting Chief Magistrate and Superintendent of Police at Madras, forwarding the Report and Supplemental Report of Cases tried under Act XXII of 1837 in the month of January 1840.—

(Here enter F. R. No. 262 of 1840.)

Read letter dated the 6th instant from the Acting 3d Judge on Circuit in the Northern

February 1840

6th February 1840

Read letter dated 1st Instant from the 3d Judge on Circuit in the Southern Division, reporting the opening of the Sessions at Tinnevelly on the 1st Instant, with an explanation of the delay in opening the same on the date reported in his letter of the 7th January 1840.

(Here enter F. No. 250 of 1840.)

Read return, dated the 4th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 20th January 1840, conveying their observations and orders on the Bellary Primary and Supplemental Calendars for the 2nd Sessions of 1839.

(Here enter F. No. 258 of 1840.)

F. U.

At a Court of the Foujdaree Adalut.

Present

Tuesday, 11th February, 1840.

Thomas Alex.r Oakes Esq.re Act.g 1st Puisne Judge.

William Rudlestone Esq.re 2d Puisne Judge.

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

Read letter dated the 22d Ultimo from the Criminal Judge of Cuddapah, submitting copy of a warrant issued by the 2nd Judge of the Court of Circuit in the Centre Division in Case No. 18 of the Cuddapah Calendar for the 1st Sessions of 1840 and requesting the orders of the Court as to the disposal of the Prisoner sentenced to banishment.

(Here enter No. 218)

The Court of Foujdaree Adalut direct that the prisoner

"Cauliparee Ramoodoo"

be removed to the Jail at Chingleput there to be imprisoned agreeably to the terms of his sentence.

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

of Cuddapah and Nunglepet for their information and guidance.—

(Sent in No. 200.)

Read return dated the 6th instant made by the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Foujdaree Adalut of the 1st February 1840 requiring him to submit his Circuit Report due for the 4th Sessions of 1839, and to explain for the information of Government the Causes which have prevented him earlier complying with the provisions of Section XXXVII Regulation VII of 1802.—

(Here enter No. 267.)

1. In the above return the 3d Judge states that the delay in submitting the said Report "is to be attributed to his time, ever since his return "from his late Circuit, having been fully occupied "with Criminal and Civil duty."—

2. The Court of Foujdaree Adalut do not consider the above explanation satisfactory.—

3. They observe that the Quarterly Sessions held immediately after Mr. Davis's return to the Sudr Station, viz: the 3d Quarterly Sessions of 1839,

was

was presided at by Mr. Lewin, who, notwithstanding this duty, singly disposed of 2 suits, and conjointly disposed of 15 other suits on the file of the Provincial Court, whilst the powers vested in a single Judge of a Provincial Court, by the provisions of Regulation VIII of 1831, do not appear to have been exercised in a single instance by Mr. Davis during the period referred to, tho' uninterrupted by any business connected with the Quarterly Sessions and tho' the Court of Sudr Adalut have repeatedly urged on the attention of the Provincial Court in the Centre Division that the state of their File renders it imperatively the duty of the Judges of that Court to have recourse as largely as possible to the provisions of Section III Regulation VIII of 1831.—

4 The Civil Statements for the 4th Quarter of 1839 have not yet been submitted to the Court of Sudr Adalut by the Provincial Court in the Centre Division, but the Judges desire that they may be informed of the number of Decrees passed by Mr. Davis himself during the last quarter of the past year.—

Ordered, that Extracts from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Centre

Division.

11th February 1840.

Division for his information and guidance by precept returnable in 2 days from and after its receipt.—

(Sent following Precept No. 201)

Read the following letter dated the 11th Ultimo from the Provincial Court of Circuit for the Northern Division

(Here enter F.U. No. 227 of 1840)

1. The Provincial Court submit for the consideration of the Foujdaree Adalut copies and Translations of an Extra Petition No. 312 of 1839 and its enclosures, presented to the Provincial Court by Condray Rajuppah late Head Translator of the late Auxiliary Court at Vizagapatam, complaining of his having been unjustly dismissed from his situation, and praying that he may be reinstated in it: and also an Extract from the Provincial Court's proceedings under date the 11th January 1839.—

2. The Provincial Court submit their recommendation "that as the Petitioner has been dismissed by the Acting Joint Criminal Judge of Vizagapatam under a misconception of the orders of the Court of Foujdaree Adalut dated 28th June 1839. and without any just grounds he

F.U.

11th February 1840.

may be rendered to be restored to his situation of Translator in the Vizagapatam or Ichapoor Courts and to receive the arrears of pay due to him from the date of his dismission."—

3. It appears by the Papers now submitted, that the Petitioner was not concerned in the defective translations which led to this Court's orders above cited: "the whole of the Records of the Criminal Trials which were given to the 1st Judge late on Circuit for the 2nd Sessions of 1838" having been "translated by the Deputy Translator without any preparation or correction by the late Head Translator."

4. The Court therefore resolve to order his restoration, and the Provincial Court will be pleased to issue the requisite instructions on the subject.—

5. Mr. Lloyd's conduct appears to the Court of Foujdaree Adalut to have been very strange in this matter.—

6. In regard to the recommendation that the arrears of pay shall be granted to the Petitioner, the Court of Foujdaree Adalut observe that if the Salary of the office has not been drawn an application may be made to Government

Government to sanction its payment to the Petitioner but if otherwise, the Court cannot entertain the application, as the Government has repeatedly declined under precisely similar circumstances to sanction a double charge to the State.—

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

(Sent following Precept No. 202)

Read return dated the 1st instant from the Acting Criminal Judge of Chittoor to the precept of the Court of Foujdaree Udalut under date the 27th January 1840 - conveying their observations and orders on the Criminal Reports of the Zillah Court of Chittoor for the month of December 1839.

(Here enter F.H. No. 229 of 1840.)

1. In regard to case No. 257 - the Court of Foujdaree Udalut direct that the Prosecutor be instructed to sentence the prisoner under Clause sixth, Section II Regulation XII of 1822 which the Court consider applicable to the case.—

2. The Court do not consider either Clause second Section III of that Regulation or Clause

11th February 1840.—

Clause first Section III Regulation XV of 1803 applicable.—

3. In regard to cases Nos. 269 270 and 271 the Court of Foujdaree Udalut direct that the Pundit Sudr Ameen be instructed to award to the Prisoner the full measure of punishment authorized by Section VII Regulation X of 1816 with the exception of "lashes" - which, in accordance with the suggestion of the Acting Criminal Judge will be remitted.—

4. With reference, however, to the remark of the Acting Criminal Judge regarding the duty of the Sudr Ameens to "put" the said Cases "before the Judge for eventual committal," the Court observe that the Sudr Ameens cannot take cognizance of committable cases.—

5. In reply to the question put by the Acting Criminal Judge whether under certain circumstances, abridged or complete sentences should be entered in the Reports, the Court of Foujdaree Udalut observe that as much brevity is desirable as is compatible with perspicuity.—

6. The attention of the Acting Criminal Judge is required to para: 1 of the Circular Order of the Court of Foujdaree Udalut dated 4th September 1820 - which directs that the paragraphs of

of all letters and reports to the Sudr and Foujdaree Adalut shall be numbered.—

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

(Sent in No. 203)

Read letter dated the 27th ultimo from the Criminal Judge of Vizagapatam, requesting instructions as to how he is to proceed with Complaints brought before him by Masters of Ships against their men, and by men against their Masters, of maltreatment on their passage to and from the different Ports on the Coast.

(Here enter No. 228.)

Resolved, that the attention of the Criminal Judge of Vizagapatam be called to the Circular Order of the Foujdaree Adalut of the 31st of July 1834, No. 9, and that he be informed that as Criminal Judge he has no jurisdiction at all in respect to offences committed at Sea. But as Justice of the Peace, the Criminal Judge can hold the parties accused to trial before Her Majesty's Court of Admiralty, if in his opinion, there is sufficient evidence in support of the charge against them to justify their being proceeded against in the Supreme Court

Court in its Admiralty Jurisdiction.—

2. With reference to the Extract from the Minutes of Consultation under date the 4th September 1837 the Court of Foujdaree Adalut desire that a copy of Mr. Gl[illegible]'s letter of the 27th ultimo and of these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, with the view of the importance of giving Admiralty jurisdiction to the local Courts on the Coast being represented urgently on the home authorities to remedy the evils here prominently brought to notice.—

(Sent in No. 204)

Read letter dated the 11th ultimo from the Third Judge of the Provincial Court of Circuit for the Northern Division, submitting for the final Judgement of the Court of Foujdaree Adalut the record of case No. 1 of the Masulipatam Calendar of the Fourth Quarter Sessions of 1839.—

(Here enter F.C. No. 91 of 1840.—)

1 Before proceeding to Judgement in this case, the Court of Foujdaree Adalut deem it necessary that the declaration of the Prisoner

before

of all letters and reports to the Sudr and Foujdaree Udalut shall be numbered.—

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

(Sent in No. 203)

Read letter dated the 27th ultimo from the Criminal Judge of Vizagapatam, requesting instructions as to how he is to proceed with Complaints brought before him by Masters of Ships against their men, and by men against their Masters, of maltreatment on their passage to and from the different Ports on the Coast.

(Here enter No. 228.)

Resolved, that the attention of the Criminal Judge of Vizagapatam be called to the Circular Order of the Foujdaree Udalut of the 31st of July 1834, No. 9, and that he be informed that as Criminal Judge he has no jurisdiction at all in respect to offences committed at sea. But as Justice of the Peace, the Criminal Judge can hold the parties accused to trial before Her Majesty's Court of Admiralty, if, in his opinion, there is sufficient evidence in support of the charge against them to justify their being proceeded against in the Supreme Court

Court in its Admiralty jurisdiction.—

2 With reference to the Extract from the Minutes of Consultation under date the 4th September 1837, the Court of Foujdaree Udalut desire that a copy of Mr. Glass' letter of the 27th ultimo and of these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, on the view of the importance of giving Admiralty jurisdiction to the local Courts on the Coast, being so pressed urgently on the home authorities to remove the evils here prominently brought to notice.—

(Sent in No. 204)

Read letter dated the 4th ultimo from the Third Judge of the Provincial Court of Circuit for the Northern Division, submitting for the final Judgement of the Court of Foujdaree Udalut the record of Case No. 1 of the Masulipatam Calendar of the Fourth Quarter Sessions of 1839.—

(Here enter F. C. No. 91 of 1840.—)

1 Before proceeding to Judgement in this case, the Court of Foujdaree Udalut deem it necessary that the declaration of the Prisoner be fore-

before the Criminal Court, which is not attested, shall be put in and proved: and with this view the Court resolve to direct the Acting First Judge of the Provincial Court of Circuit to cause the whole examination of the prisoners before the Criminal Court to be read over in the presence of the prisoner, and the writer of it, and the Acting Joint Criminal Judge, to be examined on oath touching its correctness.

2. Should the Prisoner wish to offer any observations in regard to his Statement on the said examination, the Acting First Judge will cause them to be recorded, and submit an English Translation thereof, and of the examination above ordered, for the consideration of the Toujdaree Adalut.

Ordered, that Extract from the proceedings be sent to the Acting First Judge of the Provincial Court of Circuit in the Northern Division by precept returnable within seven days from and after its receipt.

(Sent following precept No. 205)

Read return, dated 5th instant, from the 2nd Judge of the Provincial Court of Circuit in the Western Division, to the precept of the Toujdaree Adalut of the 31st January 1840, containing their remarks on the Vellichery Primary Calendar for the 1st Quarter Sessions of 1840.

(Received Ft. No. 281 of 1840.)

Ft. 46

At a Court of the Toujdaree Udalut.

Present,

Thomas Alexr. Oakes Esqre. — 1st Puisne Judge

William Huddleston Esqre. — 2d Puisne Judge

Alexr. Duncan Campbell Esqr. — 3d Puisne Judge

Wednesday 12th February, 1840.

Read letter dated the 24th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Toujdaree Adalut the record of Case No. 8 on the Vizagapatam Primary Calendar for the 2d Sessions of 1839.

(Here enter No. 210.)

Mr. Huddleston. and Mr. Campbell.

The Court of Toujdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozzat and Mooftee of the Toujdaree Adalut, confirm the said futwa of the Cazee-ool-Cozzat and Mooftee aforesaid, convicting the Prisoner Ennumreddy Chinnoya.

of the crime of murder; but awarding Deputy and, under the provisions of Section XV Regulation VIII of 1802, sentence the said prisoner to suffer death, by being hanged at the usual time and place of execution.—

/Sent following letter No. 208./

Read letter dated the 7th November 1839 from W. Lewin Esqr. Special Commissioner at Chittoor, stating that the proceedings against the Moulavee Moideen Saheb closed on the 4th Instant, and that the record will be transmitted when completed.—

/Here enter F. No. 1849 of 1839./

Read letter dated the 17th November 1839 from W. Lewin Esqr. Special Commissioner at Chittoor, submitting with reference to the letter from the Tonjdaree Ddalut of the 15th November 1839 an explanation in regard to the "complaint" made against his proceedings by Captain Lowdry - referred to in Parah. 5 of the letter from the Tonjdaree Ddalut to the Chief Secretary to Government under date 22d October 1839.—

/Here enter F. No. 1927 A of 1839./

Read

Read letter dated the 3d December 1839 from the Special Commissioner at Chittoor, transmitting his report on the trial of the Moulavee Moideen Saheb Mukkandar.—

/Here enter F. No. 2021 of 1839./

Read letter dated the 6th December 1839 from the Special Commissioner at Chittoor, forwarding 19 documents alluded to in his report on the trial of Moulavee Moideen Saib Mukkandar.—

/Here enter F. No. 2039 of 1839./

Read letter dated the 11th December 1839 from W. Lewin Esqr. Special Commissioner at Chittoor, forwarding the Book which forms the subject of the charges against the Moulavee Moideen Saheb and Petitions bearing the Endorsement of the Government which came to the Acting Second Judge by Tappaul with the letter which accompanied them.—

/Here enter F. No. 2071 B of 1839./

Read letter dated the 13th December 1839 from the Special Commissioner at Chittoor, forwarding the depositions taken before

12th February 1840.

before the Special Court in the trial of the Moulavee Moideen Saib Mukkeandar.—

/Here enter F.C. No. 2079 of 1839./

Read letter dated the 21st December 1839 from the Special Commissioner at Chittoor, forwarding English translations of the Futwas, of the depositions taken before the Magistrate and of the Statements delivered to Captain Awdry after the proceedings before the former officer had closed also of the proceedings of the Magistrate in a Case in which one of the witnesses examined before the Special Court in the Case of the Moulavee has been tried for conspiring to kill Captain Awdry as well as the Persian translations of the entire proceedings.—

/Here enter F.C. No. 2128 of 1839./

Read letter dated the 23rd December 1839 from the Special Commissioner at Chittoor with reference to his letter of the 20th December 1839 forwarding a book of depositions taken by the Superintendent of Police of Vellore and of certain correspondence.—

/Here enter F.C. No. 2137 of 1839./

Read

F.C.

12th February 1840.

Read letter dated the 27th December 1839 from the Special Commissioner at Chittoor, forwarding further correspondence connected with his Report on the Trial of Moulavee Moideen Saheb.—

/Here enter F.C. No. 2163 of 1839./

Read letter dated the 7th Ultimo from the Special Commissioner at Chittoor, submitting copy of his proceedings addressed to the Magistrate of North Arcot under date the 23rd December 1839, and the Magistrate's reply and the papers which accompanied it.—

/Here enter F.C. No. 38 of 1840./

Mr. Sudleston and Mr. Campbell.

The Court of Sunjdaree Uddalut having maturely considered the Proceedings held before the Commissioner at Chittoor, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Sunjdaree Uddalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, acquitting the prisoner Moulavee Syed Mohideen, and direct that he be set at liberty.—

The

The Court of Tinjelaree Udalut direct that their Sentence in the trial before the Special Commissioner at Chittoor, with the whole of the Proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the Provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct their Sentence to be carried into effect.—

The majority of the Puisne Judges of the Tinjelaree Udalut being agreed as to the acquittal of the Prisoner in this Case, it is not requisite that another Judge should take it into consideration; and it is resolved, with their Sentence, to submit to the Government the remarks recorded by each of the two Judges who have sat on this trial, as they do not in all points entirely concur respecting the proceedings which have been held.—

Minute of the Third Judge

Trial by the Chittoor Special Commission of Moulavee Mahomed Sahib

This is a trial by a Special Court, nominated by Government, under Regulation XX. 1802.—

2. The Government, by their order of the 21st September 1839, directed the Prisoner to be brought to trial "upon such charges "against the state, as may be brought forward "by the Magistrate in the Northern Division "of Arcot."—

3. The Magistrate, in the first instance, preferred the 1st Charge respecting the Prisoner having caused to be compiled and circulated the Book called "Rud-i-Kasara" which is given as No 3 in the correspondence and respecting which the papers No 9 & 13 are recorded; but, from para: 10th of the Commissioners report, it appears that, on the grounds stated in these recorded papers, this 1st Charge was ultimately dropped. It certainly forms no part of the charge on which the Prisoner was finally arraigned by the Special Court, nor of that on which the Futwas of the Native Law Officers have been given. Both, as leading to the 2nd Charge, on which alone the

Special

The Court of Foujdaree Udalut direct that their Sentence in the trial before the Special Commissioner at Chittoor, with the whole of the Proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the Provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct their Sentence to be carried into effect.—

The majority of the Puisne Judges of the Foujdaree Udalut being agreed as to the acquittal of the prisoner in this Case, it is not requisite that another Judge should take it into consideration; and it is resolved, with their Sentence, to submit to the Government the remarks recorded by each of the two Judges who have sat on this trial, as they do not in all points entirely concur respecting the proceedings which have been held.—

Minute of the Third Judge

Trial by the Chittoor Special Commission of Munlavee Kuthoreea of Salem

This is a trial by a Special Court, nominated

nominated by Government, under Regulation XX. 1802.—

2. The Government, by their order of the 21st September 1839, directed the Prisoner to be brought to trial "upon such charges "against the state, as may be brought forward "by the Magistrate in the Northern Division "of Arcot."—

3. The Magistrate, in the first instance, preferred the 1st Charge respecting the Prisoner having caused to be compiled and circulated the Book called "Rud Kasa" which is given as No. 3 in the correspondence and respecting which the papers Nos. 9 to 13 are recorded; but, from para: 10th of the Commissioner's report, it appears that, on the grounds stated in these recorded papers, this 1st Charge was ultimately dropped. It certainly forms no part of the charge on which the Prisoner was finally arraigned by the Special Court nor of that on which the Fatwas of the Native Law Officers have been given. Still, leading to the 2nd Charge, on which alone the Special

Special Court have given a verdict, the evidence respecting the 1st Charge, which also has been taken by the Special Court must not be overlooked.—

4. Captain Awdry distinctly swears that, against the Prisoner, this book was "the first actual evidence;" and his summary of the testimony forthcoming on this point, which is given in the correspondence, will, in fact, finally resolve itself into the testimony of the 26th Witness, Gholam Hoosein; who on the 6th August 1839, before Captain Awdry signed an English Statement, not upon oath, that he got from the Prisoner an Extract from the "Rud Nasara", in order that this witness might copy it; that the original was compiled by the Prisoner; and that this Witness gave to Captain Awdry the copy he caused to be made of it.— Before the Magistrate, on the 17th September following, when sworn, for the first time, this same witness gives a very different account.— Instead of the Prisoner having given to him the original, he declares that book was of

reply 58.

S.M.

"of the books laid there near him, and pierced "it" and that it was, at this witness's own solicitation, that the Prisoner allowed him to carry it away, in order to copy it. that the witness neither asked, nor was informed respecting its author or writer; and, when cross examined by the Prisoner, he admits that he does not recollect whether he got the original from him, or from others.— After this examination before the Magistrate, when Captain Awdry's legal functions as Superintendent of Police over this case had entirely ceased, Captain Awdry, most improperly, took upon himself to re-examine this witness upon oath.— whereas the 23d September, he swore that the original of a book which he had received from the Prisoner was given by him to be copied to the Son of Mahomed Akbar Saib Soobadar.— Finally this 26th Witness, before the Special Court, upon oath, deposed, that the book before that tribunal is the one he gave to Captain Awdry; but that it is a copy, not a part of the "Rud Nasara" which alone is specified in

in the 4th charge but of the "Fican ka nesula" that he knows not whether he got the original from his neighbour Oddiman Lutchy or from whom else - that this copy was made by Ugleu Lutchy of whose father's name he is ignorant - that he, from want of recollection, before the Magistrate named the Prisoner as the giver of the original, but that he is uncertain from whom he got the original.-

5. The 5th Witness the Jaghire dar on the 6th of August, signed before Captain Awdry an English Statement, that he had twice remonstrated with the Prisoner, against the Prisoner's publishing, and reading, a book defamatory of Government, which the Prisoner had compiled in refutation of one respecting Jesus Christ - and which he had sent to the Madras College to be printed, but which was not printed, in consequence of the Censor-ool Cozat of this Court refusing his sanction to it - when sworn before the Magistrate on the 17th September, this same witness declares that all such knowledge was meta[phorical]

and he confirms this before the Special Court adding that, in consequence of the testimony given by him before the Magistrates, Captain Awdry and the 2d Witness, "placed a guard of 4 Peons kept at my House, so that no one might come to it, and that I should not go to any one's house".-

6. The 24th Witness, who on the 6th August, before Captain Awdry, signed an English Statement that he and every one else in Vellore knows the Prisoner to be the Author of the "Rud Nasara" abusive of the British, and who before the Magistrate, on the 11th September, acknowledged this Statement, on the 18th September, before the Magistrate, declared that he had originally denied to Captain Awdry having ever seen that book - Before the Special Court, he explains that all his information was mere hearsay - and speaks most favorably of the Prisoner.-

7. The 23d Witness a pensioner of Government, and son of a Native Commandant, on the 6th August before Captain Awdry signed

an

and the 4th charge) but of the "Steam the resolu"-
that he knows not whether he got the original
from this neighbour Ostman Saib, or from whom
else: that this copy was made by Uyloo Saib
of whose father's name he is ignorant: that he,
from want of recollection, before the Magistrate,
named the Prisoner as the giver of the original,
but that he is uncertain from whom he got
the original.—

5. The 5th "Witness the Jaghiredar
on the 6th of August, signed before Captain
Audry an English Statement, that he had
twice remonstrated with the Prisoner, against
the Prisoners publishing, and reading, a book
defamatory of Government, which the Prisoner
had compiled in refutation of me respecting
Jesus Christ and which he had sent to the
Madras College to be printed, but which was
not printed, in consequence of the Casgecoal
Cozat of this Court refusing his sanction to
it: when sworn before the Magistrate on the
17th September, this same witness declares
that all such Knowledge was merely hearsay

and

12th February 1819.

and he confirmed this before the Special Court
adding that, in consequence of the testimony
given by him before the Magistrate,
Captain Audry and the 2d "Witness, "placed
"a guard of 4 Peons kept at my house, so
"that no one might come to it, and that I
"should not go to any one's house".—

6. The 24th "Witness, who on the
6th August, before Captain Audry, signed an
English Statement that he and every one
else in Vellore knows the Prisoner to be the
Author of the "Rudd Nasara" a Native of the
British, and who before the Magistrate, on
the 11th September, acknowledged this Statement,
on the 18th September, before the Magistrate,
declared that he had originally denied to
Captain Audry having ever seen that book—
Before the Special Court, he explains that
all his information was more hearsay and
speaks most favorably of the Prisoner.—

7. The 23d "Witness a Pensioner of
Government, and son of a Native Commandant,
on the 6th August before Captain Audry signed

&c

an English Paper, stating that the Prisoner had completed a book which "called upon the "Mussulmans, and said that God had shewn "men with monkeys faces to rule them, and took "the Country from them for their sins" that he sent it to Madras, where the Cazee-ool-Cozat of that Court, at first, sanctioned it by his seal - but subsequently tore it off, at the suggestion of Moulavee Aslamee - Before the Magistrate, he swore, on the 18th September, that this was all hearsay -; and, before the Special Court, he named Mahomed Adee a clerical error for Alee of Bengal as the Author of the "Ra "Nasara", and repeats the above as mere hearsay -

8. Captain Awdry, in his reply 89, distinctly states that all search had been vain, for the alleged copy(ies) of the book, given to him by the 26th Witness -

9. Such has been the result of the evidence taken originally on the 6th, and communicated to Government by Brigadier Stuart, on the 8th August 1839 -

10. On the 24th of that month however

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12th February 1840 -

however, Brigadier Stuart laid before Government further depositions of that same date, whence the 2d charge for preaching sedition originated - and it may be useful in a similar manner to trace the testimony of each witness, thence, to its termination, before the Special Court -

11. It is on this date, the 24th, that August, that the 3d Witness, a Jaqueer of Northern India, first affixed his name to an English Statement before Captain Awdry to the effect that the Prisoner is a Disciple of Moulavee Mahomed Ali of Bengal, a Secret Wahabee - that about 7 years ago, the witness lived for 3 years in the Prisoners House, and heard him weekly on Fridays preach sedition, and that the 29th and 64th Witnesses (distinguished Native Army Officers) are amongst his disciples - he gives before the Magistrates a similar declaration upon oath on the 18th September; and before the Special Court, names the 5th, 14th, 41st, 55th, 56th, 58th, 59th, 60th, 61st, 62d and 64th Witnesses as

as having heard the Prisoner seditious preaching
he attributes his 7 years Silence to fear. This
means testimony is corroborated as to the Sedition
before the Special Court alone by the 5th Witness
an Extra College Moonshee and by the 11th & 29th
formerly a Lascar but now officially employed
under Captain Awdry before both the Magis-
trate and the Special Court. But it is
contradicted by the 29th Witness a Pensioned
Soobadar, the 41st Witness a Soobedar & Subadar
the 55th witness a Pensioned Soobedar the 56th
Witness a School Master who denies ever having
gone to prayers at the mosque the 58th Witness
a pensioned Jemadar the 59th Witness a trader
the 60th and 61st Witnesses two pensioned Sepoys
the 62nd witness a Merchant, and the 64th a
Soobedar Bahadoor. — Respecting the 3d Witness
it must be remarked that the 36th Witness
considers him of the Sheea Sect - who meet
in religious ceremonies, associate with the Sect
to which the Prisoner belongs - that the 38th
Witness also deems him a cheat, who, to persons
belonging to either the Sooneé or Sheea Sect,

professes, in order to obtain money, to belong to
that of the individual he addresses - that the
31st and 39th Witnesses confirms this - and that
the greatest suspicion is thrown on his veracity
by his Statement that, whilst under custody of
the Magistrate information was given to him
of an intention to assassinate Captain Awdry
upon which the 36th Witness in this case was
taken up, on grounds which the evidence on
the separate record of that crime shews were
most improbable, and insufficient. —

The 15th Witness, on the same
day, 24th August, also signed an English
Statement before Captain Awdry stating
that the Prisoner had, 8 months previously
read to him portion of a book he had composed,
abusive of Europeans - he on the 17th September
swears to a similar Statement before the
Magistrate, and confirms it before the Special
Court. But he denies ever having heard any
preaching, does not connect this reading with
the book specified in the 4th charge - and in
no way accounts for his 7 months silence -

If the fact he states is true, his long postponement is against credit to his testimony.—

13. On the 26th August, Brigadier Stewart forwarded to Government further depositions, from the 19th, 17th, 25th, 16th and 27th Witness.—

14. The 19th Witness, a police Peon under Captain Awdry, there stated that about a year ago, on a Friday in the month of Ramzan he only once heard the Prisoner preach Sedition, before many Sepoys and others, he confirmed this before the Magistrate on the 18th September, but could name none others present—and before the Special Court he confirms this Statement.—

15. The 17th Witness, also a Police Peon under Captain Awdry, stated that he also, once in Ramzan, heard the Prisoner preach seditiously;—but, from fear, refrained to mention it—he confirmed this before the Magistrate, where he could name no one who was present. But before the Special Court, he named the 24th, 31st, 32nd and 51st Witnesses and a fifth person as present—and when asked, how this occurred,

occurred, he says "after I gave my deposition "before the Magistrate I proceeded to Bellary "where I consulted myself, and called to mind "those that were present, and in consequence "stated their names" he adds that it was only once on a Friday in Ramzan, that he went and that the 50th Witness also told him of the sedition.—This witness is contradicted by the 24th, 31st, 32nd and 51st Witnesses, as to the utterance of sedition in their presence and by the 50th who says he never spoke to the witness.— The 25th Witness, a Sayer Peon, deposed before Captain Awdry to the Prisoner preaching sedition on a Friday Evening 3 different times—and he confirmes this before the Magistrate.—It appears that he was not examined before the Special Court.—

16. The 16th Witness, a Military Police Peon, before Captain Awdry deposed that the Prisoner, on a Friday in Ramzan read sedition from a book—he confirmes this before the Criminal Court—where he could name no one as present; before the Special Court, he

he admits that the 20 years resident at Vellore, he went only once to the mosque, and he names 2 persons as then present.—

17. The 27th Witness, in receipt of a pension of 175 Rupees per mensem, before Captain Awdry, declared, that he, and every one else in Vellore, knew that the Prisoner composed the "Rud Nusara", and that his object is to wire the Native Army for hostility against Government. Before the Magistrate he declared that it was the 5th Witness who shewed him this book. That it contains nothing abusive of Government, and that though he, by hearsay, understood it was composed in the Dekkan, he does not know its author. he confirmed this before the Special Court, (2) recanted on oath, what he stated to Captain Awdry. the 5th Witness named by this man before the Magistrate though an occasional attendant at the mosque never heard sedition, and is not questioned respecting the Book.—

18. On the 30th August, Brigadier Stewart forwarded to Government further statements made

made by the 14th, 6th and 12th Witnesses.—

19. The 14th Witness, who through appointed by Captain Awdry to procure Soldiers is stated to have been much alarmed, before him declared that himself and the 3rd Witness together heard the Prisoner's seditious preaching one Evening in Ramzan. that he did so preach ever since he met Moulavee Mahomed Ali of Bengal at Madras, he then (with the 3rd Witness 6 days previously) named the 2nd and 6th Witnesses as his disciples.— Before the Magistrate he confirmed this except as to the 6th Witness whom he did not mention there. Before the Special Court, he newly mentions the 5th Witness as present when he spoke with the 3rd Witness. that he did not mention the matter, until from being a Lascar, and keeping a shop, he was employed in the public service by Captain Awdry, 6 months ago, and only once heard the seditious preaching, though he went 15 or 20 times to the Mosque. The Commissioners justly points out that, if it is true as stated before

he admits that the 20 years president at Vellore, he went only once to the mosque, and he names 2 persons as then present.—

17. The 27th Witness, in receipt of a pension of 175 Rupees per mensem, before Captain Awdry, declared, that he, and every one else in Vellore, knew that the Prisoner composed the "Rud e Nustara," and that his object is to win the Native Army for hostility against Government.— Before the Magistrate, he declared that it was the 5th Witness who shewed him this book— that it contained nothing abusive of Government, and that though he, by hearsay, understood it was composed in the Deccan, he does not know its author— he confirmed this before the Special Court, (ex) pecanted on oath, what he stated to Captain Awdry— the 5th Witness named by this man before the Magistrate though an invariable attendant at the mosque never heard sedition— and is not questioned respecting the Book.—

18. On the 30th August, Brigadier Stewart forwarded to Government for the Statement made

made by the 11th, 6th and 12th Witnesses.—

19. The 14th Witness, who through appointed by Captain Awdry to procure soldiers is stated to have been much alarmed, before him declared that himself and the 3rd Witness together heard the Prisoner sedition preaching one Evening in Ramzan— that he did so preach ever since he met Moulavee Mahomed Alli of Bengal at Madras, he then (like the 3rd Witness 6 days previously) named the 29th and 6th Witnesses as his disciples.— Before the Magistrate he confirmed this except as to the 6th Witness whom he did not mention there— Before the Special Court he newly mentions the 5th Witness as present, when he spoke with the 3rd Witness— that he did not mention the matter, until from being a Lascar, and keeping a shop, he was employed in the public service by Captain Awdry, 6 months ago, and only once heard the Seditions preaching, though he went 15 or 20 times to the Mosques— The Commissioners justly points out that, if it is true as stated before

before him; that the 3d. 14th and 5th Witnesses were originally all acquainted with each others knowledge of the seditious preaching, at the same time, it is quite unaccountable that the 3d. Witness never originally before Captain Avdry referred to the 15th Witness and that neither the 3rd or 14th mentioned the 5th Witness, until the Magistrates inquiry had closed. The 29th and 64th Witnesses refute this mans testimony.-

20. Before Captain Avdry, the 6th Witness deposed to once, about a year ago, hearing the prisoner preach sedition- though he then frequently attended his mosque he specifies the 36th Witness as one of the Prisoners Disciples. This witness was examined, a second time, by Captain Avdry, and his deposition sent up by Brigadier Stewart on the 1st September- he then declared that the 26th Witness brought out from his room, and shewed this witness a book abusive of Government, as composed by the Prisoner- Before the Magistrate he swore that the 26th Witness shewed him a seditious book of the same purport as that produced, stating

stating that the 26th Witness got it from the Prisoner- he then goes on to describe his preaching to this effect- "If God bestow "power on us, we should declare war, "against those who act contrary to the Mahommedan faith, adding that he does not know the names of any, though many were present- But before the Special Court he named the 24th, 38th, 22d, 39th and 51st Witnesses as so nominated to him by the Prisoner as his disciples, he declared that the preaching occurred "because the authorities published "books," and that the Prisoner was visited by a Missionary book- that he saw, in the prisoners possession, the book which the 26th Witness shewed him, whilst the 26th Witness and the prisoner were reading it together- This man is not supported by the 24th Witness, who admits all his information to have been hearsay- by the 22d Witness who diminishes the sedition, into a desire to extend the Mahomedan faith- or by the 38th, 39th and 51st Witnesses who positively deny

during the alleged sedition - and he alone speaks to the 26th Witness and the Prisoner the book together - which is at variance with the evidence of the 26th Witness who deposed that he and the Prisoner were alone - when he took the book away.-

21. The 12th Witness, before Captain Awdry, deposed not only to the Prisoners seditious preaching, but to the notoriety of his having composed a book "to cast out the "Kafers" - which he confirms before the Magistrate on oath - Before the Special Court, he deposes that though he went 5 or 7 times to the Prisoners mosque, which however he had never attended for the last year and a half, he only once heard him preach seditiously - he saw there the 24th, 38th, 22nd or 39th, 40th and 51st Witnesses - The Prisoner declared that war should be made against those alone "who "compose books, and after distributing them, "call others to embrace their religion" - self, 6th Witness; and the 10th were fined 20 Rupees each, and confined for non payment on account of a dispute with

with the Shereef - self and 6th Witness gave information on the same day - and both were found by the 28th Witness, the Military Cutwal, standing at their respective doors, ready with their tale - This man is contradicted by the 10th, and all the other witnesses he names, who turn out to be precisely the same persons whom the 6th Witness describes as nominated by the Prisoner as his disciples.

22. On the 1st September, Brigadier Stewart furnishes to Government the final depositions taken by Captain Awdry, from the 13th, 9th, 10th, 6th, 4th, 22nd, 18th and 21st Witnesses.

23. Before Captain Awdry the 13th Witness, an embroiderer in gold and silver deposes to having been in the habit, on Fridays of attending the Prisoners Mosque, and once to have heard his seditious preaching - Before the Magistrate he says it was in last Ramzan - Before the Special Court, he is represented as a Cooly - and declares that he never went to any other but the Prisoners Mosque, and to it once only, when he heard the seditious sermon.

and

and his names the 31st, 33rd, 52nd and 57 Witnesses as present - though he had previously named none - It was the 3rd Witness who took this man to Captain Awdry - the 31st and 32nd Witnesses, usual attendants at the mosque, both contradict the alleged sedition the 52 Witness, as before stated, does not support the testimony of this witness - and the 57th Witness avers an alibi, as the reader of prayers at another mosque -

24. The 9th Witness, a Police Chowdry 85 Years old - Before Captain Awdry, deposes to the Prisoner being in the habit of preaching Sedition, and named the 29th, 42nd and 64th Witnesses as present - Before the Magistrate he added the 30th, 31st and 32nd Witnesses - Before the Special Court, he depose that thereft, in the course of 30 years, he, during 5 or 6 years, went five or six times, he only once heard a seditious sermon, in the presence of the 29th, 30th, 31st, 32nd, 36th, 41st, 42nd and 64th Witnesses - He says that in the month he heard it, he reported it to Mr Long, and afterwards to Captain

Captain Awdry - also told Mr Ogilvie of the 40th Regiment of the notoriety of the Prisoners Seditious preaching - This mans testimony receives no support either from Mr Long Captain Awdry or the other witnesses he has named, many of whom expressly contradict all hearing of Sedition, - and most of them are Native Officers highly distinguished in the Army - The Commissioner deems this mans evidence contradicted by that of his own son the 49th Witness - but though he never told his son of the Sedition - the son declares that the father went to the mosque -

25. The 11th Witness, the Military Police Duffadar, before Captain Awdry was deposed to having heard the prisoner speak seditiously once on the Ramzan festival, he confirmes this before the Magistrate, but denies that there was any Sermon, and before the Special Court, his evidence is to a similar effect; but he in no way explains satisfactorily his long silence on the subject -

26. The evidence of the 6th Witness the

the Second time before Captain Awdry has been already recited.—

27. The 1st Witness, a brother of one of Tippoo Sultans concubines, before Captain Awdry deposed that 8 months previously, on Friday, he heard the Prisoner preach a religious war and that the ladies confined in the Palace who die, bequeath to the Prisoner all their wealth.— Before the Magistrate he confirmed this Evidence, stating that he did not, at first, give information, lest he should be supposed mad, and before the Special Court he deposed that, though he went 50 times to the mosque, he heard the sedition only 3 times, 1st 2 Years ago, 2nd 1 year ago, and the third time 9 months ago.— He then, for the first time, mentioned as present the 31st, and 32nd Witnesses, who though they admit having been actual attendants, deny all hearing of sedition.— he does not know what batta he was to receive but got 10 Rupees and affirms the Prisoners sedition to be as notorious at Vellore, as the sun at noon day.—

The

28. The 22nd Witness, a religious Jacquir or devotee, before Captain Awdry deposed to having twice heard the Prisoner preach sedition. Before the Magistrate he swore to it as having occurred only once on a Friday, about a year ago.— But before the Special Court, the preaching is reduced in an exhortation, to extend the Mahomedan faith, rather than to sedition.—

29. The 18th Witness, a Military Pensioner, before Captain Awdry deposed to the Prisoners having preached sedition about a year ago; before the Magistrate, he says it was on the Ramzan festival about 10 months ago; and before the Special Court he deposed that he attended the Prisoners mosque 4 days a month, for 8 or 10 years but discontinued going 2 years since, and only heard the sedition once.

30. The 21st Witness, before Captain Awdry, deposed to having heard the Prisoner, whose mosque he was in the habit of frequenting preach sedition; he was not examined before the Magistrate but was, illegally, by

Captain

12th February 1840.

Captain Awdry, Examined a second time, after the Magistrates Proceedings had closed, when he stated that the Sedition occurred every Friday. Before the Special Court, he describes his ex profession as "under the mercy of God" admits that he is of the Shreah Sect, and denies having gone to the Prisoner except for Medicine, he specifies as present at the seditious preaching, the 31st. 32d. and 5th Witnesses, who all deny hearing the Sedition.—

31. The 8th. Witness does not seem to have been examined at all, until he gave a Statement before the Magistrate on the 17th. September 1839, which as mere hearsay it is useless to notice. Before the Special Court however, he deposed to the Prisoner having held a private conversation with himself of a seditious nature.—

32. After the Magistrates inquiry had been completed, Captain Awdry took upon himself, by beat of drum, to invite further testimony; and on the 23d. September 1839, to receive new evidence from the 5th. 7th. 10th. 20th. and 53d. Witnesses.—

The

12th. February 1840.

33. The 5th. Witness an occasional teacher of the Junior Civil Servants in the College, of the Shaffee Sect, but attached to Sipaun ool Moolk, who is the head of the Shreah Sect at Madras, before Captain Awdry swears distinctly to having heard the Prisoner seditious preaching. moreover he adds "in the "large mosque at Madras" he heard a consultation between the Prisoner and Moulavee Mahomed Alli of Bengal or Rumpoor, that the said Moolkhtar of the Carnatic should be made their disciple, and the whole of the Mahomedans, then united, should rebel against the British Government. but that the Prisoner on the said Moolkhtar of the Carnatic inducing the Government to expel the said Mahomed Aly; observed that if he "had not been sent "off, a war would have ensued, and the families "of the poor would have been destroyed". Before the Special Court, he declares that he heard the seditious preaching 15 or 16 times, and specifies the 3d. 14th. and 29th. Witnesses as present; and that the Prisoners preaching

words

was in the same manner as that of Moulanee
Mahomed Aly at Madras; but the latter excelled
he refers to a reform in the religious ceremonies
of the Mahommedans of Forbes and Mc Donald's
Regiments, such as Captain Awdry seems to
speak of, when he alludes to "the abolition of
"the old idolatrous customs, used at the
"Mohurrum, and other festivals" the origin
of which seems deserving of inquiry; and this
witness swears to having seen a seditious letter
addressed by the Prisoner to his Deputy at
the Palaveram Cantonment. This persons evidence
is not confirmed by the 29th Witness, except as
to his occasional attendance at the Mosque.
But the 3rd and 14th witnesses corroborate him.
It is clear however, from his evidence, that the
Prisoner in the Mosque was not visible to this
witness - and the Commissioner states him to
evince such ignorance of the building, as to
throw great doubt on his testimony.

34. The 7th Witness, a Pensioned Sepoy
85 years of age, before Captain Awdry, declared
that a few days after Hasildar Syed Nathir
was shot at Vellore, apparently about 5 years ago,

12th February 1810.

under sentence for Service offence, he, on a Friday,
heard the Prisoner preach seditiously. He
repeats this before the Special Court, but
declares he heard it only once though he
attended it 25 or 30 times. The drum was
beaten that the Salary of a Sookadars Son
was discontinued, and that so would the Salary
of Pensioners be, if they "heard of it and
were silent" therefore, this man came forward
with his testimony amongst others he speaks
as present the 54th Witness, who denies it.

35. The 10th Witness, brother of the
53rd Witness, a Military Police Man, before
Captain Awdry, declared that "one day, a year
ago", on Friday, he heard seditious preaching
by the Prisoners who also recommended this
witness to study a book he had given to the
36th Witness. Before the Special Court, this
man confirmed his once hearing a seditious
discourse in the course of 20 or 25 visits to
the Prisoners' Mosque - witness was once confined
in Jail for a fine of 20 Rupees. The Commissioner
speaks very unfavorably of the demeanor

of

of this man, and his brother the 53d Witness; and throws great suspicion on their evidence, from its not sooner having been brought forward, by the 6th Witness.—

36. The 20th Witness before Captain Awdry deposed to seditious preaching in Mysore, 8 Years ago by a person named Jamaloodeen, whom some of the others state was a Deputy of the Prisoner, and caused the muting at Bangalore; and he confirmed his evidence as to that persons preaching before the Special Court, before the Magistrate he was not examined.—

37. The 53d Witness, a brother of the 10th Witness, and connected with the Palace, before Captain Awdry, deposed to having, a year ago, heard the Prisoners seditious preaching — that he avowed the composing a book termed "Duffai Sherek bedad" which he had given to the 26th Witness, and recommended its perusal — he expressly swore that, in assigning the Prisoner against whom he meant to preach, the Prisoner first said "those who despise "our

"our prophet and religion", and are desirous of "converting us to their religion" — and that it was not until asked a second time, who such people were, that the Prisoner replied "our present rulers." Before the Special Court, he deposes to the same facts; particularly stating that the Prisoners sermon was directed against "those who act contrary to the prophet, "and call us to embrace the Christian religion."—

38. The 1st, 2d, 28th and 63d Witnesses depose merely respecting the manner in which the foregoing evidence was obtained.—

39. The 1st Witness, officially employed under Captain Awdry, declares before the Magistrate that himself and the 2d Witness were directed by Captain Awdry to inquire respecting the Prisoners conduct; and, hearing he had composed the "Rud Nasara," they went to the house of the 26th Witness, near the Prisoners house, and asked him "both by threats and friendly terms," when the next day gave Captain Awdry the book — Before the Special Court, he confirms this, explaining that the first intelligence

th February 1810.

The Special Court, however, called for most of the various persons named by the witnesses above mentioned; and nearly took the further evidence of 36th witnesses, from the 29th to the 64th inclusive. I have already noticed the testimony given by the 49th and 52d 53d and 63d witnesses, and it only remains to recite briefly that given by the rest.—

44. The 29th Witness, a pensioned Soobadar, and disciple of the Prisoner, in bad health and only occasionally attendant at his Mosque, never heard him preach sedition;—but he knows not the meaning of "jehaad"—denies his presence at sedition as alleged for the prosecution.—

45. The 30th witness also a pensioned Soobadar, but not a disciple of the Prisoner, is equally ignorant of "jehaad" used, until a year and a half ago, to frequent the Prisoners Mosque; he never heard him preach seditiously, and denies his presence at the sedition alleged for the prosecution.—

46. The 31st and 32d Witnesses, —

pensioned

12th February 1810.—

pensioners neither of them disciples of the Prisoner, but usual attendants at his mosque, deny their presence at sedition as alleged for the prosecution, or having ever heard it from him.—

47. The 33d witness a pensioned Soobadar and a disciple of the Prisoner, attends his mosque twice a week, does not know what "Jehaad" means, but never heard sedition.—

48. The 34th Witness a pensioned Soobadar, has attended the Prisoner's Mosque for 7 months, and never heard sedition.—

49. The 35th Witness, the 2d Cahuat under the 28th Witness, from 20 to 25 years resident at Vellore, and from 10 to 15 years in the Military Police, never heard of the sedition, until the 18th Witness, about 2 months ago, mentioned it to him.—

50. The 36th Witness, a trader, is the person accused, on very insufficient evidence, of an intent to assassinate Captain Awdry, which forms a separate record in this Case—he denies being the Disciple of the Prisoner, and, though he frequents the Prisoners Mosque,

never

never saw the 9th witness there, or heard sedition from the Prisoner - he speaks to the 3d and 4th witnesses being Sheeas, and to the enmity of them and the 15th witness against the Prisoner.-

51. The 37th Witness a pensioner does not understand "jehaad" - refutes the 12th witness, and declares that "he lied and I never saw him "in the mosque" of the Prisoner - he also denies the truth of the 7th and 17th witnesses statements.-

52. The 38th witness, a pensioner, also supported by his father in law a Soobadar, 25 years resident at Vellore and a frequent attendant at the Prisoners Mosque never heard sedition - contradicts the 6th and 12th witnesses, considers the 3d a cheat - and declares the 21st witness to be a Sheeah.-

53. The 39th Witness connected with the Palace, a rigid performer of prayers 5 times daily, and an invariable attendant at the prisoners mosque for 27 years, declares that he never heard sedition - that the 3d, 4th, 6th, 10th and 12th witnesses never came to the mosque and that "this is an "affair of scoundrels.-

54. The 40th Witness has never been at the

the mosque for 3 years, and thus refuted the 12th witness, who declared he was present at the sedition - he attended it previously, and never heard sedition.-

55. The 41st witness is a Soobadar Bahadoor promoted for the information he gave of the Bangalore mutiny - his Regiment was twice at Vellore and he went twice to the Prisoners Mosque - denies having ever there heard sedition, as alleged for the prosecution - does not however know what jehaad means - his Peer is dead, speaks to the 9th witness having tampered with him.-

56. The 42d witness a Major Soobadar Bahadoor - saw the 9th witness speak to the 41st witness who said the 9th witness had advised the 41st witness to depose like himself (the 9th witness) went 4 times to the mosque and never heard sedition - but always went away before the sermon.-

57. The 43d witness, a pensioned Soobadar - who, for the last 5 years, on Fridays, 2 or 3 times a month, attended the Prisoners

Mosque

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57. The 43d witness, a pensioned Soobadar, who, for the last 5 years, on Fridays 2 or 3 times a month, attended the Prisoners

mosque

mosque, not only denies hearing sedition as alleged for the prosecution - but declares "that after the "completion" of prayers he solicits the blessing "of God for the permanence of this Government."

58. The 44th Witness, a pensioned Soobadar, for the last 5 years attends the Prisoners Mosque on Fridays, and denies, as alleged for the prosecution, hearing sedition - never saw the 9th witness there, and knows, as he is his neighbour, that he never prays.-

59. The 45th witness for the Magistrates Police Ameen at Vellore, for the last 3 years, never heard of the sedition, and speaks highly of the Prisoner.-

60. The 46th witness, a Magistrates Police Peon at Vellore, for 8 or 9 years, speaks to the same effect.-

61. The 47th witness, a Magistrates Peon, at Vellore, about 10 years - says the same.-

62. The 48th witness, a Military Pensioner Vellore, for 3 years, deposes in a similar way.-

63. The 50th witness, a constant attendant at the Prisoners Mosque, gives evidence to the same purport,

purport, and denies having ever spoken to the 17th witness, or seen the 3d, 6th or 12th witnesses there.-

64. The 51st witness, a watch maker, a daily attendant there, at the 5 prayers each day, for the last 25 years, deposes to the same effect, and refutes the assertion of the 6th and 12th witnesses that he there heard sedition.-

65. The 54th witness, a doctor, a similar attendant for 30 or 35 years, gives similar evidence and denies having ever seen the 7th witness there.

66. The 55th witness, a pensioned Soobadar, refutes the assertion of the 3d witness that he heard sedition at the Prisoners mosque, where he occasionally attends - on the contrary he states that the Prisoner "solicited the "blessings of God on the Company's Government."

67. The 56th witness, a School master, denies ever having gone to the Prisoner's mosque.

68. The 57th witness, a Deputy of the Prisoner, and preacher in a neighbouring mosque, denies the assertion of the 13th and 21st witnesses, as to his presence at sedition -

pleads

pleads an alibi as a reader of Prayers elsewhere.
speaks to the 6th and 12th witnesses having
acknowledged to him the falsehood of their
testimony.—

69. As explained in para. 226 of the
Commissioners report, the 55th and 56th witnesses
above mentioned, as well as the 58th mentioned
Jemadar, the 59th a Shoplifter, the 60th and
61st mentioned Sepoys, and the 62d a Merchant,
were summoned, in consequence of the testimony
of the 3d witness, who swore to their presence
at the seditious preaching, and pointed out
their honours - yet all of them unanimously
falsified his testimony.—

70. The 64th witness a Soobadar
Bahadoor, irregularly examined on interrogatories,
fully refutes the assertion on the part of the
prosecution, that he was present at the
Prisoners preaching seditions.—

71. The Commissioners, having dropped
the first charge, has acquitted the Prisoner
of the second charge, without examining any of
the witnesses cited for his defence, on the ground
that

that the testimony for the prosecution is
insufficient for conviction - In trials liable
to decision by a higher tribunal, and eventual
submission to Government, such omission to
take the evidence for the defence may, as a
precedent, prove inconvenient - The verdict
given by the Commissioners, however, has
the concurrence both of his, and of our own
Law Officers.—

72. Without imputing to the Military
authorities more, than that their Zeal has
exceeded their discretion, I am of opinion
that to prevent future evil arising from
errors pregnant with danger, this Court
should make a strong representation to
Government, as to the necessity of placing
the Military Police under due judicial
controul - either by the Circuit, or by this
Court, or by both - For, without it, the errors
into which they are subject to fall are
grave.—

73. Of these, the most prominent
in this case, is the inviting evidence by
that

pleads an alibi as a reader of Prayers elsewhere.
speaks to the 6th and 12th witnesses having
acknowledged to him the falsehood of their
testimony.—

69. As explained in para. 226 of the
Commissioners report, the 55th and 56th witnesses
above mentioned, as well as the 58th a Jemadar,
Jemadar, the 59th a Shopkeeper, the 60th and
61st Pensioned Sepoys, and the 62d a Merchant,
were summoned, in consequence of the testimony
of the 3d witness, who swore to their presence
at the seditious preaching, and pointed out
their houses - yet all of them unanimously
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should make a strong representation to
Government, as to the necessity of placing
the Military Police under due judicial
control either by the Circuit, or by this
Court, or by both - For, without it, the errors
into which they are subject to fall are
grave.—

73. Of these, the most prominent
in this case, is the inviting evidence by

that

pleads an alibi as a reader of Prayers at Sewhenil
speaks to the 6th and 12th witnesses having
acknowledged to him the falsehood of their
testimony.—

69. As explained in para: 226 of the
Commissioners report, the 55th and 56th witnesses
above mentioned, as well as the 58th a pensioned
Jemadar, the 59th a shopkeeper, the 60th and
61st pensioned Sepoys, and the 62d a Merchant
were summoned, in consequence of the testimony
of the 3d witness, who swore to their presence
at the seditious preaching, and pointed out
their houses - yet all of them unanimously
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the Military Police under due judicial
control - either by the Circuit, or by this
Court, or by both - For, without it, the errors
into which they are subject to fall are
grave.—

73. Of these, the most prominent
in this case, is the inviting evidence by

that

beat of drum. However military such a proceeding, it is, on the part of the Police, open to the most serious objection. It universally diffuses the false belief that it is not the discovery of the truth - the existence, or non existence, of the crime which is sought for, by the public authorities; but merely the discovery of its perpetrators, the authorities having already fully satisfied themselves as to the fact of its commission. The inquiry, at its outset, thus begins with a necessarily leading to the mazes of error; and the false assumption of the reality of the crime gives a mis-direction to the evidence, fatal to even handed justice.

After 73. But when, as in this case, the invitation for evidence by beat of drum was accompanied by proclamation of handsome rewards, and the threat of the resumption of all Government allowances from such as, possessing information, withheld it, the extent of their influence over those by whose testimony was subsequently delivered is difficult

of

of calculation.

Instead of the depositions being taken upon oath, it appears that the information laid before Government by the Military Police was taken without the witnesses having been sworn at all. The Circular Orders of this Court were also entirely infringed, by their having been recorded in English a language unknown to the deponents neither their own language, nor "the exact words used" having been placed on record. Such obvious errors never could have been committed, had the Circular Orders of this Court for the guidance of the Police been considered applicable to the Military Police and had there been some judicial authority to controul them, and to enforce adherence thereto. Nor can their recurrence be prevented until this is done. Mean time, it is clear that the whole of the first information given in this case was delivered free from all responsibility for perjury and left undeclared by the obligation of an oath, from either

precautions

precantation, or tampering- In all crimes a know-
=ledge of the *first* evidence given, and of the
circumstances under which it is elicited, is of
the utmost importance to the tribunal which
is *ultimately* to judge on its *final* delivery-
and tho' the evidence to which I allude is
entirely extra judicial, I think it is highly
important that when evidence is taken at all
by the Military Police it should be taken
under the sanction of an oath as contemplated
by Section XII Regulation VII 1832- for
otherwise, when the charge proves false, neither
the Government nor those falsely accused can
bring the traducer to punishment;- and if the
charge is true, a door is opened for successful
tampering and precantation by which traitors
may escape with impunity- It is to the
consequences of such a proceeding, not to any
illegality in it (for I do not deem it illegal.)
that I wish to attract the attention of
Government.-

75. This is not all- *After the termin-*
=ation of the Magistrate's proceedings had
concluded

concluded all legal proceedings by the Police, it
appears that the Military Police, illegally
and improperly, considered itself at liberty
to *resume* its functions, which by law were
at an end- The drum was again beaten,-
evidence was invited anew against the Prisoner
in particular, respecting whom the Police
functions were extinct- Rewards were anew
offered- and the 7th Witness swears that a
declaration was made that the threat of
resuming Government allowances had actually
been carried into effect in the case of a Soldiers
Son-; and that it was *this* which induced
himself, a Pensioner, to come forward- Not
only new evidence was then taken-, but the
Military Police adopted the very bold and
unjustifiable step of re-examining upon
oath the 26th Witness, apparently to invalidate
his own testimony upon oath, given previously
before the Magistrate.-

76. I notice these defects, because
I think mistakes of such magnitude pregnant
with danger no less to the governed, than to
their

their rulers -; and are desirous to prevent their recurrence, rather than to impute blame to individuals -; for it is more the system, than its agency that is faulty. -

77. The Magistrates proceedings, in this case, are also open to observation - He himself seems to admit that he preferred the first charge on insufficient grounds - Indeed Captain Awdry, in his letter, of the 25th October 1839, No 12, plainly tells him that the defamatory pamphlet before the Commissioner is not "the Rudd i Nazarah;" yet the latter is the only book entered in that charge - If so, the Prosecutor accuses the Prisoner with publishing one thing which was produced, whilst the Magistrate charges him with the publication of another, not in evidence and which some of the witnesses attribute to Moulavee Mahomed Alee of Rumpoor in Bengal. -

78. But the chief objection to the Magistrates proceedings is the indefinite nature of the second charge - in which the Prisoner is

accused of seditious preaching "on, or between, the years 1836 and 1839." -

79. A charge so indefinite as to time as this is manifestly illegal - It is one of the first principles of law that, for the security of the accused, the indictment shall invariably specify the precise date of the offence - To deviate from this rule is, at the outset, to deprive the accused of his legal rights, and of the means essential to rebut the charge - The observance is, therefore, of universal importance; - but it is so, when, as in this case, the Government, or its officers, arraign the prisoner of a crime against itself, before an extraordinary tribunal, specially nominated by itself -, and that Prisoner is an ecclesiastic of the highest order, whose profession it is to preach -, and the offence alleged consists in the sermons delivered by him. -

80. I consider the Magistrate to have acted no less illegally, in preferring such a charge, than the Special Commissioners in arraigning the Prisoner upon it - The latter

Officer also has loaded the record with evidence, respecting the burning of papers, the mutiny at Bangalore, the sale and purchase of Iron Stores, and the supposed correspondence with the late Nabob of Nurnool, which were entirely irrelevant to the charge, to which alone, when tried, he should have strictly confined the testimony taken; and he went entirely beyond the sphere of his proper duty, in suggesting the removal of the 9th 14th 17th and 28th witnesses, from their public situations, a measure respecting which it was the province of the Government alone to decide.—

81. Although the illegality of the second charge, on which alone a verdict has been given by the Special Commission, might justify refraining from any further examination of the evidence; I consider myself bound to make a few remarks, upon it with the view of deciding, whether, even in the event of the acquittal of the prisoner, grounds may not exist for holding him to security.—

82. According to the evidence before the Special

Special Court, the testimony of the 8th 15th and 20th witnesses must be rejected, as irrelevant. The testimony of the 22d witness must also be thrown out of consideration, as amounting to no proof of the 2d charge. The 25th witness was not examined by the Special Court. and the evidence of the 23d 24th 27th and 52d witnesses must also be rejected, as mere hearsay, which ought never to have been recorded in this case. The 27th witness even recants on oath, his testimony before the Military Police.—

83. With regard to the first charge as it has been dropped, little remark is requisite. It may suffice to observe that all that the 26th witness proves amounts to this. that some person not to be found (respecting whom this witness has so grossly prevaricated, as at one time to swear that he is the son of Aghur Saib Soobadar, and at another time that his own name is Aghur Saib, and his fathers name unknown) did make the copy of the book before the Commission, from which extracts

extracts are given in the first charge. But that this unauthenticated and improved copy was made from an original quite different from the work specified in that charge, and of which the author is entirely unknown, that this witness is uncertain whence he got the original; - but, if from the Prisoner, it was at this witness' own solicitation, out of other books which chanced to lie before the Prisoner.

84. On the evidence given respecting the second charge, I shall speak hereafter in detail. Mean time, I would observe that as the 6th and 12th witnesses, who depose to the Prisoner's preaching, have mentioned his imitation of a "Missionary" work, and that his discourse was levelled at that portion of his pulars who "publish books", and "after distributing them, "call others to embrace their religion;" and as the 23d and 52nd witness, on hearsay, allege the Prisoner to have sent to the College a controversial work against Christianity, which was sealed by the Cazee-ool-Cozat of this Court, who subsequently removed his seal from it. I questioned the

12th February 1840.

the Cazee, who denies having ever seen the work produced on evidence - though he admits having written his approval of another work, said to have been composed by the Prisoner; from which last that book should be interpolated, he afterwards tore it off on this point, the Cazee-ool-Cozat should I think be called on to furnish a written explanation, for the information of Government. But the very facts thus alleged on hearsay, if proved by evidence, would shew that no sedition could have been contained in any book sent to be printed at the College, or approved by the highest law officer of Government, whatever suspicion the Cazee's conduct may excite of his own impression, as to some subsequent sinister design.

85. Repeating the second charge, the first testimony came from the 3d witness, who before the Special Commission is corroborated by the 14th and 5th witnesses. Now it is very clear from the 3d witness never having originally before Captain Awdry, named either of the other two,

two, that, as stated by Brigadier Stewart, there was, at that time, no evidence contented between these three - But that there was consent between them afterwards is strongly presumable, from the fact, that, had all three, as they now aver, simultaneously heard the sedition, it is most improbable that the 14th Witness, in Captain Awdry's own Service, should not have been the first to give evidence respecting it - that the 3d Witness should have been silent as to the other two - when he did come forward - and that the 11th, as well as the 3d Witness should have both been silent as to the 5th, until after the 5th Witness had (when the Magistrates proceedings were closed) come forward of his own accord - It is remarkable also that the 3d Witness speaks to its occurrence "1 year ago," a time not included even in the indefinite 2d charge, and to its occurrence weekly on Fridays - the 14th Witness to its occurrence once only, out of 15 or 20 times he attended, one Friday in Ramzan - no year specified - in the same manner as all the Military Police Peons for the

prosecution depose - whilst the 5th Witness heard it 15 or 16 times - no period fixed.—

86. Except by themselves, these three witnesses are refuted by every other person who could have corroborated them, more especially their leader the 3d Witness, whose adherence to the Soonnee or orthodox sect is more than doubtful.—

87. Such also is the case with the 6th and 12th Witnesses, whose depositions to the Prisoner preaching two, or one and a half, years ago, give it rather a controversial, than a Seditious tendency.—

88. The 11th, 16th, 17th, 18th and 19th Witnesses, all Military Police Peons under Captain Awdry did not come forward until after had given evidence; - and then each spoke to having heard the sedition once only, in Ramzan upon a Friday, as stated by most, yet not one of them pretends that he ever saw the other in the mosque.—

89. The evidence of the 13th Witness who heard the sedition on a Friday in last

Ramzan

two, that, as stated by Brigadier Stewart, there was, at that time, no evidence concerted between these three. But that there was concert between them afterwards is strongly presumable, from the fact, that, had all three, as they now aver, simultaneously heard the sedition, it is most improbable that the 14th Witness, in Captain Awdry's own Service, should not have been the first to give evidence respecting it. that the 3d Witness should have been silent as to the other two. when he did come forward. and that the 11th, as well as the 3d Witness should have both been silent as to the 5th, until after the 5th Witness had (when the Magistrates proceedings were closed) come forward of his own accord. It is remarkable also that the 3d Witness speaks to its occurrence 1 Year ago, a time not included even in the indefinite 2d charge, and to its occurrence were Only on Fridays. the 14th Witness to its occurrence once only, out of 15 or 20 times he attended, one Friday in Ramzan. no year specified. in the same manner as all the Military Police Peons for the prosecution

prosecution depose. whilst the 5th Witness heard it 15 or 16 times. no period fixed.—

86. Except by themselves, these three witnesses are refuted by every other person who could have corroborated them, more especially their leader the 3d Witness, whose adherence to the Sonnee or orthodox sect is more than doubtful.—

87. Such also is the case with the 6th and 12th Witnesses, whose depositions to the prisoner preaching two, or one and a half, years ago, give it rather a controversial, than a seditious tendency.—

88. The 11th, 16th, 17th, 18th and 19th Witnesses, all Military Police Peons under Captain Awdry did not come forward until others had given evidence;— and then each spoke to having heard the sedition once only, in Ramzan upon a Friday, as stated by most, yet not one of them pretends that he ever saw the other in the mosque.—

89. The evidence of the 13th Witness who heard the sedition on a Friday in last

Ramzan

Ramzan, is refuted by all who could corroborate it - So also is that of the 9th witness who names no date -, and of the 4th witness who heard it 3 times - 1st 3 years, 2d 1 year, and 3d 9 months ago -

The 21st witness is a Sheeah, and I do not credit one word of his testimony - The 10th witness and his brother the 53d witness speak to its occurrence "a year ago" - but independently of the suspicious circumstances under which they came forward, the latter gives the whole a controversial, instead of a seditious, tendency -

90. However high the character of the Native officers examined may be, I cannot place implicit confidence in the declarations of the 43d and 55th witnesses - that the Prisoner invoked blessings on the English Government - Such may have been their apprehension or understanding of what passed but such never, in a Mahomedan Mosque, could be the fact -; and the testimony of men who, like the 29th, 30th, 33d, 37th and 41st witnesses, are so ignorant of their faith as not to have known the meaning of "Jehaad", must be received with reserve - More especially, as

as the more respectable the individual, the less willing will he be to depose any thing against an ecclesiastic, of an order so high as the Prisoner - But the testimony of the 35th, 45th, 46th, 47th and 48th witnesses is favorable to the Prisoner; - and the two first of these, are impartial men in the public service, who could hardly have been ignorant of the sedition, had it really prevailed -

91. On the whole - I am of opinion that the Prisoner should be released unconditionally -

Signed/ A. D. Campbell -
29th January 1840 -

P.S. I think the result of this trial will justify our recommending that in all trials against the state, the indictment be laid before the Government before the Prisoner is arraigned on it -

Minute of the Second Judge/

1. The charge against the Prisoner "Syud Shah Mohee-ood-deen Cadree" who appears commonly known by the name of

of "Koulavee Mohee-ood-deen" appears to me to be erroneously framed.—

2. It avers that the accused "with a "view to excite treason against the State uttered "and openly preached sedition,"— whereas it is undeniable that if he did "utter and preach" what is afterwards recited in the charge he committed Treason.—

3 "Words of advice or persuasion are "sufficient overt acts of treason, if they advise "or persuade to an act, which would of itself, "if committed be a sufficient overt act."—

4. The words recited in the charge invite the murder of "the Cafirs" in which term is included the members of the British Government: to call such murder "sedition" is an obvious misnomer.—

5. A certain precision as to date is requisite in Criminal charges, for without it it must often be impossible for the accused to make an effectual defence.— In this case the charge is spread over a surface of four years, whereas the evidence afforded the means of

of assigning particular dates, and proof of any one overt Act of Treason would have sufficed for conviction under the provisions of Regulation I of 1834.—

6. After an attentive consideration of the evidence I concur in opinion with Mr. Lewin, that the overt act set forth in the charge is not established against the prisoner.—

7. I am particularly induced to this conclusion by the great improbability, that a man of capacity such as the accused appears to be, should have openly preached treason in a mosque accessible, if the witnesses for the prosecution are believed, to all comers, at a place full of persons in the employ of the British Government.—

8. Treason is hatched in secret, and does not thus stalk forth in the face of day.—

9. Mr. Lewin's able comments upon the evidence appear to me to preclude any necessity for additional particular observations. I concur generally in Mr. Lewin's remarks.—

I consider

10. I consider the reasons, stated by Mr. Lewin in para: 263 of his letter of reference, to establish the propriety of his non-examination of the witnesses for the defence.—

11. With the abandoned 1st. charge I consider that this Court is not concerned: and I am unable to adopt the remarks of the 2nd. Judge in para: 74 of his minute on the proceeding of taking informations in the first instance without oath.—

12. That proceeding appears to me to have been extra judicial, not held under any provision of the Regulations, or admissible as evidence: it would seem to have been part of an inquiry in the political department, and does not, in my opinion, properly, belong to the record of this trial. It appears to me that with reference to Section XX Regulation VII of 1832 the Military authorities could not legally hold any proceedings whatever against the prisoner in this case, beyond making him over to the Magistrate. Into the proceedings of those authorities, with the general object of ascertaining the

existence of Sedition or treason at Vellore, I do not think it the province of this Court to enquire.—

13. There appear to be irregularities in the proceedings of the Magistrate who asks of some witnesses, merely, whether, or not, they stated so and so to Mr. Audry—of some to declare what they had stated to Mr. Audry;—and some were sworn by the Magistrate to their depositions before Mr. Audry.—

14. In all this the Magistrate violated the regulations and disregarded the standing orders of the Foujdaree Adalut.—

15. The Judge, presiding in the Special Court also examined witnesses on points, irrelevant to the charge under investigation before him,—such as the book which formed the subject of a charge not tried, the mutiny at Bangalore, and the supposed purchase of munitions of war.—

16. I am not prepared to offer any suggestion respecting the religious ceremonies alluded

12th February 1840.

alluded to in paragraph 33 of the 3d Judge's Minute.

17. I also abstain from comment on any of the points touched upon in that Minute, which appear to me extraneous to the charges on which the accused has been tried.

18. I do not think it desirable to require of the Cazee-ul-Cozzat the written statement proposed by the 3d Judge, as such remarks on that subject appear to me to show that no importance attaches to the work referred to.

19. The form of indictment for treason prepared by this Court should I think be furnished to all Officers to whom the preparation of such charges may be delegated by the Government and Judges holding such trials should take care that the form is observed as far as circumstances may permit.

(Signed) J. W. Ruddlestone

1st February 1840.

(Entered No. 2004)

W.C.

5th

No. 5

Thursday 13th February 1840.

At a Court of the Conjeuree Cutcherry.

Present,

Thomas Alexr. Parker Esqre. ——— Acting 1st Puisne Judge,

William Ruddleston Esqre. ——— 2d Puisne Judge,

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

Read extract from the Minutes of Consultation in the Judicial Department under date the 28th January 1840. No. 89. communicating the orders of Government on the letter from the Conjeuree Cutcherry dated 13th January 1840. relative to the trial of the Gang of Dacoits whose apprehension was reported by Captain Dallaway in his letter to Government under date the 16th December 1839.—

(Vide entry Criml. No. 199 of 1840.)

The Court of Conjeuree Cutcherry direct that copies of the Papers noted in the margin be sent to the Provincial Court of Circuit for the Northern Division for their information and guidance, and that of Captain Dallaway to whom they will immediately furnish copies of this Court's letter to Government of the 13th and of the Extract from the Minutes of Consultation of the 28th ultimo.—

The Court likewise direct that copies of the same papers be sent to Mr. R. Bannerman Agent

2.

From Provincial Court Jessore Nos. copies of the Papers noted in the margin
Criml. Letter from Dallaway
Extract from Minutes
Letter from Sudr. Court
Criml. Letter from Sudr. Court 28th January 1840 No. 89

Agent to the Governor of Fort St. George in Ganjam — for his information and guidance.—

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

(Sent in No. 227)

Ordered also that Extract from these proceedings be sent to Mr. R. A. Cammeran — Agent to the Governor of Fort St. George in Ganjam for his information and guidance.—

(Sent in No. 228)

Read the following letter dated the 28th ultimo from the Criminal Judge of Vizagapatam.—

(Here enter F.L. No. 255 of 1840)

1. The Criminal Judge submits a copy of a communication dated the 27th ultimo from the Assistant Criminal Judge Mr. Stoyo late acting Joint Criminal Judge of Vizagapatam — wherein that officer requests to be relieved from the censure recorded against him in para. 3 of the proceedings of the Court of Sudder Adawlut under date the 28th December 1839 — Relative to review of the Calendars of the late Auxiliary Court of Vizagapatam.—

The

2. The Court of Sudder Adawlut observe that the remarks in question were not intended to refer exclusively to Mr. Stoyo's proceedings in the Cases on the Vizagapatam Calendar — but also to the proceedings of that Gentleman in different matters which have come under the cognizance of the Court during the course of the past year — which were considered to have exhibited a less degree of attention and efficiency than might be reasonably expected from an officer of his grade and experience:— and the occasion of reviewing the Vizagapatam Calendars — on which the proceedings in certain cases did not tend to exhibit his conduct in a more favorable light — was deemed a fitting opportunity for placing Mr. Stoy in possession of the Court's sentiments on the subject.—

3. But the spirit in which Mr. Stoy's present explanation is written, is very creditable to that Gentleman, and the Court are happy in recording their gratification at his expressed desire to conduct his proceedings with regularity and propriety to which they attach the fullest confidence, and likewise willingly accept the statement he has offered of the peculiar difficulties with which circumstances had embarrassed the discharge of his ordinary duties.—

Ordered

Agent to the Governor of Fort St. George in Ganjam — for his information and guidance.—

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

(Sent in No. 227)

Ordered also, that Extract from these proceedings be sent to Mr. R. A. Bannerman Agent to the Governor of Fort St. George in Ganjam for his information and guidance.—

(Sent in No. 228)

Read the following letter dated the 25th ultimo from the Criminal Judge of Vizagapatam.—

(Here enter S.L. No. 255 of 1840)

1. The Criminal Judge submits a copy of a communication dated the 24th ultimo from the Assistant Criminal Judge Mr. Story late acting Joint Criminal Judge of Vizagapatam — wherein that officer requests to be relieved from the censure recorded against him in para. 3 of the proceedings of the Court of Sudder Adawlut under date the 28th December 1839 — held on review of the Calendars of the late Auxiliary Court of Vizagapatam.—

The

2. The Court of Sudder Adawlut observe that the remarks in question were not intended to refer exclusively to Mr. Story's proceedings in the cases on the Vizagapatam Calendar — but also to the proceedings of that Gentleman in different matters which have come under the cognizance of the Court during the course of the past year — which were considered to have exhibited a less degree of attention and efficiency than might be reasonably expected from an officer of his grade and experience:— and the occasion of reviewing the Vizagapatam Calendar — on which the proceedings in certain cases did not tend to exhibit his conduct in a more favorable light — was deemed a fitting opportunity for placing Mr. Story in possession of the Court's sentiments on the subject.—

3. But the spirit in which Mr. Story's present explanation is written, is very creditable to that Gentleman, and the Court are happy in recording their gratification at his expressed desire to conduct his proceedings with regularity and propriety to which they attach the fullest confidence, and likewise willingly accept the statement he has offered of the peculiar difficulties with which circumstances had embarrassed the discharge of his ordinary duties.—

As

Agent to the Governor of Fort St. George in Ganjam — for his information and guidance.—

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

(Sent in No. 227)

Ordered also, that Extract from these proceedings be sent to Mr. R. S. Bannerman — Agent to the Governor of Fort St. George in Ganjam for his information and guidance.—

(Sent in No. 228)

Read the following letter dated the 28th ultimo from the Criminal Judge of Vizagapatam.—

(Here enter C. L. No. 255 of 1840.)

1.

The Criminal Judge submits a copy of a communication dated the 27th ultimo from the Assistant Criminal Judge Mr. Story late acting Joint Criminal Judge of Vizagapatam — wherein that officer requests to be relieved from the censure recorded against him in Parah. 3 of the proceedings of the Court of Conjidaree Adawlut under date the 28th December 1839 — held on review of the Calendars of the late Auxiliary Court of Vizagapatam.—

The

2.

The Court of Conjidaree Adawlut observe that the remarks in question were not intended to refer exclusively to Mr. Story's proceedings in the Cases on the Vizagapatam Calendar — but also to the proceedings of that Gentleman in different matters which have come under the cognizance of the Court during the course of the past year — which were considered to have exhibited a less degree of attention and efficiency than might be reasonably expected from an officer of his grade and experience: — and the occasion of reviewing the Vizagapatam Calendars — on which the proceedings in certain cases did not tend to exhibit his conduct in a more favorable light — was deemed a fitting opportunity for placing Mr. Story in possession of the Court's sentiments on the subject.—

3.

But the spirit in which Mr. Story's present explanation is written, is very creditable to that Gentleman, and the Court are happy in recording their gratification at his expressed desire to conduct his proceedings with regularity and propriety to which they attach the fullest confidence, and therefore willingly accept the statement he has offered of the peculiar difficulties with which circumstances had embarrassed the discharge of his ordinary duties.—

As

4. As respects the cases in the Vizagapatam Calendar, the Court of Sudder Adalut conside the explana= =nation afforded by Mr. Story sufficient.—

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

(Sent in No. 229)

Circular Order

No. 117.

1. An instance having been brought to the notice of the Sudder Adalut of the issue of a Blank Warrant by a Head of Police for the apprehension of the persons who might hereafter be named by certain informers as having been concerned in a Gang Robbery of which the perpetrators were not then known — the Court deem it proper to call the attention of the Magistrates generally to the illegality of such a proceeding: and direct them to point out to the several Heads of Police within their respective districts, that it is illegal to issue Blank warrants, leaving a space for the name to be filled up after apprehension; or general warrants, directing the apprehension for a particular offence of persons to be pointed out or named hereafter by any specified individual.—

2. All warrant for apprehension of

must

must not only specify the crime charged — but the name of the particular party or parties accused thereof and the Magistrates will enjoin upon their native subordinates a strict adherence to the provisions of the Regulations on that behalf enacted.—

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts by Precept commanding them to communicate the same to the several Magistrates within their respective Divisions for their information and guidance and that of their Heads of Police: returnable within twelve days from and after its receipt.—

(Sent following Precept No. 230)

Read Letter dated 28th ultimo from the Provincial Court of Circuit for the Centre Division — sub= =mitting with reference to Parah: 19 of the Proceedings of the Court of Sudder Adalut under date the 7th of November 1839 - a copy of the sentence passed by the Criminal Judge of Cuddapah in Case No. 110 of 1839 - answering to Case No. 30 of the Cuddapah Calendar of the second Sessions of 1839 - and requesting instructions

from

for the disposal of Case No. 5 of the Cumbum Calendar of the second Sessions of 1839.—

(Here enter Cl. No. 216 of 1840.)

1. As the prisoner Chintata Venkatarauoo alias Ramoodoo in No. 30 of the Calendar has not been sentenced to punishment, but only required to find security for his future good behaviour — the Court of Enquiry & Adalut do not deem further proceedings necessary in a case in which the Criminal Court does not deem the evidence sufficient for conviction.—

2. In regard to Case No. 5 of the Calendar, the late Mr. James Thomas having in his return dated 25th November 1839 — complained that the evidence before the Court of Circuit touching the alleged acts of cruelty and enormity was of so contradictory a nature as to be altogether unworthy of belief — the Court of Enquiry & Adalut, being of opinion that the punishment for Robbery should always exceed that for simple Theft — resolved to authorize the Provincial Court of Circuit to issue a Warrant to the Acting Criminal Judge of Cuddapah for the imprisonment of the prisoner

Pr. Vickata Venkatal

with

with hard labour in Irons for eight years.—

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

(Sent in No. 231)

End 7th

At a Court of the Coigdarre Ddalut.

Present,

Friday
14th February 1840. Thomas Platt Esq.re — Acting 1st Puisne Judge
William Maddison Esq.re — 2d Puisne Judge
Alex.r Duncan Campbell Esq.re — 3d Puisne Judge,

Read again letter dated the 15th Ultimo from the Criminal Judge of Bellary, requesting sanction for the tender of a conditional pardon to Cheppoyandoo the 2d prisoner in Case No. 5 of 1840. charged with having together with another person named Nubbegandoo, wilfully and maliciously killed one Ramiah by beating him with a stick. —

(Here enter No. 154)

Read also return dated the 4th Instant from the Criminal Judge of Bellary, to the precept of the Court of Coigdarre Ddalut of the 29th Ultimo, directing the transmission of the whole of the evidence against the 1st prisoner in Case No. 5 of 1840 on the Bellary Criminal file. —

(Here enter No. 282)

The Court of Coigdarre Ddalut having maturely considered the circumstances represented in the return from the Criminal Judge now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832,

to

to sanction the offer of a pardon to the prisoner

"Essoprogaden".

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 Bellary

for his information and guidance.—

(Sent in A. 282).—

Circular Order

A. 118.

An Act having been passed by the

Supreme Government on the 27th of January 1840, (Act. No.1

of 1840, dispensing with a Futwah from the Mahomedan

Law officer of the Sudder Adalut in trials referred

to that Court for decision, and the said Act having been

promulgated in the official Gazette of this Presidency of

the 11th instant, it is resolved, that the 4 Provincial

Courts of Circuit, and the several Judges at present on

Circuit in the Provinces, be directed to discontinue the

practice of transmitting therein translations of the

Records of Trials referred to the said Court of Sudder

Adalut at Madras.—

(Sent following Circular Order A. 283)

Read

Read Extract from the Proceedings of

the Second Judge on Circuit in the Western Division under

date the 5th February 1840. reporting what has been done

pursuant to the instructions conveyed in the Proceedings

of the Court of Sudder Adalut under date the 28th

January 1840.— for the examination of the witnesses cited

by the 2d prisoner in Case No. 22 of the Calendar of the

Zillah Court of Malabar for the second Sessions of 1839.—

(Here enter S. L. No. 294 of 1840)

1. The Court of Sudder Adalut direct

that the three persons referred to in parah: 2 of this

communication be likewise examined by the Second

Judge.—

2. The Court deem it proper however—

with reference to the approaching departure from this

Country of the officiating First Judge of the Sudder

Adalut — to urge upon the Second Judge of Circuit

the necessity of completing the examinations of the witnesses

without any delay.—

3. Under the circumstances represented in

parah: 4 of this communication, the Court of Sudder

Adalut resolve to modify that part of parah: 6 of their

order

14th February 1840.

order of the 28th January 1840 - which directs the Second Judge to transmit to the First Judge of the Provincial Court - "translations" of the evidence ordered to be taken -

Ordered, that Extract from these proceedings be sent to the Second Judge on Circuit in the Western Division for his information and guidance -

Ent.

(Sent in No 284)

S. No.

At a Court of the Tongdaree Adalut -

Present

Saturday 15th February 1840

Thomas Alexr Oakes Esqre — Chief Puisne Judge -

William Sudlerton Esqre — 2nd Puisne Judge -

Alexr Duncan Campbell Esqre — 3rd Puisne Judge -

No Return having been yet received from the Third Judge of the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Tongdaree Adalut under date the 18th January 1840 - calling for an English Translation of the Record of the Case on the eleventh Supplemental Calendar of the Thirteenth Fourth Quarter Sessions of 1839 - the Court of Tongdaree Adalut resolve to require that officer to submit the required Translation forthwith - and to explain why he has omitted to make Return to the said Precept within the period therein fixed - namely - seven days -

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within twenty four hours from

and

and after its receipt—

(Sent following Precept No. 238.)

Read return dated 8th and Supplemental return dated 31st ultimo from the Second Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 5th December 1839 calling for further evidence and a Report from the Magistrate of Tanjore relative to case No 2 of the Combaconum Supplemental Calendar of the 1st Sessions of 1839—

(Here enter F.H. Nos 31 and 235 of 1840)

1. With reference to paral. 5 of the Return of the Criminal Judge of Combaconum dated the 28th December 1839—of which a copy accompanies the return now recorded. the Court of Foujdaree Udalut resolve to direct—1st the Second Judge to submit an English Translation of the record of Case No 14 of the Combaconum Calendar of the Second Sessions of 1839 in which it is stated that "the 1st and 2nd prisoners were tried and convicted of the crime laid to their charge, and sentenced to fourteen years imprisonment with hard Labor in Irons upon the same evidence" as in Case No 2.—

Ordered, that Extract from these proceedings

15th February 1840—

proceedings be sent to the Second Judge late on Circuit in the Southern Division by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept No. 239)

Read return dated the 1st instant made by the Acting Joint Criminal Judge at Combatore, to the precept of the Court of Foujdaree Udalut of the 27th ultimo, conveying their observations and orders on the Criminal Reports for the Months of December 1839—

(Here enter No 253.)

1. From the above return it appears that the 2nd prisoner in Case No 167 of 1839 was improperly convicted by the Sudr Ameen. The mere communication of the 2nd prisoner by the 1st prisoner "Pandy" was no evidence shall against him, and accordingly the Court of Foujdaree Udalut resolve to direct his unconditional release from confinement.—

2. The sentences passed by the Sudr Ameen in Cases Nos 169 and 170 are shewn by the Acting Joint Criminal Judge to be illegal, and accordingly the Court of Foujdaree Udalut desire that

15th February 1840.

that the sentence of imprisonment passed against the prisoner concerned in those Cases, be reduced to 6 months thereunder Section XII Regulation X of 1816 —

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

(Entered in No. 240.

Read letter dated 9th instant from the Provincial Court of Circuit for the Centre Division transmitting with reference to paras 2 and 3 of the proceedings of the Court of Sudder Adalut under date the 22nd January 1840 a copy of a letter dated the 3d instant from the Criminal Judge of Bellary and of an Extract from the Proceedings of the Provincial Court of Circuit under date the 7th February 1839 relative to Case No 33 of the Bellary Calendar of the Second Sessions of 1839.

(Here enter F.R. No 273 of 1840)

As the Criminal Judge's particular reference in para 2 of his letter to the circumstance of the corporal punishment being inflicted "two months and seven days after the date of the warrant" would seem to indicate that he has either overlooked or misunderstood

F.R.

15th February 1840.

misunderstood the Circular order of the Sudder Adalut No 75 dated 28th September 1836 the Court direct that his attention be especially called to that order which requires "that the stripes awarded by the Court of Circuit be not inflicted until the orders of the Court of Sudder Adalut on the Calendar have been received by the Circuit Judge" — and of course communicated by that officer to the Criminal Court —

2d In the present case the error is of comparatively small importance, as the sentence of the Court of Circuit was legal: but it might have been otherwise. —

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

(Entered in No. 241.

Read letter dated the 29th ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division, presiding at the Court of Quarterly Sessions, transmitting copy of the additional Calendar laid by the late Joint Criminal Judge of Malabar, with copies of the Futwah and Sentence.

passed

15th February 1840

passed by the Court of Quarterly Sessions and appendix.—

(Here enter F.C. № 240 of 1840.)

Read letter dated the 30th ultimo, from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting copy of a Statement of Batta paid to the Prosecutors and Witnesses, who appeared before the Court of Circuit for the 2nd Sessions of 1839 for the Chicacole Zillah.—

(Here enter F.C. № 241 of 1840.)

Read letter, dated the 7th instant from the Acting 2nd Judge on Circuit in the Centre Division, reporting his having received the original proceedings in the trial of the murder of Mrs Ina Donald from the Northern Provincial Court, and the English Translation of the same from the Tongdaree Adalut.—

(Here enter F.C. № 275 of 1840.)

Read letter, dated the 6th instant from the 3rd Judge on Circuit in the Southern Division reporting his intention to open the 1st Sessions of 1840 at Combaconum on the 5th Proximo.—

(Here enter F.C. № 288 of 1840.)

F.C.

At a Court of the Tongdaree Adalut

Present,

Monday 17th February 1840.

Thomas Alexr. Oakes Esqre.—Acting Principal Judge.
William Sudleston Esqre.—2nd Principal Judge.
Alexr. Duncan Campbell Esqre.—3rd Principal Judge.

Mr. Oakes and Mr. Sudleston.

Read letter dated the 31st of October last from the 2nd Judge late on Circuit in the Northern Division, submitting the record in case № 1 of the Chicacole Calendar for the 1st Sessions of 1839 for the consideration and final sentence of the Court of Tongdaree Adalut.—

(Here enter F.C. № 1830 of 1839.)

The Court of Tongdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the future of the Provincial Law officer, and the future of the Cazee-ool-Cazaut and Mooftees of the Tongdaree Adalut, confirm the said future of the Cazee-ool-Cazaut and Mooftees aforesaid, acquitting the prisoner

"Lutchmunyadoo"

and do acquit him accordingly, and direct that he be discharged at liberty.—

In the above case the Court of

Tongdaree

Toydaree Adalut cannot credit the testimony of the 1st, 2nd, and 3d witnesses which is noticed by the Judge of Circuit as contradictory, they give accounts to screen the Court of the origin of the prisoners apprehension in their depositions before the Court of Circuit which are inconsistent with each other, and contain matter not stated in their previous depositions.—

2. The Court do not either find grounds for the statement of the Judge of Circuit that the 4th and 5th witnesses prove that the stolen property was sold by the prisoner to the 5th witness.—

3. The 4th witness expressly stated (p 12 5) that he did "not know of the 1st prisoner having sold any" articles to any person and in answer to a subsequent question, he stated that "articles" to which he spoke before the Criminal Court were "like" those produced at the trial."

4. This witness states to the Head of Police that Dunda see "Gobeeya" sold the article to Deenebundoo Panegrahee.—

5. As for the 5th witness his statement before the Police officer is a confession as a Prisoner, that he received plundered property from robbers knowing it to be such, and he named Gobeeya as a principal in the transaction. His subsequent evidence also

also goes to show that he was criminally implicated as a receiver.—

6. The Court of Toydaree Adalut are therefore unable to convict the prisoner on such evidence as this, and have considered him entitled to his acquittal which they have accordingly directed.—

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

(Sent following letter No 214)

Read letter dated the 28th ultimo from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the record in Case No 11 on the Cuddapah Calendar 1st Sessions of 1840.—

(Here enter P. R. No 214 of 1840)

The Court of Toydaree Adalut having
Wm Rudlestone and Wm Campbell— maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law officer and the futwa of the Cazee-ool-Cazaut and Mooftees of the Toydarry Adalut, confirm the said futwa of the Cazee-ool-Cazaut and Mooftees aforesaid, so far as it acquits the prisoner 2nd "Modeem Venaataendor"

and do accordingly acquit him and direct that he

be

be set at liberty, but being of opinion that the proof against the prisoner-

1st Arlacondu Yellee

is sufficient to convict her of the crime of knowingly receiving and appropriating stolen property do under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict her thereof, and under the provisions of Clause third Section IV Regulation VII of 1822 sentence the said prisoner to be imprisoned without labor for and during the period of (18) Eighteen months.-

(Sent following letter No. 245)

Read again Miscellaneous Petition presented on the 9th Instant by Sangara Lingum Pillay Moukhtar Vakeel on behalf of Bhaggyum Pillay and Dhuryum Pillay - praying the reversal of the Sentence passed in Case No. 50 of the Criminal Report of the Auxiliary Court of Tinnevelly for the months of May 1839.-

(Here enter M. D. No. 160 of 1840)

Also read return dated 20th and Supplemental return dated 29th Ultimo from the Provincial Court of Circuit for the Southern Division to the precept of the Court of Foujdary Adalut under date the 30th December 1839.- calling for an

an English translation of the Proceedings in Case No. 50 of the Criminal Report of the Auxiliary Court of Tinnevelly for the months of May, and a copy of the Return of the Acting Joint Criminal Judge adverted to in the Extract from the Proceedings of the Provincial Court of Circuit under date the 9th September 1839.-

(Here enter F. H. Nos. 158 and 234 of 1840.)

1. With their Supplemental return of the 29th Ultimo the Provincial Court of Circuit send up the Documents called for by this Court's precept of the 30th December 1839:- and observe that "in consideration of the circumstances detailed" in the return of the Acting Joint Criminal Judge of Tinnevelly under date the 24th September 1839" the Provincial Court of Circuit were induced to alter their original opinion as to the impropriety of the conviction of the 1st prisoner upon the ground that the evidence of a single credible witness (that of Lieutenant Selby) was sufficient to establish the fact of the said 1st prisoner's delinquency.-

2. The Court of Foujdaree Adalut having considered the proceedings held before the

the Acting Joint Criminal Judge, see no ground whatever for questioning the justice and propriety of the sentence in the said case; which accordingly will not be disturbed.—

3. The Court view Lieutenant Selby's evidence as quite conclusive.—

Ordered, that the prayer of the Petition No 160 of 1839 be rejected: and that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application.—

Ordered also, that Extract from these Proceedings be sent to the Provincial Court of Circuit for the Southern Division for their information, and for communication to the Acting Joint Criminal Judge at Tinnevelly.—

(Sent in No 246)

Read petition presented by the Vakeel Kristnamacharry on behalf of Komen Nair of the Zillah of Malabar.—

(Here enter Imp. C. No 168 of 1839—)

The Petitioner who was the 2nd prisoner in Case No 129 of 1839 in the Criminal file of the Zillah Court of Malabar, wherein he stood charged with having, for fraudulent purposes, been accessary to the fact of the 1st Prisoner's "stealing "Mealinja List" from the records of the Zillah Court, and "with having presented it from him know- "ing it to have been stolen," complains of the injury done to his character by the recorded opinion of the Acting Criminal Judge on that case, and he prays the Court to relieve him from the suspicion thereby attached to him by reason of which he has been removed from his situation of Native Accountant in the Department of Sea Customs in the Anjengo Cutcherry at Calicut: and he prays in conclusion that the Principal Collector of Malabar may be instructed to restore him to his situation.—

A similar application it appears was made by Petitioner to the 1st Judge on Circuit in the Western Division, who, after reviewing the proceedings of the Criminal Court in the case in question, recorded his opinion that there was "no ground to declare that "Komen Nair is entirely free from suspicion, or "that the Acting Criminal Judge had failed "to do him full justice in his order, dismissing "the case."—

The Court of Foujdaree Adalut do not consider that this is a matter calling for

for their interference, and the Petitioner is informed that this Court has no power to set aside the order of the Principal Collector dismissing Petitioner from his situation.—

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

Read Miscellaneous Petition presented on the 23d December 1839 by Manadavoo Pechairy and Manasavery Pillay of Trichinopoly.—

(Here enter Mis. Pet. No. 172 of 1839.)

The Petitioners complain of the Sentences passed by the Third Judge of the Provincial Court of Circuit for the Southern Division on the prisoners in Case No. 1 of the Trichinopoly Supplemental Calendar of the Fourth Quarter Sessions of 1839 - who were convicted of riotously assembling, with other Roman Catholics, at the Christian Church at Trichinopoly - refusing to disperse when called upon to do so by the Head Assistant Magistrate - and assaulting and grossly maltreating that Officer when in the execution of his duty - and were sentenced under the provisions of Section III Regulation III of 1831 - some to fine and

and some to three years imprisonment.—

The Petitioners allege the innocence of the prisoners and pray the Court to order their release from confinement.—

The Court of Foujdaree Adawlut observe that having deemed it proper to call for an English Translation of the Record of the case, they have, for the reasons recorded in their proceedings under date the 3d February 1840 decided that the offence laid against the prisoners in the Indictment and the arraignment before the Court of Quarter Sessions, is that indicated in Section II of Regulation III of 1831 and have accordingly ordered the Sentence to be reduced to the limits authorized by that Section.—

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

Read Miscellaneous Petition presented on the 6th January 1840 by Gemma Veetee of the Zillah of Chittoor.—

(Here enter Mis. Pet. No. 3 of 1840.)

The Petitioner addresses the Court with reference to her former petition No. 148 of 1839 and prays the Court to issue orders for the

the release from confinement of her husband.—

In their proceedings of the 26th November last the Court of Foujdaree Udalut informed the Petitioner that the case in question was under consideration and the Petitioner was recommended to return to her home as her staying here can do no good to her husband.—

The petitioner is now informed that the record of the case No. 5 in which her husband is a prisoner has been called for and orders will be passed thereon as soon as it is received, as the continuance of the Petitioner here can prove of no benefit, she is again recommended to return to her home and is informed that no further petition from her on the subject of this Petition will be received.—

Ordered that the Petition be rejected and that copy of these proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 20th of January 1840 by Cootiyanmeral of the Zillah of Salem.—

(Here enter Mr. P. & Do No 6 of 1840.)

In the above petition the petitioner merely reiterates the prayer contained in her petition

No.

No. 166 of 1839 upon which the Court recorded their orders on the 6th Instno.—

The Court of Foujdaree Udalut see no reason to disturb their order of the 6th January 1840.—

Orders, therefore, that this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner on her application.—

Read, Miscellaneous Petition presented on the 20th January 1840 by Veeraya Annaval of the Zillah of Salem.—

(Here enter J. & Do No. 7 of 1840.)

The Petitioner's husband was one of the prisoners who were convicted and condemned in Case No. 14 of the Salem Calendar 2nd Sessions of 1839. She complains that he was apprehended at the instigation of the 2nd Prosecutor (whose enmity he had incurred by filling up a water channel which the 2nd Prosecutor had unlawfully cut and carried through his land) and unjustly condemned by the Court of Circuit.—

On a reference to the Calendar it appears that the Petitioner's husband was recognized as having been present at the robbery by the 1st and 2nd Prosecutors and 1st witness, and the

9

11th & 9th witnesses deposed to the discovery of part of the plundered property upon him.

The Court of Foujdaree Udalut see no reason to question the propriety of the conviction of the seventh prisoner in the case in question, and decline to interfere in his behalf in the manner prayed for.

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

Syah Naidoo and Moonesawmy Chetty of the Zillah of Chingleput, move the Court to return the enclosure in their Miscellaneous Petition No. 74 of 1839.

Ordered accordingly.

The Vakeel Vishnumacharry on behalf of Comen Nair of the Zillah of Malabar moves the Court to return the enclosures in Miscellaneous Petition No. 168 of 1839.

Ordered accordingly.

Read return and Supplemental return, dated respectively the 14th January and 5th February 1840 submitted by the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division

Division to the precept of the Foujdaree Udalut of the 23rd December 1839, conveying their observations and orders on the Primary and Supplemental Calendars for the Zillah of Vizagapatam for the 2nd Sessions of 1839.

(Here enter Nos. 120 and 272.)

1. The Acting 2nd Judge late on Circuit in the Northern Division in perah 16 of his letter of the 22nd November 1839 (submitting the Primary and Supplemental Calendars for the Vizagapatam Zillah for the 2nd Sessions of 1839) proposed the dismissal from office of "Wadena Baskheroo," the Head of Police of Goodavandah, on the ground of his having caused "a falsehood of the most grave kind to be entered" in a "Punchayetnamah," exhibited in a trial for murder, "out of ill will feeling" towards the 1st prisoner in Case No. 32 Vizagapatam Calendar 2nd Sessions 1839.

2. The Magistrate in his report, now submitted, states it to be satisfactorily proved that the Punchayetnamah was read over to the "Punchayetdars" before they signed it, and he disputes to them the fault of its containing any thing inconsistent

inconsistent with what they declared on the occasion of its being taken:-

3. To this the Acting 2nd Judge does not assent, observing that "four of the Punchayetdars he "is satisfied are perfectly illiterate, and scarcely understand the contents of a Paper when read over to them unless each word is separately explained to them properly." Mr. Montgomerie adds, "it was the bounden "duty of the Head of Police, the Court, to see that what "the Punchayetdars declared was correctly written in "the Punchayet Namah, and he must be held responsible for any irregularity that may be found to exist in it."

4. It appears to the Court, that the supposition of wilful misstatement in the "Punchayet Namah" with the view of injuring the 1st prisoner, is sufficiently negatived by the circumstance that the Punchayetdars were all sent to the Criminal Court, stated by the Magistrate: and it does not appear to the Court of Foujdaree Udalut that any decisive inference is deducible from a discrepancy between the contents of the "Punchayet Namah" and the Statements of persons

17th February 1840.

persons so ignorant as not to be able to understand a Statement of this simple description, "unless each word" were "separately explained to "them properly."-

5. It can hardly be expected that a police officer should have time, or that it would occur to him to go through the process of thus explaining, word by word, to deponents the records of their own declarations.-

6. In respect to the responsibility of a police officer, for the accuracy of the entry of the Statements of "Punchayetdars," in a "Punchayet Namah," the Court of Foujdaree Udalut observe that according to Clause third of Section XIII Regulation XI of 1816 that officer is required to "cause the Curnum to take down in "writing the evidence of the persons who may be "examined on the investigation described in that "section; and to record any necessary particulars "respecting the appearance of the body, and to "frame a report of the whole proceedings"- which is to be attested "by two or more of the inhabi- "tants, who may be present," and by the Curnum,

as

as well as by the Head of the Village.—

7 In all this the said Head of the village is referred to as holding the investigation, but it most commonly happens that it is held either by the Tahseeldar, or an officer appointed under the provisions of Section III Regulation IV of 1821.—

8 The Court of Foujdaree Udalut are of opinion, that, by whomsoever the enquiry may be conducted, the provisions of Section XIII Regulation XI of 1816 should in all respects be observed, and that in all cases of murder there should appear on the record, 1st the examinations of all persons "who may be able to afford any information regarding "the discovery of the body, and its appearance when "discovered;" and "regarding the murder of the "deceased:" 2nd the particulars necessary "respecting "the appearance of the body." 3rd the "report of the "whole proceedings," attested as prescribed.—

9 In practice the attestation of inhabitants present is restricted to the paper describing the wounds &c observable on the body, but for the accuracy of this paper it seems to the

the Court of Foujdaree Udalut to be intended, that the Officer conducting the investigation, and the writer of the papers are to be responsible, (the latter exclusively when the police officer may be a Head of a Village who cannot read & write) the former when a functionary of that grade, which should be, and the Court conclude, is, accessible to such only as can read and write.—

10. For the accuracy of the "examination in like manner the Court conceive the "Coroner, or the police officer, responsible, according as the investigation may be held by a "Potail "Reddy, peddacapoo, Ganjinaun, or writer unable to read and write or by a Tahseeldar, or Sub officer appointed under Section III Regulation IV of 1821.—

11. But the practice of introducing into the paper containing "the necessary particulars "respecting the appearance of the body," matter belonging to the "examinations" of those giving evidence of facts relative to its "discovery," or to "the murder of the deceased," is in the opinion

of

of the Court of Fouzdaree Udalut an erroneous practice; the matters are in their nature perfectly distinct and should be kept so.—

12. That the "Punchayetdars" state as to their having & not having seen the deceased after he had been beaten formed properly a part of the "evidence" of persons examined as directed in Clause first Section XIII. Regulation XI of 1816, and for its accuracy the District Police Officer was answerable; to the record of that "evidence" it was not necessary that the inhabitants should affix their signatures, the depositions should be signed or marked by the deponents, as in other examinations; that is, each deponent signing or marking his own deposition, instead of their depositions being clubbed together in a single paper signed & marked by all.—

13 The existing practice of recording the wounds &c on the body, with a string of signatures, does not appear to be prescribed, but the Court would not interfere with it as it affords the means of seeing what persons can depose to the point on the trial.—

In

14. In the present case the Court of Fouzdaree Udalut see no sufficient ground for dismissing the Head of Police above mentioned, or imputing any wilful misconduct to him.—

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

(Sent in No 247)

Read return dated the 7th instant made by the Criminal Judge of Chinglepute to the precept of the Court of Fouzdaree Udalut of the 24th ultimo conveying their observations and orders on the Criminal Reports for the month of December 1839.—

(Here enter No 268.)

With reference to para 3 of the above return the Criminal Judge is informed that it was intended by the Proceedings of the Fouzdaree Udalut of the 25th of October 1836 to convey

to

of the Court of Foujdaree Udalut in erroneous practice; the matters are in their nature perfectly distinct and should be kept so.—

12. That the "Punchayetdars" state as to their having or not having seen the deceased after he had been beaten formed properly a part of the "evidence" of persons examined as directed in Clause first Section XIII. Regulation XI of 1816, and for its accuracy the District Police Officer was answerable; to the record of that "evidence" it was not necessary that the inhabitants should affix their signatures, the depositions should be signed or marked by the deponents, as in other examinations that is, each deponent signing or marking his own deposition, instead of their depositions being clubbed together in a single paper signed or marked by all.—

13 The existing practice of recording the wounds &c. on the body with a string of signatures, does not appear to be prescribed, but the Court would not interfere with it as it affords the means of seeing what persons can depose to the point on the trial.—

14. In the present case the Court of Foujdaree Udalut see no sufficient ground for dismissing the Head of Police above mentioned, or imputing any wilful misconduct to him.—

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

(Sent in P. 247)

Read return dated the 7th instant made by the Criminal Judge of Chinglepute to the precept of the Court of Foujdaree Udalut of the 24th ultimo, conveying their observations and orders on the Criminal Reports for the month of December 1839.—

(Here enter P. 268.)

With reference to para 3 of the above return, the Criminal Judge is informed that it was intended by the Proceedings of the Foujdaree Udalut of the 28th of October 1836 to convey to

17th February 1840

to him instructions to the effect that the Prisoner in Criminal Case No 164 of 1836 having been committed to take his trial before the Court of Circuit the sentence for escape should not have been executed against him until the result of such commitment may be made known to the Criminal Judge; - postponing the examination into the charge of escape until after the termination of the Sessions involves a second attendance at the Criminal Court of the Officers of Police from out of whose custody the escape may have been effected - and many and obvious reasons may be urged in support of the practice of at once recording but not executing a sentence of the nature referred to, until the result of the Trial before the Court of Circuit may be ascertained. -

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

(Entered No 248)

Read Miscellaneous Petition presented on the 20th of January 1840 by Comaraly Daraly

F. H.

17th February 1840

Daraly naidoo of the Zillah of Cheacole

(Here enter Misc. Pet. No 4 of 1840)

Read also Miscellaneous Petition presented on the same date by Varanasee Sambiah of the Zillah of Cheacole -

(Here enter Mis. Pet. F. H. No 5 of 1840 -

1. The Petitioners represent themselves to be the brothers of the 2 Prisoners in cases Nos 5-6-7 and 9 on the Cheacole Calendar for the 2d Sessions of 1839 - the 1st of whom was convicted of having committed in cases Nos 6-8 and 9 acts of extortion and oppression and sentenced to 4 years imprisonment and the 2nd convicted in the same cases of aiding the 1st prisoner and sentenced to 2 years imprisonment

2. The Petitioners assert the malice of the Prosecutors - the falsity of the charge - the future innocence of the accused, and the Petitioner in Petition No 4 states that the Judge refused to allow his brother to file his defence and represents that an abbi. was established -

3. The Court of Foujdaree Adalut observe -

observe that the Calendar does not give the required

Nos 5-6-7-8 & 9. abstract of the evidence in these cases - and they accord-

=ingly resolve to call on the Acting 2d Judge late

on Circuit in the Northern Division to prepare

and submit an abstract of the evidence in the cases

in question with the least possible delay —

4. In the interim the Court of Sessions

Eldalat direct that the Petitioners be apprized that

further information connected with their Petitions

has been called for from the Provincial Court and

that they be recommended to return to their homes

as their remaining here can prove of no benefit to

their relations. —

Ordered, that Extract from Journals

12 - and 3/4 be sent to H. Montgomery Esqre Acting 2nd

Judge late on Circuit in the Northern Division by

precept returnable in 10 days

(Sent following precept No 249)

these proceedings Ordered also, that Extract from

(Paragraphs 2 - and 3/4 be furnished to the Petitioners on

their application respectively. —

E.C.R.

At a Court of the Conjidaree Eldalat.

Present,

Tuesday

18th February, 1840. The Honble John Bird Esqre — Acting Chief Judge,

Thomas Alexr Oakes Esqre — Acting 1st Puisne Judge,

William Rudleston Esqre — 2d Puisne Judge,

Alexr Duncan Campbell Esqre — 3d Puisne Judge,

Read again Extract from the Minutes

of Consultation in the Judicial Department under date

the 30th October 1838 - No 1041 - forwarding for the infor=

=mation and guidance of the Court of Conjidaree Eldalat

an Extract from a Letter from the Honble the Court of

Directors dated 5th January 1838 - No 1 - conveying the observations

and orders of the Honble Court on the Report relative to

the charges preferred by Pandeg Hem of Eumenelly against

Mr Drury, the Magistrate and Mr Horsley, the Joint Criminal

Judge of that District. —

(Here enter F.D. No 2130 of 1838.)

Also read Return dated 20th February

and Supplemental Return dated 2d August 1839 - from

the Provincial Court of Circuit for the Southern Division

to the Presidt of the Court of Conjidaree Eldalat under date

the

the 20th November 1838, directing them to instruct the Magistrate of Cuttack immediately to suspend from office Sheikh Peer Ibram Khan - and institute a strict inquiry into his conduct respecting the conspiracy charged against him by Ram Sing - as directed by the Honble the Court of Directors.-

(Here enter P.C. Nos. 807 and 1814 of 1839.)

Also read Return dated the 19th December 1839 - and Supplemental Return dated the 8th January 1840. from the Provincial Court of Circuit for the Southern Division, to the Precept of the Court of Sudder Adalut under date the 12th November 1839 - directing them to institute a further inquiry into the Case of Ibrahim Khan with reference to the charges of Ram Sing.-

(Here enter P.C. Nos. 2146 / 1839 and 74 / 1840.)

Also read letter dated 7th February 1839 from Mr. J. Horsley - submitting an explanation with reference to the observations of the Honble the Court of Directors relative to the charges of Ram Sing of Cuttack.-

(Here enter P.C. No. 240 of 1839.)

1. With their Supplemental Return of the

18th February 1840.

the 2d August 1839 - now recorded - the Provincial Court submitted a Copy of a Letter dated 25th April 1839 from the Acting Magistrate of Cuttack Mr. E. O. Thompson - and translations of the additional evidence taken by that officer, pursuant to the instructions of the Honble Court of Directors in their letter of the 5th January 1838; - and of a Petition presented to him at the close of the inquiry by Ram Sing.-

2. After perusing those papers, the Court of Sudder Adalut found it necessary to call for further evidence - and additional Documents, and explanation from Mr. Eden the Magistrate, which they accordingly did in their proceedings under date the 12th November 1839.-

3. These have been submitted by the Provincial Court with their Supplemental Return of the 8th January 1840.-

4. The acting Magistrate reported, in his letter of the 25th April 1839. to the Provincial Court, that he had suspended Ibram Khan from his situation in conformity to the orders issued to him to that effect.-

5th

5. The Court of Sovjdarre Udalut observe that the Acting Magistrate Mr. Thompson appears to have used his best endeavours to carry into effect the orders of the Court of Directors contained in their letter of the 5th January 1836, but all his exertions have not enabled him to obtain any new evidence material to the case, or to bring to light the true circumstances of it in a more satisfactory manner than was done during the inquiry which took place in 1834.

6. Mr. Eden the late Magistrate has fulfilled, so far as it was in his power - the orders of the Sovjdarre Udalut conveyed in their proceedings of the 12th November last - by taking the examinations of all the witnesses therein named who were forthcoming.-

7. He has entered into an explanation - which the Court of Sovjdarre Udalut consider to be an ingenuous and satisfactory one - of that part of his conduct which has been impugned by the Honorable the Court of Directors - and he has come to the same conclusion as he did before - namely - that the guilt of the accused Ibram Khan has not been established; and Mr. Thompson appears also to be of the same opinion.-

8. The Court of Sovjdarre Udalut have

Convict labour on the Hills has never been superintended by the Magistrate of Coimbatore.-

2. The Officer commanding the Neilgherries have furnished a memorandum of the average annual expence of feeding, clothing and guarding one hundred convicts at Ootacamund - and of the expence of the same number of hired labourers for six months: by which it appears that the average cost of maintaining convicts on the Hills exceeds by a very trifling amount - that of entertaining free labourers.-

3. Colonel King limits the memorandum to six months in the case of Hired labourers, because that is "as long a period, taking into consideration the two seasons, "as any work could be expected from such people."-

4. So far therefore as the mere question of expence is concerned - the Court of Sovjdarre Udalut are of opinion that the result in favor of the employment of hired labourers is too trifling to be taken into consideration unless in other respects free labour on the Hills has superior advantages over that of Convicts: but that such is not the case appears evident from the remarks in paras 7. 8. and 9 of Colonel King's letter. Of the perfect correctness of his observations on this point - there can be no doubt

in

5. The Court of Sovjdare are distant observe that the Acting Magistrate Mr. Thompson appears to have used his best endeavours to carry into effect the orders of the Court of Directors contained in their letter of the 6th January 1836, but all his exertions have not enabled him to obtain any new evidence material to the case, or to bring to light the true circumstances of it in a more satisfactory manner than was done during the inquiry which took place in 1834.

6. Mr. Eden the late Magistrate has fulfilled, so far as it was in his power - the orders of the Sovjdare Adalat conveyed in their proceedings of the 12th November last - by taking the examinations of all the witnesses therein named who were forthcoming.-

7. He has entered into an explanation - which the Court of Sovjdare Adalat consider to be an ingenuous and satisfactory one - of that part of his conduct which has been impugned by the Honorable the Court of Directors - and he has come to the same conclusion as he did before - namely - that the guilt of the accused Ibram Khan has not been established; and Mr. Thompson appears also to be of the same opinion.-

8. The Court of Sovjdare Adalat have perused Convict labour on the Hills has never been superintended by the Magistrate of Coimbatore.-

2. The Officer commanding the Neilgherries has furnished a Memorandum of the average annual expence of feeding, clothing and guarding one hundred convicts at Ootacamund - and of the expence of the same number of hired labourers for five months: by which it appears that the average cost of maintaining convicts on the Hills exceeds by a very trifling amount - that of entertaining free labourers.-

3. Colonel King limits the Memorandum to five months in the case of hired labourers, because that is "as long a period, taking into consideration the two monsoons, "as any work could be expected from such people".-

4. So far therefore as the mere question of expence is concerned - the Court of Sovjdare Adalat are of opinion that the result in favor of the employment of hired labourers is too trifling to be taken into consideration unless in other respects free labour on the Hills has superior advantages over that of Convicts: but that such is not the case appears evident from the remarks in paras 7. 8. and 9 of Colonel King's letter. Of the perfect correctness of his observations on this point - there can be no doubt in

in the minds of persons professing any practical acquaintance with the habits of the people in this Country.—

5. The real question for consideration appears to the Court of Enquiry to be whether it is expedient or necessary that works of the nature of those described by Colonel King, should be prosecuted on the Hills, but this is a point beyond the province of this Court to offer any opinion upon.—

6. If however, that question be answered in the affirmative, the expediency of employing convicts appears to follow as a necessary consequence; since, as observed

Parah. 10. by Colonel King - those same works "require a constant "supervision, owing to the climate and the frequent heavy "falls of rain which occur by which great damage would "else sustained were not the means at hand, at all seasons, "for counteracting their effects and applying an instant "remedy"; which could not be done if the authorities were dependent upon hired labourers who, as already explained, would not work above six months in the year and at the very season they are most required, would in all probability, be found wanting.—

7. Of the convicts, Colonel King observes that they are not only acclimatized and capable of working at all seasons, but they are habituated to and have been regularly instructed in the performance of the numerous works assigned to them, and he mentions in Parah. 3 the various employments in which they are now become well versed.—

8. In Parah. 4 he describes the works they have executed - the construction of stone bridges throughout the Cantonment - the erection of a public chouttry for the accommodation of Native Travellers, a Place of Arms, a substantial wall round the Jail, with a range of out Houses, exclusive of their continual labour on the public roads.—

9. On the ground of Health - the employment of Convicts on the Hills does not seem open to objection. The number of sick averages about 1 per cent per mensem.

10. The Court of Enquiry do not resolve to submit a Copy of Colonel King's letter - with the preceding observations, for the consideration of Government - and the Senior Puisne Judge has recorded separately the grounds of his dissent from their proceedings.—

Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government.

3d January 1840.

Government for the purpose of being laid before the Right Honorable the Governor in Council.—

Cent. in No. 54

Minute of the 3d Puisne Judge.

From Colonel Kings' statement, it appears to me obvious that the Government are burdened with the expense of the convicts for the whole year - whilst they can be usefully employed only during half of it - and that the same labour could be commanded at less than half the expense of the convicts.—

I see nothing to prevent free labourers working at all times when the convicts do.—

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

L. R. C.

Ct. L.

W. D.

S. 38

At a Court of the Registrar Debtors Court

Present

Thursday

2d January, 1840. The Hon. Fleet. Baker Esqre — Acting Puisne Judge

Wm. Huddleston Esqre — 2d Puisne Judge

C. F. Duncan Campbell Esqre — 3d Puisne Judge,

L. P. D.

The Court of Requests Petition having ceased to refer to the proceedings in Case No. of the Docket of the Registrar's Court at which the Court of Requests directed that the Clerk of the Court of Requests should transmit the Record thereof for their consideration and Ordered, that upon the proceedings being sent to the Registrar's Court at the Quarter Sessions of 1839 at Reading for Precept returnable within twelve days from and after the receipt—

The following Precept No. 5.

Read Letter dated 3d instant from the Acting Court Commissioners of Requests submitting for the consideration of the Court of Requests Petition and Abstract of the Proceedings in Case No. 139 of 1839 on the

Criminal Appeal the Assistant Commissioner wherein the prisoner Cairo Appen is sentenced to imprisonment with labour without irons for four months, and twenty lashes for Theft.

(See enter C.C. No. 1830 of 1839)

The Court Foujdaree Adalut, in consideration of the sentence of the prisoner in question, as reported in the Letter recorded resolve to remit that part of the sentence which awards lashes which are accordingly remitted.

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

(Court No. 6

Re Extract from the Proceedings of the Provincial Court of Circuit for the Southern Division under date 28th Ultimo. Reciting copies of the opinions recorded by the First and 2d Judges of that Court on Case No. 103 of the Report of the Zillah Court of Rajahmundry for the Months of October last. Which, in the proceedings of the Court of Foujdaree Adalut they were required to look into, and state their opinion as to the sufficiency of the evidence to convict.

(See enter C.C. No. 2148 of 1839)

1. It appears by the Minutes now transmitted that the First Judge considers the evidence insufficient for the conviction of the prisoners, while the Second Judge is of opinion that the conviction is good.

2. This being the case, the Court of Foujdaree Adalut resolve to direct that on the Circuit Judges reaching Masulipatam the papers be referred to him for his opinion, in order that the case may be disposed of.

The Provincial Court will be advised to report 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 by Precept returnable within fifteen days from and after its receipt.

(Sent following Precept No. 7

Read Letter dated 12th Ultimo from the Joint Criminal Judge of Guntoor, submitting the Criminal Reports of the Circuiting Court for the Months of November

(See enter C.C. No. 2094 of 1839)

Report V
Case No. 47.

1. The prisoner in this case was charged

"Seduction and Adultery" and it is stated that the charge "is "fully proved against him".—

2. It is further stated that "a reference was made to the Provincial Court of Circuit to know whether under Clause fourth, Section III Regulation I of 1818 the prisoner can be indicted and committed to take his trial for adultery when his own wife does not come forward to prosecute, and if not — whether he can be tried and punished under the Mahommedan Law on the simple charge of abduction" and that "the Provincial Court of Circuit are of opinion that under Clause fourth, Section III Regulation I of 1818 whereby it is directed that in cases of adultery the charge must be made and prosecuted exclusively by the husband against the wife and by the wife against the husband — the Prisoner referred to in the letter of the Joint Criminal Judge cannot be proceeded against, neither does it appear to the Provincial Court of Circuit to be a case of Abduction".—

3. The Prisoner was, in consequence, required to find security for his good conduct in the sum of 50 Rupees for one year.—

4. Upon a reference from the Sessions Judge of the Provincial Court of Circuit for the Southern Division relative to the intent and meaning of Clause fourth Section III Regulation

Exhibits

2d January 1840.

Regulation I of 1818 — the Court of Sudder Dewanny Adawlut in their proceedings under date the 28th February 1831 recorded their opinion that "the negative implied in the Clause" does not "extend beyond the individuals therein specified": and that "the paramour of a wife, prosecuted for "adultery, is punishable under the existing provisions "of the general Regulations".—

5. The Court of Sudder Dewanny Adawlut are therefore of opinion that the Law should be put in force against the Prisoner in the case under consideration.—

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

Sent in No 8

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

Sent in No 9

L. O.

No Entry

F. No

At a Court of the Foujdaree Udalut

Present,

Thomas Alex.r Oakes Esq.re A.g 1.st Puisne Judge

Saturday, William Rudleston Esq.re 2.d Puisne Judge

4.th January 1840. Alex.r Duncan Campbell Esq.re 3.d Puisne Judge

Read Return dated the 23.d December

from the Provincial Court of Circuit

in the Northern Division, & the Precept of

the Court of Foujdaree Udalut under date the

23.d November 1839, directing them to look into

the Proceedings in Case No 99 of the Report

of the Criminal Report of the Talook of Tellah

Court of Rajahmundry for the Month of

October 1839, and submit their opinion thereon.

(Here enter F. No. No. 2173 of 1839.)

With this Return are forwarded

copies of the opinions of the First and Second

Judges of the Provincial Court who differ in

respect of the propriety of the conviction of the

prisoners by the Criminal Court.

The Court of Foujdaree Udalut

direct that the case be referred for the considera-

tion of the Third Judge of the Provincial Court.

The Provincial Court will be

pleased

January 1840.

pleased to report the result to the Court of Foujdaree Udalut.-

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

Sent following Precept No. 15 .-

Read Return dated the 28th. ultimo from the 2d. Judge late on Circuit in the Northern Division, to the precept of the Foujdaree Udalut dated 16th December 1839, directing him to call upon the Magistrate of Vizagapatam to certify whether or not "Davoolooy Nursiah," before whom the declaration of the Prisoner under date the 2d. March 1839, in case No 9 of the Chicacole Calendar for the 1st Sessions of 1839, purports to have been delivered, was appointed, under the provisions of Section III Regulation IX of 1821, a Sub Officer of Police, and to report regarding the alleged omission to appoint any Sub Officers of District Police under that Provision, and to obtain and submit the said information to the Foujdaree Udalut.

Here enter No 57

49 D.

No.

No.

At a Court of the Foujdaree Udalut

Present

Monday, 6th January 1840.

Thomas Alexr. Oakes Esqre. 1st. Puisne Judge
William Rudleston Esqre. 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

L.P.C.

Read Miscellaneous Petition presented on the 16th Ultimo by Jahaad Hoosain Khan Mookhtiar Vakeel on behalf of Beeran Beebee mother of Syed Abdool Latee of Moolavee Mohiddeen Naderee of Vellore.-

(Here enter No. P. No. 164 of 1839)

1. The Petitioner representer that during the trial of her son before the Special Court some of the Witnesses brought forward by Captain Awdry the Deputy Assistant Commissary General, who was likewise present on the occasion, were interrogated touching the arrangement of the interior of the Mosque in which the Moolavee was wont to officiate: and that as they gave contradictory answers, Captain Awdry repaired to

6th January 1840.

to Vellore, and accompanied by a Brahmin and a Hindoo of inferior caste - in opposition to the remonstrances of the worshippers then engaged in prayer - he entered the Mosque with his boots on - counted all the Pillars &c. and then examined a Pensioned Seapoy who was there present and took down his answers in writing which occupied two hours alleging that he was deputed for the purpose by the Special Commissioner -

2. The Petitioner prays redress for the alleged outrage -

3. The Court of Sunjdara Udalut observe that if Captain Awdry has trespassed by entering the mosque, the parties aggrieved should complain to the Magistrate who has jurisdiction as justice of the Peace -

4. Against any irregularity affecting proceedings on the Trial before the Special Commissioner, complaint should be made to that Officer -

Ordered that Extract from these proceedings be furnished to the Petitioner upon her application -

Read

6th January 1840.

Read Miscellaneous Petition presented on the 16th Ultimo by Cottiyamma of the Zillah of Salem -

(Here enter M. P. No. 166 of 1839.)

1. The Petitioner prays that an order may be issued for the release of her husband Varadappa Cowden the first Prisoner in Case No. 14 of the Salem Calendar of the Second Sessions of 1839 who was convicted by the Court of Circuit of Gang Robbery by open violence and sentenced to imprisonment with hard labour in Irons for fourteen years in banishment and to receive one hundred and fifty lashes of a Cat of nine tails -

2. The Petitioner alleges that the charge is wholly groundless and was prompted by malice her Husband having, in the course of his mercantile speculations, interfered with the trade and profits of one Coopparandee Setty, who in consequence adopted this mode of punishing him -

3. She prays the Court to call up the entire Record of the case and in the

Incarc

6th

mean while, to issue instructions to the Criminal Judge to suspend the infliction of the sentence.—

4. The Court of Sinjdaree Udalut having referred to the Calendar, are of opinion that the first prisoner in the case in question was properly convicted, and that there is no ground for their interference.—

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

Read letter dated 16th Ultimo from the Criminal Judge of Vizagapatam submitting the Criminal Reports of the late Zillah Court of Chicacole for the month of November 1839.—

(Here enter F.R. No. 2151 of 1839.)

Reports Case 109.

1. In this case, the prisoner is charged "with having, at 3 o'clock P.M. of the 2nd November 1839, stolen from a room in the Prosecutor's house a small wooden box containing a gold ring, studded with a green stone, and other articles valued at Rupees

F.R.
6th January 1840.

Rupees 10-15-9, with which property he was afterward apprehended:" and being convicted, was sentenced to five months' imprisonment with hard labour in Irons, and fifty lashes with a cat o'nine tails, "under Clause Sixth, Section II. Regulation VI of 1832."—

2. The Court of Sinjdaree Udalut observe that the provision cited is inapplicable. There was no breaking, and the value of the property stolen is below fifty Rupees.

3. The Case falls within the provisions of Section VII. Regulation X of 1816, which must be substituted for that above cited.—

Case No. 110.

4. The prisoner in this case was charged "with having, on the night of the 8th November 1839, stolen a small box containing a silver girdle and other property of the value of 22 Rupees, with which silver girdle valued at 14 Rupees, she was afterwards apprehended near the bank of a tank at Conadah."—

5. The prisoner was sentenced to

to

to 12 Months' imprisonment with hard labour in Irons" under Rule sixth, Section II. Regulation VI of 1822."

6. In this Case also, the offence falls within the provisions of Section VII. Regulation X of 1816 - and the illegal Sentence must be reduced, in accordance with that provision, to six Months' imprisonment.

7. The attention of the Pundit Sudr Ameen, by whom the Sentences in the Cases above noticed, were passed, must be called to the provisions of the Law in regard to the offence of Theft.

Case No 114. 8. The prisoner in this case was charged with having one day - date not known - taken fuller's earth and made it into Salt.

9. The prisoner was released: and the Criminal Judge records the following remarks on the Case -

10. "This prisoner - an unfortunate old woman - has been sent 120 Miles for having taken about two dubs of fuller's earth and prepared it for her own use; she states for want of means, and being in a state of

of starvation, she could not pay for salt and therefore took it - This is another case which calls loudly for some alteration in the Regulations in Salt Cases, and the Criminal Judge takes the liberty of stating, if District Magistrates could punish such in the same way as petty officers, it would not only be an act of mercy but would save a great deal of additional wretchedness - At this very moment, another case of a similar Kind is before the Court in No 113 - wherein 15 women have been taken from their homes and families, who have the utmost difficulty in getting food even with their joint labour; and must, during their absence, be in a state little short of starvation - To Added to this, sending up Cases of this Kind entails on Government very unnecessary expence, as all these parties must be found the means of returning to their Villages, as they have nothing of their own, and in many instances, hardly a rag to cover their nakedness."

These

to 12 Months' imprisonment with hard labour in Irons under Rule Sixth, Section II. Regulation VI of 1822.

6. In this case also, the offence falls within the provisions of Section VII. Regulation X of 1816 - and the illegal sentence must be reduced, in accordance with that provision, to six Months' imprisonment.

7. The attention of the Pundit Sudr Ameen, by whom the sentences in the cases above noticed, were passed, must be called to the provisions of the Law in regard to the offence of Theft.

Case No 114.

8. The prisoner in this case was charged with having one day - date not known - taken fullers earth and made it into salt.

9. The prisoner was released: and the Criminal Judge records the following remarks on the case -

10. "This prisoner, an unfortunate old woman - has been sent 120 Miles for having taken about two dubes of fullers earth and prepared it for her own use; she states for want of means, and being in a state of

of starvation, she could not pay for salt and therefore took it. This is another case which calls loudly for some alteration in the Regulations in Salt Cases, and the Criminal Judge takes the liberty of stating, if District Magistrates could punish such in the same way as petty offences, it would not only be an act of mercy but would save a great deal of additional wretchedness. At this very moment, another case of a similar kind is before the Court in No 113 - wherein 15 women have been taken from their homes and families, who have the utmost difficulty in getting food even with their joint labour; and must, during their absence, be in a state little short of starvation - to Added to this, sending up cases of this kind entails on Government very unnecessary expence, as all these parties must be found the means of returning to their Villages, as they have nothing of their own, and in many instances, hardly a rag to cover their nakedness."

These

6th January 1840.

11. These remarks seem to the Court of Tanjore Adalut to be worthy of attention and the Court resolve to submit them to Government with their opinion that a modification of the existing Law* is highly desirable which shall enable the Magistracy to dispose of such trivial cases on the spot, and obviate the necessity of forwarding the parties to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Vizagapatam by Precept returnable within five days from and after its receipt.

(Sent following Precept No 20)

Ordered also, that Extract from these proceedings (Paras 8 & 11) be sent to the Chief Secretary to Government to be laid before Government.—

(Sent in No 21)

Read letter dated 16th Ultimo from the Third Judge late on Circuit in the Northern Division submitting a copy of the Calendar of the (late) Zillah Court of Chicacole for the Second Sessions of 1839.

(The date Ft. No 2121 of 1839)

*Clause Sixth Section III and Section IV Regulation V of 1831.

T.V.

6th January 1840.

Case No 1. 1. The postponement of this case is very much to be regretted. The Acting Second Judge will enjoin the Criminal Judge to take measures for ensuring the attendance of the absent witnesses at the next ensuing Sessions of Jail Delivery— If not already done, the missing papers should be forwarded to the Criminal Court immediately.—

Case No 11. 2. In this Case, the prisoner Dronabundos Mahunty was convicted of "Highway Robbery"— "But considering the little value of the property stolen, and the fact of the Robbery not being attended with any violence, and under all the circumstances of the case, the Third Judge is of opinion that the ends of justice can be very properly met by mitigating the penalty prescribed by Clause third, Section IV. Regulation XV of 1803 to eight years' imprisonment."

3. The Court of Tanjore Adalut approve of the recommendation of the Acting Second Judge and under the provisions of Clause

6th January 1840.

Clause third Section III Regulation I of 1825 authorize him to issue his warrant to the Criminal Judge for the imprisonment of the prisoner above mentioned with hard labour in Irons for eight years.-

Ordered, that Extract from these proceedings be sent to the Acting Second Judge late on Circuit in the Northern Division for his information and guidance.-

(Sentence No 22)

Read letter dated 20th Ultimo from the Third Judge of the Provincial Court of Circuit for the Western Division submitting copies of the 5th 6th and 7th Supplemental Calendars of the Inferior Court of Judicature for the Fourth Quarter Sessions of 1839.-

(Here enter F.C. No 2139 of 1839.)

Seventh Suppl. Calr. Case No 1.

The Court of Fouzdaree Udalut see no objection to the sentence passed upon the Prisoner in this case.-

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

(Sentence No 23)

F.C.

At a Court of the Fouzdaree Udalut

Present:-

Thomas Alexr Oakes Esqre Acg 1st Puisne Judge

Tuesday, 7th January 1840. William Hudleston Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read Letter dated 12th received on the 23d ultimo from the First Judge late on Circuit in the Western Division - submitting copies of the Calendars of the Principal Sudder Ameens of Honore and Soorie for the Second Sessions of 1839.-

L.T.O.

(Here enter F.C. No 2123 of 1839.)

Honore Primary Calendar Case No 1.

In this case nineteen prisoners were charged before the Courts of Circuit "with having on Wednesday the 10th Cyshakha Bahoolla of Sobary, corresponding with the 8th May 1839 at about 2 o'Clock A.M. tumultously assembled in a pattaky field, with the view of forcibly preventing the Prosecutor Soma from cultivating the same".

It was further charged "that the 1st and 2nd prisoners, to whom the field belonged, were the principal agents and cause of the assault and its consequences".

"That the 5th prisoner almost entirely

entirely broke the right leg of the Prosecutor with a thick stick."

4. "That the 6th and 7th prisoners repeated the blows with sticks on the same part of the broken leg and that all the other prisoners joined in the assault. Some by holding the Prosecutor by his arms and the hair of his head, while the 3d struck him on his leg others by kicking him with their feet and beating him with sticks and hands, and also his nephews the 1st 2nd and 3d witnesses."

5. The prisoners from the 1st to 9th and the 13th prisoner were convicted, and were sentenced by the Court of Circuit to imprisonment with hard labour:- the 1st for three Months within the Jail: the 2nd and 9th for three Months on the public roads or other public works, without irons, the 4th 5th 6th 7th 8th and 13th for six Months on the public roads or other public works, without Irons, and then to pay a fine, each, of twenty five Rupees and in default of such payment to be kept to hard labour in similar manner for three Months more; and the 3rd (who broke the Prosecutors leg) to hard labour in irons for three years from the date of the warrant, and then to pay a fine of one hundred Rupees, and in default of such payment to be kept to labour in

in like manner for another year."

6. The First Judge presiding at the Trial requested permission." as the Prosecutors leg is broken, and appears to be likely, owing to bad management, to cause lameness for life.... to direct that the amount of such fines as may be paid by the Prisoners may be transferred to him."

7. The Court of Fouzdaree Udalut resolve to submit the preceding abstract Report of this Case to Government with their recommendation that sanction be granted to appropriate the Fines in question if realized in the manner suggested by the First Judge.

With reference to parah: 2 of the Sirsee Calendar Cases Nos 4 & 5 and 7.

8. First Judge's letter submitting the Calendars the Court of Fouzdaree Udalut observe that the Report of the Acting Principal Sudr Ameen under the Circular Order of the 6th January 1823, was received prior to the receipt of that letter, and disposed of previous to the final review of the Calendars. The Court ordered the Sentence of Banishment to be carried into effect in the District of Coimbatore.

Ordered that Extract from these proceedings be sent to the First Judge late on Circuit.

Circuit in the Western Division for his information.—

/ Sent in No. 25. /

Ordered also that Extract from the Proceedings (paras. 1 & 7) be sent to the Chief Secretary to Government to be laid before Government.—

/ Sent in No. 26. /

Read Letter dated 23rd ultimo from the Criminal Judge of Malabar submitting a representation on behalf of the Second Prisoner "Tappa" in case No. 22 of the Calicut Calendar of the Second Sessions of 1839. Sentenced by the Court of Fouzdaree Udalut together with the first prisoner in the same case, to suffer Death for the Wilful Murder of one Mogary Coolly.—

/ Here enter F. G. No. 215 of 1839 /.

Also read Letter dated 24th ultimo from the same Officer, submitting a List of the names of the seven witnesses referred to in his letter of the preceding day's date.—

/ Here enter F. G. No. 216 of 1839 /

1. The Court of Fouzdaree Udalut resolve to direct that a copy of the Criminal Judge's letter of the 23rd ultimo and of the List of witnesses which accompanied that letter of the 24th ultimo be sent to the First Judge [illegible] Circuit

Circuit in the Western Division with instructions to issue a Precept to the Criminal Judge of Malabar commanding him to suspend, until further orders, the execution of the Sentence of Death, so far as it regards the second prisoner "Tappa" alone. The sentence upon the first prisoner is not to be stayed.—

2. The first Judge will likewise submit for the consideration of the Fouzdaree Udalut the whole of the original Police Proceedings in this case, and an English Translation thereof, with the least possible delay, and he will likewise obtain and forward an explanation of the remark, in the last paragraph but one of the Sub-Officer's Report at page 13 of the Record, to the effect that "it appears from the Statements of some of the aforesaid witnesses, as well as from the inquiries made by me, that it was the prisoner Govinen Nair who had stabbed Mogary Coolly, and not Tappa Nair."

3. The First Judge will likewise be pleased to instruct the Criminal Judge to summon before him the witnesses named in the List above mentioned; and in the presence of the second prisoner, take their examination upon oath

oath touching the points now urged by the said prisoner in his defence.-

4. The Criminal Judge will permit the Second prisoner to cross examine the witnesses, and add any thing further that he may wish to offer in his defence, at the close of the exa-mination.-

5. The First Judge will submit English Translations of the evidence so taken for the consideration of the Foujdaree Udalut, and will, at the same time, with reference thereto, and to the letter from the Criminal Judge of the 23rd ultimo, submit such remarks as he may think proper to offer in regard to the question under con-sideration.-

6. The Court of Foujdaree Udalut observe that the reference now made by the Crimi-nal Judge should have been submitted through the First Judge of Circuit.-

Order that Extract from the Pro-ceedings be sent to the First Judge of the Circuit in the Western Division by Receipt returnable within three weeks from and after its receipt.-

/ Sent following Receipt No 27 /.

Read Return dated the 31st ult.o from the Acting 2nd Judge of the 2d Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Udalut of the 17th ultimo directing him to look into the proceedings in case No 177 upon the Criminal Reports of the late Auxiliary Court at Vizagapatam for the Month of November last and submit his opinion as to the propriety or otherwise of the conviction of the Prisoner in the above Case.-

/ Here enter No 18 of 1840. /

L.N.O.

Ent'd W.R.

F. 46.

At a Court of the Foujdaree Adalut.

Present,

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Wednesday, William Hudleston Esqre. 2d Puisne Judge

8th January 1810. Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Circular Order

No. 114

Frequent instances having been brought under the notice of the Foujdaree Adalut, of Peons in charge of working parties of convicts at a distance from the jail being surprized by the latter and disarmed, and of the consequent escape of the convicts- the Court resolve to direct the Four Provincial Courts of Circuit, by a Circular Order, to enjoin the Peons to keep their Swords drawn in their hands, ready for use, so long as they may be employed on such duty, and not to allow the convicts to approach so near to them, as to lay hold of their weapons.-

Ordered, that Extract from these proceedings be sent to the Four Provincial Courts of Circuit by Precept enjoining them to communicate the same to the several Criminal Judges &c. in their respective Divisions for their information and guidance by Precept returnable

within

8 January 1840.

within ten days, from and after its receipt.-

/ Sent following Precepts No. 28429 /

Read the following letters dated respectively the 20th and 28th ultimo from the Criminal Judge of Combaconum.-

/ Here enter Fl. Cs. Nos. 2127 and 2171 / 1839.

In his letter of the 20th ultimo the Criminal Judge reports that on Saturday last, * 14 December 1839.
ten convicts were sent to cut Bamboos for the repairing of the Repairs of the Jail Wall, to a Village distant about two miles to the east of Combaconum, nine of whom attempted to make their escape after resting on the Road, disarming and binding them, and severing the cotta connecting ring of all their fetters, and tying the remaining chain to each leg with strips of cloth torn from their cloths:- that "then with the swords of the Peons and their working axes, and Bamboo sticks in their hands, they set off across the fields:" that "the hue and cry being raised, they were pursued and retaken, but not without difficulty and resistance and many blows, from the effects of which one of the convicts died the same night, after he was brought back to the Jail:- and that all the eight remaining prisoners have been committed to take their trial before the Court of Circuit:-

2.

In his letter of the 28th ultimo, the

8 January 1840.

The Criminal Judge referring to his letter of the 20th ultimo and to the Proceedings of the Fouj=daree Adalat under date the 14th April 1837, No. 103, (last before Government) "recommends that the prisoner Iyappel, who refused to join the nine convicts, and, after their flight, released the three persons who had been bound, and so enabled two to follow the fugitives, and the third to return to the jail at Combaconum, with the said prisoner, and convey the intelligence to the Jailor, may be rewarded for his conduct by a mitigation of part of his remaining sentence of imprisonment of two years, three Months and eight days:-

3.

The Criminal Judge states that "the prisoner Iyapel was sentenced by the Court of Circuit for Sessions of 1839, to three years imprisonment for cattle stealing and theft:" that "since he has been confined in the Jail, he has always behaved very well, and the remission of a part of the remainder of his sentence will have a very good effect after the late failure of the attempt to escape, in encouraging others to follow his example, should any similar attempts to escape be made:-

4.

The Criminal Judge observes

that

8th January 1840.

within ten days from and after its receipt.

/ Sent following Precepts No 28429 /

Read the following letters dated respectively the 20th and 28th ultimo from the Criminal Judge of Combaconum.—

/ Here enter Fls. Nos 2127 and 2171 / 1839.

In his letter of the 20th ultimo the Criminal Judge reports that on Saturday last, *11th December 1839. ten convicts were sent to cut Bamboos for the scaffolding of the Repairs of the Jail Wall, to a Village distant about two miles, to the east of Combaconum, nine of whom attempted to make their escape after seizing on the Peons, disarming and binding them, and severing the cords connecting the chain to each leg with strips of cloth torn from their clothes:" that "then with the swords of the Peons and their working axes, and Bamboo sticks in their hands, they set off across the fields:" that "the hue and cry being raised, they were pursued and retaken, but not without difficulty and resistance and many blows, from the effects of which one of the convicts died the same night, after he was brought back to the Jail:" and that all the eight remaining prisoners have been committed to take their trial before the Court of Circuit.

2. In his letter of the 28th ultimo, the

8th January 1840.

the Criminal Judge referring to his letter of the 20th ultimo and to the Proceedings of the Fouj=daree Adalut under date the 14th April 1837, No 103, (laid before Government) "recommends that the prisoner Iyappel, who refused to join the nine convicts, and, after their flight, released the three peons who had been bound, and so enabled two to follow the fugitives, and the third to return to the Jail at Combaconum, with the said prisoner, and convey the intelligence to the Jailor, may be rewarded for his conduct by a mitigation of part of his remaining portion of an imprisonment of two years three Months and eight days:—

3. The Criminal Judge states that "the prisoner Iyappel was sentenced by the Court of Circuit 1st Sessions of 1839, to three years imprisonment for cattle Stealing and Theft:" that "since he has been confined in the Jail, he has always behaved very well, and the remission of a part of the remainder of his sentence will have a very good effect after the late failure of the attempt to escape, in encouraging others to follow his example, should any similar attempts to escape be made."—

4. The Criminal Judge observes that

within ten days from and after the receipt.

(Sent following Receipts No. 28426)

Read the following letters dated respectively the 20th and 28th ultimo from the Criminal Judge of Combaconum.—

(Here enter Fls: Nos. 2127 and 2171 / 1839)

1.

14th December 1839. In his letter of the 20th ultimo the Criminal Judge reports that on Saturday last, ten convicts were sent to cut Bamboos for the scaffolding of the Repairs of the Jail Wall, to a Village distant about two miles, to the east of Combaconum, nine of whom attempted to make their escape after resting on the Bank, disarming and binding them, and severing the cords connecting ring of all their fetters, and taying the remaining chain to each leg with strips of cloth torn from their clothes:" that "then with the swords of the Peons and their working axes, and Bamboo sticks in their hands, they set off across the fields:" that "the hue and cry being raised, they were pursued and retaken, but not without difficulty and resistance and many blows, from the effects of which one of the convicts died the same night, after he was brought back to the Jail:" and that all the eight remaining prisoners have been committed to take their trial before the Court of Circuit."

2.

In his letter of the 28th ultimo, the

8th January 1840.

Criminal Judge referring to his letter of the 20th ultimo and to the Proceedings of the Fouj=daree Udalut under date the 14th April 1837, No. 103, (laid before Government) "recommends that the prisoner Iyapapel, who refused to join the nine convicts, and, after their flight, released the three peons who had been bound, and so enabled two to follow the fugitives, and the third to return to the Jail at Combaconum, with the said prisoner, and convey the intelligence to the Jailor, may be rewarded for his conduct by a mitigation of part of his remaining sentence of Imprisonment of two years, three Months and eight days."

3.

The Criminal Judge states that "the prisoner Iyapapel was sentenced by the Court of Circuit 1st Sessions of 1839, to three years imprisonment for cattle Stealing and Theft:" that "since he has been confined in the Jail, he has always behaved very well, and the remission of a part of the remainder of his sentence will have a very good effect after the late failure of the attempt to escape, in encouraging others to follow his example, should any similar attempts to escape be made."

4.

The Criminal Judge observes that

8th January 1840.-

that "it is desirable that this prisoner should be admitted as a witness against Mootoogee the Maratta who aided the nine convicts in their escape, and is charged with subsequently one of them (Thumboo Naik) a Ring Leader, with chisels on the Road to work, and if part of the period of sentence is remitted, and that part of it including Irons be altogether remitted, his evidence which is already on record may be better received in the Trial before the Court of Circuit, than if he remains a Prisoner in the Jail in Irons, according to his sentence: and this" the Criminal Judge observes "is the reason I have made this representation in his favour instead of waiting for the Court of Circuit to do it."-

5. The Criminal Judge submits copies of the Depositions taken from the witnesses in this matter - and a copy of the translation of the Prisoner Jyapegel's Deposition which latter he observes "is quite true"; and also a copy of the Sentence passed by the Court of Circuit of 1st Sessions of 1839- upon that prisoner.-

6. The Court of Foujdaree Adalut concur in the views taken of this matter by the Criminal Judge, and they accordingly resolve to submit

F. 16.

8th January 1840.

submit the papers mentioned in the preceding paragraph, to Government, with their recommendation, that, of the unexpired portion of the Sentence originally passed upon the prisoner Jyapegel, one year three Months and eight days be remitted - thus reducing the Sentence to one year's imprisonment, from the 28th December 1839 - which, in accordance with the recommendation of the Criminal Judge, - the Court propose shall be passed in Labour within the Jail without Irons -

7. As several instances have been brought to the notice of the Foujdaree Adalut of Peons in charge of convicts being surprised and suddenly disarmed by the latter - the Court propose to issue a Circular Order directing that the Peons shall keep their swords drawn, ready for use &c.-

Ordered, that Extract from the Proceedings with the papers mentioned in para. 6 be sent to the Chief Secretary to Government, to be laid before Government.-

/ Sent in No. 30 /

Read Return dated 29th September and Supplemental Return dated 27th November 1839 from the Provincial Court of Circuit in the Northern

Southern Division to the Receipt of the Court
of Foujdaree Udalut under date the 19th Septem-
ber 1839 directing them with reference to the
provisions of Section XXIII Regulation X of
1816 to examine the proceedings of the Criminal
Court of Kellore in the investigation of the
charge brought by the Collector against Cad-
=acharee the Government Pleader of that Dis-
=trict before the Zillah Court for the Tasgeer of a Bund and to
report the result—

Here enter F. Dis. Nos. 1653 and 2047 /1839/

Before finally disposing of this
matter, the Court of Foujdaree Udalut deem
it proper to call for the papers on which the
Report of the Provincial Court, submitted with
their Supplemental Return of the 27th Novem-
=ber 1839 is founded, together with the English
translation of the same—

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

/Sent following Precept to No 31/

F. D.

F. D.

At a Court of the Foujdaree Udalut—

Present

Thursday, 9th January 1840— Thomas Alexr Oakes Esqre Actg 1st Puisne Judge
William Studdeston Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Return dated 27th and Supplemental Return dated 31st ultimo from the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 25th November 1839 directing them to look into certain Cases of the Criminal Reports of the Zillah Court of Cuddapah for the month of October, and report their opinion thereon to the Foujdaree Udalut—

Cases Nos 188 & 196 in the Sale of Report X for July
Case No 230 of Report for August
" " 282 " " X October

/Here enter F. Dis. Nos. 2175 /1839/ & 13 /1840/

From the tenor of the Supplemental Return now recorded the Court of Foujdaree Udalut are led to infer that the Provincial Court have not understood the intention of this Court's Order of the 25th November last which was that the Provincial Court should look into all the cases from

Northern Division to the Receipt of the C
of Foujdaree Udalut under date the 19th Sept
=ber 1839 directing them, with reference to th
provisions of Section XXIII Regulation X
1816, to examine the proceedings of the Crimi
Court of Tellure in the investigation of the
charge brought by the Collector against Ba
=nacharee the Government Pleader of that
Zillah Court for the Forgery of a Bond &c and
report the result.

Here enter F. Uc. Nos. 1653 and 2047/1839

Before finally disposing of the
matter, the Court of Foujdaree Udalut deem
it proper to call for the papers marked by
Report of the Provincial Court, submitted on
their Supplemental Return of the 27th Nove
=ber 1839, as founded, together with the English
translation of the same.

Ordered, that Extract from the
Proceedings be sent to the Provincial Court of
Circuit in the Northern Division by Precept
returnable within sixty days from and after the
receipt hereof.

(Sent following Precepts No. 31 to
No. 34)

F. U.

At a Court of the Foujdaree Udalut

Present

Thursday, 9th January 1840

Thomas Alexr Oakes Esqre Actg 1st Puisne Judge
William Studdeston Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Return dated 27th and Supplemental Return dated 31st ultimo from the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 25th November 1839 directing them to look into certain Cases of the Criminal Reports of the Zillah Court of Cuddapah for the month of October, and report their opinion thereon to the Foujdaree Udalut—

Cases Nos. 188 & 196 inclusive of Report for July
Case No. 230 of Report for August
" " 282 " " October

(Here enter F. Uc. Nos. 2175/1839 & 13/1840)

1. From the tenor of the Supplemental Return now recorded the Court of Foujdaree Udalut are led to infer that the Provincial Court have not understood the intention of this Court's Order of the 25th November last which was that the Provincial Court should look into all the cases from

10th January 1840.

Judges on Circuit in their respective Divisions
&c. Precept returnable within ten days
from and after its receipt.

(Sent following Precept No. 141)

Read return dated the 4th
Instant, from the Second Judge on Circuit
in the Western Division, to the Precept
of the Foujdaree Adalut of the 28th Ultimo,
directing him to look into the Proceedings
in Case No. 202 on the Malabar Criminal
Report V for the month of November last,
with reference to the provisions of Section
XXIII Regulation X of 1816, and report
the result to the higher Court.

(Vide Enter. No. 40.)

S.P.O.
Encl 74
Not

Ent.

Sit & Cor.t of the Foujdaree Adalut.

Present,

Saturday,
11th January, 1840. Thomas C. Hect.r Cakes Esq.re — acting 1st Circuit Judge,

William Rudleston Esq.re — 2d Circuit Judge

S.P.O. Hect.r Duncan Campbell Esq.re — 3d Circuit Judge,

Read Return dated 27th ultimo from
the Magistrate of Masulipatam to the Precept of the Court
of Foujdaree Adalut under date the 29th November 1839,
directing that the Peon and Daffadar who were charged
with ill-treating the prisoners in Case No. 93 of the Criminal
Report of the Auxiliary Court of Masulipatam for the month
of July last, be sent to the Criminal Court with evidence,
in order to their being brought to trial before the Court
of Quarter Sessions.

(Vide enter S.P. No. 3 of 1840.)

The Magistrate, in this Return, submits
the "result of a further inquiry which he deemed necessary
"to institute with a view to satisfy himself, according
"to the Provisions of Section XXV Regulation IX of 1816,
"whether the charge alleged against the Peons was actually
"committed": and after reciting the substance of the
additional evidence thus elicited, he submits his
opinion

from the Acting 2d Judge on Circuit in the Centre Division, reporting the opening of the 1st Sessions of 1840 at Cuddapah on the 6th Instant and the state of the Calendar.—

(Here enter No. 33 of 1840)

Read letter dated the 4th instant from the 2d Judge on Circuit in the Western Division, reporting the opening of the 1st Sessions of 1840. at Calicut on the 4th Instant and the state of the Calendar.—

(Here enter No. 34 of 1840)

Read return, dated the 6th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Sudder Adawlut dated the 30th November last, directing them to look into the proceedings in Case No. 125 of the Criminal Reports of the Zillah Court of Madura for the Months of October 1839, and to pass orders thereon, reporting the same to the Sudder Adawlut.—

(Here enter No. 36 of 1840.)

L.P.O.

Engd

[redacted]

1840

J. G.

At a Court of the Sudder Adawlut

Present,

Monday, 13th January, 1840. Thomas Alexr Baker Esqre — Acting 1st Puisne Judge,

William Middleton Esqre — 2d Puisne Judge,

L.P.O. Alexr Duncan Campbell Esqre — 3d Puisne Judge,

Read Letter dated the 12th Instant from the 3d Judge on Circuit in the Northern Division, sub=

[redacted]=mitting Persian and English translations of the Case No. 7 on the Rajahmundry Calendar for the 2d Sessions of 1839.—

(Here enter No. 217 of 1839)

Mr. Middleton and Mr. Campbell, The Court of Sudder Adawlut, having maturely considered the proceedings held before the Judge on Circuit — the Fetwa of the Provincial Law officer and the Fetwa of the Cazee ool Cozat and Mooftee of the Sudder Adawlut — confirm such part of the said Fetwa of the Cazee ool Cozat and Mooftee aforesaid, as convicts the Prisoners

1st Maddapully Pootrengadoo,

2d Maddapaty Venkadoo,

3d Sundy Pospadoo,

4th Aunanelly Pampoodoo,

5th Madeka Pedamalegandoo,

and

7th Madeka Ramdoo.

on strong Presumptive Proof of the Crime of Gang Robbery

Robbery by open violence - accompanied by wounding - and award
Co Rcount, and under the provisions of Clauses second and
fifth, Section IV and Clause third Section VIII Regulation XV
of 1803, sentence the prisoners

4th Cheranelly Bamprodoo,

and

5th Rodelka Padamalegandoo,

to be transported to such place or places beyond sea
as the Governor in Council shall appoint - there to be
imprisoned and kept to hard labour in Irons on the
public roads or other public works, for and during the
period of their natural lives respectively: and the
prisoners

1st Rodelly Pottregandoo,

2d Maidelay Rookadoo,

3d Sunday Coolpadoo,

and

7th Rodelka Ramdoo,

to be banished to the District of Chinglepat - and kept
to hard labour in Irons on the public roads or other
public works, for and during the period of fourteen
years - respectively:-

And, being of opinion that the
proof

15th January 1840.

proof against the prisoners

6th Batchalee Suttegandoo,

8th Vellaboo Sanpeegandoo,

9th Leingum Sanpeegandoo,

10th Linguma Chondaragadoo,

and

11th Lalady Raamdoo,

is sufficient to convict them of the crime of Gang Robbery
by open violence accompanied by wounding - the Court do,
under the authority with which they are vested by Clause
first Section II Regulation I of 1818 - convict them thereof
and, under the provisions of Clauses second and fifth,
Section IV and Clause third, Section VIII Regulation XV of
1803 - sentence the said prisoners to be banished to the
district of Chinglepat - and imprisoned and kept to
hard labour in Irons on the public roads or other
public works, for and during the period of fourteen
years - respectively.-

(Vide following Letter No 53

Read again Extract from the Minutes
of Consultation in the Judicial Department under date the 8th
October 1839 - No 871 - communicating, with the orders of
Government thereon, an Extract from a General Letter
from the Honorable the Court of Directors dated 2d July 1834 No 7:-

and

and instructing the Court of Coujdaree Adalut to ascertain and report whether there are any material objections, to having the work on the Neilgherry Hills heretofore executed by convicts, hereafter performed by hired labourers.

(Here enter F. G. No. 1675 of 1839)

Also read Return dated 19th ultimo from the Provincial Court of Circuit for the Southern Division to the Precept of the Court of Coujdaree Adalut, under date the 27th November 1839 - directing them to call upon the Officer Commanding the Neilgherries and the Magistrate of Coimbatore to submit their opinions respectively as to the expediency or otherwise of having the work on the Hills heretofore executed by convicts, hereafter performed by hired labourers: and at the same time to furnish an accurate comparative Statement of the cost of convict and free labour on the Hills.—

(Here enter F. G. No. 2141 of 1839)

1. With the Return now recorded the Provincial Court submit copies of two letters dated respectively the 13th and 16th ultimo - from the Acting Magistrate of Coimbatore and the Officer Commanding the Neilgherries, of whom the former states that he is not competent to give an opinion on the subject, nor is he able to furnish the Statement required, as the work performed by Convicts formed the whole of the papers connected with the case with the utmost attention: and after giving to them their best consideration, the Court are of opinion that the evidence against Ibram Khan upon the three charges preferred by Rambling is wholly insufficient to establish his guilt.—

2. The Court of Coujdaree Adalut cannot conceive that a man like Ibram Khan, or indeed any man in his senses, could without the least fear of the consequences publicly take an oath on one occasion and enter into the particulars of a conspiracy in the presence of numerous persons on another, in order to implicate in a charge of murder such a person as Rambling.—

3. The information contained in the 7th para of Mr. Thompson's letter of the 25th April last, affords in opinion of the Court very strong, if not altogether convincing proof of the falsity of the evidence given by the witnesses herein referred to, relative to the second charge.—

4. That Ibram Khan may have entered into a conspiracy and set up Baalen & Ponlum Ramasswamy to implicate Rambling, is certainly not impossible, and there were unquestionably sufficient grounds for the opinion given

given against Ibrum Khan in the letter from the
Registrar of the 4th August 1834.: but at that time he had
not been put on his trial, nor had he been heard in his
defence, and the Court can proceed to judgment only upon
what has been adduced against him in his presence:-
and the Court repeat the opinion already expressed that
the evidence which has been adduced against him in
support of Ram Singh's three charges, is insufficient to justify
his conviction.-

12. In conclusion the Court beg leave to point
the attention of the Government and of the Honorable the
Court of Directors to Mr. Hawley's letter of the 12th February 18
and to submit their opinion that the explanation afforded
by that Gentleman is satisfactory.-

13. The 3d Puisne Judge, unable to co
opinion with the Court, as far as concerns Ibrum
has recorded the grounds of his dissent, in

Ordered, that Extract from
together with the Papers noted in the margin, be sent to the
Chief Secretary to Government, to be laid before Government

(Sent in No 250)

Enclosure from No 307 of 1839.
From No 1314 of 1839 and enclosure
Sudr proceedings 12th December 1839.
enclosures from No 74 of 1840
and
From No 240 of 1839.

15. February 1840.

Minute of the third Puisne Judge.

1. So far as concerns Ibrum Khan, I am
unable to concur in the opinion given in our proceedings
of the 18th Instant by the Acting Chief and officiating
first Judges:-

In our Registrar letter to Government
of the 4th August 1834, when I was on this Bench, it was
observed that "the Judges think it is to be regretted that
"Mr. Drury did not personally prosecute the enquiry demanded
"by Mr. Hughes, in his letter of the 11th October (No 13) into
"the conduct of his Duffadar Ibrum Khan for the records
"before them shew that the proceedings of that individual
"were open to a very different view, from that taken of
"them by the Joint Criminal Judge, to whom he referred
"for information respecting them."-

2. The Judges further "did not hesitate to
"express their opinion, that the charge of implication in
"the murder, brought forward against the Prisoners who
"were first sent in to the Criminal Court at Ernaulla
"in Case No 86 of 1833, as well as the accusation against
"Ramsing, himself, was altogether false, and that
there

"there were the strongest grounds for the belief that they
"were the work of conspiracy, in which it is to be feared
"that the Magistrate's Daffadar Ibram Khan, and others
"were implicated".-

3. They added "The charge against Ramsing
"in particular was a most improbable one, false almost
"in the face of it, and the Judges were of opinion that the
"Tahsildar was not justified in the issue of a warrant for
"his apprehension, upon information which was suspicious
"in the extreme, and which indeed was ultimately recanted
"before Mr. Horsley himself, by the pretended informer
"Ramasawmy, who, before he died in Jail of Cholera, expressly
"accused Ibram Khan of instigating him to the accusation
"he had preferred against Ramsing and others".-

4. Agreeably to the orders of Government upon
this report of the Foujdara Adalut, conveyed in the Minute
of Consultation of 15th August 1834, the Magistrate of
Tinnevelly was required on the 28th of the same month,
through the Provincial Court of Circuit, to institute an enquiry
into the conduct of Ibram Khan and also into the alleged
conspiracy, respecting which the Magistrate was likewise
directed to call upon Ramsing to prefer a specific charge,
and to adduce the forthcoming evidence in support of them.-

The

18th February 1840.

5. The opinion of my Colleagues upon this
report was recorded, when I no longer sat on the bench,
in their proceedings of the 10th January 1835, in the
following terms.-

6. "This Court have given the Documents
before them mature consideration and they have no
hesitation in recording their opinion that the evidence
adduced against Ibram Khan is entitled to no consideration
and is in its face incredible and false. They concur
fully with the Magistrate that nothing has been established
against him. This Court consider the Magistrate to have
been in error in receiving a Petition from Ibram Khan,
when he should have examined and placed this
deposition on record;" and on the 5th February 1835 it was
certified by the Provincial Court of Circuit that the
Magistrate had been put in possession of a copy of the
above proceedings.-

7. Although the whole of these second
proceedings took place in my absence from this bench,
they were reported to Government on the 15th September
1836 after I had returned to it.-

8. The objections to such second decision, as

contracted

"there were the strongest grounds for the belief that they
"were the work of conspiracy, in which it is to be feared
"that the Magistrate's Deffadar Ibram Khan, and others
"were implicated."—

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"in particular was a most improbable one, false almost
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and is in its face incredible and false. They concur
fully with the Magistrate that nothing has been established
against him. This Court consider the Magistrate to have
been in error in receiving a Motion from Ibram Khan,
when he should have examined and placed this
deposition on record;" and on the 6th February 1835 it was
certified by the Provincial Court of Circuit that the
Magistrate had been put in possession of a copy of the
above proceedings.—

7. Although the whole of these second
proceedings took place in my absence from this bench,
they were reported to Government on the 15th September
1836 after I had returned to it.—

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contracted

18th February 1840.

to it - when he put his mark he said that Coopasawmy Naik (the 1st Prisoner accused) would beat him; and, therefore, they must make him a horse-keeper - The Tahsildar did not say any thing, but Ibram Khan a duffadar and Deloyets of the Huzzoor promised to give him this situation. It was after his deposition was written down, and just as he was going to put his mark to it, that he asked for the horse keepers place -

The second as follows.

"This is the deposition given by Emanattoo the IIth Prisoner - This is my signature, after it was read over to him and when he was going to sign it he said that they must give him a horse keepers place Ibram Khan of the Huzzoor said he would give the said situation" -

The depositions, on oath, of the 12th, 13th, 14th, 15th, 16th and 17th witnesses in the same case went to show that they also had been influenced by Ibram Khan -

14. In the other case, No. 87 of 1839, the Prisoner Ramasawmy, who died of Cholera in Gaol before trial (after having falsely accused himself, Ramen, and others of the same murder and robbery - before the same Police officer, as well as before the Magistrate) re-canted before Mr. Horsley the Joint Criminal Judge and himself expressly declared that he had been instigated

instigated by Ibram Khan, to make that false accusation his words are "Ibram Khan told me to say I was present at the murder and robbery; and, therefore, I said so, before the Magistrate, I did not know that I was liable to be tried for the murder and robbery" and his last examination by Mr. Horsley runs in these words -

Q. The Prisoner Ramasawmy Have you any witnesses to be examined on your behalf before the Court of Circuit?

A. "To prove that Ibram Khan Duffadar

"instigated me at Gengacondam to take my confession before

"the Magistrate Cungaranaraynen Police Peon of the

"Nellayambalom Talook, Thakemadar alias Peon of No. 2 -

"Iyavien fathers name unknown at Gengacondam 3 -

"Letchumma Iyen fathers name unknown of Gengacondam 4" -

"The Prisoner declares he has further two

"witnesses to prove that Pandititaven did carry him before

"the Magistrate. But the 4 witnesses he has already stated

"are sufficient - it was therefore not necessary I have further

"to prove that on the night of 30th Anwary Kroothy, 1006 Sholo

"or 13th September 1830 I slept in the hall of Arnasalataven

"the said Arnasalataven son of Aroomanattaven of

"Tooseelencoolom of Greevygondam Talook 1 Vellaitaven son

"of Sevalanataven of &c. &c. 2 are my witnesses" -

"The

read to him, and was beaten by the Tahsildar and Sivan Khan for 3 days, before he would sign it, with their hands and Rattans, which however left no mark, as he was beaten "softly" before Mr. Eden, on the 6th December distinctly swears to Sivan Khan's instigation to him to give false testimony - that he gave him 2 slaps with his hand, and told him to affix his signature to the false deposition, which he did - in the presence of the Tahsildar - or the use of rattans, and was detained 3 days, but beaten only once.-

36. The 4th, formerly the 13th witness, (who before the Criminal Court deposed that she knew nothing of the facts stated in her Police deposition, but was told by the Police Officer and Sivan Khan that she must put her signature to it) on the 27th December, before Mr. Eden deposed that she was ignorant of both - and that Sivan Khan "did not threaten me, nor persuade, nor compel me "so - He told me to sign, saying, no fear, nothing will happen "to you."-

37. The 5th, formerly the 14th witness, (who before the Criminal Court deposed that she was induced to sign her Police deposition, of the facts and contents stated in which she was entirely ignorant, under threats from the Tahsildar of imprisonment) on the 27th December, before Mr. Eden confirms her ignorance of them, and states that "Sivan Khan (the brought "and produced me to the Tahsildar" but it was the

and Police Peons who compelled her to sign it.-

38. The 13 other persons examined by Mr. Eden, are the public servants who were present when the Tahsildar took the Police depositions in Crl. No 86 of 1839, and all declare that they were willingly given - But they are the accused parties - and I do not believe their testimony.-

39. In the Case Crl. No 87 of 1839, Mr. Eden has now examined only 2 of the witnesses named by the late Ramasawmy, for his defence, in that case, the others being dead, and 2 in durance in Travancore - The 2 examined are the 4th and 5th witnesses in this second record -

40. The 4th witness at the time of that charge a Lance Naick of Police, summoned by the deceased persons Ramasawmy, to corroborate his statement that he was taken to the Magistrate by no other than the 10th witness in the previous case to whom Sivan Khan had written - swears that he saw Sivan Khan, (pointing to Ramasawmy) tell a Peon, who had a sealed letter in his hand, "take "this man, and leave him with Pandy Thalaven (the said 12th witness), deliver him also the letter, and return back" This man deposes (as urged by Ramasawmy) that himself, and 8 other persons were committed for trial, and released by

read to him, and was beaten by the Tahsildar and Ibram Khan for 3 days, before he would sign it, with three Kandus and Rattans, which however left no mark, as he was beaten "softly" before Mr. Eden, on the 9th December distinctly swears to Ibram Khan's instigation to him to give false testimony - that he gave him 2 Slips with his hand, and told him to affix his signature to the false deposition, which he did - in the presence of the Tahsildar - or the use of rattans, and was detained 3 days, but beaten only once.-

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38. The 13 other persons examined by Mr. Eden, are the public servants who were present when the Tahsildar took the Police depositions in No. 86 of 1839, and all declare that they were willingly given - But they are the accused parties - and I do not believe their testimony.-

39. In the Case No. 87 of 1839, Mr. Eden has now examined only 2 of the witnesses named by the late Ramasawmy, for his defence, in that case, the others being dead, and 2 in durance in Tavanore - The 2 examined are the 4th and 5th witnesses in this second record -

40. The 4th witness at the time of that charge a Lance Naick of Police, summoned by the deceased prisoner Ramasawmy, to corroborate his statement that he was taken to the Magistrate by no other than the 12th witness in the previous case to whom Ibram Khan had written - swears that he saw Ibram Khan, (pointing to Ramasawmy) write a Pass, who had a sealed letter in his hand, "take "this man, and leave him with Pandy Cholaven (the said 12th witness), deliver him also the letter, and return back" This man deposes (as urged by Ramasawmy) that himself, and 5 other persons were committed for trial, and released by

read to him, and was beaten by the Tahsildar and Sriram Khan for 3 days, before he would sign it, with their hands and Rattans, which however left no mark, as he was beaten "softly" before Mr. Eden, on the 6th December distinctly swears to Sriram Khan's instigation to him to give false testimony - that he gave him 2 slaps with his hand, and told him to affix his signature to the false deposition, which he did - He denies the presence of the Tahsildar - or the use of rattans, and was detained 3 days, but beaten only once.-

36. The 4th, formerly the 13th witness, (who before the Criminal Court deposed that she knew nothing of the facts stated in her Police deposition, but was told by the Police Officer and Sriram Khan that she must put her signature to it) on the 27th December, before Mr. Eden, deposed that she was ignorant of both - and that Sriram Khan "did not threaten me, nor persuade, nor compel me "as he told me to sign, saying, no fear, nothing will happen "to you".-

37. The 5th, formerly the 14th witness, (who before the Criminal Court deposed that she was induced to sign her Police deposition, of the facts and contents stated in which she was entirely ignorant, under threats from the Tahsildar of imprisonment) on the 27th December, before Mr. Eden, confirms her ignorance of them, and states that "Sriram Khan came "and produced me to the Tahsildar" but it was after

and Police Pillay who compelled her to sign it.-

38. The 13 other persons examined by Mr. Eden, are the public servants who were present when the Tahsildar took the Police depositions in No. 86 of 1839, and all declare that they were willingly given - But they are the accused parties - and I do not believe their testimony.-

39. In the Case No. 87 of 1839, Mr. Eden has now examined only 2 of the witnesses named by the late Ramasawmy, for his defence, in that case, the others being dead, and 2 in durance in Travancore - The 2 examined are the 4th and 5th witnesses in this second record.-

40. The 4th witness at the time of that charge a Lance Naick of Police; summoned by the deceased prisoner Ramasawmy, to corroborate his statement that he was taken to the Magistrate by no other than the 12th witness in the previous case to whom Sriram Khan had written. swears that he saw Sriram Khan, (pointing to Ramasawmy) take a Pen, who had a sealed letter in his hand, "take "this Man, and leave him with Pandy Thalaven (the said 12th witness), deliver him also the letter, and return back." This man deposes (as urged by Ramasawmy) that himself, and 5 other persons were committed for trial, and released by

a "non mi ricordo;" - yet it now turns out that both Mr. Eden and Mr. Thompson had in their possession a written state= =ment, by Imadar Hossain Khan himself, dated so far back as the 19th September 1830, that Masood Khan did that day appear before him - and did do duty under him. -

46. When this document at last comes forth, at the instance of this Court, under the request of Ramsay; and the alibi of Masood Khan, on which Ibram Khan, and by the evidence of Imadar Hossain Khan, formerly in part rested his defence, is proved to be false, by Imadar Hossain Khan's own official certificate - Mr. Eden, without adverting to the prevarication, if not perjury, of Imadar Hossain Khan, and to the total failure of this part of Ibram Khan's defence - accuses Masood Khan of perjury, as to date, for which I have shown there are no grounds whatever. -

46. On the whole, it is amply proved, that Imadar Hossain Khan, as a Cabesdar, was useless and quite unfit; a mere man of straw, who possessed not even the power to communicate with the people, in their own language, but carried about an interpreter with him for that purpose. - That Ibram Khan, armed with most improper powers by Mr. Drury, took advantage of these circumstances, to reduce him still more into an cypher, openly

bullied

E.H.

18th February 1840.

bullied the persons who deposed before him: and, in my opinion, is guilty of the three charges here preferred. -

47. Mr. Eden took an opposite, and I think a wrong, but I fully admit quite a conscientious view of the matter, similar to that taken by his predecessor Mr. Drury; and the consequence was his committal to trial before the Circuit Court, and dismissal from the service, of several of the witnesses, who have, notwithstanding, still continued consistently to depose against Ibram Khan - That these measures must have influenced the testimony in this case seems undoubtable; and that there has been, in the long lapse of 10 years, abundant time to tamper with the evidence is equally beyond dispute - In Eminently therefore, which is the hot bed of perjury -, I am surprised that so much of the original evidence has remained unrecanted, rather than at the softening which part of the previous testimony has now undergone. -

48. Under these circumstances, I deprecate the restoration to office of such a man as Ibram Khan

18th February 1840. (Signed) H. D. Campbell.
3d Puisne Judge.

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At a Court of the Cuyidara Adalut.

Present,

Wednesday 19th February 1840. Thomas Alexr Oakes Esqre ——— Acting 1st Puisne Judge

William Huddleston Esqre ——— 2d Puisne Judge

Alexr Duncan Campbell Esqre ——— 3d Puisne Judge

Read letter dated the 4th February 1840

from the 2d Judge on Circuit in the Western Division, &c

transmitting for the consideration and final sentence of

the Court of Cuyidara Adalut the record of the trial in

Case No. from the Malabar Calendar 4th Sessions of 1840.

(Here enter C. C. No. 288)

Mr. Campbell,

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

1st Cholagil Iraiambil Narayen Nambe

is sufficient to convict him of the crime of Manslaughter, for which the penalty of Dyat is awardable under the Mahomedan Law, as declared in futwas of this Law Officer, to convict him thereof, and with reference to the provisions of Clause first section V Regulation VIII of 1831, and Clause second section XV Regulation VII of 1802 do sentence him to the

and it being advisable that they should be disabused by being put in possession of the distinctions pointed out which remove it from under its provisions."—

2. With reference to this remark, the Court of Enjdaree Udaiut deem it proper to observe that the act of the prisoners in the said case has not been ruled by this Court to be not so cognizable, but the charge was defective.—

3. In parah: 8 of their proceedings of the 3d instant, the Court distinctly observed that "the prisoners were not properly charged with the offence described in Section III Regulation III of 1831— Though if they had been so charged the facts in evidence would seem sufficient for their conviction thereof.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Southern Division for his information, and that of the Joint Criminal Judge and the Magistrate of Erichinopoly.—

(Sent in No 258)

Read Letter dated the 3d instant from the Provincial Court of Circuit for the Northern Division, submitting— with reference to the Letter from the Enjdaree Udalut.

20th February 1840.

Udalut of the 21st December 1839— copies of a Return dated the 13th ultimo and of its enclosures from the Criminal Judge of Ezagapatam, showing the result of his enquiry into the charge of embezzlement preferred by the late acting Joint Criminal Judge of Ezagapatam against the Seistadar of the late Auxiliary Court at that Station— and a copy of an Extract from the Provincial Court's Proceedings under date the 1st November 1839— containing that Court's decision upon the former charges preferred against the same individual.—

(Here enter C. D. No. 271 of 1840.)

In the Letter now recorded the Provincial Court of Circuit state their opinion that "the charge of embezzlement has not been proved against him, and that no criminality whatever attaches to him in regard to the value of the broken rice and husks not having been credited in the accounts of the office, as it appears that the Tailor was acting under the immediate orders of the Joint Criminal Judge in disposing of the Grain supplied to him for the subsistence of the Prisoners.—

1.

The Court of Enjdaree Udalut observe

2.

that the Provincial Court are authorized by the orders of Government to dispose of this matter, and they appear to have done so by declaring the charges preferred against the

and it being advisable that they should be disabused by being put in possession of the distinctions pointed out which remove it from under its provisions."—

2. With reference to this remark, the Court of Sujdaree Adawlut deem it proper to observe that the act of the prisoners in the said case has not been ruled by this Court to be not so cognizable, but the charge was defective.—

3. In parah: 8 of their proceedings of the 3d instant, the Court distinctly observed that the prisoners were not properly charged with the offence described in Section III Regulation III of 1831— although if they had been so charged the facts in evidence would seem sufficient for their conviction thereof.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Southern Division for his information, and that of the Joint Criminal Judge and the Magistrate of Vizagapatam.—

(Sent in No 258)

Read Letter dated the 3d instant from the Provincial Court of Circuit for the Northern Division, submitting— with reference to the Letter from the Sujdaree Adawlut

Adawlut of the 21st December 1839— copies of a Return dated the 13th ultimo and of its enclosures from the Criminal Judge of Vizagapatam, showing the result of his enquiry into the charge of embezzlement preferred by the late Acting Joint Criminal Judge of Vizagapatam against J. Seetumah, the Seristadar of the late Auxiliary Court at that Station— and a copy of an Extract from the Provincial Court's Proceedings under date the 1st November 1839— containing that Court's decision upon the former charges preferred against the same individual.—

(Here enter S. D. No 271 of 1840.)

1. In the Letter now recorded the Provincial Court of Circuit state their opinion that the charge of embezzlement has not been proved against him, and that no criminality whatever attaches to him in regard to the value of the broken rice and Rocks not having been credited in the accounts of the office, as it appears that the Sailor was acting under the immediate orders of the Joint Criminal Judge in disposing of the Grain supplied to him for the subsistence of the prisoners.—

2. The Court of Sujdaree Adawlut observe that the Provincial Court are authorized by the orders of Government to dispose of this matter, and that they appear to have done so by declaring the charges preferred against the

the Seichtadar to be not proved.—

3. The Court of Enjdaree Hdalut see no reason for interfering with that decision.—

4. The Court deem it proper however to direct that the Criminal Judge be instructed to take measures for carrying the broken rice &c. henceforth to the account of Government.—

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

(Sent in No. 250)

Read Letter dated the 29th Ultimo from the Acting 1st Judge late on Circuit in the Southern Division, transmitting the record in Case No. 2 Sylhet Calendar 2d Sessions of 1839.—

(Here enter No. 232.)

Mr. Ruddiston, and Mr. Campbell,

The Court of Enjdaree Hdalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Enjdaree Hdalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid convicting the Prisoner Let am oosen of the crime of Murder and awarding to Kooduut and under the

F. H.

the provisions of Section X Regulation VIII of 1802 sentence the said Prisoner to suffer death by being hanged at the usual time and place of execution.—

(Sent following Letter No. 260)

Read again letter dated the 28th October 1839 from James Thomas Esqr. Acting Judge on Circuit in the Centre Division, submitting the Record of Case No. 6 of the Cuddapah Calendar for the 2d Sessions 1839 for the final decision of the Enjdaree Hdalut.—

(Here enter No. 1816.)

The Court of Enjdaree Hdalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Enjdaree Hdalut are of opinion that the Prisoner

Fut. of Kundeala Sobadoo

is not convicted of the crime of murder on presumptive proof, or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law officers, but considering that the proof against the said Prisoner is sufficient to convict him of the crime of manslaughter do accordingly convict him thereof, and direct their Law officers to declare by a second futwa to

At a Court of the Conjeveram Adalut

Present

Friday
21st February, 1840. William Rudleston Esqr. ——— 2d Puisne Judge,

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

Read letter dated the 27th of January 1840

from the 2d Judge on Circuit in the Western Division —

transmitting for the consideration and final sentence of the

Court of Conjeveram Adalut the record of the trial in Case

No. 14 on the Malabar Calendar 1st Sessions of 1840.—

(Here enter S:C: No. 242)

Mr. Rudleston,
and
Mr. Campbell,

The Court of Conjeveram Adalut having

maturely considered the proceedings held before the Judge

on Circuit, the futwa of the Provincial Law officer, and

the futwa of the Cazee ool Cozat and Mooftees of the

Conjeveram Adalut, confirm the said futwa of the Cazee

ool Cozat and Mooftees aforesaid convicting the prisoner

Pallatta Vallapil, alias Kodambatta,

alias Palatpaddikel Pangutti.

of the crime charged, and awarding Kissas, and under

the provisions of Clause second Section VI Regulation I of 1825

sentence the said prisoner to be transported to such place

or places beyond sea, as the Governor in Council shall appoint

there

to what specific punishment the prisoner would have

been liable under the Mahomedan Law, if he had been

convicted on full legal evidence of the crime aforesaid.—

Circuit.

In the event of the prisoner above mentioned

being convicted of manslaughter, his Kakila would be liable

to a Deyut of ten thousand Dirhems to be paid to the heir

of the deceased in three years.—

In commutation of the sentence of

Deyut, declared in the foregoing futwa, the Court of

Conjeveram Adalut do sentence the prisoner

Mr. Calicut,
and
Mr. Cannanore,

Kundeala Coolandon

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.—

Sec'y.

(Sent following letter No. 261)

there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of, his natural life.—

1. It appears to the Court of Conjeveram Dedalut that after a most deliberate consideration of all the circumstances of this case, that the fatal act charged in the indictment, inexcusable as it was, was committed before there had been "cooling time," and in an ebullition of rage without premeditation.—

2. The Court also observe that provocation appears to have been given by the deceased in charging the prisoner with theft, and revoking a permission, to build a House on deceaded's land, which had been acted on: and the prisoner unhappily was armed with his toddy knife when this provocation was offered.—

3. With this view of the circumstances of the case on the grounds above enumerated, the Court of Conjeveram Dedalut have resolved to mitigate transportation for life, the sentence of capital punishment to which the prisoner is liable.—

Ordered, that Extract from these proceedings be sent to W.B. Anderson Esqr. 2d Judge on Circuit in the Western Division for his information and guidance.—

Sent following letter No. 262.)

Read letter dated the 10th instant received from the Provincial Court of Circuit in the Southern Division transmitting

21st February 1840.

transmitting with reference to the Proceedings of the Conjeveram Dedalut under date the 28th October 1839 copy of a letter received from the Criminal Judge of Combaconum and of the Medical Certificate which accompanied it relative to the state of mind of the Prisoner "Chashapuen," concerned in Case No. 48 of the Combaconum Calendar for the 2d Session of 1838.—

(Here enter No. 314.)

1. Upon consideration of the Report of the Medical officer as to the state of mind of the prisoner "Chashapuen," the Court of Conjeveram Dedalut deem this person a fit subject for the Lunatic Hospital, and they desire therefore that he be forwarded, under proper custody to the Superintendent of Police at Madras in order to his being lodged in the Lunatic Hospital accordingly.—

C. O. 7th June 1839.

2. The prisoner will of course be accompanied by the requisite certificate of the European Medical officer on this case.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance, and for communication to the Criminal Judge of Combaconum by precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 263)

Read

there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of his natural life.—

1. It appears to the Court of Enjidaree Ecdalut that after a most deliberate consideration of all the circumstances of this case, that the fatal act charged in the indictment, inexcusable as it was, was committed before there had been "cooling time," and in an ebullition of rage without premeditation.—

2. The Court also observe that provocation appears to have been given by the deceased in charging the prisoner with theft, and resisting a permission, to build a house on deceased's land, which had been acted on. and the prisoner unhappily was armed with his toddy knife when this provocation was offered.—

3. With this view of the circumstances of the case on the grounds above enumerated, the Court of Enjidaree Ecdalut have resolved to mitigate transportation for life, the sentence of capital punishment to which the prisoner is liable.—

Ordered, that Extract from these proceedings be sent to W. B. Anderson Esqre 2d Judge on Circuit in the Western Division for his information and guidance.—

Court following letter No. 262.)

Read letter dated the 10th instant received from the Provincial Court of Circuit in the Southern Division transmitting

21th February 1840.

transmitting with reference to the Proceedings of the Enjidaree Ecdalut under date the 28th October 1839 copy of a letter received from the Criminal Judge of Combaconum and of the Medical Certificate which accompanied it relative to the state of mind of the Prisoner "Chashapuen," concerned in Case No. 48 of the Combaconum Calendar for the 2d Sessions of 1838.—

(Here enter No. 314.)

1. Upon consideration of the Report of the Medical officer as to the state of mind of the prisoner "Chashapuen" the Court of Enjidaree Ecdalut deem this person a fit subject for the Lunatic Hospital, and they desire therefore that he be forwarded, under proper custody to the Superintendent of Police at Madras in order to his being lodged in the Lunatic Hospital accordingly.—

C. C. 7th June 1829.

2. The prisoner will of course be accompanied by the requisite certificate of the European Medical officer on his case.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance, and for communication to the Criminal Judge of Combaconum by precept returnable in 10 days from and after its receipt.—

(Court following Precept No. 263)

Read

21st February 1840.

Read again Letter dated 29th November 1839 - from 1st King - now First Judge of the Provincial Court of Circuit in the Northern Division submitting for the final judgment of the Court of Sudder Adawlut, the Record of Case No. 11 of the Vizagapatam Primary Calendar of the First Sessions of 1839.—

(Here enter S.C. No. 2076 of 1839)

Also read Return dated the 6th instant from the First Judge of the Provincial Court of Circuit for the Northern Division - to the Precept of the Court of Sudder Adawlut under date the 15th January 1840 - directing him to call upon the Magistrate of Vizagapatam - with reference to that Officer's Return of the 19th June last relative to the Proceedings in Case No. 11 of the Vizagapatam Primary Calendar of the 1st Sessions of 1839/40 - (in which he described a Local Police - existing in Vizianagaram, which completely intimidated the Regular Police,) to report particularly as to whether he has put down the said unauthorized Police or not, and submit his reply for the Court's consideration.—

(Here enter S.R. No. 293 of 1840.)

In Case No. 11 the prisoners

1st Bondela Annatamu - Pan -

2d Noonnah Croostapadoo

3d Pocheenah Sunnayay - Pan -

Vanney

S.R.

21st February 1840.

4th Vanney Sunniah

5th Sheemanah Sariah

6th Pecah Ramasawmy

and

8th Bolleatty Venkiah

are charged before the Court of Circuit "with having on the night of Wednesday the 3d Bahoolah of the month of Poolayah year Feelusby, - corresponding with the 2d January 1839, - gone in company with some other persons to the house of the prosecutrix's husband, named Canakeraly Appegandoo, an inhabitant of Condaberadam in the Talook of Vizianagaram under the jurisdiction of the Joint Criminal Court of Vizagapatam, - to trace out certain stolen property belonging to a Brahminy woman belonging to the said Village, and maltreated the said Canakaraly Appegandoo - that is to say, the 1st prisoner kicked him on the testicles and the other prisoners beat him with their hands and sticks and thereby caused his death".—

2. It was not proved upon the Trial that the 1st prisoner intended to kick the deceased in a vital part - but his conduct was most brutal, and the Court of Sudder Adawlut sentenced him to eight

eight years imprisonment with hard labour in irons and to receive one hundred and ninety five lashes of a cat of nine tails: and the Court sentenced the other prisoners each to one years imprisonment with hard labour in irons.

3. The Court of Enquiry Ordered regret to observe that flagrant improprieties have been elicited in the investigation, on the part of the police of Vizagapatam, the nature of which is sufficiently shown in the Extract from the Proceedings of the Court of Circuit under date the 6th June 1839 of which a copy accompanies the record of the Trial.

4. The parties the most culpable, are Ananta Pantooloo the Head of Police of Vizianagaram - his Muddugar or Peishkar, R. Setapatyroydoo and the seventh witness for the prosecution - the Duffadar Mujjoolee Atchanah. Of these - there is strong evidence of the Muddugar having taken part in the attempt to stifle the enquiry, and substitute a false report from the village officers for their first report.

5. The Magistrate accedes him on the ground of his having been over-awed by Vitchoor Venkanah - and it appears that he gave private information of what was going on to the Magistrate.

The

6. The Court of Enquiry Ordered are of opinion that in so gross a case as this a severe example is absolutely necessary - both as a warning to the Police of the Vizagapatam District among whom there is reason to believe that serious irregularities have for a considerable time past, prevailed, and also for the sake of the people of the District who must suffer to a greater or less degree by such irregularities: and the Court resolve to submit the Record of the Trial and the Papers which accompanied it to Government, with their recommendation that orders be issued for the dismission of the Muddugar R. Setapaty Royadoo and the Police Duffadar Mujjoola Atchanah above-mentioned - and for the suspension of the Head of Police of Vizianagaram Ananta Pantoolloo from Office for the period of twelve months.

7. The Court have deemed it preferable in the present instance to adopt this course instead of exercising the power of dismission vested in them by the Regulations - in order that the Government to whom they have resolved to refer the case - may not be embarrassed in respect of any orders which they may desire to issue on the matter.

8. The Magistrate of Vizagapatam in his Return of the 19th June 1839 - has described a Police establishment

in

in coexistence which completely intimidates the Regular Police;
but in reply to the call made upon him by the Sovidare
Adalut for information as to whether or not he had put the
down, the Magistrate in a Return dated the 31st January 1840.
of which a copy accompanies the Return of the Sirte Judge
now recorded - has certified "that the Local Police as it then
existed at Vizianagaram has been entirely suppressed by
the committal of a considerable portion of them to the Criminal
Court and the dismissal of the remainder".-

9. The Magistrate adds "the inhabitants
however being very apprehensive that this measure would
expose themselves and their property to danger continue to
subscribe and keep in pay a body of men for their protection
but I have issued strict orders to the Head of Police that these
persons are not to be employed in the discharge of Police
duties but are to be regarded merely as the servants of the
persons who employ them".-

10 "I have very recently" - concludes the Magistrate
"brought to the notice of the Government the inefficiency
of the Police establishments in this District, and I have
suggested the raising of local corps for civil purposes, and
in the event of this suggestion being adopted, I would
be enabled to afford ample protection to the inhabitants
without

E.M.

21st February 1840.

without any establishments of the description above referred
to, which I am aware, under any form are liable to serious
objections".-

11. This report of the Magistrate renders it
unnecessary for the Court of Sovidare Adalut to do any
thing further than to submit their opinion to Government
that an augmentation of the Police Force is particularly
desirable in the District of Vizagapatam, both as conducing
generally to the security of the Inhabitants, and obviating
all necessity for the maintenance of an establishment of
the nature above referred to, of the evil tendency of which
the Return of the Magistrate under consideration affords
sufficient evidence.-

12. It had been the intention of the Court
of Sovidare Adalut likewise to address the Government
on the subject of other irregularities prevailing in the
District of Vizagapatam, namely - the omission of the
Magistrate to appoint Sub-Officers of District Police under
the Provisions of Section III Regulation IV of 1821 - and
notwithstanding employing persons as "assistants to the
Heads of Police" whose office and functions are also
unsanctioned by the Regulations.-

But

13.

But the Inogistrate having in a Return dated 23d December 1839 - stated that he has remodelled all the establishments in the District and selected subordinate Officers in conformity with the Provisions of section III Regulation IV of 1821 to perform the duties assigned to the District Heads of Police by the different provisions of Regulation XI of 1816. the Court do not deem it necessary now to notice the matter further.-

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government with the Record of the Case &c. to be laid before Government with a request that the original Papers may be returned when no longer required.-

(Sent in No 264)

Ordered also, that Extract from these proceedings be sent to J. Haig Esqre First Judge of the Provincial Court of Circuit in the Northern Division for his information and for communication to the Magistrate of Vizagapatam for his information.-

(Sent in No 265)

J. U.-

At a Court of the Foujdaree Udalut.-

Present,

Saturday,
22d February 1840.

William Rudderston Esqre 2nd Puisne Judge.

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read letter dated the 8th Instant from the Third Judge on Circuit in the Southern Division, submitting a copy of the Madura Calendar of the 1st Sessions of 1840.-

(Here enter F. No 319 of 1840.)

Case No 3.

1. The prisoner in this case was charged with Highway Robbery and was required to find security for his future good behaviour. the Third Judge observing that it was "impossible to convict, on evidence not only contradictory in the particular instance named by the Law Officer, but abounding in discrepancies throughout."-

With reference to this remark,

2. the Court of Foujdaree Udalut are of opinion that there is not sufficient ground for the requisition of security: and the Court resolve to direct-

That

22nd February 1840— that the Bail Bonds be cancelled, and the Prisoner, if detained under the requisition - discharged out of custody -

Case No. 5 3. The prisoners in this case are convicted of Highway Robbery: but in consideration of the absence of material violence, and of the very small amount of property stolen" - the Third Judge submits his opinion "that the ends of justice will be sufficiently served by the imprisonment of the prisoners for the space of four years with hard labor in Irons" -

4 The Court of Foujdaree Udalut have frequently ruled that the principle on which the Regulations are framed, requires that the punishment of Robbery should always exceed that of Theft: and the Court resolve therefore to authorize the Third Judge to issue his Warrant to the Acting Criminal Judge for the imprisonment of the prisoners

1st Coopaun

and

2d Cungun

with hard labour in irons for (8) eight years -

The

22d February 1840—

Case No. 6— 5 The Court of Foujdaree Udalut deem it proper to call for an English Translation of the Record of this case - which the Third Judge will be pleased to submit with no greater delay than may be necessary -

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

(Sent following Precept No. 269)

Read return dated the 15th Instant from the Acting First Judge late on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 31st January 1840 - directing him to instruct the Criminal Judge of Salem to examine the European Medical officer attached to the Civil Establishments at that station on oath, touching the state of mind of the Prisoner in Case No. 17 of the Salem Calendar of the 2d Sessions of 1839 - subsequent to the 15th August 1839 —

(Here enter F.R. No. 1437 325 of 1840.)

1. It appears by the Return of the Criminal

Criminal Judge of Salem that Mr Assistant Surgeon Graham has obtained leave of absence and Mr Macfarlane who was appointed to succeed him is likewise absent on leave: and the Criminal Judge has therefore forwarded translations of depositions given on oath by the Native Dresser and Jailor respectively on the subject of the Prisoner's state of mind—

2. The Court of Foujdaree Udalut observe that the result is most unsatisfactory—

3. As remarked by the Acting First Judge these depositions vary materially from those given by the same persons on the Trial before the Court of Circuit—

4. The two witnesses may perhaps have supposed that they were required to speak to the prisoners demeanour since the Trial but they must be called upon for explanation on the subject of their discordant depositions—

5. With this view the Court resolve to send back the Record of the Trial to the Acting First Judge with instructions to issue a Precept to the Criminal Judge of Salem, directing that Officer to re-examine the said two witnesses and require them

them to reconcile their evidence last taken with that entered on the Record of the case before the Court of Circuit. The Criminal Judge will be careful to see that the witnesses are not laboring under any misapprehension as to the point to which they are required to depose—

6. The Court likewise await the testimony on oath of the European Medical Officer—

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

(Sent following Precept No 270-)

Read letter dated the 24th Ultimo from the Acting Magistrate of Cuddapah submitting an explanation called for in the proceedings of the Foujdaree Udalut under date the 13th September 1839 relative to cases Nos 185-187 and 215 on the Cuddapah Criminal Reports for the month of July last—

(Were entered F. U. No 187 of 1840-)

Read return dated the 7th Instant from—

22d February 1840.

Criminal Judge of Salem that Mr Assistant Surgeon Graham has obtained leave of absence and Mr Macfarlane who was appointed to succeed him is likewise absent on leave: and the Criminal Judge has therefore forwarded translations of depositions given on oath by the Native Dresser and Jailor respectively on the subject of the Prisoner's state of mind.—

2. The Court of Fouzdaree Udalut observes that the result is most unsatisfactory.—

3. As remarked by the Acting First Judge these depositions vary materially from those given by the same persons on the Trial before the Court of Circuit.—

4. The two witnesses may perhaps have supposed that they were required to speak to the prisoner's demeanour since the Trial but they must be called upon for explanation on the subject of their discordant depositions.—

5. With this view the Court resolve to send back the Record of the Trial to the Acting First Judge with instructions to issue a Precept to the Criminal Judge of Salem, directing that officer to re-examine the said two witnesses and require them

F. C.

22d February 1840.

them to reconcile their evidence both taken with that entered on the Record of the case before the Court of Circuit. The Criminal Judge will be careful to see that the witnesses are not laboring under any misapprehension as to the point to which they are required to depose.—

6. The Court likewise await the testimony on oath of the European Medical Officer.—

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

(Sent following Precept No 270.)

Read letter dated the 24th Ultimo from the Acting Magistrate of Cuddapah submitting an explanation called for in the proceedings of the Fouzdaree Udalut under date the 15th September 1839 relative to cases Nos 185-187 and 215 on the Cuddapah Criminal Reports for the month of July last.—

(Here enter F. C. No 187 of 1840.)

Read return dated the 7th Instant from

from the Criminal Judge of Malabar to the precept of the Foujdaree Adalut of the 28th January 1840 directing him to detain at that station 5 Prisoners of the Surree Calendar of the 2d Sessions of 1839 and should the health of these prisoners be reported by the Zilla Surgeon to suffer from the climate of Calicut, to communicate the same to the 1st Judge of the Provincial Court of Circuit who will take such notice of it as it may appear to him to require.—

(Here enter F. R. No 302 of 1840.)

Read return dated the 6th Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Adalut of the 29th January 1840 forwarding Circular Order No 116 extending the rule contained in the Circular Order No 15 dated 15th September 1834 to be observed on the occasion of a Search being made in any house &c.

(Here enter F. R. No 304 of 1840.)

Read Primary Supplemental Return dated the 8th Instant, from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Adalut of the 28th December 1839 directing them to look into cases Nos 176 and 177 of 1839 of the file of the Criminal Court of Salem and to

to pass such orders thereon as they may deem proper reporting the result to the Higher Court.—

(Here enter F. R. No 305 of 1840.)

Read Supplemental return dated the 8th Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Adalut of the 30th November 1839 directing them to look into the Proceedings in Case No 125 of the Criminal Reports of the Zillah Court of Madura for the month of October 1839 and to pass orders thereon, reporting the same to the Foujdaree Adalut.

(Here enter F. R. No 306 of 1840.)

Read letter dated the 11th Instant from the Magistrate of North Arcot submitting an explanation called for in the proceedings of the Foujdaree Adalut under date the 27th Ultimo, relative to Case No 262 on the Criminal Reports for the month of December 1839.—

(Here enter F. R. No 308 of 1840.)

Read return dated the 11th Instant from the Criminal Judge of Salem, to the precept of the Foujdaree Adalut of the 8th February 1840 conveying their observations and orders on the Criminal Reports for the month of December 1839.

(Here enter F. R. No 317 of 1840.)

Read

22nd February 1840

Read return dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Fouzdaree Udalut of the 29th January 1840 forwarding Circular Order No 1164 extending the rule contained in the Circular Order No 15 dated 15th September 1834 to be observed on the occasion of a search being made in any house &c.

(Here enter F.U. No 328 of 1840.)

Read return dated the 11th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Sudr Udalut dated 11th February 1840, desiring that they may be informed of the number of Decrees passed by himself during the last Quarter of the past years.

(Here enter F.U. No 335 of 1840.)

Read letter dated the 17th Instant from the Criminal Judge of Chittoor, submitting an Errata which he detected on reperusal of the Rough Draft of the Criminal Report for the month of January recently dispatched.

(Here enter F.U. No 356 of 1840.)

F.U.

At a Court of the Fouzdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge

Monday, 24th February 1840

William Hudleston Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

113

Read Miscellaneous Petition presented on the 11th October 1839 by Ramaylammah of the Zillah of Combaconum

(Here enter M.P. No 134 of 1839.)

1. The petitioner prays an order for the release of her brother Nulla Tumbee the 5th prisoner in Case No 5 of the Combaconum Calendar of the Second Sessions of 1836 — who, she alleges, has been detained one and a half year in confinement beyond the term of Imprisonment awarded by the Court of Circuit in that case.—

2. The Court of Fouzdaree Udalut observe that the prisoner was sentenced by the Court of Circuit to imprisonment with hard labour in Irons for fourteen years: and the sentence will expire on the 20th September 1850.—

Orders

Ordered, that the prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon her application.—

Rungappa Naiken, Palamalay Naiken and Krishnama Naiken, late Peons of the Auxiliary Court at Cuddalore, moved the Court to return the enclosures in their Miscellaneous Petition No. 10 of 1840.—

Ordered accordingly.—

Read Return dated 31st December 1839 from the Third Judge of the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 14th December 1839, directing him to submit for the Court's consideration, an English Translation of the Record of Case No. 1. on the Chittoor Primary Calendar of the Fourth Quarter Sessions of 1839.—

(Here enter F. R. No. 9 of 1840.)

Also read letter dated the 23d Ultimo from the same Officer, requesting permission to withdraw his letter of the 2d December

2nd December 1839 on the subject of the censures conveyed in the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 6th November 1839.— on their review of the Chittoor Primary and First and Second Supplemental Calendars of the fourth Quarter Sessions of 1839: and submitting another to be substituted for it.—

(Here enter F. R. No. 191 of 1840.)

Mr. Hudleston and Mr. Campbell.

1. The Court of Foujdaree Udalut permit Mr. Davis to withdraw his letter of the 2d December 1839.— and direct that it be returned to him accordingly.—

2. With reference to the remarks in parahs. 3 & 9 of the letter which Mr. Davis has substituted for that now withdrawn.— the Court of Foujdaree Udalut observe that in parah. 5 of their proceedings under date the 30th March 1839.— they remarked that they saw no reason to doubt the guilt of the prisoner in Case No. 1. of the Cuddapah Calendar of the 1st Sessions of 1839.— and were fearful that the ends of justice had been defeated

Ordered, that the Prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon her application.—

Rungappa Naiken, Palamalay Naiken and Krishnama Naiken, late Peons of the Auxiliary Court at Cuddalore, prayes the Court to return the enclosures in their Miscellaneous Petition No. 10 of 1840.—

Ordered accordingly.—

Read Return dated 31st December 1839 from the Third Judge of the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Tonjdaree Udalut under date the 14th December 1839, directing him to submit for the Court's consideration, an English Translation of the Record of Case No. 1. on the Chittoor Primary Calendar of the Fourth Quarter Sessions of 1839.—

(Here enter F. No. 9 of 1840.)

Also read letter dated the 23d Ultimo from the same Officer, requesting permission to withdraw his letter of the 2d December

2nd December 1839 on the subject of the censures conveyed in the Extract from the Proceedings of the Court of Tonjdaree Udalut under date the 6th November 1839.— on their review of the Chittoor Primary and First and Second Supplemental Calendars of the fourth Quarter Sessions of 1839: and submitting another to be substituted for it.—

(Here enter F. No. 10 of 1840.)

Mr. Hudleston and Mr. Campbell.

1. The Court of Tonjdaree Udalut permit Mr. Davis to withdraw his letter of the 2d December 1839.— and direct that it be returned to him accordingly.—

2. With reference to the remarks in paras. 3 & 9 of the letter which Mr. Davis has substituted for that now withdrawn.— the Court of Tonjdaree Udalut observe that in para. 5 of their proceedings under date the 30th March 1839.— they remarked that they saw no reason to doubt the guilt of the prisoner in Case No. 1. of the Cuddapah Calendar of the 1st Sessions of 1839.— and were fearful that the ends of justice had been defeated

defeated by the omission of the Judge on Circuit to require the further evidence forthcoming: and that observations of the like nature were applicable also to Cases Nos. 2-3-4-5 & 7 of the Calendar.-

3. In parah 19 of the same proceedings the Court observed that they saw reason to doubt the propriety of the acquittal of the accused in Case No. 26.- in parah: 23 they recorded their opinion that the Third Judge erred in directing the unconditional release of the 1st prisoners in Case No. 1 of the Supplemental Calendar: and in parah: 27 of the same proceedings the Court remarked that the omission of the Principal Sudr Ameen to forward the witnesses to prove the confession before him of the prisoner in Case No. 4 of the Cumbum Calendar was no excuse for the Presiding Judges having failed to require their attendance; and that the Court were of opinion that the manner in which the Trials had been disposed of was any thing but satisfactory.-

4. In parah: 20 of their proceedings

under

under date the 13th June 1839- the Court of Sanjeevee Udalut recorded their disapproval of the acquittal of the prisoners in Cases Nos. 33-34 and 38 of the Bellaree Calendar. 1st Sessions of 1839- and in parah. 28 of the same proceedings- their dissatisfaction at the acquittal of the accused in Case No. 51 of the Calendar.-

5. The Proceedings of the Court of Sanjeevee Udalut of the 13th May 1836- contain their remarks on the proceedings of the Third Judge of Circuit- Mr. Davies- in Cases Nos. 4 and 5 on the Cuddalore Calendar for the second Sessions of 1835; in which two persons were charged with wilful and corrupt Perjury.-

6. It must observed that the Judge of Circuit called in Court the six witnesses whose names are inserted in the Calendar and caused their depositions given before the Sessions Judge to be read to them when they acknowledged their correctness; and also the depositions of those whose names are not inserted in the Calendar, were read in Court and having

thus

thus caused to be read Depositions taken on a trial for a different offence and of other parties and treating them as evidence in these cases, the Presiding Judge dissenting from the Futwa of acquittal delivered by the Mahommedan Law Officer of the Court of Circuit - refers the Trials for the consideration and final Judgment of the Sunjdaree Udalut."

7. "On what grounds" it was added - "the Presiding Judge could deem himself so authorized in adopting a proceeding so unfair towards the accused and so obviously opposed to every principle of Justice and the plainest dictates of common sense - the Court of Sunjdaree Udalut are at a loss to conceive:" - and in consequence of this irregularity the proceedings were quashed and the cases ordered to be tried at the next Jail Delivery.-

8. In their proceedings under date the 18th July 1837 - on review of the Cuddalore Calendar for the First Sessions of 1837 - the Court of Sunjdaree Udalut recorded the grounds on which they disapproved the acquittals in

Cases

Cases Nos 3 - 6 and 14 of the Calendar - and pointed out that the Third Judge had acted directly at variance with the Circular Order of the 28th June 1827, by commencing a Trial (No 1) which, before commencing it, he had satisfied himself could not be brought to a close upon the testimony of the witnesses present.-

9. In their proceedings under date the 10th May 1837 - on the review of the Bellaree Supplemental Calendar for the 1st Sessions of 1837 - containing two cases of "Thuggee" - and of the letter of the Third Judge submitting the Records of those cases, the Court of Sunjdaree Udalut pointed out the irregularities which compelled them to declare the proceedings before the Court of Circuit "null and void" - and order the Trial of the cases at the next Jail Delivery.-

10. The Court then observed that "they are precluded from disposing of the case of the other prisoners in consequence of the defective nature and irregularity of the

proceedings

which from para: 20 of his letter the Court see reason to believe the 3d Judge labours under."

"It consists in his having noticed the three confessions - the 1st made before the Superintendant of Police at Madras - the 2d before Lieutenant Birch and the 3d before the Criminal Judge at Chittoor, as affording proof of the guilt of the 1st prisoner."

"One of these confessions was not proved, nor, as far as appears, even read at the Trial - another was given on oath and accordingly not available as evidence against the Prisoner and the 3d was recorded in a language which was unknown to the deponent, and, so far as can be judged from the evidence, the confession was not altogether voluntarily given."-

13. The neglect of the Third Judge to observe the Circular Orders of the Foujdaree Adalut of the 31st January 1814 and 31st January 1820 - relative to arraignments and Indictments for Perjury, rendered it necessary for this Court to quash the proceedings and order a new Trial at the next Jail Delivery in Case No 1 on the Chingleput

Chingleput Calendar for the 1st Sessions of 1837 and to acquit the prisoner in Case No 1. on the Chittoor 8th Supplemental Calendar of the Fourth Quarter Sessions of 1834.-

14. In their proceedings under date the 25th April 1835 upon the latter case the Court "observed with dissatisfaction" the defects in the arraignment - "It is not only informal" - they remarked - "but essentially defective - not even containing an averment that the prisoner swore falsely, or that the truth and fact were disposed to his deposition on which it was meant to assign the Perjury."-

15. And in regard to the former case the Court in their Proceedings under date the 18th July 1837 animadverted on the "reprehensible" and "wholly unaccountable" neglect on the part of the Third Judge of the said Circular Orders, which, they observed - "necessarily and absolutely vitiates the whole proceedings."-

16. In their proceedings under date the 11th May 1835 - upon Referred Trial No 3 of the Chittoor 2d Supplemental Calendar

which from paragh. 20 of his letter the Court see reason to believe the 3d Judge labours under."

"It consists in his having noticed the three confessions - the 1st made before the Superintendant of Police at Madras - the 2d before Lieutenant Birch and the 3d before the Criminal Judge at Chittoor, as affording proof of the guilt of the 1st prisoner."

"One of these confessions was not proved, nor, as far as appears, even read at the Trial - another was given on oath and accordingly not available as evidence against the Prisoner and the 3d was recorded in a language which was unknown to the deponent, and, so far as can be judged from the evidence, the confession was not altogether voluntarily given."

13. The neglect of the Third Judge to observe the Circular Orders of the Foujdaree Adalut of the 31st January 1814 and 31st January 1820 - relative to arraignments and Indictments for Perjury, rendered it necessary for this Court to quash the proceedings and order a new Trial at the next Jail Delivery in Case No. 1 on the Chingleput

Chingleput Calendar for the 1st Sessions of 1837 and to acquit the prisoner in Case No. 1. on the Chittoor 8th Supplemental Calendar of the Fourth Quarter Sessions of 1834.-

14. In their proceedings under date the 25th April 1835 upon the latter case the Court "observed with dissatisfaction" the defects in the arraignment - "It is not only informal" they remarked - "but essentially defective - not even containing an averment that the prisoner swore falsely, or that the truth and fact were opposed to his deposition on which it was meant to assign the Perjury."-

15. And in regard to the former case the Court in their Proceedings under date the 18th July 1837 animadverted on the "reprehensible" and "wholly unaccountable" neglect on the part of the Third Judge of the said Circular Orders, which, they observed - "necessarily and absolutely vitiates the whole proceedings."-

16. In their proceedings under date the 11th May 1835 upon Referred Trial No. 3 of the Chittoor 2d Supplemental Calendar

of

of the 1st Quarter Sessions of 1835- the Court of Tinjdaree Udalut recorded their opinion that the Third Judge had conducted the case "in an inefficient and unsatisfactory manner."-

17. The Court likewise pointed out that the Third Judge had omitted to take evidence to the fact of the murder charged in the arraignment- notwithstanding the Third Judge "must have been well aware" that there was "ample evidence" to that fact forthcoming.-

18. And in their proceedings under date the 10th August 1833- upon referred Trial No 2 of the Chitton 3d Supplemental Calendar of the 2d Quarter Sessions of 1833- the Court observed "that they were necessitated to direct the release of the prisoners" in that case- in consequence of Mr Davis- then Acting Second Judge- "having proceeded to trial in the absence of the Prosecutor and of there having been no evidence whatever adduced before the Court of Quarterly Sessions that the Robbery with which they are charged ever took place."-

19. There are other cases in which the Judges

Judges of the Tinjdaree Udalut have been extremely dissatisfied with Mr Davis' proceedings- to which, however, here, they do not deem it necessary to allude more particularly.-

The Court of Tinjdaree Udalut

20. observe that Mr Davis is mistaken in supposing that the circumstance of his Returns not eliciting further remarks from this Court affords evidence of those Returns being deemed satisfactory- To reply to such Returns would lead to interminable correspondence and answer no useful purpose- When a satisfactory explanation has been afforded, the Court generally acknowledge it: when nothing but an apologetic epaule has been offered- the original animadversions remain in force.-

21. Mr Davis is decidedly in error in supposing that the censures recorded in the proceedings of the Tinjdaree Udalut of the 6th November 1839- have "removed" him from any "position" he previously occupied- They were merely intended to convey to him the intimation that those who from long acquaintance with

with this proceedings were best able to form a judgment of them, were highly dissatisfied with their results.—

22. And the impression of the Court is—and they desire it may be understood to be irrespective of any recorded isolated remarks on particular Cases—that Mr. Davis does not bring to the discharge of his Judicial Duties that energy—zeal—and application which are essential qualifications of a Judge of a Provincial Court of Appeal and Circuit—and this unfavorable impression has not been weakened by the consideration that Mr. Davis, sitting alone in the Centre Provincial Court and therefore alone responsible—has recently forwarded certain Papers of which in their Proceedings under date the 27th January 1840 the Sub Sheriff observed that they have "never met with such disgraceful papers"—and recorded their "surprize and regret that any thing so discreditable should have been laid before them."—

23. The Court would have felt disposed to allow more weight to Mr. Davis's professed

professed anxiety to be relieved from the censure if he had displayed greater promptitude in this part of his proceedings—But the Court are constrained to remark that he has occupied very nearly one month in submitting a reply which to all appearance might have been furnished in twenty four hours.—

24. Should their remarks have the effect of exciting Mr. Davis to a more zealous discharge of his duties in future—the Court will not regret the time and labour which have been expended on this correspondence. It will in that case, have been beneficial to the public service—and not without advantage to Mr. Davis himself.—

25. The Court deem it proper to remark that these observations would have been communicated to Mr. Davis immediately upon the receipt of his letter—had not that document and the other papers referring to this subject been detained by the late Officiating First Judge until the eve of his embarkation for Europe.—

Ordered

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

(Sent in No. 271)

Read letter dated the 11th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division, submitting the Record in Case No. 2 on the Chicacole Calendar for the 2d Sessions of 1839.-

(Vide enter No. 339)

Present

Mr. Campbell.

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

1st Tooporoo Polundhorah

2nd Addoory Venkadoo

3d Colunky Raumoodoo

4th Colunky Gooravadoo

5th Tanaketty Skelegaudoo

and

6th Tooporoo Doovundhora

is sufficient to convict them of the crime of

J. M.

gang robbery by open violence attended with aggravating circumstances, do convict them thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831 and Clauses second and sixth Section IV Regulation XV of 1803 sentence the prisoners

1st Tooporoo Polundhorah

2nd Addoory Venkadoo

and

6th Tooporoo Doovundhora.

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 respectively; and the prisoners

3d Colunky Raumoodoo

4th Colunky Gooravadoo

and

5th Tanaketty Skelegaudoo.

to be imprisoned and kept to hard labor, in irons, on the public roads or other public

24th February 1840.

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

(Sent in No. 271)

Read letter dated the 11th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division, submitting the Record in Case No. 2 on the Chicacole Calendar for the 2d Sessions of 1839.-

(Vide enter No. 339)

Mr. Campbell.

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

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3. No.

24th February 1840.

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and the prisoners

3d Columky Raumoodoo

4th Columky Gooravadoo

and

5th Tanaskky Seelegaudoo.

to be imprisoned and kept to hard labor, in irons, on the public roads or other public

work[illegible]

works, for and during the period of 11 years respectively.—

(Sent following letter No. 272.)

Read return dated the 19th December 1839 from the Third Judge late on Circuit in the Centre Division, to the Precept of the Court of Tanjdaree Udalut under date the 20th November 1839 calling for further evidence in Case No. 52 of the Bellaree Calendar of the first Sessions of 1839.—

(Here enter F.R. No. 2112 of 1839)

1. The additional evidence called for in the Proceedings of the Tanjdaree Udalut of the 20th November last not having been yet submitted, the Court resolve to require the Third Judge to forward an English Translation of the same without further delay as directed in parah: 6 of the said Proceedings and to explain the cause of the delay in fulfilling the instructions issued to him on the subject.—

2. In parah: 9 of the same Proceedings the Third Judge was required to state whether upon

upon being directed to refer this Trial for the consideration and final judgment of the Tanjdaree Udalut, he recalled his sentence originally passed upon the 1st prisoner? and he will now be pleased to furnish a reply to that question.—

Ordered, that Extract from those proceedings be sent to the Third Judge late on Circuit in the Centre Division for Precept returnable within three days, from and after its receipt.—

(Sent following precept No. 273.)

Read Miscellaneous Petition presented on the 5th of February 1840 from Rungapa Naicken, Palamalay Naicken and Kistnama Naicken late Peons attached to the Auxiliary Court at Cuddalore.—

(Here enter M.P. No. 10 of 1840)

1. The Petitioners state their former services and represents the circumstances under which they have been removed from their situations on the establishment of the Auxiliary Court at Cuddalore.—

They

24th February 1840.

2. They pray the Court to order their restoration to their former situations.-

3. The Court of Tanjdaree Udalut do not see any sufficient ground for their interference in the case of the Petitioners - The order of the Assistant Judge seems to have been passed on sufficient grounds.-

Ordered, that the Petition be rejected and that copy of these Proceedings be furnished to the Petitioners on their application.-

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Assistant Criminal Judge in charge of the Zillah Court of Canara for the month of January 1840.-

(Here enter No. 332.)

The above Reports do not appear to call for any remark from the Court of Tanjdaree Udalut further than to express their regret at the great mortality amongst the Prisoners from Cholera during the past month.-

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

6.

F. Ub.

24th February 1840.-

Criminal Judge in charge of the Zillah Court of Canara for his information.-

(Sent in No. 274)

Read return dated the 17th instant from the Third Judge of the Provincial Court of Circuit for the Centre Division, to the Precept of the Court of Tanjdaree Udalut under date the 15th February 1840- requiring the attention of the Third Judge to this Court's Precept of the 18th January 1840- calling for an English Translation of the Record of the Case on the Eleventh Supplemental Calendar of the Chittoor Fourth Quarter Sessions of 1839- and directing him to explain why he omitted to make Return to the said Precept within the period therein fixed.-

(Here enter F. Ub. No. 355 of 1840.)

1. In explanation of the delay- the Third Judge states that in order to save the time of the Higher Court from being occupied with the perusal of Supplemental Returns he thought it would be more acceptable his deferring

deferring to make a return to their precept till the translations were prepared, and then to show the cause of the delay."-

2. The Court consider this explanation most unsatisfactory.-

3. The Court require the attention of the Third Judge to para: 3 of the Circular Order of the Tanjore Adalut of the 4th September 1820, and to the subjoined quotation from the proceedings of the Sudr Adalut under date the 4th March 1835- it being borne in mind that the Return which elicited those observations bears the signature of Mr Davis who was then sitting alone in the Provincial Court at Chittoor as Acting Second Judge of that Court.-

Sudr Adalut proceedings 4 March 1835.

4. "As it is clear from the above Return that the Provincial Court in the Centre Division entertain a mistaken view of the nature and obligation of a Precept, the Court of Sudr Adalut resolve to point out to them that to every Precept- Return must be made within the time fixed by the Precept, and that according to this Rule the Precept of the 24th December

24th December 1834 should have been returned unexecuted on the day therein specified: and the circumstances now brought to the notice of the Court of Sudr Adalut, should have been then assigned as the cause of the non-execution and so soon as the requisition of the Precept had been fully conformed to, a supplementary Return should have been made".-

5. The Court of Tanjore Adalut observe that Mr Davis can do nothing "more acceptable" to them than conform to the orders laid down for his guidance, which would effectually prevent "the time of the Court from being occupied" unnecessarily and save himself from unpleasant animadversions.-

6. Mr Davis will be pleased to make Return to the Precept of the 18th January 1840- forthwith.-

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

(Sent in No. 275)

Read

24th February 1840.-

Read the Criminal Reports for the month of January 1840 submitted by the Acting Joint Criminal Judge of Tinnevelly.-

(Here enter No. 295.)

Code No. 1. With reference to the grounds recorded for the sentence awarded against the prisoner concerned in Case No. 1, the Acting Joint Criminal Judge is informed that it is essential for the legal conviction of a prisoner under Section II Regulation IX of 1832 that the complaint before the Native Police Officer should be proved by evidence before the Criminal Court to have been false and malicious; it is not sufficient for the punishment of an individual under the enactment quoted that there could be no doubt from the investigation held before the Tahsildar "that the complaint was false and malicious" and if such only were the grounds of the sentence, the conviction of the prisoner must be quashed; but before directing this course, the Court of Tinnevelly Udalut resolve to call on the Acting Joint Criminal Judge for an explanation

Recd.

7. F.16.

24th February 1840.-

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

(Sent following precept No. 276.)

Read the Criminal Reports for the month of January 1840 submitted by the Acting Criminal Judge of Madura.

(Here enter No. 323.)

Cases Nos. 150 and 151 of 1839. 1. With reference to the Cases noted in the margin, the Acting Criminal Judge is informed that to enable the Court of Tinnevelly Udalut to judge of the propriety of a commitment before the Court of Circuit it is necessary that they should have before them a brief abstract of the evidence given before the Criminal Court; - the mere entry in the monthly Report that a commitment was ordered, "on the evidence of the witnesses for the prosecution," is altogether insufficient for this purpose.-

Cases Nos. 1 and 2. 2. The Acting Criminal Judge is directed

Rajahmundry Calendar for the 2d Sessions of 1839.-

(Here enter No. 327.)

Read return dated the 17th Instant from the Criminal Judge of Malabar, to the precept of the Sunjdaree Udalut of the 8th Instant, regarding the Criminal Reports for the Month of December 1839.-

(Here enter No. 384.)

directed to furnish the Magistrate of Madura with a copy of the explanation assigned by the Native Police Officers for the delay in forwarding the prisoners concerned in Cases Nos. 1 and 4 to the Criminal Court, and to request that Officer to report direct to the Court of Sunjdaree Udalut what notice he may have taken of the conduct of the Police in the Cases in question;- in both instances the reference made by the Police Officers to the Magistracy appears to have been unnecessary.-

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

(Sent in No. 277)

Read return dated the 12th Instant from H. Montgomerie Esqre. Acting 2d Judge late on Circuit in the Northern Division, to the precept of the Sunjdaree Udalut of the 4th Instant, conveying their observations upon the Proceedings in Case No. 3 of the Rajahmundry

F. U.-

At a Court of the Foujdaree Udalut-

Present,-

Tuesday,
25th February,
1840.-

William Rudleston Esqre — 2nd Puisne Judge-

Alexr Duncan Campbell Esqre — 3rd Puisne Judge-

Read again letter dated the 25th June 1839 from the 2nd Judge on Circuit in the Southern Division submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in case No 9 of the Salem Calendar for the 1st Sessions of 1839

(Here enter F. U. No 1049 of 1839)

Read return dated the 23d September 1839 from the 2nd Judge late on Circuit in the Southern Division, to the precp of the Foujdaree Udalut dated the 13th August 1839 calling for an English translation of the additional evidence taken in case No 9 on the Salem Calendar for the 1st Sessions of 1839.-

(Here enter F. U. No 1608 of 1839)

Read letter dated the 7 instant

instant from the Criminal Judge of Salem, re-
=porting the death of the 3d Prisoner in Case No 9 on
the Salem Calendar for the 1st Sessions of 1839
(Here enter F.R. No 283 of 1840)

Dead letter dated the 10th
instant from the 2nd Judge late on Circuit in
the Southern Division, reporting the death of
the 3rd Prisoner in Case No 7 of the Salem
Calendar 1st Sessions 1839—
(Here enter F.R. No 307 of 1840—)

Mr Studleston
and
Mr Campbell

The Court of Foujdaree Adalut having
maturely considered the Proceedings held before the Judge
on Circuit, the futwa of the Provincial Law Officers,
and the futwa of the Cazee-ool-Cazaut and Mooftees
of the Foujdarry Adalut, confirm the said futwa
of the Cazee-ool Cazaut and Mooftees aforesaid, so
far as it convicts the prisoner

2nd Baula Sarak

of the crime of wounding, and awards to him such, and
under the provisions of Clause third Section VII
Regulation XV of 1803 sentence the said prisoner

to

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

And being of opinion that the
prisoner

Palany Malay Cumden

is not convicted of the crime of wilful murder on
presumptive proof, or on the evidence of credible
witnesses, or on his own confession, notwithstanding
the futwa of their Law Officers, do acquit him thereof
and under the provisions of Clause Sixth Section
II Regulation XV of 1803 direct that he be detained
at liberty—

The prisoner

3d Kootoopillay

is reported to have died in Jail on the 6th February
1840—

1. In this trial three prisoners stand
charged with 3 distinct crimes, all committed at the
same time and place, on the 19th February 1839, at
Chengadapollium, Viz. the 1st with the murder of
Pulliah Cumden, the 2d with dangerously and
severely

Febuary 1840—

severely wounding two persons each named Croppa
Comdey; and the 3d with the murder of Velamba
Comdey.—

2. In considering the evidence in this case, and the credit to be given to it, it is necessary to advert to the fact that the event which had this fatal termination was the fifth, in a series of bitter feuds which have disturbed the village community.—

3. The first of these was the case № 105 of 1829, on the Criminal file at Salem in which the father of the 2nd prisoner in this case successfully prosecuted the 6th and 8th, and the 8 additional witnesses in this case, and two others, for giving false receipts, and false credit in the accounts, to the inhabitants for revenue, pretended to have been realized from them, which never was paid; and in which the 8 additional witness was fined 50 Rupees, and the others 15 Rupees each.—

4 The second was № 68 of 1831, tried by the Court of Circuit as № 28 on the Salem Calendar at the 1st Sessions of 1831, in which the father of the same 2nd Prisoner in this case accused the said 8th additional witness in this case, and 14 others,

others, of gang robbery and wounding; of which they were acquitted; the Circuit Judge considering it "clearly a false charge" and "most glaringly so, with regard to the alleged robbery".—

5 The third was a complaint made by the first Prisoner in this case, on the 15th April 1837 to the Sub Collector of Salem against the 8 additional witness in this case and another respecting the concealment of lands which the Tahsildar, to whom it was referred, reported to be false. But it is remarkable that this report was not made until the 11th July 1839 when the Tahsildar states that he had sent the 1st Prisoner in this case to jail for the present murder from which "there is no chance of his released."—

6. The fourth case is № 1 of 1839 in which the person accused as 3d Prisoner, in the first case, and therein fined 15 Rupees, prosecuted the first prisoner, in the present case, and three others, for stealing 9 sheep and wounding a 2d Prosecutor named Singadien son of Coomdey Comden on the 23d December 1838. The accused, in this case, were acquitted and released by the Criminal Court, who remark on their "respectable appearance

and

and their "indignant manner" in denying the charge which the accused stated was got up "at the instigation "of the Curnum of their Village, whom they had "accused of revenue embezzlement". This Court directed the Court of Circuit in the Southern Division to look into this case, and they approved of its disposal; noting that the accused attributed it "to the enmity of the 1st Prosecutor and of the "Tahsildar"

Return p. 623 F. 1839

7. The fifth case was the complaint of the second prisoner in the present case, against the first of the men murdered in this case named Nullian Coundan, the 2nd Prosecutor in this case, the 2d, 4th, 17th and 14th witnesses for the prosecution in this case, and the 3d, 5th, 17th and 8th additional witnesses in this case - and others, preferred to the Tahsildar on the 11th of February 1839, for giving robbery of Rupees 200, alleged to have been committed on the 9th of that month - It was in the arrest of the parties accused in this fifth case, under a warrant issued for the purpose, and in an attempt to rescue them

them, which succeeded, - that the affray occurred - which forms the subject of the sixth case on present trial - and it was not until the Tahsildar had sent off the complainant in this fifth case, as the 2nd prisoner in the present trial, that he examined into this alleged robbery, and reported, to the Magistracy on the 14th March 1839, that he deemed it groundless. -

8. With reference to the remark of the 2nd Judge in the 8th Parah of his letter of reference in which he records his opinion that he does not consider that the 1st Prisoner satisfactorily established an alibi by the evidence adduced in his behalf - the Court of Foujdaree Adalut observe that altho they do not perceive that a clear alibi is established in favor of the first prisoner, still the evidence appears to amount almost to that. -

9. Several of the witnesses state that the 1st prisoner was not (as he alleges in his defence) present with the Karkoons party when the 1st witness reported the affray, but had stopped behind with Danny Mauk, who however swears that

that he — and 1st prisoner were among those to whom the 1st witness made his report- and in this Remy which is supported by other witnesses —

10. That the 1st prisoner should have acted as sworn by the witnesses for the prosecution seems most improbable and the Judge in Court was it appears rather sceptical as to the truth of the depositions given by the witnesses for the prosecution. The 1st prisoner at page 61 distinctly accuses the Tahsildar of enmity and the Court are of opinion, that the five former cases of criminal prosecutions in which the two contending parties in the village have been concerned, & to prove that the 1st prisoner's complaints of frauds in the village have been stifled by the Tahsildar, and himself most unjustly sent for trial to the Criminal Court, at the instance of that Officer, and the Curnum the 8th additional witness. —

11. The Court consider that there is enough to throw much doubt on the evidence against the 1st prisoner, and that he is entitled to

his acquittal —

12. With reference to the 2nd Prisoner, the Court of Sudder Adalut are satisfied that he did - as charged - wound the 2d and 4th Prosecutors but the wounds appear to have been inflicted while the Prisoner was in charge of the 2d Prosecutor and during a rescue of him and other persons in his custody - It is also proved that he was beaten so as to be insensible —

13. The Karkoon at page 195 distinctly swears that the mob on the part of the prosecutors seemed the aggressors, and the Court observe that the wounds inflicted may have been given in self defence —

14. This fact however is not proved: and the wounds themselves are of such a nature as to prove that more than self defence was aimed at —

15. On these grounds therefore the Court resolve to sentence the 2d Prisoner to imprisonment for four years —

16. The Sudder Adalut further direct

direct that, in order to exhibit to the Magistrate in Salem the state of feud in this Village, extract from paras 1 to 7 inclusive of these Proceedings be sent to him; and that his attention be called to the adoption of measures, to prevent further misunderstanding between the parties in it.—

Ordered, that Extract of these Proceedings be sent to the 2nd Judge late on Circuit in the Southern Division for his information and guidance; with directions to communicate such parts as are required to the Magistrate of Salem.—

(Sent following letter No. 281.)

Read letter dated the 15th Instant from the Secretary to Government, bearing with reference to the Proceedings of the Tongdaree Udalut of the 5th Instant, that as Mr. Casamajor will immediately resume his duties in the Central Provincial Court, the appointment of another Officer to officiate during his absence will not be necessary.—

(Here enter F. 66 No. 361 of 1840.)

Read

Read letter dated the 13th Instant from the 1st Judge late on Circuit in the Western Division, transmitting the death warrant in case No. 1 on the Honorable additional Calendar for the 2d Sessions of 1839.—

(Here enter F. 66 No. 364 of 1840.)

Read return dated the 18th Instant from the Provincial Court of Circuit in the Central Division, to the precept of the Tongdaree Udalut of the 13th Instant, forwarding Circular Order No. 117 on the subject of issuing Blank warrants leaving a space for the name to be filled up after apprehension, of persons to be pointed out or named hereafter, by any specified individual.—

(Here enter F. 66 No. 365 of 1840.)

Read return dated the 14th Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Tongdaree Udalut of the 29th January 1840, forwarding Circular Order No. 116 extending the rule contained in the Circular Order No. 15 dated 15th September 1834, to be observed on the occasion of a search being made in any House &c.—

(Here enter F. 66 No. 366 of 1840.)

Read

direct that, in order to exhibit to the Magistrate in Salem the state of feud in this Village, extracts from paras 1 to 7 inclusive of these Proceedings be sent to him; and that his attention be called to the adoption of measures to prevent further misunderstanding between the parties in it.—

Ordered, that Extract of these Proceedings be sent to the 2nd Judge late on Circuit in the Southern Division for his information and guidance, with directions to communicate such parts as are required to the Magistrate of Salem.—

(Sent following letter No 281.)

Read letter dated the 15th Instant from the Secretary to Government, drawing attention to the Proceedings of the Tongdaree Adalut of the 5th Instant, that as Mr Casamajor will immediately resume his duties in the Central Provincial Court the appointment of another Officer to officiate during his absence will not be necessary.—

(Here enter F. 16 No 361 of 1840.)

Read letter dated the 13th Instant from the 1st Judge late on Circuit in the Western Division, transmitting the death warrant in case No 1 on the Honore additional Calendar for the 2nd Sessions of 1839.—

(Here enter F. 16 No 354 of 1840.)

Read return dated the 18th Instant from the Provincial Court of Circuit in the Central Division, to the precept of the Tongdaree Adalut of the 13th Instant, forwarding Circular Order No 117 on the Subject of issuing Blank warrants leaving a space for the name to be filled up after apprehension, of persons to be pointed out, or named hereafter, by any Specific Individual.—

(Here enter F. 16. No 363 of 1840.)

Read return dated the 14th Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Tongdaree Adalut of the 29th January 1840, forwarding Circular Order No 116 extending the rule contained in the Circular Order No 15 dated 15th September 1834 to be observed on the occasion of a search being made in any House &c.—

(Here enter F. 16 No 366 of 1840.)

Read

month of January 1840, submitted by the Principal Sudr Ameen at Honore.-

(Here enter No. 346.)

Case No. 2.

In view to the conduct of the Peishcar of Bydoor, towards the prisoner in Case No. 2 of this Report, being brought to the notice of the Magistrate of Canara, the Court of Foujdara Adalut desire that that officer be furnished by the Principal Sudr Ameen with a copy of the remarks recorded by the Acting Principal Sudr Ameen on the Case in question.-

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

(Sent in No. 288.)

Read letter dated the 20th Instant from the Criminal Judge of Malabar, submitting copies of two warrants issued by the 2d Judge on Circuit in the Western Division, and requesting the orders of the Court as to the disposal of the Prisoners sentenced to banishment.-

(Here enter No. 404)

The Court of Foujdaree Adalut direct that the prisoners

Kapadichindeagatha Iramon Koya.
and
Pamkote Melodathil Karoonagara Menon

be

removed to the Jail at Coimbatore, there to be imprisoned agreeably to the terms of their sentence.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malabar, and to the Joint Criminal Judge at Coimbatore, for their information and guidance.-

(Sent in No. 289.)

Read the Criminal Reports prescribed by section XXXV Regulation X of 1816, submitted by the Joint Criminal Judge of Trichinopoly for the Month of January 1840.-

(Here enter No. 322)

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

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

(Sent in No. 290.)

Read the Criminal Reports for the Month of January 1840, submitted by the Acting Joint Criminal Judge at Comitatore.-

(Here enter No. 348)

Case No. 5.

The Acting Joint Criminal Judge is directed to cancel the sentence passed by the Sudr Ameen upon

upon the prisoners in Case No. 5, as illegal and "contrary to
Sect. II Reg. III of 1833. "the Regulations."—

Section VIII Regulation XII of 1832. does not,
apply to the intent to poison or maliciously kill cattle, but
only to the act of poisoning or maliciously killing, maiming
or wounding:- a question might be put to the Mahommedan
Law officer, where one procures poison with the intention
of so administering it. but the charge in this report is
so excpressed as not to declare any overt act.—

Ordered, that Extract from these
proceedings be forwarded to the Acting Joint Criminal
Judge at Coimbatore for his information and guidance
by precept returnable in 6 days, from and after its
receipt.—

(Sent following Precept No. 291)

Read Letter dated the 18th instant from
the Third Judge of the Provincial Court of Circuit for the
Centre Division - submitting copies of two Letters dated
respectively the 11th and 14th instant from the Acting
Criminal Judge of Cuddalore - relative to Case No. 213 of
the Criminal File of the Zillah Court of Cuddalore
for the Months of July 1839 - the proceedings in which,
the late Acting Judge on Circuit in the Centre Division.
etc.

F.G.:

27th February 1840.

etc. James Thomas - was required by the order of the Conjeeveram
Adalut dated 15th September 1839 - to review—

(Here enter F.G.: No. 364 of 1840.)

Under the circumstances stated in the
Acting Criminal Judge's Letter of the Court of Conjeeveram
Adalut resolve to direct the Acting First Judge on
Circuit in the Centre Division (Mr. Jn: Lewin) to report
on the release of the several prisoners not committed
in Case No. 213. and likewise (in the first instance) to
look into the Proceedings in Case No. 172. instead of
the Provincial Court.—

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

(Sent following Precept No. 292)

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

(Sent in No. 293.)

The records of the trials in Case No. 3 of
the Chicacole Calendar and in Cases Nos. 7-10-11-12-15-20-22-
23-24-25-26-27-28-35-36 and 37 of the Vizagapatam Calendar
for

7th February 1840.

for the 2d Sessions of 1839 not having been submitted to the Court of Foujdaree Udalut.—

Ordered, that the 3d Judge take on Circuit in the Northern Division, now 2d Judge of the Provincial Court of Circuit in the Northern Division, be required by precept returnable within 5 days, from and after its receipt, to shew what progress has been made in the preparation of English translations of the trials in question, and to explain the cause of the great delay in referring the Trials for the final orders of the Court of Foujdara Udalut

(Sent following Precept No 294)

F. U.—

At a Court of the Foujdaree Udalut

Present,

Friday.—
28th February,
1840.—

John, Bird Esqre 1st Puisne Judge
William Hudleston Esqre 2d Puisne Judge.
Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read the Criminal Reports

prescribed by Section XXXV Regulation X of 1816

submitted by the Acting Criminal Judge of

Rajahmundry for the month of January 1840—

(Here enter No 309)

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

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

(Sent in No 294)

Read the Criminal Reports for

28th February 1840

for the month of January 1840 submitted by the Criminal Judge of Chingleput:-

(Here enter No. 333.)

Case No. 1. 1. For the future guidance of the Criminal Judge, the Court of Fouzdaree Udalut would point out that a prisoner charged with an offence of the nature described in Case No. 1. might have been punished for a fraud; - in the case in question the prisoner would appear to have obtained money from the Prosecutor under false pretences.-

Case No. 3 2. If upon further enquiry it should appear to the Criminal Judge that the evidence of the persons, who were originally sent up to the Criminal Court as the 2d, 4th, 6th and 7th prisoners in Case No. 3, is necessary for the conviction of the 1st, 2nd and 5th prisoners, who have been already committed to take their trial before the Court of Circuit, the Criminal Judge will adopt the necessary measures to ensure their attendance before the Court of Circuit in that capacity.-

Ordered, that Extract from these proceedings

28th February 1840

proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance.-

(Sent in No. 300.)

Read the Criminal Reports for the month of January 1840 submitted by the Joint Criminal Judge of Guntoor.

(Here enter No. 334.)

Case No. 40. 1. The Joint Criminal Judge is informed that the "decision" passed by him in Case No. 40. should be recorded, but the sentence not executed until the result of the Trial before the Court of Circuit be ascertained.-

Case No. 3. 2. And with reference to Case No. 3 the Joint Criminal Judge is informed that the Court of Fouzdaree Udalut will in future expect a brief abstract of the evidence given before the Auxiliary Court, instead of the entry, that, "five witnesses depose in support of the prosecution."

Ordered, that Extract from these proceedings be forwarded to the Joint

28th February 1840.

Joint Criminal Judge at Cuddalore for his information and guidance.—

(Sent in No. 301)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Masulipatam for the month of January 1840.—

(Here enter No. 347 of 1840)

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 sent to the Acting Joint Criminal Judge of Masulipatam for his information.—

(Sent in No. 302.)

Read return dated the 18th instant from the Acting Criminal Judge of Madura to the precept of the Court of Sudder Adalut under date the 8th February 1840 conveying their observations and orders on the Madura Criminal Reports for the month of December 1839.—

(Here enter F. Cl. No. 37 of 1840)

With reference to the remarks in para 2 of this Return the Court of Sudder Adalut observe that Clause sixth, Section II Regulation XI of 1822, applies to Housebreaking, and Clause fourth, Section III does not.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Madura for his information and that of the Sudr Ameen.—

(Sent in No. 303)

Read the Sirey Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Provincial Court of Circuit in the Western Division.—

(Here enter No. 386 of 1840.)

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 sent to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Principal Sudr Ameen at Sirey.—

(Sent in No. 304.)

Read return dated the 21st instant from the Provincial Court of Circuit in the Southern Division - to the precept of the Foujdaree Adalut of the 13th February 1840, forwarding Circular Order No. 117 on the subject of issuing Blank warrants leaving a space for the name to be filled up after apprehension of persons to be pointed out or named hereafter by any specified individual.-

(Here enter F. Ll. No. 394 of 1840.)

Read letter dated the 17th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, presiding at the 1st Quarterly Sessions reporting his having received the 2d. addition-al Calendar containing one Case of Murder and one Prisoner.-

(Here enter F. Ll. No. 396 of 1840.)

Read letter dated the 22d Instant from the Acting 2d Judge on Circuit in the Centre Division. - reporting his intention to open the 1st Sessions of 1840 at Bellary on the 23d March next.-

(Here enter F. Ll. No. 401 of 1840.)

Read letter dated the 21st Instant from

from the Criminal Judge of Bellary - requesting to correct an error in Case Story of the Report No. V for the month of January last, regarding the date of apprehension of the Prisoner Tommapah.-

(Here enter F. Ll. No. 402 of 1840.)

Read letter dated the 21st Instant from the Criminal Judge of Bellary - stating with reference to the Proceedings of the Foujdaree Adalut dated the 14th Instant, that an offer of pardon was made to the Prisoner Sippoo Gunda in the second form prescribed in the Circular Order of the Foujdaree Adalut under date the 3d April 1828, and the offer of pardon was accepted by the Prisoner and his evidence taken on oath.-

(Here enter F. Ll. No. 403 of 1840.)

Read letter dated the 22d Instant from the Secretary to Government - intimating that the proposition to confer Admiralty Jurisdiction on the local Courts will be again pressed on the Home authorities.-

(Here enter F. Ll. No. 416 of 1840.)

Read letter dated the 20th Instant from the Provincial Court in the Western Division - forwarding copies of the statements received from the Criminal Courts shewing the amount realized

28th February 1840—

realized by the labor of Prisoners in the last quarter of 1839.—

(Here enter F.U. № 419 of 1840—)

Read return dated the 21st Instant from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut of the 13th February 1840 forwarding Circular Order №117 on the subject of issuing Blank warrants leaving a space for the name to be filled up after apprehension of persons to be pointed out or named hereafter by any specified individual.—

(Here enter F.U. № 420 of 1840.)

Read letter dated the 20th Instant from the 3d Judge in the Western Division presiding at the 1st Quarterly Sessions of 1840 reporting his having received 3 additional Calendars containing one case of Murder and one Prisoner.—

(Here enter F.U. № 421 of 1840.)

Read letter dated the 24th Instant from the 3d Judge in Circuit in the Northern Division transmitting a Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Hellore for the 1st Sessions of 1840.

(Here enter F.U. № 428 of 1840.)

F.U.—

At a Court of the Foujdaree Udalut—

Present;

Saturday, 29th February, 1840.

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

William Rudleston Esqre. ——— 2nd Puisne Judge.—

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

Read return dated the 18th Instant from the 4th D. Judge-acting Second Judge late on Circuit in the Centre Division - to the Precept of the Court of Foujdaree Udalut under date the 16th January 1840 directing him to call upon the Magistrate of Bellaree to suggest the nature of the Reward and the amount of the Pension to be bestowed on the first witness in Case №8 of the Bellaree Calendar of the 1st Sessions of 1839 and on the families of the other Peon and the Duffadar who were killed in the execution of their duty—

(Here enter F.U. № 365 of 1840.)

In Case №8 of the Bellaree Calendar

Calendar of the First Sessions of 1839- fourteen persons were charged before the Court of Circuit" with having, in the 9th of January 1838- at a certain place called Cuttak Koolleebanchee in the Talook of Hurpunhully together with other persons to the number of thirty seven or more- all armed with swords and other weapons- attacked Dunsing- Police Duffadar- and Lutcheeram- Budda Jemaul Mahomed- Sheikh Surwur- Sheikh Mustan- Corbah Lingah and Hoosan Khan- Police Irons and others while in the execution of their duty- and at the said time and place killed the said Lutcheeram Police Iron by inflicting certain wounds on him- and at the same time and place inflicted sundry wounds on the said Duffadar Dunsing of which wounds he died on the 27th January 1838- and at the same time and place inflicted sundry wounds on the said Jemaul Mahomed- Police Iron"

2. The prisoners were further charged with having at the same time and place forcibly carried

carried away property belonging to the said Deons- and Duffadar- to the value of Rupees thirty five and annas two.-

3. It appears by the Record of the trial and other Papers- that the prisoners formed part of a gang of Robbers who have long been notorious for their depredations and outrages in the Districts of Bellarce and Canara :- and the Police Party abovementioned were sent to the neighbourhood of their supposed haunts for the express purpose of effecting their apprehension.-

4. The prisoners, with four others in Case No 46 of the same Calendar- charged with having been concerned in the same crime- were all sentenced by the Foujdaree Adalut to transportation for life- the Court not deeming the evidence adduced on the Trial- which in part consisted of the testimony of accomplices admitted to a conditional pardon- sufficient to prove that any one of the prisoners was the leader of the Gang- or to justify the selection of any one or more in particular for Capital Punishment.-

5. The Court of Foujdaree Adalut being of

of opinion that some reward of an honorary and valuable nature should be conferred on the Peon Jumaul Mahomed who bravely stood forward in the front of the fray when most of the others fled - and was severely wounded on the occasion, and that pensions should be granted to the families of the other Peon and the Duffadar of whom one was killed and the other subsequently died of the wounds he received - in the execution of his duty - they issued an order through the Acting Second Judge to the Magistrate of Bellaree of the tenor indicated in the Return now recorded -

6. The Magistrate in a communication to the Acting Second Judge under date the 14th Instant states that Jumaul Mahommed has since died - leaving a widow and children: and that the Duffadar and the other Peon who were killed have also left families as named in the margin: and he suggests "that the amounts of Pension should be the same as the pay received by the Peons who died in the execution of their duty and should be given to the widows - namely - to the widow of Jamaul Mahommed Rupees 4 - 0 - 0 - (four) per mensem) to the widow of the Duffadar Dunsing - Rupees (6) six (per mensem) and to the

Jumal Mahmd Peon
Widow - Fatimahamma
Naick Daood and
Khanjah

Duffadar - Dunsing
Widow - Polandi Boyee
Sons - Lutchmeredy -
Kistnaving
Soobran
Daughter - Adeabuyee -
Peon Lutchmeram -
Widow - Gengaboyee
Daughter Chinnaboyee
and
Gavoramboyee -

29th February 1840 widow of the Peon Lutcheeram Rupees (4 - 0 / four) (per mensem) to be continued to them for life."

7. Under the circumstances above stated - the Court of Fouzdaree Udalut beg leave to recommend to Government that Pensions to the amounts suggested by the Magistrate be granted to the families of the deceased Persons during the life time of the widows -

Ordered that Extract from these proceedings be sent to the Chief Secretary to Government to be laid before Government -

(Sent in a/c No. 305 -)

Errata -

An error having been discovered in the 15th Parah of the Proceedings of the Court of Fouzdaree Udalut of the 26th Instant which accompanied the sentence of the Fouzdaree Udalut in case Nagon the Salem Calendar for the 1st Sessions of 1839 to the effect that the Court had resolved to sentence the 2d prisoner to 4 years imprisonment instead of to imprisonment for three years, the Court of Fouzdaree Udalut resolve to direct the 2d Judge late on circuit in the Southern Division to correct the error in

the

29th February 1840.- the said transcript of Proceedings in accordance with the sentence passed on the prisoner in question.-

(Sent in No. 306.)

Read letter dated the 6th Instant - from the Acting 2d Judge on Circuit in the Centre Division transmitting copies of depositions and proceedings addressed to the Criminal Judge relative to the state of mind of the prisoner in Case No. 33 Cuddapah Calendar 1st Sessions of 1840.-

(Here enter F. R. No. 276.)

1.

On a consideration of this letter and of the communications which accompanied it- the Court of Foujdaree Udalut concur with the Acting 2nd Judge in considering the prisoner "Baskaral" a proper subject for the Lunatic Asylum and they desire that he be forwarded under proper custody to the Superintendant of Police at Madras in order to his being lodged in the Lunatic Hospital accordingly.-

2.

The prisoner will of course be accompanied by the requisite certificate of the European Medical

29th February 1840.- Medical Officer on his case.-

Ordered that Extract from these Proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 307.)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Combaconum for the month of January 1840.-

(Here enter No. 321 of 1840.)

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 sent to the Criminal Judge at Combaconum for his information.-

(Sent in No. 308.)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the officiating Joint Criminal Judge at Tinnevelly for the month of January 1840.-

(Here enter No. 340.)

The

29th February 1840

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

Ordered therefore that Extract from these proceedings be sent to the officiating Joint Criminal Judge at Tinnevelly for his information.-

(Sent in No. 309-)

Read the Criminal Reports for the month of January 1840 submitted by the Criminal Judge of Bellary.-

(Here enter No. 344.)

In future Criminal Reports the Criminal Judge will cause to be entered a brief explanation of the causes which have delayed the examination of cases forwarded to the Criminal Court; and the Criminal Judge is desired to explain why the Sudr Ameen attached to his Court has not been permitted to exercise his Criminal powers during the month under review;- by referring cases cognizable by the Sudr Ameen, to that Officer for adjudication, a larger portion of the Judges time might be devoted to the disposal of Civil suits and

29th February 1840- and arrears in the Criminal Department would also be avoided.-

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

(Sent following Precept No. 310)

Read the Criminal Reports for the months of January 1840 submitted by the Acting Joint Criminal Judge at Cuddalore.-

(Here enter No. 369.)

Case No. 126 of 1839- The Court of Foujdaree Adalut direct the Provincial Court of Circuit in the Centre Division to call for and to examine the proceedings held before the Auxiliary Court in Case No. 126 of 1839, and to proceed thereon as directed in Section XXIV Regulation X of 1816.-

Ordered that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge and to the Provincial Court of Circuit in the Centre Division for their information and guidance respectively.-

(Sent in No. 311.)

Read

27th February 1840.

Read letter dated the 13th Instant from the 3rd Judge on Circuit in the Southern Division submitting a copy of the Summerilly Calendar of the First Sessions of 1840.

(Vide enter F. H. No. 370 of 1840.)

Case No. 1.

1.

The prisoner in this case was charged with wilful and corrupt Perjury under the provisions of Regulation XI of 1811.

2.

The Court of Foujdaree Udalut observe that the averment as to materiality should have been the reverse of that given in the Indictment in the Calendar:- namely that it was material to show to the effect of the Prisoners deposition (as Prosecutor) before the Magistrate.

Ordered that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Southern Division for his information.

(Sent in No. 312)

1.

Read return dated 18th February 1840 from the Criminal Judge of Bellary to the precepts of the Court of Foujdary Udalut under date the 7th February last conveying their remarks and orders on the Bellary Criminal Reports for the month of December

29th February 1840. December 1839.

(Vide enter F. H. No. 387 of 1840.)

1.

In the above return the Criminal Judge represents with reference to the 2nd para. of the proceedings of the Court of Foujdaree Udalut "that it appeared by a letter from the Senior Deputy Register to the Foujdary Udalut to the Criminal Judge of Bellary dated 27th November 1837 that the Law officers of the Foujdary Udalut had declared that a person attempting to commit suicide was liable to the punishment of "Tasheer" and "as this is a punishment which the Criminal Court is not competent to award, and can be inflicted only by a higher tribunal, the Criminal Judge considered himself bound altho' with much reluctance to commit the prisoner for trial before the Court of Circuit."

2.

The Court of Foujdaree Udalut having referred to the draft of the letter, alluded to by the Criminal Judge, in the records of this office, observe that "Tazeer" or discretionary punishment not "Tasheer" was recorded to be the futwah declared by the Law officers in cases of attempted suicide. a finding under which it is competent for a Criminal Judge to award a punishment in accordance with the provisions of Section VII Regulation X of 1816.

Ordered

29 February 1840.

No 6 committed any fraud on the customs—

The Police Officer it appears allowed nee

2.

the Jamarinds to pass irregularly and the Prisoner
would seem merely to have omitted to pay the
duty afterwards, as he promised.—

The case, therefore, does not in the

3.

opinion of the Foujdaree Adalut fall within the
provisions of Section XXI Regulation I. of 1812,
and they resolve accordingly to set aside the sen-
tence passed by the Criminal Judge— which
sentence moreover the Court of Foujdaree Adalut
would have been disposed to consider severe had
a fraud of the nature charged been proved against
the prisoner.—

The Criminal Judge is directed

4.

in future to abstain from entering in the Criminal
Report a transcript of letters addressed by him
to the Magistracy or to the local Courts on the
subject of cases under investigation,— a brief explana-
tion of the nature of the reference is all that
is required to be entered in the Monthly Criminal
Report.—

The Criminal Judge is directed

to

Case No 14.— 5

1 February 1840.

Ordered that a Track from these
proceedings be sent to the Criminal Judge of
Bellary for his information and future guidance.—

(Sent in No 313)

Read the Criminal Reports
for the month of January 1840 submitted by the
Criminal Judge of Vizagapatam.—

(Here enter No 357.—)

Case No 129.—

Should there be no immediate
prospect of the attendance of the witnesses required in
Case No 129, the prisoners concerned therein must be
set at liberty.— they have already been detained before
the Criminal Court since the 17th July 1839.—

Ordered that a Track from these proceed-
-ings be forwarded to the Criminal Judge of Vizagapa-
-tam for his information and guidance.—

(Sent in No 314)

Read the Criminal Reports for the
month of January 1840 submitted by the Criminal
Judge of Salem.—

(Here enter No 389.—)

Case No 6. 1

It does not appear to the Court of
Foujdaree Adalut that the prisoner concerned in Case

No

to request the Magistrate of Salem to report direct to the Court of Foujdaree Adalut the result of his enquiries into the alleged ill-treatment by the Police Peons of the prisoner and of the Prosecutrix in Case No. 14 of the Report—No. 5.—

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

(Sent in No. 315.)

Read the Criminal Reports for the month of January 1840 submitted by the Criminal Judge of Malabar.—

(Here enter No. 391.)

Case No. 232 of 1839. 1. The Court of Foujdaree Adalut conclude that previous to the commitment of the 4th prisoner in Case No. 232, the Witnesses in the previous Cases Nos. 180 and 192 which "implicated" this 4th Prisoner, were re-examined by the Assistant Criminal Judge; but on this point they desire explanation.—

Cases Nos. 6 & 7. 2. The detention of the prisoners concerned in Cases Nos. 6 and 7, for ten days in the Talook, was occasioned it appears by a reference having

having been made by the Police Officer to the Magistrate; if sufficient grounds for such reference did not exist, the Court of Foujdaree Adalut desire that they may be informed what notice was taken by the Magistrate of the conduct of the Head of Police of the Kooroombenaad Talook; and for this purpose the Criminal Judge will furnish the Magistrate of Malabar with an extract from the Criminal Report and of these proceedings.—

A similar explanation is required

Cases Nos. 8 and 18.— 3. from the Magistrate of Malabar in respect to the reason assigned for the detention in the Talook of the prisoners concerned in Cases Nos. 8 and 18.—

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

(Sent following Receipt 316)

Read the Criminal Reports for the months of January 1840 submitted by the

the Principal Sudr Ameen of Itchapoor-

(Here enter No. 392.-)

The Reports themselves do not call for any remark from the Court of Tongdaree Adalut, but the Principal Sudr Ameen having reported that the delay in submitting the statments has been occasioned by the inefficiency of the establish-ment, and from its having been found impracticable to procure at Itchapore a person qualified to fill the situation of Head Writer. the Court of Tongdaree Adalut desire that the Principal Sudr Ameen be instructed to apply to the Judge of Vizagapatam, or to the Collector of Ganjam, to aid him in obtaining the services of duly qualified persons.-

Ordered that extract from these proceedings be forwarded to the Principal Sudr Ameen at Itchapoor for his information and guidance.-

(Sent in No. 317)

Read Return dated the 19th and Supplemental Return dated the 25th Instant from the

the Provincial Court of Circuit for the Southern Division to the Precept of the Court of Tongdaree Adalut under date the 28th January 1840- directing them to instruct the Criminal Judge of Salem - with reference to their letter of the 14th January 1840. to call upon the friends of Ringanand on the prisoner in Case No. 26 of the Salem Calendar of the 2nd Sessions of 1832 - to state if they will agree to take care of him; and report the result to the Tongdaree Adalut.-

(Here enter F. H. Nos. 380 and 395 of 1840.-)

1. In their supplemental Return of the 25th Instant. the Provincial Court of Circuit certify "that the Criminal Judge of Salem has reported that the said prisoner has no relations and that no friends have been found willing to take charge of him.-"

2. The Court of Tongdaree Adalut adverting to the opinion recorded under date the 4th January 1840- by a Mr. Assistant Surgeon Graham that "it may reasonably be expected that he (the prisoner) might be relieved from confinement, without danger to the community," - resolve now to

29th February 1840.

to authorize the liberation of the said Prisoner; and the Provincial Court will be pleased to issue the requisite instructions to that effect to the Criminal Judge of Salem.—

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

(Sent in Lr. No. 318)

Read return dated the 18th and Supplemental Return dated the 22nd Instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 5th February 1840 directing them to submit immediately the Quarterly Criminal Statements for the Half year ending the 30th June 1839 and to explain the cause of the great delay in transmitting those Statements to the Foujdaree Udalut.

(Here enter F.R. Nos. 372 and 377 of 1840.)

1.

In their return of the 18th Instant the Provincial Court certified "that no Statement has

F.R.

29th February 1840.

has yet been received from the Magistrate of Cuddapah although he was called upon to forward the same without delay; and that the transmission of the other Statements has been delayed owing to the non-receipt of the Statement from the latter officer" &c.

With their Supplemental Return

2.

of the 22nd Instant the Provincial Court forward the Statements from the Magistrate of Cuddapah which they observe "appear to have been received from that officer on the 23d September last": and they "express their great regret that they should have been misled by the late Acting Record Keeper, and have only just been discovered among the old Records by his successor."—

The Court of Foujdaree Udalut

3.

consider these Proceedings of the Provincial Court exceedingly unsatisfactory, and the alleged excuse utterly insufficient and invalid.—

In their Circular order of the

4.

15th June 1835 No. 14 the Court of Sudr Udalut called the particular attention of the Provincial

Court to

Courts to the importance of an early preparation and transmission of the Half yearly Civil and Criminal Reports - and intimated their expectation "that due means will be employed by the Provincial Courts for securing at all times the punctual transmission of the half yearly Statements, within one Month from the close of the half year -

It is impossible that the Provincial Court of Circuit for the Centre Division could have paid any attention whatever to that order - for had they done so - the Record Keeper could not have had an opportunity of "mislaying" the Statements in question which would have been sent up without delay; and either Mr. Davis - when he certified in his Return of the 8th Instant that the Statements for Cuddapah had not been forwarded by the Magistrate - must have hazarded that remark without first taking the trouble to assure himself of its correctness: - or - the business of the Provincial Court must be conducted in a very inefficient

F. C.

29th February 1840.

inefficient manner - if they have no means of ascertaining whether certain papers - required for a particular object - have or have not been received. -

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

(Sent in No. 319)

Read letter dated the 24th Instant from the Judge on Circuit in the Northern Division - reporting the opening of the 1st Sessions of 1840 at Guntoor on the 24th Instant and the state of the Calendar. -

(Here enter F.C. No. 429 of 1840.)

Ed 8th

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inefficient manner - if they have no means of ascertaining whether certain papers required for a particular object - have or have not been received -

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

(Sent in No. 319)

Read Letter dated the 24th Instant from the 3d Judge on Circuit in the Southern Division - reporting the opening of the 1st Sessions of 1840 at Guntoor on the 24th Instant and the state of the Calendar -

(Here enter F.H. No. 429 of 1840.)

F. 116.

At a Court of the Foujdaree Udalut.

Present,

Monday, 2nd March 1840.

John Bird Esqre ——— 1st Puisne Judge,
William Hudleston Esquire — 2nd Puisne Judge,
Alexr. Duncan Campbell Esqre 3rd Puisne Judge,

Read again Miscellaneous Petition presented on the 28th of October 1839 by Uppa Pillay of the Zilla of Combaconum praying for an order for the release of his brother Aroomachella Pillay the first prisoner in Case No. 11. of the Combaconum Calendar of the 2d Sessions of 1839, which case was sent back by the acting 1st Judge on Circuit in the Southern Division to the Criminal Judge to be disposed of.

(Here enter M. P. No. 112 of 1839.)

Read also return and Supplemental return dated respectively the 19th December and the 8th of February ensuing from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 23d November 1839 directing them to call for the Proceedings in Case No. 11 on the Combaconum Calendar for the 2d Sessions of 1839 and submit a report on it for the consideration of the Foujdaree Udalut.

(Here enter F. U. Nos. 2143 of 1839 & 278 of 1840.)

With the Supplemental return the Provincial Court submit copies of the minutes of the acting 1st and 2d Judges of the Provincial Court in which those

those Officers record opposite opinions regarding the nature of the offence committed by the Prisoners in Case No. 11 on the Combaconum Calendar, and the amount of punishment to which they are inconsequence subject. The Acting 1st Judge regards the case in the light of a breach of the peace, attended with an unwarrantable abduction of grain in opposition to the orders and authority of the Magistrate, and is of opinion that it should, if deemed to call for a severer punishment than the aforesaid Officer is authorized to inflict, be dealt with, as he formerly concluded by the Criminal Judge, under Section VII Regulation X of 1816.

2. The 2d Judge considers the crime charged against the prisoners as of a more serious character than that noticed by the Acting 1st Judge and having for many years had local experience of the various similar acts of violence committed by claimants of disputed lands and crops in the province of Tanjore, he is of opinion that very severe measures should be resorted to for the punishment of such parties as may be convicted of these frequent violent breaches of the peace and aggravated cases of assault attended with the seizure of grain.

3. In the present instance the 2d Judge observes that from all the circumstances of the Case there is

reason to believe that the most violent and unwarrantable measures were resorted to in order to obtain possession of the grain and considering the large amount value of the grain sworn to have been made away with, he is of opinion that the Marauders should be severely dealt with upon their conviction.

4. The object of the Court of Tanjore Adalut in calling on the Provincial Court for a report on this case was to ascertain what had been done under the order of the Judge on Circuit dated 3d of October 1839.

5. The Minutes of the Judges of the Provincial Court treat the Case as if not yet disposed of by the Criminal Court.

6. In the Criminal Reports for the month of October it is stated that the prisoners have been sentenced to 3. months imprisonment with hard labor in irons and the first prisoner to pay a fine of 20 Rupees to Government and the other prisoners a fine of 10 Rupees each in default of which they are to be imprisoned for three months more.

7. The Court observe that the prisoners having been put to hard labor in irons by sentence of the Criminal Judge cannot be brought to trial again.

8. With reference to the 1st prisoner in this

this case in which behalf the petition above recorded was presented. The Court of Fouzdaree Udalut see no reason to doubt the propriety of his conviction and the Sentence passed upon him by the Criminal Judge of Combaconum and they therefore decline to interfere in his behalf in the manner prayed for.

9. Petitions of this nature should be addressed in the first instance to the Provincial Court of Circuit.

Ordered, that Extract from these Proceedings (Paras 1 to 7 inclusive) be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent in No. 328)

The Court further direct that Petition No. 142 of 1839 be rejected, and that copy of paras 8 & 9. be furnished to the Petitioner on his application.

Read again letter dated the 11th January 1840, from the acting 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record in Case No. 1. on the Masulipatam 4th Quarterly Sessions of 1839.

(Here enter No. 91.)

The Court of Fouzdaree Udalut,

on

Mr. Bird
Mr. Hudleston, and
Mr. Campbell.

F. H.
2nd March 1840.

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

Vamoola Boduvayah

is sufficient to convict him of the crime of murder, do, under the authority with which they are vested, by Clause first, Section II. Regulation I of 1818, convict him thereof, and under the provisions of Section X. Regulation VIII. of 1802, sentence the said prisoner to suffer death, by being hanged, at the usual time and place of execution.

(Sent following letter No. 329)

Read letter dated the 10th Ultimo, from the Acting 2nd Judge on Circuit in the Centre Division.

(Here enter F. H. No. 311 of 1840.)

1. The acting 2nd Judge refers for the opinion of the Court of Fouzdaree Udalut the question as "whether in the event of deliberate perjury appearing before a Judge on Circuit, he has any discretion in committing or not committing the guilty party."

2. It appears to the Court of Fouzdaree Udalut that the intention of Section VI. Regulation VI. of 181 is that all persons committing "wilful perjury" should be brought to trial and punished.

3. If an exception were to be made

in

passed upon the 1st and 3d prisoners the Court of Fouj-
-dacee Adalut conclude that a simple theft only to the
extent of Rupees 210. was proved against those prisoners
but as "breaking" was charged in the indictment, a note
See C.O. 4th July 1826. to that effect should have been entered in the Criminal
Report, and explanation of the crime actually proved
against the prisoners is now required to be submitted
to the Court of Foujdaree Adalut by the acting Criminal
Judge.

2. Referring to the 1st Case Entered in the
Supplemental Report and numbered as Case No. 1.
of 1839, the Court of Foujdaree Adalut desire to be
informed of the date of the re-apprehension of the prisoners
under the orders of the Court of Foujdaree Adalut of the
23d July 1839.

3. The Court of Foujdaree Adalut
desire the acting Criminal Judge will explain why the
Case No. 46 of the Cuddapah Calendar for the 2nd
Sessions of 1839, has not been entered in the Extra Report
or in the Report No. IX as a case under reference
to the Court of Foujdaree Adalut.

Ordered, that Extract from these
Proceedings be forwarded to the acting Criminal Judge
of Cuddapah for his information and guidance by
precept

in the case of prosecutors their evidence would no longer
be given under the same security for veracity as that
of other persons, and the evidence of prosecutors is by
the Madras Regulations, one of equal force with that
of other deponents.

4. The Court do not perceive the force
of the remark in para 10 of the acting 2d Judge's letter
that if the Prosecutor in this case were punished, the
Example would operate in deterring other prosecutors
from coming forward, without having the effect of prevent-
-ing future perjury on their part.

5. It appears to the Court that the same
thing may be said to result as to all witnesses when
a witness is punished for Perjury.

Ordered that Extract from these Pro-
-ceedings be sent to the acting 2d Judge on Circuit in the
Centre Division for his information.

(Sent in No. 330.)

Read the Reports for the month of
January 1840 submitted by the acting Criminal Judge
of Cuddapah.

(Here enter No. 358.)

From the provisions of the Code quoted
by the acting Criminal Judge as authority for the Sentence

passed

precept returnable in 5. days from and after its receipt.

(Sent following Precept No. 331.)

Read Return dated the 26th. ultimo from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Tonjdaree Udalut under date the 24th. February 1840. directing him to make Return to that part of the Precept of the Tonjdaree Udalut of the 20th. November 1839. which required him to state whether upon being directed to refer Case No. 52 of the Bellaree Calendar of the First Sessions of 1839. for this Courts' consideration and final judgment he recalled his Sentence originally passed upon the first prisoner.

(Here enter F.H. No. 426 of 1840.)

1. The Acting 2d. Judge in the Return now recorded, states that in his Return of the 19th. December last he "certified that the Sentence originally passed on the first prisoner was recalled."

2. The Acting 2d. Judge in the Return in question stated "that a copy of Paras: 1. 2. 3. 4. 5. and 6." of the proceedings of the Tonjdaree Udalut of the 20th. November 1839. "has been sent to the Criminal Judge of Bellary for his information and guidance and the Sentence originally

F.H.
2d. March 1840.

originally passed on the first prisoner in the case recalled."

3. This was no answer to the requisition of the Court for information as to whether the said Sentence was recalled - as it ought to have been - immediately upon the receipt of their order to refer the Trial "for their final judgment" and the Court resolve now peremptorily to instruct the Acting 2d. Judge to submit an immediate reply to that question.

4. The tenor of the Returns hitherto made by the Acting 2d. Judge leads the Court to believe that he did not recall the Sentence until specially required to do so - and if the Courts impression on this point be correct - it behoved Mr. Davis to avow the fact.

5. In the 6th. para: of their proceedings of the 20th. November 1839 the Court of Tonjdaree Udalut observe that the Acting Judge of Circuit was incorrectly written for third Judge of Circuit, but from the whole tenor of those proceedings, and from the circumstance of the precept having been specially addressed to the Third Judge, Mr. Davis might have inferred that the duty of submitting the further evidence required properly devolved upon him.

Ordered, that Extract from these Proceedings be sent to the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division by

Precept

Precept returnable within twenty four hours from and after its receipt.

Ex 7th.

(Sent following Precept No. 332.)

Read the Criminal Reports for the Month of January 1840 Submitted by the Acting Joint Criminal Judge at Tellicherry.

(Here enter No. 409.)

Case No. 19. 1. The Court of Fouzdaree Udalut confirm the Sentence passed upon the Prisoner in Case No. 19. convicted of Stealing eggs from his Master to the value of "one quarter of a Rupee and twelve Peas", to be punishable with Stripes, and accordingly they resolve to remit the corporal punishment awarded by the Acting Joint Criminal Judge - if the Stripes have not been already inflicted -

2. Many of the Charges entered in this Report would appear to have been transcribed from the Reports addressed to the Criminal Court by the Native Officers of Police, without any revision by the Acting Joint Criminal Judge; that Officer is accordingly informed that it is his particular duty as Explained in the Circular Order of the 31st January 1814 to revise all charges incorrectly or unintelligibly

2d March 1840.

unintelligibly framed by the Police or by the Magistracy.

Ordered that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Tellicherry for his information and guidance by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 333.)

At a Court of the Sanjidarree Adalut

Present

John Bird Esqre —— 1st Puisne Judge

William Rudleston Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

Tuesday
3d March 1840.

Read letter dated the 13th Ultimo from the Third Judge on Circuit in the Southern Division, transmitting the record in Case No 9 on the Madura Calendar for the 1st Sessions of 1840.—

(Here enter No 371.)

Mr Bird and Mr Campbell.

The Court of Sanjidarree 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 Ramatavan alias Ramasamy Sharoogar is sufficient to convict him of the crime charged, do convict him thereof, and sentence him to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for

for and during the period of his natural life.-

(Sent following letter No. 335.)

Read return dated the 1st Ultimo from the Officer Commanding at Vizagapatam of the Convicts in the Jail at Vizagapatam for the Month of January 1840.-

(Here enter No. 434.)

Read letter dated the 24th Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division, reporting his having received a Fourth Additional Calendar containing one Case of Wounding and one Prisoner.-

(Here Enter No. 440.)

Read letter dated the 28th Ultimo from the Second Judge late on Circuit in the Southern Division, pointing out an error in para: 15 of the Proceedings of the Zillah Adalut of the 25th Ultimo.-

(Here enter No. 441.)

F. W.

At a Court of the Zillah Adalut.-

Present.

Wednesday, 4th March, 1840.-

John Bird Esqre _____ 1st Puisne Judge.-

William Rudleston Esqre 2d Puisne Judge.-

Alexr Duncan Campbell Esqre 3d Puisne Judge.-

Read letter dated 2d November 1839 from the 2nd Judge late on Circuit in the Northern Division, transmitting for the consideration and final sentence of the Court of Zillah Adalut the record of the trial in Case No. 8 on the Vizagapatam Calendar for the 4th Sessions of 1839.-

(Here enter F. W. No. 1829 of 1839.)

Read also letter dated 2nd November 1839 from the 2nd Judge stating with reference to his letter above recorded, that as the 1st prisoner in the case therewith transmitted requested that the record of Criminal Case No. 108 of the Vizagapatam Criminal Court's file of 1837 might be perused and considered in his defence; he has ordered that record to be translated and will forward it with the trash

least practicable delay, and that he has also called on the Acting Joint Criminal Judge of Vizagapatam for the original returns received to the process which was issued by the Joint Criminal Judge for procuring the attendance of the Nasalakee who accompanied the Talanqueen of the late Serishtadar Appaiah Puntooloo on the evening of the 6th of March 1837, and will submit copies or certified translations of the same as soon as they are received.—

(Here enter F. C. No 183 of 1839.)

Read letter dated the 2nd December 1839 from the 2nd Judge late on Circuit in the Northern Division, transmitting with reference to the foregoing letter translation of the record of the Criminal Case No 8 of 1837 on the file of the Joint Criminal Court at Vizagapatam together with copies of an Extract from the Proceedings of the Court of Circuit for the 1st Sessions of 1839 in Case No 8 on the Primary Calendar and of the returns thereto received from the Acting Joint Criminal Judge with translations of their accompaniments.—

(Here enter F. C. No 2030 of 1839.)

Read return dated the 27th December 1839

The Honorable
Mr Bird.
Mr Hudleston
and
Mr Campbell—

1839 from the 2nd Judge late on Circuit in the Northern Division, to the precept of the Court of Foujdaree Adalut of the 23d November, calling on him to obtain and transmit the original declarations of the 9th Prisoner Addapah Cunnah in Case No 8 on the Vizagapatam Primary Calendar for the 1st Sessions of 1839 before the Head Assistant & Magistrate on the 22nd November 1838.—

(Here enter F. C. No 1 of 1840.)

The Court of Foujdaree Adalut having attentively considered the proceedings held before the Judge on Circuit, the futwa of the Principal Law Officer, and the futwa of the Cazee-ool-Cozaat and Mooftees of the Foujdaree Adalut, confirm such part of the said futwa of the Cazee-ool-Cozaat and Mooftees aforesaid, as acquits the prisoners—

2nd Makanpantroomy Appalaranze

and

8th Poolla Venkapah,

and they do acquit them accordingly, but being of opinion that strong suspicion, though not amounting

to

4th March 1840.

to conviction, attaches to the said prisoners, the Court of Foujdary Uddalut, under the provisions of Clause 3rd Section II Regulation XV of 1803, direct, that the said prisoners be required to find two sureties in Rupees 500/ five hundred each surety, for their good behaviour and appearance respectively when required within three years, or, in default thereof, that they be detained for three years in confinement. The Court of Foujdaree Uddalut also confirm such part of the foregoing futwa as convicts the prisoners

3. Tollala Reddoobogandoo.
4. Gmdreddy Sumeacy.
5. Grangy Venkatoogandoo.
6. Mundasy Appayah
7. Addapilly Chinnyah
9. Adapah Cunniah

and

10. Gaurungy Mullaiah.

and awards Corroboot, and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the said prisoners to be transported to such place or places, beyond Sea, as the Governor in

J. H.

4th March 1840.

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 respectively. and the Court being of opinion that the proof against the prisoner

1st Robba Reedoah.

is sufficient to convict him of the crime charged, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and, under the provisions of Section XVII Regulation VIII of 1802, sentence the said prisoner to suffer death by being hanged, as soon as conveniently can be after the receipt of this warrant, at a spot, to be selected by the Criminal Judge of Vizagapatam, in the immediate vicinity of the spot where the murder was committed, and his body to be subsequently suspended in chains on a high gibbet, to be erected on the said spot.

Certificate

4th March 1840.

L. S.

Certificate of Pardon.

to

Gangy Atchiah

Rajuna Goroovoloo

Tangaty Vencummah

Rajumah Summadoo

and

Mullarapa Dorrapah

Whereas under date the 8th of January 1839. the Court of Foujdary Udalut were pleased to authorize the Magistrate in the Zillah of Vizagapatam to tender an offer of pardon to Gangy Atchiah, Rajuna Goroovvoloo, Tangaty Vencummah, Rajumma Summadoo and Mullarapoo Dorapiah on condition of each and all of them making a full disclosure of every circumstance within their knowledge respectively relative to the murder of the late Appiah Pantooloo. Serishtadar to the Collector of Vizagapatam at the village of Chodaveram in the

4th March 1840.

Talook of the same name in the Vizagapatam District, within the jurisdiction of the Joint Criminal Court of Vizagapatam at about nine o'clock on the evening of the 6th of March 1837.-

And whereas the Court of Foujdary Udalut 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 Foujdary Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm to each and all the pardon conditionally tendered as aforesaid to the said

Gangy Atchiah

Rajuma Goroovvoloo

Tangaty Vencummah.

Rajumah Summadoo

and

Mallarapoo Dorapah.

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

4th March 1840-

L. S.

Certificate of Pardon-
to
Gangy Atchiah
Rajana Gooroovaloo
Tangaty Vencummah
Rajumnah Immmadoo
and
Mullarapa Dorapah

Whereas under date the 8th of January 1839- the Court of Fouydary Udalut were pleased to authorize the Magistrate in the Zillah of Vizagapatam to tender an offer of pardon to Gangy atchiah, Rajana Gooroovvaloo, Tangaty Vencummah, Rajumna Immmadoo and Mullarapoo Dorapiah on condition of each and all of them making a full disclosure of every circumstance within their knowledge respectively relative to the murder of the late Appiah Pantooloo. Serishtadar to the Collector of Vizagapatam at the village of Chodaveram in the

4th March 1840- the Talook of the same name in the Vizagapatam District, within the jurisdiction of the Joint Criminal Court of Vizagapatam at about nine o'clock on the evening of the 6th of March 1837-

And whereas the Court of Fouydary Udalut 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 Fouydary Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm to each and all the pardon conditionally tendered as aforesaid to the said

Gangy Atchiah
Rajumna Gooroovvooloo
Tangaty Vencummah
Rajumnah Immmadoo
and
Mallarapoo Dorapah

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

4th March 1840.—

Seal of the Court this 4th day of March in the Year of Our Lord One thousand eight hundred and forty.—

(Signed) T. Clarke—

Ft. Jst. to the Registr.

(Sent following letter No 836.)

1. In this case ten prisoners stand charged with the murder of Appiah Head Sirishtadar to the Collecton of Vizagapatam on the 6th March 1837.—

2. In the opinion of the Court of Foujdaree Udalut the 3d 4th 5th 6th 7th 9th and 10th prisoners are clearly convicted on their own confessions before the Head Assistant Magistrate, as principals in the second degree.—

3. The conclusion the Court have arrived at after mature consideration of the record is that the deceased met his death at the hands of Basavandorah and Surrayyan Ramoodoo neither of whom is a prisoner in this case, the first being dead and the latter not apprehended.—

4. The 1st 2nd 3d 7th 8th and 9th witnesses in

4th March 1840.— in this case are all implicated more or less in the crime, and the Court cannot regard any point as proved which rests exclusively on their uncorroborated testimony.—

5. For this reason the Court are unable to convict the 9th prisoner of actually stabbing the deceased.—

6. With reference however to the first prisoner, the Court are of opinion that the evidence of the accomplices is corroborated, not only as regards the circumstances attending the murder, but likewise in respect to his identity by evidence which is entitled to credit.— and that his case falls within the scope of Section XVII Regulation VIII 1802.—

7. The testimony given by the accomplices tho' not consistent in every particular, is in the opinion of the Court unquestionably true in several important main points, and is corroborated as to the general circumstances of the crime, by the fresh burn visible on the face of the deceased Basavandorah, as stated by the inquest held on it, and by that and the wound of the 5th prisoner, spoken to by both the 4th 5th and 11th witnesses by the concealment

concealment of Basvandorah, spoken to by the 10th witness, by his confession to the 11th witness and by the nature of the wounds on Appiah and the circumstance of the corpse being found with all its valuables & a large amount upon it.-

8. The Court consider also the evidence of the 4th, 6th, 10th and 11th witnesses to be of great weight in support of the charge against the 1st & identify Prisoners and in confirmation of the evidence given by the other witnesses before mentioned.-

9. It has been clearly proved that on the day of the murder, the 1st Prisoner was in the house of the eighth prisoner and the evidence of the deceased 6th witness went to shew (p. 233) that the 1st prisoner was lodging at the 8th prisoner's house, and that he the 6th witness conducted Basvandorah to that house.-

10. The 10th witness proves that the leader of the gang and the 1st prisoner were in secret conference almost immediately before the murder on the evening when it took place.-

11. The eleventh witness proves a secret conference

conference under suspicious circumstances which took place between the 1st prisoner and Basvandorah, a few days previous to the perpetration of the murder by him and his gang.-

12. There are other circumstances corroborative of the truth of the charge against the 1st Prisoner, and, taking the evidence altogether it appears to the Court, not only that there can be no doubt of the guilt of the 1st prisoner, but also that the proof is amply sufficient for his conviction.-

13. With this view of the case, the Court have deemed it their duty to pass on the 1st prisoner the sentence recommended by the 2nd Judge late on Circuit.-

14. The Court cannot rely on the evidence to the document A. having been written by the 2nd prisoner, and observe that it is written on paper, not on Cadjan; on which account they are not satisfied that it is the Cadjan letter delivered by the 9th witness as the Circuit Judge supposes on the contrary, the 4th witness who recognizes it as shewn to him by Basvandorah after the murder, says that Basvandorah declared he had himself received it.

at

4th March 1840.

at Gradina direct from the 1st prisoner's own hand (76 D.), before the Circuit Court he says from the 1st and 2nd Prisoners at Chodaveram (233 D.) and before the Circuit Court he does not state from whence he received it (D. 490.)—

15. This document is proved by the 5th witness to have been found in the effects of the late Baswandorah, and there is evidence that it is in the 2nd prisoners hand writing.—

16. Upon this last point the evidence appears to the Court unsatisfactory.—

17. With reference to the 2nd prisoner the Court observe that though the evidence of the 2nd and 3rd witnesses implicates in the crime themselves bears as strongly against him as against the 1st prisoner, still as regards the 2nd Prisoner it stands alone, and is decidedly opposed by the testimony of the 10th witness, who speaks distinctly to his absence, at the time when the 1st prisoner was in secret consultation with Baswandorah, just before the murder was committed.—

18. The Court are further of opinion that

7. J. U.

4th March 1840.

that the 2nd Prisoner is not implicated in the payment of the money which is proved to have been received by Baswandorah, and they consider that it would be dangerous to convict him merely on the evidence of the accomplices. The Court are however of opinion that there are strong grounds of suspicion against the 2nd as well as the 8th Prisoner, and they have therefore held them both to security.—

19. In the consideration of this trial, the attention of the Court of Foujdaree Adalut has been forcibly attracted to certain proceedings of the Magistracy which demand their notice.—

20. It is observed (D. 471) that the Magistracy in a manner not only illegal, but open to the most obvious objection, instead of themselves taking evidence on oath as to this crime, deputed an Assistant Moonshee (D. 612) and a person who styles himself the Magistrates Manager who in September 1837 took from the present 8th Prisoner and the 2nd 3rd 6th and 9th witnesses, the depositions given in the record from page 416 to 433.—

Such

at Madina direct from the 1st prisoner's own hand (76 D.) before the Circuit Court he says from the 1st and 2nd Prisoners at Chedaveram (233 D.) and before the Circuit Court he does not state from whence he received it (D. 490.)—

15 This document is proved by the 5th witness to have been found in the effects of the late Basvandorah, and there is evidence that it is in the 2nd prisoner's hand writing.—

16. Upon this last point the evidence appears to the Court unsatisfactory.—

17. With reference to the 2nd prisoner the Court observe that though the evidence of the 2nd and 3d witnesses implicated in the crime themselves bears as strongly against him as against the 1st prisoner, still as regards the 2nd Prisoner it stands alone, and is decidedly opposed by the testimony of the 10th witness, who speaks distinctly to his absence, at the time when the 1st prisoner was in secret consultation with Basvandorah, just before the murder was committed.—

18. The Court are further of opinion that

that the 2nd Prisoner is not implicated in the payment of the money which is proved to have been received by Basvandorah, and they consider that it would be dangerous to convict him merely on the evidence of the accomplices. The Court are however of opinion that there are strong grounds of suspicion against the 2nd as well as the 8th Prisoner and they have therefore held them both to security.—

19. — In the consideration of this trial, the attention of the Court of Foujdaree Adalut has been forcibly attracted to certain proceedings of the Magistracy which demand their notice.—

20. It is observed (D. 471) that the Magistracy in a manner not only illegal, but open to the most obvious objection, instead of themselves taking evidence on oath as to this crime, deputed an Assistant Moonshee (D. 612) and a person who styles himself the Magistrates Manager who in September 1837 took from the present 8th Prisoner and the 2nd 3rd 6th and 9th witnesses, the depositions given in the record from page 416 to 433.—

Such

21. Such persons had no lawful authority to take these examinations, which are therefore considered totally inadmissible, and the Court observe that this is another instance of the irregular proceedings which have characterized the official conduct of the Magistrate of Vizagapatam, and lately called for their animadversion.—

22. It appears also from the 17th Page of the record that the Magistrate, without following out the clue which had been obtained from the Evidence so irregularly procured, remained ignorant of any further circumstances of this murder till the months of September 1838, when a paper signed in the name of apparently a fictitious person called Narrain Row, was given by Chedembarum the Magistrate's Moonshee to the 7th and 8th witnesses, authorizing them to arrest Baswendorah, and promising a reward of 500 Rupees for his apprehension.—

23. This warrant, from a person apparently fictitious, was prepared, it appears on the pretended information of a person named Goorooswah, who never appears to have been examined on the

4th March 1840.— till after the decease of Baswandorah, and who is explained by the Circuit Judge to be a Duffadar.—

24. It appears further that the 7th witness having, after the issue of this fictitious warrant, received from the 9th Prisoner information that Baravansdorah intended to kill him, under pretence that Baswandorah resisted such process united with the 8th witness and 9th prisoner, in stabbing Baravansdorah to death on the 30th October 1838.—

25. The Court of Foujdaree Adalut are at a loss to comprehend what could have been the motive for the fraud practiced on the 7th witness, regarding the name of the person who issued the warrant, and at the discovery of which he and M. Goorooswah express such natural surprize. (pages 20 and 27)

26. The Court are inclined to attribute such fraud to the Magistrate's Moonshee Chedamberam, for unless some such fatal result as that which has taken place, had been contemplated, from the responsibility of which the

Moonshee

Moonshee appears to have shrunk, the Court do not understand why the warrant, instead of being issued by a competent authority, ran in the name of a person either fictitious or unknown.—

27. The Court are unable to understand the proceedings adverted to above, and resolve to call on the Magistrate to explain more fully the circumstances attendant on the issue of the document in question, which has been attended by such fatal consequences.—

28. The Court being satisfied that there is on record sufficient evidence to bring home the crime of murder to the absconded Duroo an Ramadoo resolve to sanction under the authority of the provisions of Section XXI Regulation IX of 1816 the offer of a reward of 500 Rupees for his apprehension and to direct the 1st Judge in the Northern Division to take the necessary steps for carrying the orders on this subject into effect and they further direct that the accompanying certificate of Pardon be forwarded to the 1st 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 1st Judge of Circuit in the Northern Division for his information and guidance

guidance by precept returnable in 25 days from and after its receipt.—

(Sent following precept & 337)

Read letter dated the 15th November 1839 from the Acting 1st Judge on Circuit in the Southern Division, submitting for the consideration and final sentence of the Court of Judicature the record of the trial in Case & No 6 of the Madura Calendar for the 2nd Sessions of 1839.—

(Here enter F. 46. & No 1938 of 1839)

The Court of Judicature Adaulut, 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 Palamuttoo.
2d Veeroo.
3d Dungasawmy.
4th Palampulay.
5th Irapulay.
6th Iyamoobee.
7th Ponan alias Tylapully

and

8th Caullama Doctor—

is sufficient to convict them of the crime of murder, do, under the authority with which they are vested by Clause 1st Section 11 Regulation 1 of 1810 convict them thereof

Mr Bird
and
Mr Campbell—

4th March 1840.

Moonshee appears to have shrunk, the Court do not understand why the warrant, instead of being issued by a competent authority, was in the name of a person either fictitious or unknown.—

27. The Court are unable to understand the proceedings adverted to above, and resolve to call on the Magistrate to explain more fully the circumstances attendant on the issue of the document in question, which has been attended by such fatal consequences.—

28. The Court being satisfied that there is on record sufficient evidence to bring home the crime of murder to the absconded Suroop on Pomadoo resolve to sanction under the authority of the provisions of Section XXI Regulation IX of 1816 the offer of a reward of 500 Rupees for his apprehension and to direct the 1st Judge in the Northern Division to take the necessary steps for carrying the orders on this subject into effect and they further direct that the accompanying certificate of Pardon be forwarded to the 1st 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 1st Judge of Circuit in the Northern Division for his information and guidance

F.16.

4th March 1840. guidance by precept returnable in 25 days from and after its receipt.—

(Next following precept 8 3337)

Read letter dated the 15th November 1839 from the Acting 1st Judge on Circuit in the Southern Division, submitting for the consideration and final sentence of the Court of Judicature Adalut the record of the trial in Case 8 & 6 of the Madura Calendar for the 2nd Sessions of 1839.—

(Here enter F.16. 8 1938 of 1839)

Mr Bird and Mr Campbell— The Court of Judicature Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st Palaniappen.
2d Veeren.
3d Pungasawmy.
4th Palampalay.
5th Tagupillay.
6th Tyamoobao.
7th Ponan alias Tylapillay

and

8th Carliana Nauker—

is sufficient to convict them of the crime of murder, do, under the authority with which they are vested by Clause 1st Section II Regulation I of 1810 convict them thereof

thereof and under the provisions of Section X Regulation XIII of 1802 sentence the said prisoner

1st Palanicapen

to suffer death by being hanged at the usual time and place of execution - And the prisoners

2nd Veerun

3rd Pungnaiawny

6th Iyamootoo

and

7th Tavan alias Sylapilly

to be transported to such places 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 respectively -

And the Court further sentence the prisoners

4th Palampnalay

5th Tagupillay

and

8th Caillama Naicker -

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of ten years -

1. In the above letter the Acting 1st Judge has omitted to give a clear abstract of the evidence and a distinct opinion as to the guilt and punishment of each prisoner, but has referred the Judges to his calendar remarks on the above cases. -

2. The great inconvenience of the course adopted by the Acting 1st Judge is obvious - The Court of Fouzdaree Adalut accordingly resolve to direct the discontinuance of it, and to require the Acting 1st Judge in submitting future trials, to insert in the letters which accompany the trials, the particulars required by the Circular Orders of the Court. -

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge for his information and future guidance. -

(But following letter No 338.)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Chittoor for the month of January 1840 -

(Here enter No 345. -)

The above reports do not appear to call for any further remark from the Court of Fouzdaree Adalut, than that the evidence given before the Criminal Court in several of the cases entered in the Supplemental Report has been entered useless fully in detail; a brief abstract of the evidence is all that is required to be entered in these periodical Reports. -

Ordered

4th March 1840.

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

(Sent in a/c No 339)

Read Letter dated the 24th Ultimo from the Acting Second Judge of the Provincial Court of Circuit for the Centre Division submitting copies of the 1st 2nd 3rd and 4th Supplemental Calendars of the First Quarter Sessions of 1840 at Chittoor.—

(Here enter F. H. No 418 of 1840.)

First Supplemental Calendar Case No 1

In this Case the prisoner a Peon was charged with having connived at the escape of a prisoner: and the following is the order of the Acting Second Judge upon the Trial.—

"No connivance or further criminality on the part of the prisoner in this case appearing to have been proved against him to render his committal before the Court of Circuit necessary, the Third Judge holding the First Quarter Sessions resolves to return it to the Criminal Judge, who will dispose of it according to the Circular Order of the Foujdaree Adalut No. 31. dated the 20th February 1835."

2.

It appears to the Court of Foujdaree Adalut that there were sufficient grounds for the charge against the prisoner: and the Court disapprove

F. H.

4th March 1840

the order of the third now Acting 2nd Judge.—

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

(Sent in a/c No 340)

60/1

105

13

4th March 1840.

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

(Sent in 8n 330)

Read Letter dated the 24th Ultimo from the Acting Second Judge of the Provincial Court of Circuit for the Centre Division submitting copies of the 1st 2nd 3rd and 4th Supplemental Calendars of the First Quarter Sessions of 1840 at Chittoor.—

(Are enter F.M. 8n 418 of 1840.)

First Supplemental Calendar Case 821.

In this Case the prisoner a Peon was charged with having connived at the escape of a prisoner: and the following is the order of the Acting Second Judge upon the Trial.

"No connivance or further criminality on the part of the prisoner in this case appearing to have been proved against him to render his committal before the Court of Circuit necessary, the Third Judge holding the First Quarter Sessions resolves to return it to the Criminal Judge, who will dispose of it according to the Circular Order of the Fouzdaree Adalut No. 31. dated the 20th Febuary 1835."

2.

It appears to the Court of Fouzdaree Adalut that there were sufficient grounds for the charge against the prisoner: and the Court disapproves

F. M.

4th March 1840

the order of the third mentioned Acting 2nd Judge.—

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

(Sent in 8n 340)

4th March 1840.

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

(Sent in 8° 339)

Read Letter dated the 24th Ultimo from the Acting Second Judge of the Provincial Court of Circuit for the Centre Division submitting copies of the 1st, 2nd, 3rd and 4th Supplemental Calendars of the First Quarter Sessions of 1840 at Chittoor.—

(Here enter F. M. 8° 418 of 1840.)

Finish Supplemental Calendar. Case 8°1.

In this Case the prisoner a Peon was charged with having connived at the escape of a prisoner: and the following is the order of the Acting Second Judge upon the Trial.

"No connivance or further criminality on the part of the prisoner in this case appearing to have been proved against him to render his committal before the Court of Circuit necessary, the Third Judge holding the First Quarter Sessions resolves to return it to the Criminal Judge, who will dispose of it according to the Circular Order of the Foujdaree Adalut 8° 31. dated the 20th Febuary 1835."

2.

It appears to the Court of Foujdaree Adalut that there were sufficient grounds for the charge against the prisoner: and the Court disapproved the

F. M.

4th March 1840.

the order of the third mentioned Acting 2nd Judge.—

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

(Sent in 8° 340)

J U

At a Court of the Foujdaree Udalut.—

Present

Thursday, 5th March, 1840.—

John Bird Esqre —— 1st Puisne Judge

William Rudleston Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

With reference to the proceedings of the Court of Foujdaree Udalut under date the 27th Ultimo it is resolved that the late 3d Judge now 2nd Judge of the Provincial Court of Circuit in the Northern Division be apprized that the record in Case No. 15 of the Vizagapatam Calendar for the 2nd Sessions of 1839, has also to be submitted for the final orders of the Court of Foujdaree Udalut—

Ordered, that Extract from these proceedings be sent to the 2nd Judge of the Provincial Court of Circuit in the Northern Division

5th March 1840.

Division for his information and guidance by precept returnable in 2 days from and after its receipt.—

(Sent following precept 1234)

Read letter dated the 27th Ultimo from the Criminal Judge of Malabar, submitting copy of a warrant issued by the 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. 445)

The Court of Foujdaree Adalut direct that the prisoner

"Kuttumadan Kunn"

be removed to the Jail at Coimbatore, there to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Malabar, and to the Joint Criminal Judge at Coimbatore, for their information and guidance.

(Sent in No. 342 and 343)

F. R.

At a Court of the Foujdaree Adalut.—

Present—

John Bird Esqre. ——— 1st Puisne Judge

Friday. William Hudleston Esqre. — 2nd Puisne Judge

6th March, 1840. Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read Extract from the Minutes of Consultation in the Judicial Department under date the 22nd February 1840. No. 137 conveying the observations and orders of the Right Honorable the Governor in Council on the Extract from the Proceedings of the Court of Foujdaree Adalut under date the 29th January 1840. submitting the Circuit Report of the 3rd Judge then late on Circuit in the Western Division for the 1st Sessions of 1839.—

(Here enter F. R. No. 406 of 1840.)

Also read Return dated the 24th ultimo from the 3rd Judge late on Circuit in the Western Division to the Precept of the Court of Foujdaree Adalut under date the 29th January 1840, conveying their observations and Orders on his Circuit Report for the First Sessions of 1839.—

(Here enter F. R. No. 439 of 1840.)

Also

Also read Letter dated the 8th January 1840 from the Acting Joint Criminal Judge of Tellicherry submitting for Sanction an Estimate for the construction of Eight Cast Iron Cots for the use of the Jail Hospital at that Station.

/ Hereunder F. No. 1 to 36 of 1840. /

1. With reference to para: 1 of the Minutes of Consultation, the Court of Foujdaree Adalut observe that the Third Judge of the Provincial Court of Circuit has certified in the Return now recorded that their instructions in regard to the Moochilkas have been communicated to the Criminal Court of Canara.

2. The Third Judge has forwarded copies of communications from the European Medical Officers attached to the Gaols in the Western Division, who have been consulted as to the expediency of adopting his recommendation for substituting Cast Iron Cots in the Hospitals for the Wooden ones now in use.

3. The Zillah Surgeon at Mangalore is of opinion that the substitution of Iron Cots for wooden ones would be conducive to cleanliness and therefore

6th March 1840.

therefore to the improvement of the health of the sick. He has been informed that the number of cots usually allowed to an Hospital is fifteen and that the cost of an Iron Cot including bedding will be Rupees 12-- making the aggregate cost for each Jail on this account one hundred and eighty Rupees.

4. The Zillah Surgeon at Cochin considers the Cast Iron Beds greatly superiour in point of comfort and cleanliness to the Wooden Beds: and that six such Beds would be sufficient for the Cochin Jail.

5. The Zillah Surgeon at Tellicherry fully admits the superiority of the Iron Cots but is not of opinion that they "are necessary either for the health or well being of those who are the inmates of a Goal Hospital."

6. The Zillah Surgeon at Calicut states that "the Jail Hospital at that Station being an upstair building having a boarded floor, no cots of any kind are used except occasionally for some particular case and then they are "in the habit of using the common country cot which appears to answer every purpose required."

7. The Court of Foujdaree Adalut having

having given due consideration to the suggestion of the Third Judge - and to the opinions as above stated of the several European Medical Officers in the Western Division - are of opinion that it is not necessary to incur the expence of providing Cast Iron Cots for the Jails, and decline therefore to recommend the same for the sanction of Govern: ment.—

8. The Third Judge will be pleased to communicate this Resolution to the Acting Joint Criminal Judge of Tellicherry, with reference to that Officer's letter to this Court under date the 8th January 1810 - the Estimate accompanying which, it is observed does not provide for "Bedding" although the cost of each Cot is estimated at Rupees 23 - 12 - - -

9. With reference to paragraph 7 of the Third Judge's Return and the correspondence therein referred to - the Court of Sunderee Adalut observe that they have authorized the Acting Criminal Judge of Madura upon that Officer's application and as an experimental measure - to transfer two convicts for two Months to the Jail of the Sessions Court at Tellicherry for the purpose of instructing

the prisoners in the latter Jail in the Manufacture of Paper.—

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

(Sent in № 344)

Ordered also, 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 № 345.)

F. Ms.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Saturday, 7th March, 1840.

William Hudleston Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated the 21st of January 1840 from the 3rd Judge of the Provincial Court of 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. 1 on the Chittoor 5th Supplemental Calendar for the 4th Quarterly Sessions of 1839.-

(Here enter F. Ms. No. 161 of 1840.)

Mr. Bird.
Mr. Hudleston.
and
Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Judge presiding at the Quarterly Sessions, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the

Cazee

Cazee-cul Coozat and Mooftees aforesaid, so far as it acquits the prisoners

11th Mottay

12th Mooneyun

13th Chinnatomby

and

14th Mooneyun

of the crime charged, and do, acquit them accordingly, but being of opinion, that strong suspicion though not amounting to conviction attaches to them, the Court of Fouzdaree Udalut under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the said prisoners be severally required to find two sureties in Rupees 50 each surety for their good behaviour and appearance when required within two years or in default thereof that they be severally detained in confinement for two years.—

And the Court being of opinion, that the proof against the prisoners.—

1st Ramanoojoolo

2nd Doraisamundady

3rd Mooneyun.

4th Andowa

7th March 1840.

4th Andowa Soobbun

5th Savirey

6th Arayan

7th Tondavarayen

8th Veerastawmy

9th Nundun alias Paromaul

and

10th Coeun.

is sufficient to convict them of the crime of gang robbery attended with aggravating circumstances, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and, under the provisions of Clauses Second and fifth Section IV Regulation XV of 1803 and Clause third Section I Regulation I of 1825, sentence the said prisoner

1st Ramanoojoolo

to receive one hundred and ninety five lashes of a cat of nine tails and to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons

on

on the public roads or other public works for
and during the period of his natural life,
and the prisoners

2nd Ponjsmundady
3rd Mooneyan
4th Andava Soobben
5th Sawmy
6th Areyan
7th Sondavaroyen
8th Verrasawmy
9th Nundun alias Paroomal
and
10th Cocun.

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 fourteen
respectively.—

(Sent following letter No 348)

1. The 11th to the 15th prisoners
inclusive were not apprehended until after the
examination of the principal witnesses and as
it does not appear that they were present by
these witnesses in their first examination.—

The

The Court of Tenjdaree Udalut do not consider that
it would be safe to convict them from the
known proneness of such witnesses to swear to
every one who may happen to be brought
forward under similar circumstances and have
therefore resolved to bind these prisoners over
to find security.—

2. The Court of Tenjdaree Udalut
are of opinion that as this case involved a
brutal assault accompanied by severe wounding
and an attempt to deprive the Prosecutor of
his life it is necessary that a severe example
should be made of the first prisoner who
appears to have been the instigator and prime
mover in the assault.—

3. The Court have therefore deemed
it proper to pass on him a more severe punish-
ment than that proposed by the judge presiding
at the Sessions and have sentenced him to
be transported and to suffer corporal
punishment.—

Ordered, that Extract from these
proceedings be sent to the Acting 2nd Judge
of

of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sent in No. 349)

Read letter dated the 19th February 1840 from the 3rd Judge late on Circuit in the Northern Division transmitting for the consideration and final sentence of the Court of Sunjdaree Udalut the record of the trial in Case No. 39 on the Vizagapatam Calendar for the 2d Sessions of 1839.-

(Here enter F.C. No. 424.)

1. The Court of Sunjdaree Udalut observe that the 6th 11th 13th 14th and 18th witnesses for the prosecution and the 1st witness for the prisoner at pages 180-190-196-199-211 and 221 of the record of this trial, declared before the Court of Circuit that the 1st 2nd 3rd 4th and 6th witnesses, who were at first apprehended as Criminals, had been beaten and illtreated by the Peshkar, the alleged enemy of the 1st Prisoner, in order to obtain from them evidence in this case.-

2. Before proceeding, therefore, to judgment in this trial the Court of Sunjdaree Udalut deem it advisable to direct the Magistrate to

to make a strict inquiry and special report respecting the oppressive acts alleged to have been resorted to by the Police Officer in question, and which it is remarked have been altogether unnoticed by the Judge on Circuit.-

3. The Court of Sunjdaree Udalut accordingly resolve to direct the 2nd Judge late on Circuit to furnish the Magistrate of Vizagapatam with transcripts in English and in the original language of the depositions of the above mentioned witnesses and to issue a precept to that Officer directing him to obtain the attendance of the said witnesses and in the presence of the Peshkar S. Veeriah to institute a full and strict enquiry into the truth of the allegations recorded against the Peshkar in the depositions of those witnesses admitting Veeriah to cross examine these individuals.-

4. The Court of Sunjdaree Udalut further observe that in the preparation of the charge in this case both before the Criminal Court and Court of Circuit neither the village nor even the Talook or Zillah, in which the offence charged was committed, have been specified.-

And

5.

And this defect the Court are surprized to see has not been rectified by the 2d Judge on Circuit.

6. The Court direct that the attention of the late Officiating Joint Criminal Judge and of the 2d Judge of the Provincial Court of Circuit in the Northern Division be called to this omission and that they be required to endeavour to prevent a similar irregularity in future.-

Ordered, that Extract from the Proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 20 days from and after its receipt.-

(Sent following precept No 350)

Read letter dated the 24th Ultimo from the Second Judge on Circuit in the Western Division transmitting the record in Case No 15 on the Malabar Calendar for the 1st Sessions of 1840.-

(Here enter No 437.)

Mr Bird and Mr Campbell.

The Court of Tanjore Udaliar on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Poodiedatoo Kandy alias Agatoo Imbichy is

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 sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No 351.)

Read letter dated the 2d Instant from the Third Judge on Circuit in the Northern Division reporting his intention to open the 1st Sessions of 1840 at Palgaut-mundry on the 23d Instant.-

(Here enter No 451.)

Read letter dated the 1st Instant from the Third Judge on Circuit in the Southern Division transmitting a Statement of Batta paid to the Prosecutors and Witnesses during the 1st Sessions of 1840 at Madura.-

(Here Enter No 452.)

Read letter dated the 28th Ultimo from the Criminal Judge of Malabar stating with reference to Tanjore Udaliar's

letter

of the
letter, 30th December 1839 that instead the
7th December last on the 9th of the said month
2 Extra English translators were employed for
the purpose of preparing the Criminal Cases
for the Court of Circuit at the present Sessions
one of them was discontinued on the 31st
January last and the other on the 24th Ultimo.-

(Here Enter No. 457.)

Read return dated the 28th Ultimo
from the Provincial Court of Circuit in the
Northern Division to the precept of the
Tonjdaree Udalut of the 13th February 1840
forwarding Circular Order No. 117 on the
subject of issuing blank warrants leaving a
space for the name to be filled up after
apprehension of persons to be pointed out or-
named hereafter by any specified individual.-

(Here Enter No. 465.)

Read letter dated the 5th Instant
from the Third Judge on Circuit in the Southern
Division reporting his intention to open the
1st Sessions of 1840 at Salem on the 8th Instant-

(Here enter No. 466.)

Read

Read letter dated the 5th Instant
from the Third Judge on Circuit in the Southern
Division reporting the opening of the 1st
Sessions of 1840 at Combaconum on the 5th
Instant and the state of the Calendar.-

(Here Enter No. 470.)

Read letter dated the 5th Instant
from the Third Judge on Circuit in the
Southern Division transmitting a Statement
of Batta paid to the Prosecutors and Witnesses
during the 1st Sessions of 1840 at Tinnevelly.-

(Here Enter No. 471.)

Read return dated the 5th Instant
from the Third Judge on Circuit in the
Southern Division to the precept of the Tonj-
daree Udalut of the 22d February 1840
conveying their observations and orders on the
Madura Calendar for the 1st Sessions of 1840.-

(Here Enter No. 472.)

113

Ent 7th

105

F. U.

At a Court of the Foujdaree Udalut

Present

Monday, 9th March 1840.

John Bird Esqre ——— 1st Puisne Judge
William Hudleston Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge

Read the Report prescribed

by Section XXXVII Regulation VII of 1802 - of the

J. Haig - First Judge of the Provincial Court

of Circuit in the Northern Division - for the Circuit

of the First Half of 1839 - in the Northern

Division -

(Here enter F. U. No 30 of 1840)

paras 7 and 8 - 1. The Court of Foujdaree Udalut

concur in the remarks of the First Judge in these

paras - The necessity of having a Register to the

Provincial Court was urged in the letter from the

Sudr Udalut to Government dated the 15th June

1836. No 97 - The same necessity continues at the

present

present moment; but the Gentleman who stands appointed to that situation has been for a considera-
-ble time past absent either employed on other duties or on leave: and whenever this is the case, the time of the Junior Judge present at the Sudr Station must be wholly engrossed by the ministerial functions of the Register- while his proper judicial duties are left in abeyance- The Court deem it therefore their duty strongly to recommend that the appointment of Register to the Provincial Courts for the Northern Division especially be always kept filled-

parahs 3 and 10- 3. The Court of Foujdaree Adalut observe that under existing orders the Criminal Courts are bound to furnish translations of their Proceedings and of those of the Police and Magistracy in referred Trials: both the fair copies of such Translations are usually prepared by the Establishments of the Courts of Circuit-

3. The Court observe that whenever the Courts may see reason to apprehend that from the press of business before them, the translations or copies of the Proceedings in Trials set down for reference for the Final Judgement of the Foujdaree Adalut, are likely to be delayed- they are at liberty to submit an application for sanction to employ extra servants; which the Court are satisfied will not be withheld by Government when the objects in view is the important one of effecting the speedy disposal of such cases-

parahs 11 & 12- 4. The Sirish Judge will be pleased to call upon the Criminal Judge of Nellore for an explanation in regard to the Cons of that Zillah Court and the alleged grievances of which they complain: and submit his reply for the consideration of the Foujdaree Adalut-

parahs 18 & 19- 5 The Court of Foujdaree Adalut approve of the order issued by the Sirish Judge in regard to this case of escape as noticed in parah 19- and direct that it be pointed out to the Joint Criminal Judge of Guntoor that prisoners committed to

take

9th March 1840 take their trial before the Court of Circuit should
assist be employed on labour either within or without
the Jail, prior to their conviction by that Court.—

parah 27— 6. The First Judge will likewise
be pleased to call for and submit a Report of
the circumstances of the escape noticed in this parah
and translations of the depositions regarding it.
In a note in the Criminal Reports for the month
of April 1839 it was stated that the Report was
should be submitted "immediately"— but it has not
yet been received.—

parahs 24 and 26— 7. The Court of Fongdaree Adalut
observe that the question regarding the disposal
of the prisoners in the Vizagapatam Jail, and
the suitableness of the Public Buildings at Vizagapatam
for the purposes of a Jail, will be discussed and
disposed of separately.—

parahs 26 and 27 8. The omission of the Magistrate
of Vizagapatam to appoint Sub officers of District
Police adverted to in these parahs: has been reported
to Government in the Proceedings of the Fongdaree
Adalut

9 March 1840 Adalut under date the 21st February 1839 No 45.—

9. With reference to the concluding
remarks of parah: 27, the Court observe that on
referring to their Records, it was not found that
the so called Sub officers had acted before in the
Vizagapatam District.—

parah 31— 10. The circumstances adverted to in this
parah: are thus described in the Proceedings of
the Court of Circuit under date the 18th June 1839 in
Case No 2 of the Vizagapatam Supplemental
Calendar of the 1st Sessions of 1839.—

"The 11th witness for the Prosecution
in this case, named Shaikh Hossain alias
Bodakha Hossain an approver having, after having
been duly sworn before the Joint Criminal Judge
of Vizagapatam on the 17th August 1838 to depose
truly to all matters of fact within his knowledge
touching this case, wilfully and deliberately
deposed in words to the following effect. Viz:—
"The deceased Nuffoo Khan put one traveller
to death— Canakayah who is alive put another
traveller

traveller to death; Moosey Khan the 3d Traveller:
the 2nd Prisoner Madaur Sahib the 4th Traveller:
and Golaum the 5th Traveller by tying the Nooses:—
and afterwards having duly sworn on the 15th June 1839
before the Court of Circuit for the 1st Sessions 1839
in like manner to depose truly to all matters of fact
within his knowledge touching this case, wilfully and
deliberately deposed in words to the following effect
viz:: Golaum; Camaleyah; Nujjoo Khan and
Hoosain Shaw put the nooses and when
Khakeera put a noose, Madaur Sahib held the
feet and hands of the victim" and the said two
depositions being in direct and positive contradiction
one to the other" Yes Yes Yes.—

11. The Court of Foujdaree Udalut
in parah: 7 of their proceedings under date the 19th
July 1839. observed. with reference to the said proceed-
-ings of the Court of Circuit that "it does not
appear to the Court that the two depositions
therein referred to... were in direct and positive
contradiction

contradiction the one to the other as to the matter
of fact deposed to."

parahs: 32, 33, and 34— 12. The Court of Foujdaree Udalut
observe that Thug cases cannot be dealt with
as ordinary cases. The parties referred to by the Mr
Haig must have been apprehended and im-
-prisoned upon information given by accomplices
which in Thug cases is considered by the Foujdaree
Udalut sufficient ground for the detention of the
accused by the Magistracy. But no delay should
take place in bringing the Thug informer to trial
under the instructions of the Bengal Government.
it is only after such trial and conviction that the
informer's evidence on oath can properly be taken un-
-der the Act. Xth XIX of 1837, because his confession
without oath may be requisite on his trial.—

13. The Foujdaree Udalut do not
think that any person should be committed
for trial for Thuggee on the unsworn information
of an accomplice, but only on his sworn testimony

given

given after his own conviction under the Act 5th
XXX of 1836, nor should any be committed for trial
on their evidence until it is given on oath and
the Imprisonment of any persons for years "without
Trial" is wholly unauthorized.—

14. It is certainly not safe to rely upon
the uncorroborated testimony of Hindu witnesses: and
it is the duty of the committing officer to produce all
the witnesses who know any thing of the circumstances
of the case.—

paras 36 and 37.— 15. The delay on the part of the Heads
of Police in the Masulipatam District in dis-
=posing of petty complaints has been noticed by the
Court of Foujdaree Adalut in their proceedings
under date the 27th January 1840. Pa. 234 on
the perusal of Mr Montgomerie's Report for the
Fourth Quarter Sessions 1838 and 1st Quarter Sessions
1839 at Masulipatam.—

16. Mr Haig justly remarks that
these officers who are also Native Collectors have
not

J. D.

9th March 1840.— not leisure — even if they were inclined — to try and decide the very numerous Complaints for beating and abusive language and trespass &c.a which are brought before them.—

paras 38 & 41.— 17. The remuneration of the Village Moonsiffs has been very frequently brought under discussion. Its expediency has never been question=ed; but financial considerations (it is believed) have hitherto stood in the way of this most necessa=ry measure.—

18. In the mean-while it will be the duty of the Magistrates to use their utmost exertions to induce the Village Moonsiffs to dispose of these cases as has already been shown in former proceedings of the Foujdaree Adalut and particularly in those of the 11th April 1831. in which, under the orders of Government conveyed in the Extract from the Minutes of Consultation under date the 24th September 1830.— the Magistrates were directed "to require the Heads of Villages to take cognizance on the spot of every case within the limits assigned to

to their power by the Regulations not to prohibit the Tahseeldars from entertaining any complaints cognizable by a Head of a Village except during his stay at the village in his tour of duty.—

paras 39 and 40.— 19 The Court of Foujdaree Udalut resolve to transmit a copy of paras 39 and 40 of Mr. Haig's Report to each of the Four Provincial Courts of Circuit, with instructions to circulate the same to the several Magistrates within their respective Divisions, and require those Officers to submit through the Provincial Courts their opinions regarding the propriety and practicability of improving the condition of the Village Watchers and rendering them more efficient.—

paras 47 and 48.— 20. The Court of Foujdaree Udalut likewise resolve to furnish the Four Provincial Courts with copies of paras 47 and 48 of Mr. Haig's Report with instructions to circulate the same to the several Magistrates in their respective Divisions and direct those Officers to report their opinion as to the expediency of requiring the Head Police Officers

to keep Diary Books of the nature therein referred to.—

paras 42 & 45— 21 The Court of Foujdaree Udalut observe that the subject adverted to in these paras. has been frequently discussed, and particularly previous to the enactment of Regulation XIII of 1832— the result of which was Section IX of that Regulation— which it was then decided was all that could be done— The Court therefore do not deem it expedient to renew the discussion of the question at this time.—

para 46 22. It was shewn by this Court in their proceedings on Mr. Parker's Circuit Report for the Second Sessions of 1838, that the attendance of Tahseeldars before the Criminal Courts to prove confessions might always be dispensed with, provided those officers took care that such confessions were properly attested in the first instance: and this Court's remarks on that subject, have by desire of Government, been circulated to the Magistrates under this Presidency.—

The

to their power by the Regulations and to prohibit the Tahseeldars from entertaining any complaints cognizable by a Head of a Village except during his stay at the village in his tour of duty."

paras 39 and 40 — 19 The Court of Foujdaree Udalut resolve to transmit a copy of paras 59 and 60 of Mr. Haig's Report to each of the Four Provincial Courts of Circuit, with instructions to circulate the same to the several Magistrates within their respective Divisions, and require those Officers to submit through the Provincial Courts their opinions regarding the propriety and practicability of improving the condition of the Village Watchers and rendering them more efficient —

paras 47 and 48 — 20. The Court of Foujdaree Udalut likewise resolve to furnish the Four Provincial Courts with copies of paras 47 and 48 of Mr. Haig's Report with instructions to circulate the same to the several Magistrates in their respective Divisions and direct those Officers to report their opinion as to the expediency of requiring the Head Police Officers

Officers to keep Diary Books of the nature therein referred to —

paras 42 & 45 — 21 The Court of Foujdaree Udalut observe that the subject adverted to in these paras has been frequently discussed, and particularly previous to the enactment of Regulation XIII of 1832 — the result of which was Section IX of that Regulation — which it was then decided was all that could be done. The Court therefore do not deem it expedient to revive the discussion of the question at this time. —

para 46 — 22. It was shewn by this Court in their proceedings on Mr. Paske's Circuit Report for the Second Sessions of 1838, that the attendance of Tahseeldars before the Criminal Courts to prove confessions might always be dispensed with, provided those officers took care that such confessions were properly attested in the first instance: and this Court's remarks on that subject, have by desire of Government, been circulated to the Magistrates under this Presidency. —

The

9th March 1840.

paras 49 and 50 — 23.

The Court of Tondaree Adalut concur with the Turish Judge in opinion that Mr. Newberry the Joint Criminal Judge of Guntoor is deserving of great praise for his judicious employment of the Convicts under his charge.—

paras 51 & 54. — 24.

The Court of Tondaree Adalut suggested an Act prohibiting the practice of allowing young children to run about in the streets unprotected — having on their persons ornaments made of the precious metals: but it was disapproved by the Supreme Government and the Circular Order of the 12th February 1839 — No 101. was issued instead.—

paras 55 and 56 25

The Court of Tondaree Adalut still continue to think Mr. Mason's presence during the Trial of the persons charged with the Murder of the Serishtadar of the Collector of Vizagapatam on the same Bench with the Circuit Judge inexpedient. But they are well pleased to observe the favorable testimony borne to that Officer's general merits, by the Judges of Circuit.—

Ordered, that Extract from these proceedings

9th March 1840.— proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division by Precept returnable within one month.—

(Sent following Precept No 352.)

Ordered also, that Extract from these proceedings (paras 19 and 20.) be sent to the Four Provincial Courts of Circuit by Precept returnable within 2 months.

(Sent following Precepts No 353.)

Ordered also, that Extract from these proceedings be sent to the Chief Secretary to Government, to be laid before Government.—

(Sent in No 354)

Read Miscellaneous Petition dated the 17th of February 1840 from Ranga Rasad late a Jail Don on the establishment of the Zillah Court of Chittoor.—

(Here enter M. P. F. R. No 16 of 1840.)

The Petitioner represents that he has served as a Jail Don on the establishment of the jail at Chittoor for a period of 24 years and states the circumstances under which he has

has been dismissed from his situation —

He prays the Court to order his restoration to his former situation —

The Court of Foujdaree Udalut decline to direct the restoration of the Petitioner to the situation he formerly held in the Jail at Chittoor, because he was obviously to blame in his conduct on the occasion of the escape which led to his dismissal; but if the Petitioner has, as he represents, served the Company for 24 years, the Court of Foujdary Udalut do not consider him ineligible for employment and do not doubt that if he brings his case to the notice of the officer at present in charge of the Zillah Jail his just claims will not be disregarded —

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

Read Extract from the Minutes of Consultation under date the 3rd March 1840 communicating copy of a letter from the Secretary to the Board of Revenue in the Department of Public Works dated

dated the 13th Ultimo reporting that a great decrease has recently occured in the number and forces of the land Springs which have hitherto so materially impeded the progress of the excavation of the Canal at Masulipatam and recommending that under this very favorable and unexpected change of circumstances the convicts presently employed on that work may not be removed —

(Here enter No. 447 —)

Also read letter dated the 28th Ultimo from the Acting Joint Criminal Judge at Masulipatam reporting that, under the orders of the Court of Foujdaree Udalut of the 9th of January 1840 189 Convicts were despatched to Nellore on the 27th February 1840, and that 100 Prisoners will be despatched to the Magistrate of Guntoor, and 11 to Nellore within a day or two of the arrival of the prisoners ordered to be transferred to his Jail from the Jail at Vizagapatam —

(Here enter No. 459 —)

Also read letter dated the 27th Ultimo from the Magistrate of Guntoor soliciting permission to detain at Ryveron for one month or six Weeks, the gang of Convicts about to be transferred from Masulipatam to the Jail at Nellore —

(Here enter No. 449)

In

9th March 1840 - 1

In the Minutes of Consultation under date the 3d. instant the Court of Fouzdaree Adalut have been directed to attend to the requisition of the Board of Revenue in the Department of Public Works conveyed in their Secretary's letter of the 13th. Ultimo; but a Gang of 189. Convicts having already × on the 27th Ultimo.
been despatched from the Jail at Masulipatam the Court of Fouzdaree Adalut cannot now better fulfill the wishes of Government than by directing the Acting Joint Criminal Judge at Masulipatam not to transfer any more Convicts from the Jail at that Station, and by authorizing the Magistrate of Guntoor to return One hundred (100) of the Gang of Convicts now on their March to Nellore, for the purpose of being employed on the High Northern Road as directed in the order of Government of the 20th January 1840:- the remainder of the Gang the Magistrate of Guntoor will despatch to Nellore for the purpose of being employed in the Paper manufactory in the Jail at that Station.-

2. The Criminal Judge at Vizagapatam has reported to the Court of Fouzdaree Adalut that 168 Convicts have been dispatched from his Jail to Masulipatam and the Judge trust that this number in addition to

F.R.

9th March 1840 to the number of Convicts now ordered to be returned, and those at present in confinement at Masulipatam, will be found sufficient for the purpose of completing the Pettah Canal at that Station.-

3. But as under these instructions the Criminal Judge of Nellore will be supplied with only 89 Convicts instead of 200 Convicts, the number originally ordered to be transferred to his charge to supply the place of those transferred from Nellore to the charge of the Superintendent of Roads at the Presidency, the Court of Fouzdarry Adalut resolve to instruct the Criminal Judge of Nellore to report what additional number of Convicts will be actually required at Nellore to enable him to complete the quantity of Paper periodically required to be furnished to the Superintendent of Stationary at the Presidency.-

Ordered that a copy of these proceedings be forwarded to the Acting Joint Criminal Judge at Masulipatam, to the Magistrate of Guntoor and to the Criminal Judge of Nellore for their information and guidance respectively

(Sent in Nos. 355-356 and 357.)

Ordered also, that a copy of these proceedings be forwarded to the Chief Secretary

to

9th March 1840- 1.

In the Minutes of Consultation under date the 3d instant the Court of Foujdaree Udalut have been directed to attend to the requisition of the Board of Revenue in the Department of Public Works conveyed in their Secretary's letter of the 13th Ultimo; but a Gang of 189 Convicts having already × been despatched from the Jail at Masulipatam the Court of Foujdaree Udalut cannot now better fulfill the wishes of Government than by directing the Acting Joint Criminal Judge at Masulipatam not to transfer any more Convicts from the Jail at that Station, and by authorizing the Magistrate of Guntoor to return One hundred (100) of the Gang of Convicts now on their March to Nellore, for the purpose of being employed on the High Northern Road as directed in the order of Government of the 20th January 1840:- the remainder of the Gang the Magistrate of Guntoor will despatch to Nellore for the purpose of being employed in the Paper manufactory in the Jail at that Station -

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F. P.

9th March 1840

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3. But as under these instructions the Criminal Judge of Nellore will be supplied with only 89 Convicts instead of 200 Convicts, the number originally ordered to be transferred to his charge to supply the place of those transferred from Nellore to the charge of the Superintendent of Roads at the Presidency, the Court of Foujdarry Udalut resolve to instruct the Criminal Judge of Nellore to report what additional number of Convicts will be actually required at Nellore to enable him to complete the quantity of Paper periodically required to be furnished to the Superintendent of Stationary at the Presidency -

Ordered that a copy of these proceedings be forwarded to the Acting Joint Criminal Judge at Masulipatam, to the Magistrate of Guntoor and to the Criminal Judge of Nellore for their information and guidance respectively

(Sent in No. 355-356 and 357.)

Ordered also, that a copy of these proceedings be forwarded to the Chief Secretary to

6th March 1840. to Government, for the purpose of being laid before the Right Honorable the Governor in Council for his information.—

Dated in 8 Sheets—

F. U.

At a Court of the Foujdaree Udalut—

Present—

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

Tuesday, William Mudleston Esqre. — 2d. Puisne Judge

10th. March, 1840. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated 21st. September 1839 from the Acting 1st. Judge late on Circuit in the Southern Division, referring for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in Case No. 8 on the Madura Calendar for the 2d. Sessions of 1839.

(Here enter F. U. No. 1607 of 1839.)

Read also letter dated the 9th. of October 1839 from the Acting 1st. Judge late on Circuit in the Southern Division, referring for the consideration of the Court of Foujdaree Udalut the record of the trial in Case No. 11 on the Madura Calendar for the 2d. Sessions of 1839.

(Here enter F. U. No. 1699 of 1839.)

Read also letter dated the 14th. November 1839 from the same Officer referring for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in case

Case No. 10 on the Madura Calendar for the 2d Sessions of 1839.-

/Here enter F.C. No. 918 of 1839./

Read also letter dated 10th February 1840 from the 3rd Judge on Circuit in the Southern Division referring for the consideration and final sentence of the Court of Zoujdaree Udalut the record of the trial in Case No. 7 on the Madura Calendar 1st Sessions of 1840.-

/Here enter F.C. No. 320 of 1840./

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 prisoners

1st Paria Madar

and

2nd Villay Casoovanah

is sufficient to convict them of robbery accompanied by aggravating circumstances by, under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and under the provisions of Clauses Second and fifth Section IV Regulation XV of 1803 sentence the said prisoners to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the

Case No. 8.

Mr. Huddleston and Mr. Campbell.-

10th March 1840.-

the period of seven years.-

Case No. 11.-

Mr. Huddleston and Mr. Campbell.-

The Court of Zoujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Zoujdaree Udalut, confirm such part of the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as sol acquits the prisoner

1st Madar alias Madar Cobrooghee-

and direct that he be set at liberty and such part as convicts the prisoners

1st Garvandyan

5th Nynar

7th Chella Mooloo Cander alias Shaik Mahomed Cander.-

8th Ondypooly alias Mooloo Cobrooghee

and

10th Assen Cantoovannah.-

of the crime charged, and awards Fazer, and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence the said prisoners

1st Garvandyan

5th Nynar

8th Ondypooly alias Mooloo Cobrooghee

and

10th Assen Cantoovannah.

10th March, 1840.

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.-

The Court do not sentence the prisonar

7th Chella Mooloo Cander alias Shaik Mahomed Cander,

he having been convicted and sentenced in case No. 10 of the same Calandar.-

And the Court being of opinion that the proof against the prisoners.

2d Veerasy Choorghee
3d Pitchay Choorghee
4th Pitchay
and
6th Vellian alias Madarmeydan.-

is sufficient to convict them of the crime charged, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence the said prisoners to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 years respectively.-

The

2. F.C.

10th March 1840.-

Case No. 10.

Mr. Huddleston
and
Mr. Campbell.-

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

1st Parie Madar
2d Shoockara Rowten
3d Ismal
4th Vellacoottee Ambalum
5th Vellya Rowten
7th Vellycoasoovavah
8th Chellamoottoo Cander alias Shaik Mahomed Cander

and
9th Moothoo Moodaly Ambalagarren.-

is sufficient to convict them of the crime charged, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence the prisoner

8th Chellamoottoo Cander alias Shaik Mahomed Cander

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 seven years, and the prisoners

2nd Shoochara Rowlen

3rd Ismal

4th Vellacoottee Ambalum

5th Vellya Rowlen

and

6th Mulloo Moodaly Ambalagaren.

to be imprisond and kept to hard labor in irons on the public roads or other public works, for, and during the period of [5] five years respectively.

The Court do not pass Sentence on the

1st Paria Madar

and

7th Vellycaa Soovaiah

they having been convicted and Sentenced in Case No 8 of the same Calendar.

Case No 7.

Mr Middleton

and

Mr Campbell.

The Court of Zeyndaree 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

Mahomed Mussane Ossane.

is sufficient to convict him of the crime charged to convict him thereof and do under the provisions of Clause third Section IV Regulation XV

of 1803, Sentence the said prisoner to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of [14] four years.

These four trials have arisen out of a series of outrages committed by the Mopla inhabitants of the Village of Carnada on the Hindoos of that place, and in cases Nos 10 and 7 the prisoners are charged with having broken into a Baderacauly Ummun Pagoda, plundered it of property, demolished the trials and destroyed one of the idols.

In the futwa upon No 10 the Law Officers of the Court of Zeyndaree Adalut observe that the robbery of a Pagoda is not an act forbidden by the Mahommedan Law: and this remark, the Court of Zeyndaree Adalut observe, is applicable to No 7 in which the accused is tried for the same offence as are the prisoners in Case No 10.

The 3rd Judge on Circuit unaware of this proposes the application of Clause 3rd Section II Regulation XV of 1803, which respects exclusively offences punishable at discretion under the Mahommedan Law. He deems the act not

not a "gang robbery," on the ground, apparently that in its usual acceptation, the acquisition of the property of another is presumed to be the inciting motive, whereas here an old party feud would appear to have given rise to the act committed.-

With reference to the Provisions of the Mahomedan Law as declared in the futwa above mentioned, the Court of Foujdaree Adalut observe that Section III Regulation XV of 1803 was enacted expressly in modification of that Law, and Clause first of that Section provides that a gang who shall attack by open violence and rob or attempt to rob any dwelling house, or other building shall be deemed guilty of robbery by open violence, a further condition however being that such gang go forth "with the criminal intent of committing robbery."-

It appears to the Court that the intent of committing robbery must always be inferred when robbery is actually committed, and that the fact of a number of persons going to a house and plundering it is evidence of an intent (when they so went) to plunder.-

The Court do not perceive that a robbery is less a robbery when a party feud may be

be the motive. the gist of the offence lies in the plundering and it matters not, in the opinion of the Court, whether that be done in order to appropriate what is plundered or to destroy it.-

For these reasons the Court consider that Sections III and IV Regulation XV of 1803 apply to Nos 10 and 7.-

At the same time the Court of Foujdaree Adalut, with reference to the futwa given in No 10, as quoted in para: 6 of these proceedings, deem it necessary to bring to the notice of the Government, that the breaking or otherwise maliciously pulling down a Hindoo temple, where no plunder occurs, appears to be an offence not punishable by the existing Regulations of this Presidency; and it remains for the Government to decide whether or not, some provision is not requisite for the security of all edifices used for religious worship.-

With reference to the cases Nos 10 and 11 referred by the Acting 1st Judge, the Court of Foujdaree Adalut observe that Mr Waters has offered no recommendation (as required to do by the Standing orders and the Regulations) respecting

respecting the Sentences to be passed in them.—

The Court of Foujdaree Adalut consider the evidence in Cases Nos 8 sufficient to convict the prisoners concerned therein of violently abstracting the ornaments from the women—but the Court are not of opinion that the death of the deceased is proved to have ensued from that violence.—

It appears also to the Court that the evidence is sufficient for the conviction of the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, and 9th prisoners in Case No 10 and of the prisoner in No 7, who is spoken to by the witnesses in the former trial as taking part in the outrage.—

The Court do not find any evidence to the plunder of the articles set forth in the last recorded.—The person who has been (improperly in the opinion of the Court) allowed to appear as prosecutor in these two cases, appears to be unworthy of credit, but that the articles produced at the trial were taken out of the pagoda by the prisoners or those with them seems clear.—

In case No 11—the Court consider the evidence sufficient for the conviction of all the prisoners excepting the 9th.—

The offence is a very serious one involving unusual contempt of the Law, but there

was not any of the atrocity usually attending gang robberies.—The Court have accordingly sentenced them to 5 years imprisonment each except the 7th prisoner who was concerned in case No 10 who has been sentenced to 7 years imprisonment.

In consideration of the character of the prisoner in No 7 and the recommendation of the Judge on Circuit, the Court of Foujdaree Adalut have resolved to sentence him to 4 years imprisonment and hard labor in irons, they are of opinion that his station as Village Moonsiff aggravates his guilt.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge and the 3rd Judge of the Provincial Court of Circuit in the Southern Division for their information and guidance.—

(Sent following letter No. 359 and 360.)

Ordered also, that Paras 1 & 12 of these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council for their information.—

(Sent in No. 361.)

Read letter dated the 15th ultimo from

respecting the Sentences to be passed in them.-

The Court of Vingdarae Adalut consider the evidence in Case Nos sufficient to convict the prisoners concerned therein of violently taking the ornaments from the women. but the Court are not of opinion that the death of the deceased is proved to have ensued from that violence.

It appears also to the Court that the evidence is sufficient for the conviction of the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, and 9th prisoners in Case No 10 and of the prisoner in No 7, who is spoken to by the witnesses in the former trial as taking part in the outrage.-

The Court do not find any evidence to the plunder of the articles set forth in the list recorded. The person who has been improperly in the opinion of the Court) allowed to appear as prosecutor in these two cases appears to be unworthy of credit but that the articles produced at the trial were taken out of the pagoda by the prisoners or those with them seems clear.-

In case No 11- the Court consider the evidence sufficient for the conviction of all the prisoners excepting the 9th.-

The offence is a very serious one involving unusual contempt of the Law, but there

was not any of the atrocity usually attending gang robberies. The Court have accordingly sentenced them to 5 years imprisonment each, except the 7th prisoner who was concerned in No 10 who has been sentenced to 7 years imprisonment.

In consideration of the character of the prisoner in No 7 and the recommendation of the Judge on Circuit, the Court of Vingdarae Adalut have resolved to sentence him to 4 years imprisonment and hard labor in irons, they are of opinion that his station as Village Moodeliff aggravates his guilt.-

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge and the 3rd Judge of the Provincial Court of Circuit in the Southern Division for their information and guidance.-

(Sent following letter Nos 359 and 360.)

Ordered also, that Paras 1 & 12 of these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council for their information.-

(Sent in No 361.)

Read letter dated the 15th ultimo from

10th March 1840.

From the Provincial Court of Circuit in the Centre Division, transmitting the records in Case No. 56 on the Cuddalore Calendar for the 2d Sessions of 1839.-

/ Herewith No. 368 of 1840 /

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 Varadeegandoo.-

Mr Middleton and Mr Campbell.

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, sentence the said prisoner to suffer death by being hanged, at the usual time and place of execution.-

/ Sent following letter No. 362. /

Read letter dated the 29th ultimo from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the English Records in Case No. 1 on the Cuddalore Primary Calendar 1st Sessions of 1840.-

/ Herewith No. 453 of 1840. /

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

Mr Middleton and Mr Campbell.-

F. C.
10th March 1840.

that the proof against the prisoners

1st Coulsem Saib

and

2nd Mansoom Saib

is sufficient to convict them of the crime of murder, do convict them thereof, but being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court 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 /7/ seven years.-

93

/ Sent following letter No. 363. /

From the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 56 on the Cuddapah Calendar for the 2d Sessions of 1839.-

(Hereunder No. 368 of 1840)

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 Varadeegandoo.

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, sentence the said prisoner to suffer death by being hanged, at the usual time and place of execution.-

(Sent following letter No. 362.)

Mr Sindleston and Mr Campbell.-

Read letter dated the 29th ultimo from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the English Records in Case No. 1 on the Cuddapah Primary Calendar 1st Sessions of 1840.-

(Hereunder No. 453 of 1840)

The Court of Foujdaree Adalut, 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 Cauteem Saib

and

2nd Maresoom Saib

is sufficient to convict them of the crime of Murder, do convict them thereof, but being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court 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 (7) seven years.-

(Sent following letter No. 363.)

Mr Sindleston and Mr Campbell.-

F.C.

At a Court of the Foujdaree Udalut

Present,

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

Wednesday 11th March, 1840.

William Rudleston Esqre. — 2d. Puisne Judge

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

Read again second Supplemental Return dated 27th November 1839 from the (late) First Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 3d September 1839, communicating the orders of Government conveyed in the Extract from the Minutes of Consultation under date the 20th August 1839 - No. 691 - on the Extracts from the Proceedings of the Foujdaree Udalut under dates the 17th and 25th June 1839 - both on review of the First Judge's Circuit Report for the Second Sessions of 1838.—

(Here enter F.C. No. 2017 of 1839.)

Also read Return dated the 9th and Supplemental Return dated the 15th January and second Supplemental Return dated

dated the 7th February 1840- from the Provincial Court of Circuit for the Northern Division, to the Precept of the Court of Sunjdaree Udalut under date the 14th December 1839, directing them to instruct the Magistrate of Vizagapatam to examine all the witnesses named by Rayavarapoo Gungiah in support of his complaint of assault against Mr. Mason the Head Assistant Magistrate of Vizagapatam.-

(Here enter F. Rec. Nos. 116: 151 and 329 of 1840.)

1. With the Supplemental Return of the 27th November last the (late) First Judge submitted copies of a Return dated the 20th of that month and of its enclosures from the Magistrate of Vizagapatam, communicating the result of the investigation made by that Officer into the charge of assault preferred against Mr. Mason the Head Assistant Magistrate by Rayavarapoo Gungiah.-

2. With the Supplemental Return of the 3d Ultimo the Provincial Court of Circuit have submitted a copy of a Return from the Magistrate of Vizagapatam, together with the additional

additional evidence taken by that Officer in accordance with the order of the Sunjdaree Udalut of the 14th December 1839.-

3. The Court of Sunjdaree Udalut observe that the complainant in his petition dated 30th October 1838, to the Court of Circuit, stated that Mr. Mason, on his (complainant's) denial that he knew any thing respecting a certain complaint, sent for him "into his room, caused the doors to be shut and getting a Delayet to give" him four stripes with a whip to which knotted cotton strings were tied, took the whip himself afterwards and gave "him "one blow on "his "head with the wooden part of it and several blows on his calves and body with the strings."-

4. In the deposition given by him on oath before the Magistrate on the 13th November 1839 this complainant stated that on the occasion in question. Mr. Mason "caused a whip with knotted cotton strings to be brought and the doors of the house to be shut by a Delayet (name unknown) and made the same)

same Deloyat give" him "four blows with that whip on the calves of his legs"- that complainant said "it was not just to beat" him "cause he safely and requested inquiry"- "Upon which Mr. Mason taking the whip from the hands of the Deloyat gave" him "one blow on the head and many on the body with it"- That he (complainant) was then pushed out and placed in charge of a Deloyet, and Veerasapoo Pullayah- Sankapillay Appayah- Iyanty Padmanabhoodoo- Iyanty Venkatajogee and some others being outside the house, he told them that he had been beaten, and showed them the marks of blows on his body.-

5. Of the four persons abovenamed, the two first only are mentioned as witnesses at the foot of the said petition to the Court of Circuit together with Goorooyada Condanah- Ruvatapillay Venkatapah, Paulipatapoo Venkatroydoo writers and Moongamooy Chetumbarum Head Moonshee on the establishment of Mr. Mason and Ruchala Samiah Head of Police of Suvvasiddy.-

J. Mc.
11th March 1840.-

6. In his answers to questions put to him on his examination before the Magistrate, the complainant stated that the last named five persons were in Mr. Mason's house at the time (so the Court conclude though the name of the 3rd Paulipatapoo Venkatroydoo is written "Paulipatapoo Venkatroydoo"). that the 5th having afterwards come to the village of Royavarum, one Janamunchy Narsimloo came to complainant and said that he was desired by him (the Moonshee) to mention that if Complainant declared before the authorities that the said complaint was made at the instigation of "Royavarapoo Dashahee" and not of his (complainants) own accord, he would get him a situation on a monthly salary of ten Rupees. Complainant named Iyanty Padmanabhoodoo and Doovasooda Venkanah as standing by when this conversation took place.-

7. Being re-examined on the 14th November 1839- the complainant stated that he did not recollect whether the Peon by whom Mr. Mason caused him to be beaten had a

March 1840.-

has on Silver badges, and that he could not recognize him, if he should see him as he "was bewildered by being beaten."-

8. Moongamoory Chedumbrum - Head Goomastah - 4th of those named by complainant denied that the complainant was beaten.-

9. Tooroogandiah Condiah - No 1 said that he was not present when complainant was called before Mr. Mason.-

10. Ruvatapillay Venkatuppiah (No 2) stated that he was present and that complainant was not beaten.-

11. Caulipuddapoo Venkatrow (apparently No 3) was in a Cutcherry 50 or 60 yards from the room when the complainant was examined but heard no noise.-

12. Ruchala Soniah (No 5) was not present.-

13. The above five persons are servants on the Collector's establishment.-

14. Sanapillay Appayah, one of the four persons named by complainant as outside the house, stated that he, complainant, and Veerasapoo Pulloyah were made to attend at the Head Assistant Magistrate's Cutcherry at about 8 o'clock A.M. that Mr. Mason sent for complainant by peons into the

11th March 1840.-

the house he was in, and caused the door to be shut up," that some time afterwards complainant came out and said that Mr. Mason had caused him to be beaten, showing his body over all of which were marks of stripes and a bump on his forehead.- This witness did not see Iyanty Pudmanaboodoo at the Cutcherry or in the garden did not hear the noise of beating or cries.-

15. Veerasapoo Pulloyah deposed much to the same effect as the last witness.-

16. Iyanty Pudmanaboodoo stated that having heard that Mr. Mason was beating complainant, he went near the house, the doors were shut, he heard complainant saying he was not guilty and that it was not just to injure him- when complainant came out- witness went to him, there was a lump on his head and marks of stripes were on his body.-

17. Iyanty Veneata Joyhee saw complainant under a tree in the compound and he told him that Mr. Mason had beaten him: saw the marks on his head and body.-

18. Vadapillay Govariah deposed to the same effect.-

19. Doovasoola Veneunnah knows nothing

nothing about the beating.—

20. Surum Gavariah saw complainant under a tree, who told him of the beating and showed the marks.—

21. It is observable that the witnesses who state that they were respectively on the spot differ in respect to their having seen one another on the occasion; and not one of them is able to give the name of either of the Peons, who, they say, were there.—

22. It appears highly improbable that Mr. Mason would have acted in the manner stated by the complainant, whose account of the manner in which the blows were given is different in his petition from that in his sworn deposition: and his inability to identify the Peon who flogged him, makes against his credibility.—

23. It is to be regretted that Mr. Mason did not, in the first instance, reply to this charge, in a more satisfactory manner: but it appears to the Court of Sudder Adalut that the evidence adduced is altogether insufficient to bring that charge home to Mr. Mason.—

Ordered, that Extract from these proceedings, together with copies of the Papers noted in the margin be sent to the Chief Secretary to Government, to be laid before Government.—

(Sent in No. 364.)—

Further return from the Judge of the Prov. Court the 2d. dated 27th Nov. 1839 with enclosures Proceedings of the S.A. dated 4th December 1839.— Magte. of Vizagapatam Returns & translations of evidence taken by him.—

Encl.

F. 86.

At a Court of the Sudder Adalut.

Present

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

Friday, 13th March 1840.— William Rudleston Esqre. 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 27th Ultimo from the Second Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record in Case No. 10 on the Vizagapatam Calendar for the 2nd. Sessions of 1839.—

(Here enter No. 468.)

Mr. Bird and Mr. Campbell.—

The Court of Sudder 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 Mujjee Gungiah is sufficient to convict him of the crime of manslaughter, for which the penalty of Deyat is awardable under the Mahomedan Law, as declared in fatwas of their Law Officers, do convict him thereof, and with reference to the provisions of Clause Second, Section XV Regulation VII of

of 1802 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 ten (10) years.

(Sent following letter No. 370)

Read letter dated the 8th Ultimo
from the Second Judge on Circuit in the Western
Division, transmitting the Record in Case No. 20
on the Calicut Calendar for the 1st Sessions of 1840.-

(Here enter No. 360.)

Mr. Baird
and
Mr. Campbell.

The Court of Sanjdaree Adalut
on a deliberate consideration of all the circumstances
of the case in evidence before them, being of opinion
that the proof against the prisoners
1st. Kanjoolly Kristna Menon
and
2nd. Tekte Vellakatarre Kristnen-
is sufficient to convict them of the crime of
manslaughter in the prosecution of robbery, do
convict them thereof, and under the provisions of
Clauses first and fifth Section IV Regulation
XV of 1803. sentence the said prisoners to be
transported to such place or places beyond sea
as the Governor in Council shall appoint, there to
be imprisoned and kept to hard labor in irons
on the public roads or other public works, for
and

and during the period of their natural lives
respectively.-

The Court further acquit the prisoner
3rd. Odoongattil Shangaren Nair,
but considering that strong suspicion though
not amounting to conviction attaches to him,
the Court under Clause Sixth Section II Regula-
tion XV of 1803 direct that he be required to
find two Sureties in one hundred and fifty
Rupees (150) 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.-

(Sent following letter No. 371)

Read letter dated the 12th
Ultimo from the Second Judge on Circuit
in the Western Division, transmitting the
records in Cases Nos. 9 and 10 on the Malabar
Calendar for the 1st Sessions of 1840.-

(Here enter No. 411.)

Mr. Baird
and
Mr. Campbell.

The Court of Sanjdaree Adalut
on a deliberate consideration of all the cir-
cumstances

13th March 1840.

circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Nedoomparloo Chalakel Cherman Poloothe

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, sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.—

(Vide following letter No. 372.)

Read Supplemental return dated the 5th Instant from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 5th November 1839 directing them to look into the proceedings held in Case No. 76 of 1839 of the file of the Criminal Court of Madura and to pass such orders thereon as they may deem proper reporting the result to the Court of Foujdaree Udalut.—

(Here enter No. 479.)

F. 66

At a Court of the Foujdaree Udalut.

Present

Saturday 14th March, 1840. John Bird Esqr. ——— 1st Puisne Judge

William Hudleston Esqr. ——— 2d Puisne Judge

Alexr. Duncan Campbell Esqr. — 3d Puisne Judge

Read Letter dated the 2d instant from the Circuit Judge on Circuit in the Northern Division submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 4 of the Nellore Calendar of the first Session of 1840.—

(Here enter F. D. No. 467 of 1840)

The prisoner in this case is charged with being concerned in the perpetration of the crime (Highway Robbery) of which the prisoners in Case No. 3 of the Nellore Calendar of the First Session of 1839 were convicted: and before disposing of the trial now referred for their final Judgment, the Court of Foujdaree Udalut deem it necessary to direct the Criminal Judge of Nellore to submit direct for their consideration the Telougoo Record of the Proceedings before the Police in Case No. 3 1st Session of 1839.—

Dated

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

(Sent following Precept No 373)

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

(Sent in No 374)

No 93

At a Court of the Foujdaree Adalut.

Present.

Monday,
16th March,
1840.—

John Bird Esqre ——— 1st Puisne Judge.

William Middleton Esqre ——— 2nd Puisne Judge.

Alex.r Duncan Campbell Esqre 3d Puisne Judge.—

93

Read Miscellaneous Petition pre-
sented on the 29th July 1839 by Ramanee Ummaul
of the Zillah of Combaconum.—

(Here enter M. P. No 93 of 1840.)

The Petitioner prays an order for the
release of her husband Vyapooree Battar the 1st
prisoner and of the 2nd and 4th prisoners in Case No 2
of the Combaconum 1st Supplemental Calendar of the
2d Sessions of 1839 who were convicted of Gang Robbery
and sentenced by the Second Judge late on Circuit
in the Southern Division to imprisonment with
hard labour in Irons for fourteen years.—

The Court of Foujdaree Adalut
observe that having on perusal of the Calendar,
been fit to call for an English Translation of the

Record

16th March 1840.

Record of the said case - and subsequently for some further evidence - they have finally in their proceedings under date the 16th March 1840 recorded their opinion that the prisoners were properly convicted, and their resolution not to disturb the sentence of the Court of Circuit -

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon her application -

Read Miscellaneous Petition presented on the 8th October 1839 by Abdolla Rowter of the Zillah of Madura -

(Here enter F. H. M. P. No. 124 of 1839)

Read Miscellaneous petition presented on the 14th October 1839 by Abdool Cauder Hatah of the Zillah of Madura -

(Here enter F. H. M. P. No 130 of 1839)

Read also Miscellaneous Petition presented on the 14th October 1839 by Abdolla Rowter of the Zillah of Madura -

(Here enter F. H. M. P. No. 131 of 1839 -)

The Petitioners represent themselves to be connected with the prisoners in Cases Nos 8. 10 and

16th March 1840.

and 11 on the Madura Calendar for the 2d Sessions of 1839 complain that justice has not been done by the Acting Criminal Judge of Madura in the release of the prisoners in Case No 20 on the Madura Criminal file and in the committal of the parties in Cases Nos 8. 10. and 11 on the Madura Calendar -

The Petitioners pray the Court will take into consideration the proceedings in the 3 cases in the Calendar above alluded to, and order the release of the prisoners therein concerned, and the petitioner in petition No 131 prays in a special manner for the release of his brother in Law, the 9th prisoner in Case No 11 on the Calendar -

The Petitioners further pray for the punishment of their opponents -

The Court of Foujdaree Adalut saw no reason to doubt the propriety of the acquittal and release by the Criminal Judge of Madura of the prisoners in Case No 20 on the Madura Criminal file, and with reference to the prayer of the petitioners for the release of the prisoners in Cases Nos 8. 10. and 11 on the Madura Calendar, the Court of Foujdaree Adalut observe that these cases having been

16th March 1840.

Record of the said case - and subsequently for some further evidence they have finally on their proceedings under date the 16th March 1840 recorded their opinion that the prisoners were properly convicted, and their resolution not to disturb the sentence of the Court of Circuit.—

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

Read Miscellaneous Petition presented on the 5th October 1839 by Abdolla Rowter of the Zillah of Madura—

(Here enter F. H. M. P. No 124 of 1839)

Read Miscellaneous petition presented on the 14th October 1839 by Abdool Cander Katah of the Zillah of Madura—

(Here enter F. H. M. P. No 130 of 1839)

Read also Miscellaneous Petition presented on the 14th October 1839 by Abdolla Rowter of the Zillah of Madura.—

(Here enter F. H. M. P. No 131 of 1839—)

The Petitioners represent themselves who to be connected with the prisoners in Cases Nos 8. 10 and

16th March 1840.—

and 11 on the Madura Calendar for the 2d Sessions of 1839, complain that justice has not been done by the Acting Criminal Judge of Madura in the release of the prisoners in Case No. 20 on the Madura Criminal file and in the committal of the parties in Cases Nos 8. 10. and 11 on the Madura Calendar.

The Petitioners pray the Court will take into consideration the proceedings in the 3 cases in the Calendar above alluded to, and order the release of the prisoners therein concerned, and the petitioner in petition No. 131 prays in a special manner for the release of his brother-in-Law, the 9th prisoner in Case No 11 on the Calendar.—

The Petitioners further pray for the punishment of their opponents.—

The Court of Foujdaree Adalut saw no reason to doubt the propriety of the acquittal and release by the Criminal Judge of Madura of the prisoners in Case No. 20 on the Madura Criminal file, and with reference to the prayer of the petitioners for the release of the prisoners in Cases Nos 8. 10. and 11. on the Madura Calendar, the Court of Foujdaree Adalut observe that these cases having been

6th March 1840—

been referred to them for their judgements have been finally disposed of by them according to the merits of the respective cases—

The Court direct further that the petitioner in Petition No 131 be informed of the acquittal of his brother-in-Law in Case No 11, and that orders have been issued for his release—

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

Read letter dated the 5th Instant from the Acting 1st Judge on Circuit in the Central Division—transmitting the English Record in case No 28 on the Cuddapah Calendar 1st Sessions of 1840—

(Here enter T. R. No 475 of 1840—)

Mr Bird and Mr Campbell—

The Court of Foujdarry 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

Hakeem Goolam Ally Khan
alias Nizam Khan—

is sufficient to convict him of aiding and abetting in the commitment of murder, do convict him thereof and

2. F. R.

6th March 1840—

and do sentence him to be transported [illegible] the places beyond Sea as the Governor in Council may appoint, there to be imprisoned and kept at 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 375—)

Read letter dated the 2d Instant from the 2d Judge on Circuit in the Western Division—transmitting the English Record in Case No 3 on the Calicut additional Calendar for the 1st Sessions of 1840—

(Here enter F. R. No 498 of 1840—)

Mr Bird and Mr Campbell—

The Court of Foujdarry 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 Karambana Kannen

is sufficient to convict him of the crime of murder, do convict him thereof, but being of opinion, under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court sentence him to be transported to such place or places beyond Sea, as the

Governor

6th March 1840—

been referred to them for their judgments have been finally disposed of by them according to the merits of the respective cases.—

The Court direct further that the petitioner in Petition No 131 be informed of the acquittal of his brother-in-Law in Case No 11, and that orders have been issued for his release.—

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

Read letter dated the 5th Instant from the Acting 1st Judge on Circuit in the Centre Division transmitting the English Record in case No 28 on the Cuddapah Calendar 1st Sessions of 1840.—

(Here enter T. R. No 475 of 1840.)

Mr Bird and Mr Campbell.

The Court of Foujdarry 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

Hakeem Gholam ally Khan
alias Nizam Khan.—

is sufficient to convict him of aiding and abetting in the commitment of murder, do convict him thereof and

T. R.
6th March 1840.

do sentence him to be transported to [illegible] of the places beyond Sea as the Governor in Council may appoint, there to be imprisoned and kept at hard labour in irons, on the public roads or other public works for and during the period of his natural life.—

(Sent following Letter No 375.)

Read letter dated the 2d Instant from the 2d Judge on Circuit in the Western Division transmitting the English Record in Case No 3 on the Calicut additional Calendar for the 1st Sessions of 1840.—

(Here enter T. R. No 498 of 1840.)

Mr Bird and Mr Campbell.

The Court of Foujdarry 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 Karambana Panen

is sufficient to convict him of the crime of murder, do convict him thereof, but being of opinion, under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation XIII of 1802, would in this instance be too severe, the Court sentence him to be transported to such place or places beyond Sea as the Governor

Governor in Council shall appoint, there to be kept
prisoned and kept to hard labour, in irons, on the public
roads or other public works for and during the period
of his natural life.—

The 2nd and 3rd prisoners have been
acquitted by the Court of Circuit.—

(Vide following letter No 376.)

Read letter dated the 27th January
1840, from the 3rd Judge of the Provincial Court of
Circuit in the Western Division, submitting his Re-
port on the Tellicherry 4th Quarterly Sessions of 1839.—

(Here enter No 239.)

para: 6. 1 The Court of Tongdaree Udalut await
the report from the Collective Court of Circuit in the
Western Division as to the practicability and necessity
of improving the ventilation of the Jail at Tellicherry.—

para: 7. 2. The opinion of the Court of Tongdaree
Udalut as to the inexpediency of substituting Cast Iron
Cots in the Jail Hospital at Tellicherry for the wooden
ones now in use in that Jail, has been already com-
municated to Government in para 7 of the Proceed-
ings of the Tongdaree Udalut of the 6th Instant.—

paras 9 to 14— 3 Adverting to paras 9 to 14 inclusive
of the 3rd Judge's Report, the Court of Tongdaree
Udalut

16th March 1840.

Udalut would state for the information of the
Right Honorable the Governor in Council that
considering much risk and some expense would
attend the proposal to employ Convicts in the repair
of the Cannanore Road beyond the Ferry of Forts of
Dharmapatam, the Judges considered it preferable
to suggest, in their letter addressed to the Chief
Secretary to Government under date the 24th Ultimo,
that effect be given to the order of Government of the
8th July 1839, No 1534, by transferring 50 Convicts from
the Jail at Tellicherry to the Officer Commanding
Cannanore for the purpose of being employed in repair-
ing the Roads in that Cantonment.—

50 Rupees for temporary shed-
an extra Guard of Jail Peons,
and also a Havildar's Guard
of Sepoys.

paras 15 to 17— 4 With reference to paras 15. 16. and 17
of the 3rd Judge's Report, the Court of Tongdaree
Udalut resolve to direct Mr. Dorlean to instruct the
acting Joint Magistrate of Malabar that the daily
Calendars furnished to the Judge of Circuit
should exhibit all persons apprehended by the
Police or Magistracy, who have been discharged
upon Razeenamah, or without investigation for de-
fault or other cause:- but the Court of
Tongdaree

16th March 1850.

Foujdaree Adalut do not consider it necessary to require the Magistrates to prepare and to lay before the Court of Circuit the additional Calendar suggested by Mr. Borlean, of "Persons committed to the Criminal Court," because the proceedings of the Police and of the Magistracy in such cases come under the revision of the Provincial Court of Circuit and of the Court of Foujdaree Adalut in other periodical statements and reports furnished by the Magistrates and by the Criminal Courts.

paras 18 and 19. The Court of Foujdaree Adalut concur in opinion with the 3d Judge that the security demandable by the Magistracy under the provisions of Section III Regulation II of 1822 must be by the responsibility of sureties, and not by the deposit of a given sum of money.—

6. In paras 20 to 24 inclusive, the 3d Judge suggests a modification of the Orders circulated by the Court of Foujdaree Adalut under date the 21st of October 1830 and 28th September 1836 - the former Circular Order directing that when any of the Criminal Courts may award corporal punishment and imprisonment exceeding

16th March 1850.

three & not exceeding 3 months, the Corporal punishment be not inflicted until two months after the sentence has been passed, in order that the Higher Court may have time to consider the grounds upon which the sentence is awarded: and the latter Circular Order directing that the Corporal punishment awarded against prisoners convicted before the Court of Circuit be not inflicted until the orders of the Foujdaree Adalut, on review of the Calendar, have been received by the Circuit Judge.—

7. The Court of Foujdaree Adalut are of opinion that it would not be expedient either to modify, or to Cancel, the Circular Orders quoted above, experience has abundantly shewn the necessity that exists for the exercise of such a controlling power by the Superior Court, and it is no sound argument against its exercise or any good reason why the Court should not use their endeavours to check undue exercise of the power of inflicting Corporal punishment, in all instances where such sentences can conveniently come under their revision, - that the interference of the Foujdaree Adalut necessarily cannot extend to sentences where the confinement is limited to 3 months, or where the

para: 21 "the accused "may have been "flogged" and "discharged," "in either of "which "instances the offenders are as lia- "ble, as the others, to be undeservedly punished in "this respect."—

para: 22. 8. What the 3d "Judge means by describing the Circular Orders quoted above as "heterogeneal" the Court of Tongdaree Udalut cannot discover, for they can hardly suppose that it can be necessary to explain to the 3d Judge of the Court of Circuit, that the standing order of the 16th of October 1816 was of course superseded by the subsequent Circular Order of the 21st October 1830.—

para: 26 9. The subject noted in para 26 of the 5th Judges report has been abundantly discussed in former papers submitted by this Court to Government, and the Judges therefore do not consider it necessary to revive the discussion on the present occasion.—

10. With reference to para: 29 of the 3d Judges report, the Court of Tongdaree Udalut would explain for the information of the Right Honorable the Governor in Council, that all undue detention

in

in the Jalook of prisoners charged with offences punishable only by the Criminal and Circuit Courts is already brought to notice in the monthly Criminal Reports submitted to the Court of Tongdaree Udalut for dilatoriness on the part of the native Police in disposing of cases adjudicable by themselves and the Magistracy, they are no doubt appropriately punished by the Magistrate or by his Assistant, and the Court of Tongdaree Udalut see nothing therefore to justify them in recommending the adoption of any additional Statement;— the preparation of those already enjoined to be periodically furnished to the Courts of Circuit, and to the Court of Tongdaree Udalut, cause the duties of the Magistrate to be sufficiently onerous, and they appear to furnish all the information necessary to be supplied to the controlling authorities.—

Ordered, that Extract from these proceedings, together with copy of the 3d Judges report dated the 27th January 1840 be forwarded to the Chief Secretary to Government

for

para: 21 "the accused" may have been "flogged" and "discharged" "in either of which" instances the offenders are as lia- "ble, as the others, to be undeservedly punished" in "this respect."—

para: 20.— 8. What the 3d Judge means by describing the Circular Orders quoted above as "heterogeneal" the Court of Tongdaree Udalut cannot discover, for they can hardly suppose that it can be necessary to explain to the 3d Judge of the Court of Circuit, that the standing order of the 16th of October 1816 was of course superseded by the subsequent Circular Order of the 21st October 1830.—

para: 26 9. The subject mooted in para 26 of the 3d Judge's report has been abundantly discussed in former papers submitted by this Court to Government, and the Judges therefore do not consider it necessary to prolong the discussion on the present occasion.—

10. With reference to para: 24 of the 3d Judges report, the Court of Tongdaree Udalut would explain for the information of the Right Honorable the Governor in Council that all undue detention

in

in the Jalook of prisoners charged with offences punishable only by the Criminal and Circuit Courts is already brought to notice in the monthly Criminal Reports submitted to the Court of Tongdaree Udalut for dilatoriness on the part of the native Police in disposing of cases adjudicable by themselves and the Magistracy, they are no doubt appropriately punished by the Magistrates or by the Assistant, and the Court of Tongdaree Udalut see nothing therefore to justify them recommending the adoption of any additional Statement;— the preparation of those already enjoined to be periodically furnished to the Courts of Circuit, and to the Court of Tongdaree Udalut, cause the duties of the Magistrate to be sufficiently onerous, and they appear to furnish all the information necessary to be supplied to the controlling authorities.—

Ordered, that Extract from these proceedings together with copy of the 3d Judges report dated the 27th January 1840 be forwarded to the Chief Secretary to Government for

16th March 1840.

for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 377.)

Ordered also, 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 in No. 378.)

Read order of Government dated the 13th of January 1840. No. 31. communicating the concurrence of the Right Honorable the Governor in Council in the opinion recorded in the 11th para of the proceedings of the Tongaree Adalut under date the 6th of January 1840. that it is highly desirable that the existing Salt Laws should be modified so as to enable the Magistracy to dispose of cases of trivial violations of the same on the spot and obviate the necessity of forwarding the parties to the Criminal Courts, and directing the Judges, if they think it necessary that the proposed modification of the Law should be made immediately, to prepare and to submit a Draft of an Act to that effect.—

(Here enter No. 77 of 1840.)

Ordered accordingly, that the

4. J. Ug.

16th March 1840.

the accompanying Draft of a proposed Act modifying the provisions of Clause 6th Section III and Section IV, Regulation X of 1831 be submitted for the approval of the Right Honorable the Governor in Council and for eventual transmission to the Government of India.—

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. 379.)

Draft Act.

An modification of the provisions contained in Regulation X of 1831, of the Madras Code, it is hereby enacted that it shall be competent to the Magistracy to try and determine any breach of the Salt Laws, which may not be considered by the Magistracy to require punishment by the Criminal Court, and to punish the same, by inflicting on persons convicted the punishment annexed by law to his offence.—

Provided always that such punishment by the Magistracy shall in no case exceed fine of 50 Rupees or confinement with labor beyond 30 days.—

Read letter dated the 17th Ultimo from the Criminal Judge of Nellore, forwarding the

Crimina C

Criminal Reports of the Zillah Court for the Month of January.—

(Here enter F.H. No. 367 of 1840.—)

Suppl. Report Case No. 71.—

1. The Court of Tongdaree Adalut observe that the prisoner in this case being a Peon and having in charge persons accused of Burglary—he was never properly committed for Trial before the Court of Circuit under the provisions of Clause first Section VII Regulation I of 1810: and this observation has been communicated to the Third Judge on Circuit in the proceedings of this Court on the Kellee Calendar of the First Sessions of 1840. But the Court will not now disturb the sentence of the Criminal Court.—

Report V Case No. 1.

2. The prisoners in this case were charged with having ill-used and beaten the Prosecutors wife—in consequence whereof she threw herself into a well and was drowned: and they were sentenced by the Assistant Criminal Judge to be imprisoned in the Zillah Jail without labor for fifteen days "due consideration being had to the period they have already been in custody."

3. The Court of Tongdaree Adalut consider this sentence much too lenient.—

Case No. 3.— 4. The Defective Indictment in the Report—"with having possessed of suspicious articles valued—

valued Rupees 2 4 " occasions doubt as to the specific offence with which it was intended to charge the prisoners: but it appears that there was no evidence whatever against them, and they were in consequence released.—

5. The Court of Tongdaree Adalut direct the Criminal Judge to furnish a copy of the case as entered in the Report and of these remarks to the Magistrate of Kellee, who will be pleased to ascertain and report direct to this Court the reasons which induced the Head of Police to send up the case to the Criminal Court.—

6. The Magistrate will likewise be pleased to report where the prisoners were from the 9th January 1840 the date of their apprehension—to the night of the 11th January—when they are reported to have been brought before the Head of Police of Calegherry.—

7. The Court of Tongdaree Adalut require the attention of the Criminal Judge to the charge in this case as above quoted. It appears that the case was tried by the Mahommedan Judge Nuseer—but it is expected that the European Officers of the Zillah Court will revise the Report before sending them up.—

Case No. 4.— 8. The prisoner in this case was charged

16th March 1840-

charged with Cattle Stealing- and was sentenced to one year's imprisonment

9. It is stated in the abstract of evidence that "the Prosecutor and two witnesses proved that the cattle belong to the former"- and the Court of Foujdaree Udalut deem it proper to call upon the Criminal Judge to state whether it was proved that the cattle had been stolen from the Prosecutor-

10- The subject of the "reference" made by the Police Officer to the Magistrate should have been stated. The Criminal Judge will be pleased to point the attention of the Magistrate to the Circular Order of the Foujdaree Udalut of the 26th February 1836- No 62- and the latter officer will require the Police to pay due regard to its injunctions-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Salem by precept returnable within seven days from and after its receipt.—

(Sent following precept No 380)

again

Read return dated the 10th of October 1839 made by the Acting 1st Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 30th August 1839 directing him to call for the proceedings in certain cases included in the Coimbatore Criminal Report for the month of July 1839 and to proceed therewith

as

5. J.R.C.

16th March 1840- as directed in Section XXIII Regulation X of 1816-

(Here enter No 1688 of 1839)

1. In the above Return the Acting Sessions Judge intimated to the Court of Foujdaree Udalut, that, with respect to cases No 95 and 96 of the Coimbatore Criminal Report referred to above he had transmitted an Extract from his proceedings thereon for the final orders of the Collective Court of Circuit.—

Also read Supplemental Return dated the 19th Ultimo made by the Provincial Court of Circuit in the Southern Division to the precept of the Foujdarry Udalut of the 30th of August 1839, submitting a copy of the orders passed by the Collective Court of Circuit on reviews of Cases No 80 94- and 96 of the Coimbatore Criminal Report for the month of July 1839-

(Here enter No 393-)

With respect to Case No 96 wherein the prisoner was required by the Sudr Ameen to find two sureties for his good behaviour for six months, the Provincial Court of Circuit state in their proceedings of the 9th December 1839 that being of opinion there was sufficient proof to convict the prisoner, they had directed "that he be sentenced to one years imprisonment with hard labor in irons-

With

16th March 1840-

charged with Cattle Stealing- and was sentenced to one years imprisonment

9. It is stated in the abstract of evidence that "the Prosecutor and two witnesses proved that the cattle belong to the former"- and the Court of Fouzdaree Udalut deem it proper to call upon the Criminal Judge to state whether it was proved that the cattle had been stolen from the Prosecutor-

10- The subject of the "reference" made by the Police Officer to the Magistrate should have been stated. The Criminal Judge will be pleased to point the attention of the Magistrate to the Circular Order of the Fouzdaree Udalut of the 26th February 1836- No 262- and the latter officer will require the Police to pay due regard to its injunctions-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Vellore by precept returnable within seven days from and after its receipt.—

(Sent following Precept No 380)

again

Read return dated the 10th of October 1839 made by the Acting 1st Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 30th August 1839 directing him to call for the proceedings in certain cases included in the Coimbatore Criminal Report for the month of July 1839, and to proceed therewith

as

5. J. H.

16th March 1840- as directed in Section XXIII Regulation X of 1816-

(Here enter No 1688 of 1839)

1. In the above Return the Acting Fouzdaree Judge intimated to the Court of Fouzdaree Udalut that, with respect to Cases Nos 95 and 96 of the Coimbatore Criminal Report referred to above he had transmitted an Extract from his proceedings thereon for the final orders of the Collective Court of Circuit.—

Also read Supplemental Return dated the 19th Ultimo made by the Provincial Court of Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 30th of August 1839, submitting a copy of the orders passed by the Collective Court of Circuit on reviews of Cases Nos 86-94- and 96- of the Coimbatore Criminal Report for the month of July 1839-

(Here enter No 393-)

With respect to Case No 96 wherein the prisoner was required by the Sudr Ameen to find two sureties for his good behaviour for six months, the Provincial Court of Circuit state in their proceedings of the 9th December 1839 that being of opinion there was sufficient proof to convict the prisoner, they had directed "that he be sentenced to one years imprisonment with hard labor in irons-

With

16th March 1840.

With respect to Case No 94 the Provincial Court of Circuit in their proceedings of the 19th February 1840 report their opinion that the evidence against the prisoner in that number (who had likewise been ordered to find security) was also sufficient to justify his conviction, but as he had been subsequently sentenced to punishment in Nos 121. 122 and 123. no further punishment could be awarded against the prisoner on account of the Crime charged against him in Case No 94. the Provincial Court of Circuit however recorded their opinion that the punishment awarded in those three Cases was very inadequate, and they accordingly amended the sentence by extending the period of imprisonment to 2 years.—

7 years imprisonment with labor in irons

The Court of Fouzdaree Adalut have repeatedly ruled that no prisoner can be held to security unless he has been acquitted; and that a prisoner, once acquitted, by a competent Court cannot be committed, or punished at all. as ordered by the Circuit Court on the Case No 96. also that in Case of conviction when a sentence of punishment, has been declared, and in part executed, the prisoner should have the benefit of the error committed in his Case, and should not be further punished for the same offence, as has been ordered by the Provincial Court of Circuit in the

16 March 1840.

the Cases Nos 121. 122. and 123. and accordingly the Provincial Court of Circuit are directed to recall and to cancel their orders to that effect which have been issued to the Native Joint Criminal Judge as well as those in No 96.—

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 381.)

Read Miscellaneous Petition presented on the 9th of March 1840. by Hydee and Looboo Saich late Peons on the Establishment of the Zillah Jail of Salem—

(Here enter F. Ms. Mc. P. No 823 of 1840.)

The petitioners represent themselves to have been Deloyets on the establishment of the Zillah Court of Salem in the year 1808 from which situation it appears they were by Mr Hooper transferred to the Jail guard. They state the circumstances which led to their dismissal from this last office— they charge the present Jailor with corruption and add that they are prepared to substantiate this charge should the Court of Fouzdary Adalut be pleased to call on them to do so—

In conclusion the petitioners pray to be restored to their situations and that Orders may be issued for the punishment of the Jailor.

The Court of Fouzdary Adalut see

no

no grounds for their interference in behalf of the petitioners
who if they feel themselves aggrieved should address the
Provincial Court of Circuit.—

Ordered, that the Petition be rejected and that copy of these proceedings be furnished to the Petitioners on their application.—

Read letter dated the 19th Ultimo from the Magistrate of Canara submitting, for the orders of the Court of Sudder Adalut Copies of certain papers regarding a Case in which the proceedings of the Acting Joint Magistrate have been over ruled by the 1st Judge late on Circuit in the Western Division,— the grounds of the reference being that "the case involves "the question of the powers given to the Magistracy to "preserve the peace on emergent occasion".—

(Here enter Rs 415)

1. The circumstances which gave occasion to the interference of the Acting Joint Magistrate, in a manner which the 1st Judge of the Provincial Court of Circuit in the Western Division has declared to be illegal and unauthorized, appear to have had their origin in a dispute between the Priests of the Sringery and the Coodely Bhutts regarding their respective claims to spiritual jurisdiction over the Soonda Talook.—

2. The Magistrate explains that "the "Sringery Mhutt in the adjoining district of Nuggur

16 March 1840— "is the principal Hindoo religious Establishment in "that "part of India, and its Gooroo having had formerly jurisdi-"-ction Spiritual rule over all the adjacent Districts— "But "that when one of the former Gooroos was absent "from the Mhutt on his usual Circuit, an erroneous "report of his death was spread and a successor was appoint-"ed. To remedy the inconveniences which arose from "the rival claims of these two Swamy's a second "Mhutt called the "Coodly Sringery" was established near "Sirsoomgah, and the Districts over which the original "Mhutt had sway were divided by amicable arrange-"-ment into two portions.—

"In this division which is of very
3.
"long standing" the Magistrate states "that the Patagaur "Talooks of Soonda and Sopah "fell to the Coodly Sringery "Mhutt, and their Agent Gellum Bhutt received the "endowment on Sircleck paid by the Government at "Banwasey in the Soonda Talook and levied the offer-"-ings which are yearly paid by the different Castes to "the Mhutt from which they receive religious services— "But lately in consequence of Gellum Bhutts imputed "misconduct, he was dismissed by his employers, and "one Christna Bhutt appointed in his stead. This" the Magistrate observes "led to the present dispute as

Gellum

his grounds for their interference in behalf of the petitioners who if they feel themselves aggrieved should address the Provincial Court of Circuit—

Ordered, that the Petition be rejected and that copy of these proceedings be furnished to the Petitioners on their application.—

Read letter dated the 19th Ultimo from the Magistrate of Canara submitting, for the orders of the Court of Foujdarry Adalut copies of certain papers regarding a case in which the proceedings of the Acting Joint Magistrate have been over ruled by the 1st Judge late on Circuit in the Western Division, the grounds of the reference being that "the case involves "the question of the powers given to the Magistracy to "preserve the peace on emergent occasions."—

(Here enter No 415)

1. The circumstances which gave occasion to the interference of the Acting Joint Magistrate, in a manner which the 1st Judge of the Provincial Court of Circuit in the Western Division has declared to be illegal and unauthorized, appear to have had their origin in a dispute between the Priests of the Sringery and the Coorly Mhutts regarding their respective claims to Spiritual jurisdiction over the Soonda Talook.—

2. The Magistrate explains that "the "Sringery Mhutt in the adjoining district of Nuggur

16 March 1840— "is the principal Hindoo religious Establishment in "that part of India, and its Gooroo having formerly exer-"cised Spiritual rule over all the adjacent Districts— "But "that when one of the former Gooroos was absent "from the Mhutt on his usual Circuit, an erroneous "report of his death was spread and a successor was appoint-"ed. To remedy the inconveniences which arose from "the rival claims of these two Swamy's a second "Mhutt called the "Coorly Sringery" was established near "Sheemogah, and the Districts over which the original "Mhutt had sway were divided by amicable arrange-"ment into two portions."—

3. "In this division which is of very "long standing" the Magistrate states "that the Balaghaut "Talooks of Sonda and Sopah" fell to the Coorly Sringery "Mhutt, and their Agent Yellum Bhutt received the "endowment on Inadeck paid by the Government at "Bunwasy in the Sonda Talook and levied the offer-"ings which are yearly paid by the different Castes to "the Mhutt from which they receive religious services— "But lately in consequence of Yellum Bhutts imputed "misconduct, he was dismissed by his employers, and "one Christna Bhutt appointed in his stead. This" is the Magistrate observes "led to the present dispute as

Yellum

"Yellum Bhutt in prosnge enlisted himself as a partisan of
"the rival Syngery Mhutt, and stated that he had hitherto
"acted on its behalf, and not as an Agent of the Coodly
Mhutt—

4. "A dispute," the Magistrate adds, "thus
"arose as to whom the Government Jusdeck was payable,
"and this was decided by the Sub-Collector, under the
Reg: 7 of 1817 "Revenue Regulations, in favor of the Coodly Syngery
"Mhutt." "This Decree the Magistrate observes decided
"the question regarding Spiritual jurisdiction or the right
"of performing marriages and other ceremonies, and inter-
"-ferring in Cases of Caste and religion, which necessarily
"belongs to the party by whom the Government a-
"Jusdeck is received."—

5. "Thus far" the Magistrate believes the
"proceedings were strictly legal, and as it was competent
"for Yellum Bhutt to appeal against the Sub Collector's
"decision," the Magistrate considers "that he ought to have
"adopted this course, and was not entitled to set it at
"defiance - But as he persevered in his opposition to the
"order by endeavouring to enlist the people on the side of
"his Mhutt, and by interfering in ceremonies, the per-
"-formance of which belonged to the other party, it
"became necessary for the Magistracy to interfere to
prevent

"prevent the two parties coming into collision."—

6— "In adopting measures to preserve the
"peace" the Magistrate states that "harshness was avoid-
-ed, and Yellum Bhutt after being repeatedly warned
"against his conduct, and being told that an appeal
"was open to him, was directed merely to enter into a
"recognizance that he would abstain from disobeying
"the order, but he persisted in his contumacy and was a-
"last summoned by the Acting Joint Magistrate and direct-
-ed either to leave the Zonda Talook, or to sign the re-
-cognizance on pain of otherwise being placed in
"custody— "This course," the Magistrate adds, "was adopt-
-ted as more lenient than immediate imprisonment,
"the party being simply ordered from a part of the province
"where he was an intruder, to the adjoining District
"in which his Mhutt is situated."—

7. The 1st Judge of the Provincial
Court of Circuit in the Western Division in his proceed-
-ings of the 31st of December 1839 observed that he was
"not aware of any Regulation by which a Revenue
"Officer is authorized to pass a Decree on a dispute re-
-garding Spiritual jurisdiction over persons of any
"religion, or by which a Magistrate can restrain a
person from receiving the voluntary offerings of
people

"Jellum Bhutt in prounce enlisted himself as a partisan of
"the rival Zemindary Mhutt, and stated that he had hitherto
"acted on its behalf, and not as an Agent of the Coordly
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"arose as to whom the Government Jusdeck was payable,
"and this was decided by the Sub-Collector, under the
Reg: 7 of 1817 "Provence Regulations, in favor of the Coordly Zemindary
"Mhutt." "This Decree the Magistrate observes decided
"the question regarding Spiritual jurisdiction or the right
"of performing marriages and other ceremonies, and inter-
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"proceedings were strictly legal, and as it was competent
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"decision," the Magistrate considers "that he ought to have
"adopted this course, and was not entitled to set it at
"defiance - But as he persevered in his opposition to the
"order by endeavouring to enlist the people on the side of
"his Mhutt, and by interfering in ceremonies, the per-
"-formance of which belonged to the other party, it
"became necessary for the Magistracy to interfere to

prevent

"prevent the two parties coming into collision."—

6. "In adopting measures to preserve the
"peace" the Magistrate states that "harshness was avoid-
-ed, and Jellum Bhutt after being repeatedly warned
"against his conduct, and being told that an Appeal
"was open to him, was directed merely to enter into a
"recognizance that he would abstain from disobeying
"the order, but he persisted in his contumacy and was at
"last summoned by the Acting Joint Magistrate and direct-
-ed either to leave the Lands Talook, or to sign the re-
-cognizance on pain of otherwise being placed in
"custody." "This course," the Magistrate adds, "was adopt-
-ed as more lenient than immediate imprisonment
"if the party being simply ordered from a part of the province
"where he was an intruder, to the adjoining District
"in which his Mhutt is situated."—

7. The 1st Judge of the Provincial
Court of Circuit in the Western Division in his proceed-
-ings of the 31st of December 1839 observed that he was
"not aware of any Regulation by which a Revenue
"Officer is authorized to pass a Decree on a dispute re-
-garding Spiritual jurisdiction over persons of any
"religion, or by which a Magistrate can restrain a
person from receiving the voluntary offerings of

people

"Jellum Bhutt in prosecuting enlisted himself as a partisan of
"the rival Syngery Mhutt, and stated that he had hitherto
"acted on its behalf, and not as an Agent of the Coodly
Mhutt—

4. "I dispute," the Magistrate adds, "this
"arose as to whom the Government Jaudrek was payable,
"and this was decided by the Sub-Collector, under the
Reg: 7 of 1817 "Revenue Regulations, in favor of the Coodly Syngery
"Mhutt." "This Decree the Magistrate observes decided
"the question regarding Spiritual jurisdiction or the right
"of performing marriages and other ceremonies, and inter-
-fering in Cases of Caste and religion, which necessarily
"belongs to the party by whom the Government
Jaudree R. is received.—

5. "Thus far" the Magistrate believes the
"proceedings were strictly legal, and as it was competent
"for Jellum Bhutt to appeal against the Sub Collectors
"decision," the Magistrate considers "that he ought to have
"adopted this course, and was not entitled to set it at
"defiance - But as he persevered in his opposition to the
"order by endeavouring to enlist the people on the side of
"his Mhutt, and by interfering in ceremonies, the per-
-formance of which belonged to the other party, it
"became necessary for the Magistracy to interfere to

prevent

"prevent the two parties coming into collision."

6. "In adopting measures to preserve the
"peace" the Magistrate states that "harshness was avoid-
-ed, and Jellum Bhutt after being repeatedly warned
"against his conduct, and being told that an appeal
"was open to him, was directed merely to enter into a
"recognizance that he would abstain from disobeying
"the order, but he persisted in his contumacy and was at
"last summoned by the Acting Joint Magistrate and desir-
-ed either to leave the Londa Taloob, or to sign the re-
-cognizance on pain of otherwise being placed in
"custody." "This course," the Magistrate adds, "was adopt-
-ed as more lenient than immediate imprisonment
"the party being simply ordered from a part of the provin-
"where he was an intruder, to the adjoining District
"in which his Mhutt is situated."—

7. The 1st Judge of the Provincial
Court of Circuit in the Western Division in his proceed-
-ings of the 31st of December 1839 observed that he was
"not aware of any Regulation by which a Revenue
"Officer is authorized to pass a Decree on a dispute re-
-garding Spiritual jurisdiction over persons of any
"religion, or by which a Magistrate can restrain a
person from receiving the voluntary offerings of

people

people for religious purposes".—

8. There appeared to the 1st Judge "to be an "entire want of proof that the public peace was at all in "danger" and in his opinion "the obvious course was to refer "Tristna Bhutt to the Civil Court, if he deemed his rights "invaded" by Gellum Bhutt.—

9. "The confinement of the Petitioner Gellum Bhutt and turning him out of the District" appeared to the 1st Judge "most arbitrary and unwarrantable" and accordingly he directed such order to be cancelled forthwith.—

10. The Court of Foujdaree Adalut concur in opinion with the 1st Judge of the Provincial Court of Circuit, that the acting joint Magistrate's order directing the said Gellum Bhutt to enter into recognizances under pain of banishment, was quite illegal; but if there was danger to the peace of the District to be apprehended from the said Gellum Bhutt refusing to have recourse to legal measures for the recovery of his alleged rights and privileges, it was in the opinion of the Foujdaree Adalut, competent to the Magistracy to demand personal recognizances, or security from that individual under Clause 1st Section V Regulation VI of 1827.—

11. With regard to the dispute which arose between the Sungery Bhutt and Coondy Bhutt as to whom the Government Tuckeh was payable,

the

7. J. &c.

16th March 1840.— the Court of Foujdaree Adalut are of opinion that the Sub Collector could have acted in such matter under Regulation VII of 1817, if the provisions contained in that enactment were previously observed.— But, except as regards the endowments of that institution, he could not interfere; and it was quite illegal for him to pass any decision, or decree, affecting spiritual jurisdiction, over payments to be made by private individuals of any kind.—

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Western Division to be by him communicated to the Magistrate of Cuttack for his information and guidance.—

(Sent in 8vo 382.)

Read again Return dated the 8th and Supplemental Return dated the 31st January 1840 from the Second Judge late on Circuit in the Southern Division — to the Precept of the Court of Foujdaree Adalut under date the 6th December 1839 — calling for further evidence and a Report from the Magistrate of Tanjore relative to Case No. 2 of the Combaconum Supplemental Calendar of the 1st Sessions of 1839.

(Here enter F. &c. Nos 57 and 235 of 1840.—)

Also read Return dated the 3d

Instant

Instant from the Second Judge of the Provincial Court of Circuit in the Southern Division to the Registrar of the Court of Foujdaree Udalut under date the 15th February 1840 calling for an English Translation of the record of Case No. 14 of the Combaconum Calendar of the 2nd Sessions of 1839.

(Here enter F. 16. No. 469 of 1840.)

The Court of Foujdaree Udalut upon a full and mature consideration of the evidence in Case No. 2 of the Combaconum Supplemental Calendar of the first Sessions of 1839 and Case No. 14 of the Combaconum Calendar of the Second Sessions of 1839 entertain no doubt of the guilt of any of the prisoners in those Cases who have been convicted by the Court of Circuit or of the propriety of the sentences passed by that Tribunal, which will therefore not be disturbed.

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

(Sent in No. 383.)

Read letter dated the 25th of February 1840 from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in a case of Murder held under the provisions

16th March 1840.

Mr. Bird
and
Mr. Sudleston.

provisions of Act XXIV of 1839.

(Here enter F. 16. No. 450 of 1840.)

The Court of Foujdarry 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

"Candeecondah Veeriah."

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 sentence the said prisoner to suffer death by being hanged as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Agent to the Governor of Fort St. George in the immediate vicinity of the place where the murder was committed.—

1. In his letter above recorded the Agent after adverting to the irregularities observable in the Proceedings of the Police Officers states that his Principal Assistant is now proceeding to the neighbourhood of Goleondah and he will direct him to make further investigation into the conduct of the Police which will be duly noticed.—

2. The Court of Foujdarry Udalut direct that the result of this enquiry into the conduct of the

the Police may be communicated to them by the Agent.—

3d. The Provisions in Regulation X of 1816 in respect to the nomination by the Prisoner of such witness as he might wish to be called for his defence have not been observed by the Principal Assistant to the Agent, and the Court of Foujdarry Adalut desire therefore that the omission may be brought to the notice of the Assistant by Mr. Arbuthnot.—

4. It is observed that on the trial the deposition of the Prosecutor was recorded before the charge.—

5. The Court of Foujdaree Adalut direct that the attention of Mr. Arbuthnot be called to the Provisions of Clause first Section XV Regulation VII of 1802, and that it be pointed out to him that the prosecutor's testimony is part of "the evidence on the part of the prosecutor" and should therefore succeed "the charge against the prisoner" and in the event of the prisoners pleading "guilty" his confession also.—

6. The form in which proceedings on trials before the Court of Circuit are conducted, should in future be observed by the Agents in Ganjam and Vizagapatam in the conduct of Trials held before themselves and the Provincial Court of Circuit in

16th March 1840—

the Northern Division will furnish the Agents with the form accordingly.

7. In the instructions conveyed to the Agents of the Government Vizagapatam and Ganjam those officers were directed to forward to the Court of Foujdaree Adalut the original records in the trials held before them, to enable this Court to prepare a Persian translation of the trial for the use of their Law Officers.—

8. The Provisions of Regulation XIII of 1802 which require the Court of Foujdaree Adalut to demand a futwah from their Law Officers having been abrogated by Act. 8 of 1840 the transmission to the Court of Foujdaree Adalut of the original record of trials held before the Agents is no longer required.—

9. The Court of Foujdarry Adalut deeming it advisable that Quarterly Calendars such as are furnished by the Courts of Circuit should be transmitted to their office by the Agents to the Governor in the Ganjam and Vizagapatam Districts, resolve to direct the Provincial Court of Circuit in the Northern Division to furnish Mr. Arbuthnot and Mr. Bannerman with the forms of such Calendars for their future observance.—

10. The Court hog Foujdarry Adalut are of opinion that the Agents to the Governor at Vizagapatam

16th March 1840

Vizagapatam and Ganjam should each provide himself with a gallows, according to the approved model; which gallows should be erected at such place as may be considered most proper; and such place should be made the usual place of execution.—

Ordered, that Extract from these Proceedings be sent to the Agent of the Right Honorable the Governor of Fort St. George at Vizagapatam, and that a copy of para 6 and 9 be furnished to the Provincial Court of Circuit in the Northern Division for their information and guidance.—

(Sent following letter - No 384 and 385)

Wm

Wm

Wm

the bones, to corroborate the evidence of the three approvers that the prisoner aided in committing a murder alleged to have taken place 14 years ago.—

2. The Court further remark that according to the account of the witnesses, the Prisoner did not belong to their gang, but joined them casually. and it appears that they had not known him before or after this casual interview.—

3. The Court are also of opinion that there is evidence as good as that of the approvers very much in favor of the prisoner. With this view of the case the Court of Zoujdaree Udalut have resolved to order the unconditional release of the prisoner.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division.—

(Sent following letter No. 393.)

Read letter dated 27th February 1840 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 Zoujdaree Udalut the record of the trial in Case No. 1 on the Pellicherry Additional Calendar for the 1st Quarterly Sessions of 1840.—

(Here enter F. H. No. 454 of 1840.)

The

Mr. Reid,
and
Mr. Campbell,

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

Eroomun Cattiary Raman alias Ambo

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, sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.—

1. In the concluding paragraph of his letter of reference, the 3d Judge certifies that English translations of the whole of the Calcutk proceedings have been transmitted in conformity with the Circular Order No. 115 dated the 10th January, but owing to an excess mass of evidence, which is introduced, swelling that record much beyond what appears to be necessary, he requests to be advised whether the order in question is not rather meant to relate to the submission of such testimony only; as corresponds with that given before and sent up by the Criminal Court, and whether an abstract of the remaining evidence taken in the Calcutk, would not suffice.—

With

2.

With regard to this question of the 3d Judge, the Court of Enjdarre Eldarut consider it sufficient to reply in the words of their Circular Order quoted by the 3d Judge "that in every trial in which the Judge of Circuit may recommend the capital punishment of a prisoner, an English translation of the whole of the proceedings held before the Magistrate and the officers of the Police "will" be submitted with the record of the case, and they observe that it is particularly necessary to have the Police or Magistrates proceedings when the testimony does not correspond with that given before the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Eastern Division presiding at the Tellicherry 1st Quarterly Sessions of 1840.—

(Sent following Letter No. 394)

Read letter dated 6th March 1840 from the 2d Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Enjdarre Eldarut the record of the trial in Case No. 7 on the Vizagapatam Calendar for the 2d Sessions of 1839.—

(Here enter Ct. Ltr. No. 497 of 1840)

Mr. Bird,
and
Mr. Campbell,

The Court of Enjdarre Eldarut on a deliberate

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

1st Cerah Palovradoo,

and

2d Cerah Chittevandoo, alias Pydeevoo,

is sufficient to convict them of the crime of manslaughter, for which according to the Mahomedan Law as declared in Futwas of their Law officers, Deyut is awardable, convict them thereof; and with reference to the provisions of Clause Second Section XV Regulation VII of 1802 sentence the prisoner

2d Cerah Chittevandoo, alias Pydeevoo

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, and the prisoner

1st Cerah Palovradoo

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

1. The Court of Enjdarre Eldarut direct the Joint Criminal Judge be informed that the accumulated testimony of so many witnesses to several of the points in evidence on this trial was useless and tended to add unnecessarily

unnecessarily to the annoyance of the parties required to give evidence in this case.—

2. In the 7th Paragraph of his letter of reference, the 2d Judge observes "that the 3d prisoner in this case being released, so much of the proceedings as regards him have been omitted".—

3. The Court of Enquiry are doubtful consider this omission to have been unauthorized.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division.—

(Sent following letter No. 395.)

Read order of Government dated the 11th ultimo, No. 111, requesting the Court of Enquiry Dindigul to issue the necessary instructions to the subordinate judicial authorities in the Northern Division to transfer as many able bodied Convicts as can be spared to the charge of the Magistrate of Ganjam for the purpose of aiding in the construction of the new Jail authorized to be erected at Itchapore, and desiring that the Judges will cause an intimation to be made to Mr. Bannerman as to the number of prisoners likely

likely to be sent in order to enable him to prepare the requisite accommodation.—

(Here enter No. 310.)

Also read letter from the Criminal Judge of Vizagapatam dated the 27th ultimo, reporting that on that date there were only 28 Convicts, the period of whose sentences exceeded 6 months, available for transfer to the Magistrate of Ganjam for the purpose of being employed in the construction of the new Jail at Itchapore.—

(Here enter No. 462.)

1. Adverting to the requisition of Mr. Bannerman for the aid of Convicts in the construction of the Judicial Buildings about to be erected at Itchapore, the Court of Enquiry Dindigul, in exercise of the authority vested in them by Clause 5th Section VIII Regulation XV of 1833, have this day directed, that, until further orders, all persons sentenced by the Principal Sudr Ameen at Itchapore be imprisoned and worked at that Station, and under the contemplated occupation of the Jail at Chicacole by the prisoners sentenced under the provisions of Act No. 2 of 1839, the Court of Enquiry Dindigul have directed the transfer of the 18 Prisoners now in confinement at Chicacole to Itchapore, to be employed in the same work.—

2. The number of prisoners, liable to labor,

30. X
18.
48.

labor, in confinement at Itchapore at the close of the last month (February) was 30; this number together with those, to be transfered from Chicacole, and those which may accumulate in the Jail at Itchapore under the orders this day addressed to the Principal Sudr Ameen, are all perhaps for whom proper accommodation can, at the present time, be provided at Itchapore; but so soon as the Court of Foujdaree Adaulut are informed by the Barrowman of the probable number of Convicts that will be required by him for the purpose of assisting in the construction of the Judicial Buildings in question, and informed also that suitable accommodation has been prepared for the number that may be required, the Judges will cause all the available Convicts in the Jail at Vizagapatam, whose sentences may exceed 3 months' imprisonment to be transferred to Itchapore; and if practicable, complete the number required from some other neighbouring Jail within the Northern Division.—

3. The Convicts to be transferred to Itchapore, for the purpose of assisting in the construction of the Judicial Buildings at that station, will continue under the

the immediate charge of the Principal Sudr Ameen, but will be employed by him in such manner as may be directed by the Magistrate of Ganjam.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Ganjam and the Principal Sudr Ameen at Itchapore for their information and guidance.—

(Sent in No. 396 and 397.)

Read letter dated the 7th ultimo, from the Principal Sudr Ameen at Itchapore, forwarding for the consideration of the Court of Foujdaree Adaulut at the time when the subject may be regularly brought before them by the Provincial Court, a copy of a letter addressed by him to the Provincial Court in the Northern Division on the subject of the proposed transfer of convicts sentenced by the Principal Sudr Ameen to long periods of imprisonment to the Jail at Vizagapatam.—

(Here enter No. 338)

1. The letter addressed by the Principal Sudr Ameen to the Provincial Court in the Northern Division under date the 7th ultimo contains two suggestions.—

2. The first is, that prisoners of all descriptions

descriptions, whether convicted or sentenced to security, by the Principal Sudr Ameen himself, or by the Court of Circuit, or committed for trial before the latter Court is detained at Sticapore - and the grounds of the suggestion, are, that the Government would thereby save "the expence attending the "continual transmission of prisoners to Chicacole, or to Vizagapatam, and the Magistrate "the inconvenience" of "continually providing "guards to escort them."-

3. Under the provisions of Section XIII Regulation VIII of 1827, it is the duty of the Principal Sudr Ameen to send to the Jail of the Criminal Judge of the Zillah all persons sentenced by him to more than 2 months imprisonment; but adverting to the objections to such periodical transfer, raised by the Principal Sudr Ameen, and to the requisition by the Magistrate of Ganjam for the aid of Convicts in the construction of the Judicial buildings about to be erected at Sticapore, the Court of Foujdaree Adaulut in exercise of the authority vested in them by Clause 5th Section VIII Regulation XV of 1803, resolve to direct that, until further orders, all persons sentenced by the Principal Sudr Ameen at Sticapore be imprisoned and worked at that Station.-

4. The Court of Foujdaree Adaulut having in a

18th March 1840.

a letter this day addressed to Government, suggested that an order in Council be passed under the provisions of Section II Regulation II of 1831, directing that the Jail of the Principal Sudr Ameen be delivered at Sticapore, the Prisoners committed for trial before the Court of Circuit should not be previously transferred to the Jail at Vizagapatam.-

5. But adverting to the insecure state of the building at present occupied as a Jail at Sticapore, the Court of Foujdaree Adaulut direct that all persons sentenced to imprisonment by the Court of Circuit be sent to the Jail of the Criminal Judge at Vizagapatam, under the provisions of Section XIII Regulation VIII of 1827.-

6. The second suggestion contained in the letter addressed by the Principal Sudr Ameen to the Provincial Court of Circuit Northern Division under date the 7th ultimo, is, "that the few convicts and security Prisoners that are now at "Chicacole" (18 in all") be transferred to Sticapore "with the "Jail Establishment, weapons, and other property of that Jail".

7. Under the contemplated transfer of the Jail at Chicacole, to the Agent in the Ganjam District, for the custody of the Convicts sentenced under the provisions of Act 24 of 1839, the Court of Foujdaree Adaulut consider the transfer

transfer of the few convicts now at Cheravole to Tichatpore
expedient, and they accordingly resolve to direct the Principal
Sudr Ameen to adopt the necessary measures for carrying such
transfer into effect.—

Ordered, that Extract from these
proceedings be forwarded to the Principal Sudr Ameen at
Tichatpore for his information and guidance, and that a
copy thereof be forwarded for the information of the
Magistrate of Gunjam, and of the Provincial Court of Circuit
in the Northern Division.—

(Cent in Nos 398-399 and 400)

Read Letter dated the 6th instant from
the Third Judge on Circuit in the Northern Division, returning
the Guntoor Calendar for the First Sessions of 1840.—

(There enter S.R. No. 489 of 1840)

Case No. 3.

1.

The prisoner in this case was charged with
having effected an entry into a room of the Prosecutors House
"by getting through an open space between the wall and
the roof"— and stolen therefrom property of the amount and
value of Rupees 362— —, and was sentenced by the Court of
Circuit "under clause second Section II Regulation VII of 1802
and Section IX Regulation I of 1825 to seven years imprisonment
with hard labour in Irons".—

2.

The Court of Sudder Dewanny Adawlut observe
that

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18th March 1840.

that the act proved against the prisoner has been ruled
to constitute "Breaking"— the Mookummudan Law officer of the
Court of Circuit must therefore be required to declare by a second
Futwa to what specific penalty the prisoner would have been
liable, if he had been convicted on full legal evidence of that
crime; and the Third Judge must then proceed to pass
sentence under the provisions of Section XXI Regulation VII of 1802.—

3.

There is an error in the reference to Clause
2d Section II Regulation VII of 1802, there being no such clause in
the code.—

Case No. 6.

4.

The first and second prisoners in this
case were declared by the Futwa of the Mookummudan Law
officer of the Court of Circuit convicted on strong Presumptive
Proof of the crime of Housebreaking and Theft— and liable
to Koosbut: and were sentenced by the Court of Circuit to
seven years imprisonment "under Clause 2d Section II Regulation
XV of 1803, and Section XXI Regulation VII of 1802".—

5.

The Third Judge must take a second Futwa
from the Mookummudan Law officer and then proceed as
directed in Clause third Section II Regulation XV of 1803.—

Supplemental Calendar.
Case No. 1.

6.

This case is similar to the one noticed in the
preceding paragraphs: and the same course must be pursued
in regard to it.—

The

transfer of the four convicts now at Cheerode to Tellicherry
expedient, and they accordingly resolve to direct the Principal
Sudr Ameen to adopt the necessary measures for carrying such
transfer into effect.—

Ordered, that Extract from these
proceedings be forwarded to the Principal Sudr Ameen at
Tellicherry for his information and guidance, and that a
copy thereof be forwarded for the information of the
Magistrate of Wynaum, and of the Provincial Court of Circuit
in the Northern Division.—

(Sent in Nos. 398-399 and 400.)

Read Letter dated the 6th instant from
the Third Judge on Circuit in the Northern Division, entering
the Guntoor Calendar for the First Sessions of 1840.—

(There enter C.R.: No. 489 of 1840.)

Case No. 3.

1. The prisoner in this case was charged with having effected an entry into a room of the Prosecutor's house "by getting through an open space between the wall and the roof"— and stolen therefrom property of the amount and value of Rupees 352— a, and was sentenced by the Court of Circuit "under clause second Section II Regulation VII of 1803 and Section IX Regulation I of 1825 to seven years' imprisonment with hard labour in Irons".—

2. The Court of Sudder Adalut observe that

18th March 1840.

that the act proved against the prisoner has been ruled to constitute "Breaking"— the Mookummudan Law Officer of the Court of Circuit must therefore be required to declare by a second Futwa to what a specific penalty the prisoner would have been liable, if he had been convicted on full legal evidence of that crime; and the Third Judge must then proceed to pass sentence under the provisions of Section XXI Regulation VII of 1802.—

There is an error in the reference to Clause 3d Section II Regulation VII of 1803, there being no such clause in the code.—

Case No. 5.

4. The first and second prisoners in this case were declared by the Futwa of the Mookummudan Law officer of the Court of Circuit convicted on strong Presumptive Proof of the crime of Housebreaking and Theft— and liable to Kisbut: and were sentenced by the Court of Circuit to "seven years' imprisonment" under Clause 2d Section II Regulation XV of 1803, and Section XXI Regulation VII of 1802.—

5. The Third Judge must take a second Futwa from the Mookummudan Law officer and then proceed as directed in Clause third Section II Regulation XV of 1803.—

Supplemental Calendar.
Case No. 1.

6. This case is similar to the one noticed in the preceding paragraphs: and the same course must be pursued in regard to it.—

The

transfer of the few convicts now at Cheruvode to Stethapore
expedient, and they accordingly resolve to direct the Principal
Sudr Ameen to adopt the necessary measures for carrying such
transfer into effect.—

Ordered, that Extract from these
proceedings be forwarded to the Principal Sudr Ameen at
Stethapore for his information and guidance, and that a
copy thereof be forwarded for the information of the
Magistrate of Ganjam, and of the Provincial Court of Circuit
in the Northern Division.—

(Sent in Nos 398-399 and 400.)

Read Letter dated the 6th instant from
the Third Judge on Circuit in the Northern Division, sentencing
the Guntoor Calendar for the First Sessions of 1840.—

(There enter Ch. No 489 of 1840.)

Case No 3.

1. The prisoner in this case was charged with
having effected an entry into a room of the Prosecutor's House
"by getting through an open space between the wall and
the roof"— and stolen therefrom property of the amount and
value of Rupees 362— "; and was sentenced by the Court of
Circuit" under clause second Section II Regulation VII of 1802
and Section IX Regulation I of 1825 to seven years' imprisonment
with hard labour in Irons".—

2. The Court of Foujdaree Adawlut observe
that

Ch. 86.

18th March 1840.

that the act proved against the prisoner had been ruled
to constitute "Breaking"— the Mookummudan Law officer of the
Court of Circuit must therefore be required to declare by a second
Futwa to what specific penalty the prisoner would have been
liable, if he had been convicted on full legal evidence of that
crime; and the Third Judge must then proceed to pass
sentence under the provisions of Section XXI Regulation VII of 1802.—

3. There is an error in the reference to Clause
2d Section II Regulation VII of 1802, there being no such Clause in
the Code.—

Case No 5.

4. The first and second prisoners in this
case were declared by the Futwa of the Mookummudan Law
officer of the Court of Circuit convicted on strong Presumptive
Proof of the crime of Housebreaking and Theft— and liable
to Koreebut: and were sentenced by the Court of Circuit to
seven years' imprisonment "under Clause 2d Section II Regulation
XV of 1803, and Section XXI Regulation VII of 1802."—

5. The Third Judge must take a second Futwa
from the Mookummudan Law officer and then proceed as
directed in Clause third Section II Regulation XV of 1803.—

Supplemental Calendar.
Case No 1.

6. This case is similar to the one noticed in the
preceding paragraphs: and the same course must be pursued
in regard to it.—

The

7. The Third Judge will be pleased to report to the Foujdaree Adalut the sentence which he may pass in each case.—

8. The Court deem it necessary to notice the highly inconvenient length of the abstracts of evidence in these Calendars: and direct the Third Judge to call the attention of the Joint Criminal Judge to the subject; and enjoin him to compress them within much more moderate limits in future. In the present Calendars, they are probably rather translation of the Depositions than abstracts.—

9. The remarks of the Court of Circuit — as far as regards the summary of the evidence — may likewise be greatly curtailed with advantage.—

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

(Sent following Precept. No. 401.)

Read letter dated 15th January 1840 from the 2d Judge on Circuit in the Eastern Division referring for the consideration and final sentence of the Court of Foujdaree Adalut. the record of the trial in Case No. 1 on the Malabar Calendar for the 1st Sessions of 1840.—

(Here enter C. M. No. 26 of 1840.)

E. W. J.

The

Mr. Bird
and
Mr. Campbell,

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

1st Kanady Walloly Itty Ponga Panikar
and
2d Azhagathu alias Pattaithu Raman Nair

is sufficient to convict them of manslaughter for which the penalty of Dyat is awardable under the Mahomedan law, as declared in futwas of their Law officers &c, under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and sentence the prisoner

1st Kanady Walloly Itty Ponga Panikar

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of ten (10) years: and the prisoner

2d Azhagathu alias Pattaithu Raman Nair

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

(Sent following letter No. 402.)

The

7. The Circuit Judge will be pleased to report to the Supreme Adalut the sentence which he may pass in each case.—

8. The Court deem it necessary to notice the highly inconvenient length of the abstracts of evidence in these Calendars: and direct the Circuit Judge to call the attention of the Joint Criminal Judge to the subject; and enjoin him to compress them within much more moderate limits in future. In the present Calendars, they are probably rather translation of the Depositions than abstracts.—

9. The remarks of the Court of Circuit — so far as regards the summary of the evidence — may likewise be greatly curtailed with advantage.—

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

E. I. L.

(Sent following Precept. No. 401.)

Read letter dated 15th January 1840 from the 2d Judge on Circuit in the Eastern Division referring for the consideration and final sentence of the Court of Sudder Adalut the record of the trial in Case No. 1 on the Trincomalee Calendar for the 1st Sessions of 1840.—

(Here enter S.C. No. 206 of 1840.)

The

No. 1 Kirk
and
No. 2 Campbell,

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

1st Ranady Walloly Atty Ranga Panikar
and
2d Azhagathen alias Pattiathen Ramen Pair

is sufficient to convict them of manslaughter for which the penalty of Death is awardable under the Mahomedan law, as declared in futwas of their Law Officers do, under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and sentence the prisoner

1st Ranady Walloly Atty Ranga Panikar

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of ten (10) years: and the prisoner

2d Azhagathen alias Pattiathen Ramen Pair

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

(Sent following letter No. 402.)

The

7.

The Third Judge will be pleased to report to the Supreme Court at the sentence which he may pass in each case.—

8.

The Court deem it necessary to notice the highly inconvenient length of the abstracts of evidence in these Calendars: and direct the Third Judge to call the attention of the Joint Criminal Judge to the subject; and enjoin him to compress them within much more moderate limits in future. In the present Calendar, they are probably rather translations of the Depositions than abstracts.—

9.

The remarks of the Court of Circuit — as far as regards the summary of the evidence — may likewise be greatly curtailed with advantage.—

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

(Sent following Precept. No. 401.)

Read letter dated 15th January 1840 from the 2d Judge on Circuit in the Eastern Division referring for the consideration and final sentence of the Court of Suprance Adalut. the record of the trial in Case No. 1 on the Trincomalee Calendar for the 1st Sessions of 1840.—

(Are entered Vol. No. 208 of 1840.)

The

Attn. Bird
and
Attn. Campbell,

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

1st Ranady Walloly Atty Panga Panikar
and
2d Azhagathu alias Pattathu Ramen Nair

is sufficient to convict them of manslaughter for which the penalty of Digut is awardable under the Malaom = = medan law, as declared in Section of the Law officers do, under the authority with which they are vested by Clause first Section III Regulation I of 1818 convict them thereof, and sentence the prisoner

1st Ranady Walloly Atty Panga Panikar

to be imprisoned and kept to hard labor in irons on the Public roads or other public works, for and during the period of ten (10) years: and the prisoner

2d Azhagathu alias Pattathu Ramen Nair

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

(Sent following letter No. 402.)

Etc

1.

The Court of Coujdara Adalut observe that during the examination of the trial above referred to, before the Criminal Court, Paddatavilla Menon the Head Gomastah attached to the Zillah Court of Malabar was suspended from his situation on a charge of tampering with the 1st and 2d witnesses in this case, and intimidating them from speaking the truth, and that his case was referred for the decision of the Judge who should preside at the "next Sessions".—

2.

It appears however that it so happened "that the trial with which Comoo Menon's case is mixed up "was completed without any reference whatever to his case, "and that the Petitioner "Comoo Menon" did not even "present his Petition to the Court of Circuit until the 13th/14th (January) or 2 days' after the trial was closed".—

3.

Under these circumstances the Judge presiding "deemed" it to be incumbent on him to direct that the Criminal Judge do now proceed with the Petitioners', "Comoo Menon's" case, taking such further evidence as may be attainable and dispose of it as to him may appear proper after hearing the Petitioners' defence and examining his witnesses—

4.

The Court of Coujdara Adalut concur in the propriety of this order, and highly approve of the whole of

of the Proceedings held by the Judge of Circuit in this case.—

5.

The Court further direct that the Criminal Judge at Malabar be instructed to report the result of the inquiry held by him in conformity with the orders of the Court of Circuit into the conduct of the Gomastah in question.—

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Western Division for his information and guidance, with directions to communicate such parts as may be necessary to the Criminal Judge of Malabar.—

Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 403).—

F. Us.

At a Court of the Fougdaree Udalut.-

Present,

John Bird Esqre ——— 1st Puisne Judge

Thursday — William Hudleston Esqre —— 2d Puisne Judge

19th March, 1810.- Alexr Duncan Campbell Esqre 3d Puisne Judge.-

Read letter dated the 15th instant

113 from the Acting 1st Judge on Circuit in the S.

Centre Division, transmitting the English Record

in Case No. 3 on the Cumbum Calendar for the

1st Sessions of 1810.-

(Here enter No 536 of 1810.)

The Court of Fougdaree Udalut,

Mr. Bird and Mr. Campbell.- on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st Chentsoo Koodoomoola Panpadoo

and

2nd Chentsoo Poolecherla Lingadoo.-

is sufficient to convict them of the crime of murder, do convict them thereof, but being of opinion, under the circumstances of the case, that the punishment to which they are liable under the provisions of Section X Regulation VIII of 1802, would, in this instance

instance, be too severe, the Court 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 fourteen years.

(Sent following letter No. 404.)

Read Return dated the 8th instant from the Acting 1st Judge on Circuit in the Centre Division, to the precept of the Fouzdaree Adalut of the 29th February 1840, desiring that the prisoner Bashamah in Case No. 33 Cuddapah Calendar 1st Sessions of 1840 be forwarded to the Superintendant of Police, in order to his being lodged in the Lunatic Hospital.

(Here enter No. 476 of 1840.)

Read letter dated the 6th instant from the 3rd Judge on Circuit in the Northern Division, transmitting a Statement of Batta paid to the Prosecutors and Witnesses during the 1st Sessions of 1840 at Guntoor.

(Here enter No. 478 of 1840.)

Read letter dated the 5th instant from the Acting 1st Judge late on Circuit in the Northern Division, submitting the death warrant in Case No. 2 on the Salem Calendar for the 2d Sessions of

of 1839.

(Here enter No. 481 of 1840.)

Read Return dated the 5th instant from the Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Fouzdaree Adalut of the 8th February 1840, directing that the late Acting Joint Criminal Judge of Vizagapatam, be called upon to submit an explanation of the incorrect entry in the Monthly Criminal Reports of the period of Sentence passed upon the Prisoner in Case No. 177 on the Criminal Reports of the late Auxiliary Court at Vizagapatam for the Month of November last.

(Here enter No. 487 of 1840.)

Read letter dated the 5th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, transmitting Original Death Warrant in Case No. 8 on the Vizagapatam Calendar for the 2d [illegible] Sessions of 1839 which was duly executed.

(Here enter No. 495 of 1840.)

Read letter dated the 10th instant from the Acting Chief Magistrate and Superintendant of Police at Madras, forwarding the Report and Supplemental Report of Cases tried

19th March 1840.

Read Return under Act XXII of 1837 in the Month of February 1840.

(Here enter No. 496 of 1840.)

Read Return dated the 9th instant from the Acting 1st Judge on Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 25th February 1840, requiring him to report on the release of the several prisoners in Case No. 213, and to look into the proceedings in Case No. 172 of the Cuddapah Criminal file of 1839.-

(Here enter No. 500 of 1840.)

Read Return, dated the 9th instant from the Acting Joint Criminal Judge of Coimbatore, to the precept of the Foujdaree Adalut of the 27th February 1840, conveying their observations and orders on the Criminal Reports for the Month of January 1840.-

(Here enter No. 503 of 1840.)

F. Vo.

At a Court of the Foujdaree Adalut.

Present,

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

Friday, 20th March, 1840.- William Rudleston Esqre. — 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

Read letter dated 9th instant from the Provincial Court of Circuit in the Centre Division submitting English Translation of the record in Case No. 5 on the Chittoor Calendar 2nd Quarterly Sessions of 1839.-

(Here enter F. Vo. No. 505.)

The Court of Foujdaree Adalut finding it necessary to refer to the record of the case above recorded directed the Acting Second Judge by precept dated the 25th November last to submit an English translation of the same for their consideration.-

2. Of the four prisoners tried in this case for forgery, and abetting forgery respectively, the 2nd 3rd and 4th were acquitted and released the 1st was convicted of forgery by the Court of Circuit and sentenced to four years imprisonment and hard labor without irons

After

3. After a deliberate consideration of the record of this trial the Court of Zoujdaree Adalut are unable to concur with the Acting 2nd Judge in the conviction of the 1st prisoner.—

4. The 1st. 2nd and 3rd witnesses are evidently infamous characters, and the Court are unable to give any credit to testimony so incredible as theirs and they observe that the subornation of such witnesses makes greatly against the prosecutors case. It is irreconcilable with the supposition of fair dealing and veracity on his part.—

5. The witnesses also who swear positively to the presence of the Prosecutor's wife at Bangalore with him from 1819 to the end of 1834 are contradicted by the Prosecutor himself, who admits that he left Bangalore on leave of absence in 1834.—

6. The proof is considered by the Judge on Circuit to rest wholly on the ahlu, which the Court of Zoujdaree Adalut do not consider proved, because those who swear to it cannot state that they were in the habit of seeing the woman during the period of 5 years to which their testimony applies, and because the best evidence to the fact of her presence from January to December 1834 at Bangalore has not been produced.—

A

7. A gosha woman is visible to females and the Court are of opinion that female witnesses should have been called to prove the absence of Kyrumbeebee from Arcot.—

8. The Court further observe that the writer of the Bond has not been called at all and that the two attesting witnesses who alone besides could speak to the fabrication of it were indicted with the 1st prisoner.—

9. The Court are of opinion that after the acquittal of the 2nd and 3rd prisoners they should have been examined as witnesses on behalf of the 1st prisoner. On the whole the Court are of opinion that the evidence on this trial is altogether insufficient to establish the charge against the prisoner

1st Goolam Moodeen

and they direct that he be immediately set at liberty as far as regards this case.—

Ordered that Extract from these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable within 5 days from and after its receipt.—

(Sent following Precept No. 405)

No.

20th March, 1840.

No further return having been received from the Provincial Court in the Northern Division to the precept of this Court of the 8th January 1840, directing the transmission of the papers on which the report of the Provincial Court submitted & with their Supplemental return of the 27th November 1839, in the case of Casawacharloo, the Government Dooder of the Nellore Zillah Court, was found &, together with English Translations of the same.—

Ordered, that the Provincial Court in the Northern Division be required by precept returnable in 3 days from and after its receipt to shew what progress has been made towards completing translations of the papers required by the Court of Foujdaree Udalut.—

(Sent following Precept No 406.)

J. C.

At a Court of the Foujdaree Udalut.

Present—

John Bird Esqre ——— 1st Puisne Judge

William Hutteston Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Saturday 21st March, 1840.

Read return dated the 20th of February 1840 from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Foujdaree Udalut of the 18th January 1840. calling for an English translation of the record in case No 1 of the 11th Supplemental Calendar for the 1st Quarterly Sessions of 1839.—

(Here enter F. C. No 390.—)

1. The Court of Foujdaree Udalut having on review of the Calendar seen reason to doubt the propriety of the acquittal in the case above recorded, they direct the 3d Judge in the 6th Parah of their Proceedings of the 18th January last to submit an English translation of the record of the case.—

2. Accordingly with this return the

the 3d Judge submits the English record called for from which it appears to the Court that the contradictions. 1st as to the prisoners having been disguised. 2nd as to the ownership of the spinners. and 3rd as to the acts of the individual prisoners, P. 95 and 96. complied with the Manigar's statement of what the Prosecutor said to him, thrown discredit on the evidence.

3.

Under this view of the evidence in this case, the Court of Zoujdaree Adalut consider the judgment arrived at by the 3d Judge to have been correct. Had the Judge on Circuit noticed the variations in the evidence in his remarks in the Calendar. it would have obviated the necessity of calling for the record in this case.

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge in the Canara Division for his information.

(Sent in No. 408.)

Read letter dated the 7th instant from the Acting Joint Criminal Judge at Cochin, forwarding the Criminal Reports for the Month of February 1840.

(Have entered No. 506 of 1840.)

Read Return dated the 6th instant

from

from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Court of Zoujdaree Adalut of the 5th Instant, enforcing that the record in No. 15 of the Vizagapatam Calendar for the 2nd Sessions of 1839 is also to be submitted for the final Orders of this Court.

(Have entered No. 571 of 1840.)

Read Return dated the 9th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Zoujdaree Adalut of the 27th Ultimo, requiring him to shew what progress has been made in the preparation of English translations of the case No. 3 on the Chicacole Calendar and in Cases Nos. 7, 10, 11, 12, 20, 22, 23, 24, 25, 26, 27, 28, 35, 36 and 37 of the Vizagapatam Calendar for the 2nd Sessions of 1839.

(Have entered No. 572 of 1840.)

Read Return dated the 11th instant from the Provincial Court of Circuit in the Southern Division to the precept of the Zoujdaree Adalut of the 21st Ultimo, directing the transmission of the prisoner Marthoopien concerned in Case No. 18 Combaconum Calendar for the 2nd Sessions 1838 to the Superintendent of Police at Madras in order

21st March 1840.

order to his being lodged in the Lunatic Hospital.—

(Here enter No. 514 of 1840.)

Read Return dated the 12th instant from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut of the 29th February 1840, conveying their observations and orders on the Criminal Reports for the Month of January 1840.—

(Here enter No. 541 of 1840.)

Read letter dated the 19th instant from the Acting Criminal Judge of Chingleput, reporting the arrival of a Convict banished from the Zillah of Cuddapah.—

(Here enter No. 550 of 1840.)

Read Supplemental Return dated the 16th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 21st Ultimo, directing the transmission of the prisoner Lashapien concerned in Case No. 40 Combaconum Calendar for the 2nd Sessions of 1838 to the Superintendent of Police at Madras, in order to his being lodged in the Lunatic Hospital.—

(Here enter No. 552 of 1840.)

1.

F. H.

Monday, 23d. March 1840.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre. ——— 1st. Puisne Judge
William Hudleston Esqre. — 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read Miscellaneous Petition presented on the 23d. December 1839 by Naidoo and Narasoo of the Zillah of Chingleput.

(Here enter Mr. P. No. 173 of 1839.)

Read also return and Supplemental return dated the 28th. February and 12th. March 1840. from the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 5th. February last directing them to prepare and submit with the least practicable delay an English translation of the record in Case No. 9 of the Chingleput Calendar 2d. Sessions of 1833.

(Here enter F. H. Nos. 133 and 522 of 1840.)

The Petitioners in Miscellaneous Petition No. 173 of 1839. who represent themselves to be the Relations of the 1st. 2d. 3d. 4th. 6th. and 8th. prisoners in the Case above specified allege that their relations have been unjustly condemned and pray the Court to call for the proceedings of the Judge on Circuit, and in consideration of

of the Evidence for the defence - issue orders for their release -

2 The Court of Fouzdaree Udalut having had under consideration the Proceedings of the Circuit Judge See no cause for disturbing the Sentence passed on the prisoners in question and they direct therefore that the prayer of this petition be rejected -

Ordered that Extract from these Proceedings be furnished to the petitioners respectively on their application -

Ordered further that an Extract from these proceedings be furnished to the Provincial Court of Circuit in the Centre Division for their information -

(Sent in No)

Read again Miscellaneous Petitions presented on the 20th of January 1840 by Conapully Dauly Naidoo and Varanasee Sambiah of the Zillah of Chicacole praying for the release of their brothers the prisoners in Cases Nos 5. 6. 7 8 and 9 on the Chicacole Calendar for the 2d Sessions of 1839.

(Here enter M. P. Nos 4 and 5. of 1840)

Read also Supplemental Return dated the 9th of March 1840 from the 2d Judge of the Provincial Court of Circuit in the Northern Division to the

the precept of the Fouzdaree Udalut of the 17th Ultimo, calling on him to prepare and submit an abstract of the evidence in cases Nos 5. 6. 7. 8 and 9. on the Chicacole Calendar above specified with the least possible delay -

(Here enter F.H. No. 573. of 1840)

The Court of Fouzdaree Udalut having considered the abstracts of the Evidence in the Cases cited submitted with the above Supplemental Return See no reason to question the propriety of the Conviction of the prisoners Canapala Aparenaidoo and Varanasee Kishnamah, and they accordingly decline to disturb the Sentence passed upon them by the Judge on Circuit -

Ordered accordingly that the Petitions Nos 4 and 5 of 1840 be rejected, and that Copy of these Proceedings be furnished to the Petitioners on their application -

Ordered further, that Extract from these proceedings be furnished to the 2d Judge of the Provincial Court of Circuit in the Northern Division for his information -

(Sent in No)

Read Miscellaneous Petition presented on the 21st January 1839. by Vetcha Dhurmapooree

23d. March 1840.

Dhurmapooree of Masulipatam.

(Here enter M. P. No. 13 of 1839.)

The Court resolve to direct that the Magistrate of Guntoor be called upon to report for their information the grounds upon which Vetcha Dhurmapooree the late Head of Police was dismissed from his situation.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division to be by them communicated to the Magistrate of Guntoor by Precept returnable in 15. days from and after its receipt.

(Sent following Precept No.)

Read Miscellaneous Petition presented on the 21st ultimo by C. Chenchoo Ramiah Mookhtar Vakeel on behalf of Robba Vencumdorah.

(Here enter M. P. No. 18 of 1840.)

The Petitioner complains of the unfair means and irregular practices which he alleges were resorted to by the Officers of Government to secure the Conviction of the Prisoners in Case No. 8 of the Vizagapatam Primary Calendar of the First Sessions of 1839, who were charged with the murder of

of Custoory apprah the Serishtadar of the Collector of Vizagapatam - and of whom the Petitioner states that the 1st Prisoner Robba Anderdora is his father.

The Petitioner prays that the Prisoners may be brought to trial before another and a more impartial tribunal.

The Court of Foujdaree Adalut observe that this Case has been fully considered and finally disposed of by their Sentence dated the 4th instant, whereby the 1st Prisoner mentioned in this Petition was adjudged to suffer death, and the second to find Security in two Sureties of Rupees 500 each for his future good behaviour for three years.

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

Read petition presented by Ramasawmy Pillay of the Zillah of Combaconum.

(Here enter J. M. P. No. 25 of 1840.)

The petitioner prays to be furnished with an attested Copy of the Sentence passed by the Court of Circuit in Case No. 1 of the Combaconum

Calendar

Calendar for the 1st. Sessions of 1834, which the petitioner states he has occasion to produce in this Court as an exhibit.-

Ordered, that an attested copy be granted to the petitioner on his producing the requisite Stampt papers.-

Read again Miscellaneous Petitions presented on the 29th. August 1838 and 30th. September 1839 by Maharaja Vucatanarosoo Mookhtar Vakeel on behalf of Sait Seva Laul of Guntoor as already entered in the proceedings of this Court, of the 15th. October 1838, and 11th. November 1839 respectively.-

Also read Miscellaneous Petitions presented on the 7th. January and 29th. July 1839 by the same party.-

(Here enter M. P. Nos. 2 and 95 of 1839)

Also read again Miscellaneous Petitions presented on the 11th. and 17th. September 1838 and on the 2d. September 1839 by D. Kristniah Pantalo Mookhtar Vakeel on behalf of Rajah Vafsireddy Atchamah as already entered on this Courts proceedings of the 15th. October 1838 and 21st. October 1839.-

Also read Miscellaneous Petitions presented

presented on the 7th. January and 21st. October 1839 by the same party.-

(Here enter M. P. Nos. 3 and 136 of 1839.)

Also read again Miscellaneous Petition presented on the 26th. August 1839 by the Vakeel Krishnamacharry on behalf of Sub Kavees Vucatakrishna Row of Guntoor as entered on this Courts proceedings of the 2d. September 1839.-

Also read Miscellaneous Petitions presented on the 3d. December 1838, 28th. January, 18th. February, 6th. May, 5th. August, and 21st. October 1839, respectively, by the same Vakeel on behalf of the same party.

(Here enter M. P. Nos. 161 of 1838. 16, 26, 61, 96 & 132 of 1839.)

Also read again Miscellaneous Petition presented on the 9th. September 1839 by Bobbili Rungiah Pantalu, Mookhtar Vakeel on behalf of Rajah Vafsireddy Lutchmeepatee Naidoo. as entered on this Courts proceedings of the 11th. November 1839.-

Also read Miscellaneous Petition presented on the 18th. November 1839 by the same party.

(Here enter M. P. No. 152 of 1839.)

Read also return dated the 22d. October 1838, and Supplemental Returns dated 16th.

November

Calendar for the 1st. Sessions of 1834, which the petitioner states he has occasion to produce in this Court as an exhibit.-

Ordered, that an attested copy be granted to the petitioner on his producing the requisite Stampt papers.-

Read again Miscellaneous Petitions presented on the 29th. August 1838 and 30th. September 1839 by Maharaja Vucatanarosoo Mookhtar Vakeel on behalf of Sait Siva Laul of Guntoor as already entered in the proceedings of this Court, of the 15th. October 1838, and 11th. November 1839 respectively.-

Also read Miscellaneous Petitions presented on the 7th. January and 29th. July 1839 by the same party.-

(Here enter M. P. Nos. 2 and 95 of 1839)

Also read again Miscellaneous Petitions presented on the 11th. and 17th. September 1838 and on the 2d. September 1839 by D. Kristniah Chetlatoo Mookhtar Vakeel on behalf of Rajah Vajjireddy Atchamah as already entered on this Courts proceedings of the 15th. October 1838 and 21st. October 1839.-

Also read Miscellaneous Petitions

presented

presented on the 7th. January and 21st. October 1839 by the same party.-

(Here enter M. P. Nos. 3 and 136 of 1839.)

Also read again Miscellaneous Petition presented on the 26th. August 1839 by the Vakeel Kristnamacharry on behalf of Sub Kavees Vencata Krishna Row of Guntoor as entered on this Courts proceedings of the 2d. September 1839.-

Also read Miscellaneous Petitions presented on the 3d. December 1838, 28th. January, 18th. February, 6th. May, 5th. August, and 21st. October 1839, respectively, by the same Vakeel on behalf of the same party.

(Here enter M. P. Nos. 161 of 1838. 16, 26, 61, 96 & 132 of 1839)

Also read again Miscellaneous Petition presented on the 9th. September 1839 by Bobrah Rungiah Chetlatoo, Mookhtar Vakeel on behalf of Rajah Vajjireddy Lutchmeepatee Naidoo as Entered on this Courts proceedings of the 11th. November 1839.-

Also read Miscellaneous Petitions presented on the 18th. November 1839 by the same party.

(Here enter M. P. No. 152 of 1839.)

Read also return dated the 22d. October 1838, and Supplemental Returns dated 16th.

November

November and 10th December 1838, from the Provincial Court of Circuit in the Northern Division, to the precept of the Court of Foujdaree Udalut under date the 15th October 1838, directing them to call for and submit copies and translations of the proceedings of the two Heads of Police of Mungalagerry, and of the Magistracy of Guntoor, in the Cases of Sait Seva Saul, Vaseereddy Ramanadha Baboo, Atchama and Sub Navees Vencata Krishna Row, petitioners to the Foujdaree Udalut.

(Here enter F.U. Nos 2107-2243-&2378 of 1838)

Also read Petition presented on the 5th Ultimo by B. Rungiah Pantalu Mookhtar Vakeel on behalf of Rajah Vaseereddy Lutchmeputy Naidoo.

(Here enter Pr. P. No. 12 of 1840.)

Also read Petition presented on the 17th Ultimo by the Vakeel Krishnamachary on behalf of Sub Navees Vencata Krishna Row.

(Here enter Pr. P. No. 13 of 1840.)

Also read Petition presented on the 19th Ult. by D. Krishniah Pantalu Mookhtar Vakeel on behalf of Rajah Vaseereddy Atchamah.

(Here enter Pr. P. No. 14 of 1840)

Also read Petition presented on the 21st Ultimo by Venkatanarsoo Mookhtar Vakeel on behalf

behalf of Sait Seva Saul.

(Here enter Pr. P. No. 17 of 1840.)

1. The Court of Foujdaree Udalut proceed to take into consideration the numerous papers above recorded, which refer to certain valuable property belonging to the Vaseereddy Estate, alleged to have been illegally transferred by the Magistracy of Guntoor from the Joint Custody of Ramanadha Baboo and Sait Seva Saul, to that of Sub Navees Vencata Krishna Row, one of the Petitioners in this Matter to the Foujdaree Udalut either about the time, or soon afterwards, employed as Head Serishtadar under the Collector. The Record of the Proceedings held by the Police of Mungalagherry, and the Magistracy of Guntoor, on the Subject, was forwarded (in the Native language) with the Supplemental Return of the Provincial Court dated the 10th December 1838, but the heavy press of business before the Foujdaree Udalut prevented its being translated, or taken into consideration until now.

2. In Nos 161 of 1838 and 16. 26. 61. 96. 103. and 132 of 1839. the Petitioner Sub Navees Vencata Krishna Row, above named, urged his right to the said property.

3. Petition No. 13 of 1839 is from the late Head

Head of Police at Mungalagherry in the Guntoor District, named Vetcha Durmapoory, complaining of his unjust dismissal, on the alleged ground of the suppression of evidence, in the said matter.

4. The Petition No. 152 of 1839 is from Lutchmapaty Naidoo, the alleged adopted Son of the late Inggunadha Baboo deceased; Nos. 2 and 95 are from Sait Seva Saul, and Nos. 3 and 136, are on behalf of Vajjareddy Atchaumah, and are all on the subject of this property, to which the above mentioned parties severally lay claim.

5 In Nos. 12. 13. 14. and 17 of 1840. the Petitioners severally prefer to the Proceedings of the Sessions Adalut under date the 20th January 1840 wherein the Court upon receiving, through the Provincial Court, a Report from the Collector of Guntoor, that the Goods belonging to the Vajjareddy Estate deposited in the Agency House at Maaravaty were in danger of being injured by Rats, recorded their opinion that considering the perishable nature of the property, it will be for the interest of all concerned that it should be sold in Auction, and the proceeds invested in Government Securities, for the benefit of the party who may eventually be found to be entitled to it, and at the same

same time, directed that the Vakeels of the respective Claimants should be called upon to state whether or not there is any objection on the part of their clients to this course of proceeding.

6. The parties all object, on various grounds, to the Sale of the property by Auction; and they pray that, until competent authority shall have decided, who is the rightful owner, it may be kept under the custody of the Government Officers, in the Building in which it is now deposited at Amaravaty; and that in order to prevent its being damaged, it may occasionally be examined by those Officers and in the presence of the Vakeels of the respective parties.

7. It appears that Atchaumah, on the 24th May 1837, address'd the Magistracy, stating that Inggunadha Baboo had deposited this property to the value of 80,000 Rupees under his own Seals; that the Magistrate Mr. Oakes had issued orders to the Customs Officers to prevent its removal, without payment of duty, and placed a guard over it, which was withdrawn in 1832/33; that Dammadha Baboo in 1833/34 usurped possession of the property; whereupon Ranganah complained on the 9th May 1834 and 13th May

May 1835, that on the 24th. May 1836, on the pretence of clearing it, Rannadha Baboo again tried to make away with it, when She herself complained to Vetcha Dhurmapoory who She prayed might be directed to take a list of the property, and place it under Government Seals. Upon this petition Mr. Glass, the acting Magistrate, on the 12th. June 1837, called on the Head of Police at Vungalagherry, to report what occurred.

8. Mean time, Ringanah, on the 1st. June, repeated this request to Mr. G. A. Harris the Head assistant, and on the 11th. June, Atchammah (now represented by her adopted Son Lutchmapuly) made to him a similar representation.

9. Mr. Harris forwarded these two complaints likewise to the Head of Police, for enquiry and report, under dates the 3d. and 17th. June respectively.

10. Boddy Jogiah the Peshcar, then acting as Head of Police, on the 11th. August following, reported that he had ordered the Custom Officers to watch the room "as was done hitherto," that he had found Mr. Oakes' orders, but not the rest, "as the old records are not completely forthcoming;" but that there formed no complaint of any actual removal

removal of the property, and mere suspicion of an intention to remove it.

11. After Mr. Harris had, on the 9th. 12th. and 29th. August repeatedly remonstrated against delay, V. Dhurmapoory who then had resumed his Office as Head of Police, on the 3d. September 1839, reports the result of his inquiry.

12. He states that the property was placed where it was, 18 years ago, by Jugganadha Baboo and a guard placed over it in 1821. which, when withdrawn, was replaced by the surveillance of the Custom Servants and Village Peons &c. that since he had charge for 4 years, it was opened in July 1243 (1833/34) by the Tomasha of Siva Paul. that Rannad Baboo's Vakeel acknowledged Rannad Baboo had substituted his own Seals, for those of his late brother, that he and those who represented Lait Siva Paul stated the property as under the Joint Custody of Rannad Baboo, and Swalal, who aired it periodically; and that he thinks the property should remain "as heretofore, under the care of the Servants of the Custom Department." He concludes by stating, with reference to Sub Joint Veeracatchiasha Row's petition of July, subsequently noticed, that he also claims the property as Mortgagee

to

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12. He states that the property was [illegible] where it was, 18 years ago, by Inggranadha Baboo and a guard placed over it in 1821. which, when withdrawn, was replaced by the surveillance of the Custom Servants and Village Monsiff, that since he had charge for 4 years, it was opened in July 1243 (1833/34) by the Tomasha of Irva Laul - that Rammad Baboo's Vakeel acknowledged Rammad Baboo had substituted his own seals, for those of his late brother, that he and those who represented Said Irva Laul stated the property as under the Joint Custody of Rammad Baboo, and Svalal, who aired it periodically; and that he thinks the property should remain "as heretofore, under the care of the Servants of the Custom Department." He concludes by stating, with reference to Sub Incers Venkatakrishna Row's petition of July, subsequently noticed, that he also claims the property as Mortgagee to

to his Uncle Aunata Pundaloo, but that neither he nor his witnesses have appeared, and he reiterates "I see "no reason for any further interference with the "property, than has been hitherto done, by the public "servants of the Sawyer Department"

13. V. Durmapoory forwards, with this report, the examinations he had taken from the individuals he had examined, and Mr. Oakes' orders of the 30th May and 9th July 1824, the former, directing a guard to be placed over the property to prevent the clandestine removal by Juggunadha Baboo of such part of it as was liable to duty- the latter, stating that Juggunadha Baboo had given it over to Shit Dowhiram Hari Kishun Dos.

14. In the mean time, on the 27th July 1837, Sub Heavers Tricatachristnaroo had addressed the Assistant Magistrate, stating that the property had been mortgaged, since 1819, by Juggunadha Baboo to his Uncle Ananda Pundaloo- had remained since sealed with his Uncle's seals- which he charged Ramnadha Baboo and 13 others (including Siva Laul) to have broken on the 24th May 1837 Mr. Harris, by endorsement, on the 28th July 1837, referred this also to

to the Head of Police for report who noticed it as abovementioned-

15. On the 5th September 1837, Tricatachristna Row again addresses Mr. Harris- he complains that V. Durmapoory, in his report of the 3d of that month, had not also reported upon his claim- Here for the first time, it is stated that "a report was "also made by the Village Proondiff of Amaravaty, on "the 25th June 1837," which being at variance with the statements of Siva Laul and Ramnad Baboo's Vakeel, it is requested may be called for and kept-

Mr. Harris, accordingly, in reply

16. to Durmapoory's report of the 3d September, on the 9th of that month, sends this Petition to the Head of Police for investigation- and calls for the Village Proondiffs' report of the 25th June 1837. But it appears this was no longer addressed to V. Durmapoory- He had been removed to the Talook of Rapully, and, accordingly, it is replied to by a new Head of Police, Ramasawmy Tricatachellum- who, on the 16th September, sends 5 papers respecting the opening of the room in Fusly 1243- 1833/34- which (if authentic and true) go to establish that the people of Ramnad Baboo, and Sivalal,

opened

opened the room in the year 1834, when no complaint whatever was made by Sub Navvee Vencata Krishnarow. As to the report of the 25th June 1837, this new man says - "I learn from the Muddudgar of the Taluk "that the said document was mislaid."

17. Mr. Harris, on the 15th and 20th September calls once more for the report of the 25th June 1837, and directs the Peshaar to be questioned respecting it. This new Head of Police, on the 23d, states that the Muddudgar adheres to his statement that he saw the report, which has been mislaid, but does not recollect its contents; - but that the Peshaar had not seen it; and it is again, on that day, called for by Mr. Harris a third time.

18. On the 29th September, Ramnad Baboo addresses the Magistrate Mr. Goldingham himself. He denies that the property ever was mortgaged to Ananta Pantalou; and pointedly asks, if that person had sealed it and locked it up, why no complaint was made, on his behalf, when Ramnad Baboo took charge of it in 1834. This is, by Mr. Harris, also sent to the Head of Police on the 30th September 1839.

19. During the month of October, one Urzee from the same new head of Police dated the 1st

is

received, and two orders of Mr. Harris dated the 3d. and 31st. are issued; they are of no particular consequence. But on the 10th November, the same new Head of Police Mr. Venkatachellum, makes a very full report, upon the whole case, accompanied by the voluminous evidence he took. The documents respecting the opening of the room in Fusly 1243, and Fusly 1244, are therein quoted; - but the fact of Sub Navvee Venkatakrishna Row having, on neither of these occasions, when, if his Uncles Seals existed, they must originally have been opened, made any Complaint at all, similar to that now advanced, is buried in the mass of evidence, not upon oath, and documents, admitted under no testimony of their authenticity, upon which his claim is advocated by this new Head of Police.

20. The sequence of this report is that Mr. Harris, on the 22d November, first directs the formation of a list of the property, and the delivery of the keys of that room, to the same person who held the possession thereof: he next on the 23d November, desires that the list be made in the presence of Ramnad Baboo's Vakeel. The new Head of Police on the 25th November, reports that Ramnad Baboo

declares

declares the property to be under the Joint Custody of Sivalal and himself, and declines sending his Vakeel – Mr. Harris on the 25th November, states that Sivalal has been ordered to attend with his Key, or to send it on the 28th, it is reported that Sivalal is too ill to attend personally, and has no trust worthy person to send. On the 27th, Sivalal himself, declares that as a Soncar, he never locked up or secured "articles in dispute between others" or, as he has since explained, those between Rannad Baboo and Sub Navrer Venaatakrishna Row, clearly implying, as he afterwards states, that he kept it under key, for his own benefit upon it. At last comes Mr. Harris' order of the 1st December 1837, in which the truth of all Sub Navrer Venaata Krishna Rows claim is admitted – the evidence documentary produced to the Head of Police treated as authentic, the verbal testimony as valid, as if it had been taken by the Magistracy itself, and on oath the alleged opening of the room both in Justy 1243 and 1244 – is not noticed that on the 24th May 1837 treated as the only time when Ananta Duntaloo's Seals were, for the first time, removed, and after a list, attested by each party, is ordered to be made, the Head of Police is directed to cause the room "to be locked and

"and sealed only on behalf of the complainant (Sub "Navrer Venaata Krishna Row) and not on that of the "defendant, and deliver the room in charge of the Com- "plainant" The postscript directs an Examination of the packages alone, and forbids that of the Articles contained in them.

21. In reply, it is stated, by the new Head of the Police, on the 2d December, that the Vakeels of both Rannad Baboo and Sivalal decline attend- -ance. Notice on the 3d of that month orders are issued to make the aforesaid delivery, in their absence, and, instead of 35, of 40 packages, stated by Sub Navrer Venaata Krishna Row to have existed, he, on the 5th December 1837 obtains possession of only 23, packages, contents unknown.

22. On the same day, 5th December 1837, Sivalal explains that, whilst he disclaimed locking up the property in dispute between others, he had locked up that property on account of the lien he himself had on it, and on the 7th he holds the Head Assistant Magistrate responsible for it.

23. On the 27th September 1837, the Vakeel of Sub Navrer Venaata Krishna Row had represented the report of the 25th June 1837 to have been clandestinely taken away, and begs that the writer of it, the Village

declares the property to be under the Joint Custody of Sevalal and himself; and declines sending his Vakeel Mr. Harris on the 25th November, states that Sevalal has been ordered to attend with his Key, or to send it on the 28th; it is reported that Sevalal is too ill to attend personally, and has no trust worthy person to send. On the 29th, Sevalal himself, declares that as a Soucar, he never looked up or secured "articles in dispute between others" or, as he has since explained, those between Ramnad Baboo and Sub Navrees Vencata Krishna Row, clearly implying, as he afterwards states, that he kept it under key, for his own hire upon it. At last, comes Mr. Harris' order of the 1st December 1837, in which the truth of all Sub Navrees Vencata Krishna Rows claim is admitted. The evidence documentary produced to the Head of Police treated as authentic, the verbal testimony as valid, as if it had been taken by the Magistracy itself; and on oath the alleged opening of the room both in Justy 1243 and 1244 - is not noticed that on the 24th May 1837 treated as the only time when Ananta Puntalou's Seals were, for the first time, removed, and after a list, attested by each party, is ordered to be made, the Head of Police is directed to cause the room to be locked and

23d. March 1840.

sealed only on behalf of the Complainant (Sub Navrees Vencata Krishna Row) and not on that of the defendant, and deliver the room in charge of the Complainant. The postcript directs an Examination of the packages alone, and forbids that of the Articles Contained in them.

21. In reply, it is stated by the new Head of Police, on the 2d December, that the Vakeels of both Ramnad Baboo and Sevalal decline attendance. Taken on the 3d of that month orders are issued to enable the aforesaid delivery, in their absence; and, instead of 35, of 40 packages stated by Sub Navrees Vencata Krishna Row to have existed, he, on the 5th December 1837 obtains possession of only 23, packages, contents unknown.

22. On the same day, 5th December 1837, Sevalal complains that, whilst he disclaimed locking up the property in dispute between others, he had locked up that property on account of the hire he himself had on it, and on the 7th he holds the Head Assistant Magistrate responsible for it.

23. On the 27th September 1837, the Vakeel of Sub Navrees Vencata Krishna Row had represented the report of the 25th June 1837 to have been clandestinely taken away, and begs that the writer of it, the Village Monsiff

Moonsiff, and the Chokydar may be examined respecting it; and the Mududgar, as to a copy of it, taken by him.

24 On the previous day, 26th September, Mr. Harris called upon V. Durmapoory, who had been removed to Rapilly, to State whether the said Moonsiff made to him any report on the 27th [or 25th] June 1837; and on the 28th September Durmapoory replies that he does not recollect any of that date, and for the character of the Moonsiff, he refers to the former Mududgar Lutchmiah. On the 19th November, Mr. Venkatachellum the new Head of Police declares that the present Mududgar Soorah accuses Durmapoory of having received from himself, the report which he never returned. On the 18th September 1837, Atchumah had also begged that the Village Moonsiffs report might be called for, as contrary to the evidence he had given to Dhurmapoory, against whose report she protests.

25. The record closes with a proceeding by Mr. Harris, dated 12th December 1837, declaring any order on Sivalal's petitions "quite unnecessary."

26. To this record is appended the lists and examinations taken by Mr. Venkatachellum.

Extracts

Extracts from the diary of Durmapoory in Fusly 1243. 1833/34 and Fusly 1244- 1834/35, respecting the opening of the room on these two occasions- Also letters of the Sayer Gomastah to Durmapoory dated 24th May- 27th May- and 28th June 1837. respecting the opening of it in May 1837.

27 That the property at issue is of a value on which none below the Provincial Court itself, could adjudicate is admitted on all hands; also, that it was deposited in the house of Agency, where it now is, seems universally admitted- and no one denies that the said house of Agency is that controuled by Sivalal-

28. The original complaint to the Magistracy of the 29th May 1837, was, that Rammad Baboo had taken possession of it in 1833/34- and evidence respecting this is forthcoming, and of the proceedings then held, by the local police itself.

The complaint of Sub Shaver

29 Venkata Krishna Row, was not brought forward, until afterwards, or the 27th July, after a lapse of 2 months- It arrived the fact that the breaking of the seals, on the 27th May 1837, was the first occasion of Rammad Baboo's obtaining possession; a fact which the records of the police itself shew to be open to question-

But

30th

But whether the right claimed by him, or that by the heirs of Jugganadha Dabee, is valid, is clearly a matter for the decision of the Civil Courts, with which the Magistracy, and the Head of Police had no concern; and the very fact, that, since 1819, the property had been allowed to remain in the house of Agency, over which Sivalal exercised control, is prima facie proof that some obstacle existed to its removal thence. It affords such a presumption of his claim (admitted by Ramnad Dabee) that, until the matter at issue between the heirs to the Vaptersdy property and Sub Ravees Venaata Krishna Row is settled by the Civil Court, Sivalal's control over the property ought never to have been disturbed.

31. On the other hand it cannot be denied that the evidence of the property having been originally deposited by or on account of Annata Puntalee is strong; and if his silence as to Ramnada Babee's taking possession of the seals and removing them in 1833/34, could be satisfactorily accounted for by Sub Ravees Venaata Krishna Row, and Jugganadha Babee's pleadings in the Provincial Court are not collusive, and the other documents produced are proved to be authentic - had evidence as to his claims been taken

Legally

legally, upon oath, upon proof, upon oath, to the Magistracy, that forcible possession had been usurped by the other party - the Court of Sudr Udalut are of opinion that the Magistrate would have been justified in causing restitution - The Court observe, however, that the Assistant Magistrate was not justified in so strong a measure as that of transferring the property to the charge of Krishna Row, without examination, as to the forcible dispossession, taken personally before himself on oath - The Court are also not prepared to admit that any, except the Civil Courts, could take evidence legally, respecting the other part of Krishna Row's claim - They are likewise not quite satisfied that the rooms were examined, and the seals of Ramnadha Babee and Sivalal applied in 1833 and 1834 - while, on the other hand, there is nothing to show that either Annata Puntalee or Krishna Row, interfered at all, prospecting the Custody of the Property until 1837.

32. Upon a consideration of the whole matter, the Court of Tonjdaree Udalut resolve to quash the proceedings of the Magistracy above referred to as illegal, not being founded upon evidence given upon oath, before himself, or his Assistant, personally, as required by the Regulations - and direct that the

property

property 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.

33. Measures should be taken to prevent its destruction or injury, and whenever it may be examined it should be done in the presence of such of the Agents of the respective Claimants, to whom the requisite notice on such occasions should be given, as may attend.

34. The Petitioners Seva Laul and Sub Havee Vencata Krishna Row are respectively referred to a Civil Suit, for the recovery of their alleged liens, on the said property, the former against the latter, and the latter, against the former, and each of the two, likewise, against all and each of the Claimants of the Vaspareddy Property.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit for the Northern Division by Precept returnable within twenty days from and after its receipt.

(Sent following Precept No.)

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

Naidoo

Naidoo and Narsoo move the Court to return the Enclosure in their Miscellaneous Petition No. 173 of 1839.

Ordered accordingly.

Read return dated the 5th. Instant from the Acting 2d. Judge late on Circuit in the Northern Division to the Precept of the Tonjdaree Adalut of the 17th. February 1840 calling upon him to prepare and Submit an Abstract of the Evidence in the Cases Nos. 5. 6. 7. 8. and 9. on the Chicacole Calendar with the least possible delay.

(Here enter No. 488.)

Read letter dated the 14th. of March 1840 from the 3d. Judge on Circuit in the Southern Division, Submitting for the Consideration and final Sentence of the Tonjdaree Adalut the record of the trial in Case No. 5 on the Tinnevelly Calendar for the 1st. Sessions of 1840.

(Here enter F. 16. No. 537 of 1840.)

Mr. Bird and Mr. Campbell

The Court of Tonjdaree 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. Moolatary

is sufficient to convict her of the Crime of being an accessory after the fact to a Murder, do convict her thereof, and sentence her to be imprisoned, in the Jail of the Zillah of Madura, for and during the period of her natural life.

The 2d. prisoner has been acquitted by the Circuit Judge and required to furnish Security - and the 3d. prisoner has been acquitted and released by the same authority.

The Court of Foujdaree Udalut on a consideration of the record of this trial being of opinion that there is evidence forthcoming sufficient for the trial of Paramadevan, as a principal in the Murder of Candemadanadan, resolve in virtue of the authority vested in them by Section XXI. Regulation IX of 1816 to sanction the offer of a reward of Rupees 200 for his apprehension and they direct the 3d. Judge to issue the necessary instructions for carrying this order into effect.

Ordered, that Extract from these proceedings be sent to the 3d. Judge on Circuit in the Southern Division for his information and guidance.

/ Sent following letter No. /

Read

Read Supplemental Return dated the 9th. Instant from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Court of Foujdaree Udalut of the 20th. of November 1839 calling for further evidence in case No. 52 on the Bellary Calendar 1st. Session of 1839.

/ Here enter F/6 No. 501 of 1840. /

Mr. Sudleston and Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid acquitting the prisoner

Chennegaudoo

and acquit him accordingly - but considering that strong suspicion, though not amounting to conviction, attaches to him, the Court of Foujdaree Udalut under the provisions of Clause 4th Section II Regulation XI. of 1803 direct that he be required to find two Sureties in 25/ twenty five Rupees each Surety for his good behaviour and appearance when required within two years, or in default thereof that he be detained for two years in confinement.

1. The Court in their proceedings

of

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The 2d. prisoner has been acquitted by the Circuit Judge and required to furnish Security - and the 3d. prisoner has been acquitted and released by the same authority.

The Court of Fouzdaree Udalut on a consideration of the record of this trial being of opinion that there is evidence forthcoming sufficient for the trial of Paramaswen, as a principal in the murder of Candenmadrnadan, resolve in virtue of the authority vested in them by Section XXI. Regulation IX of 1816 to sanction the offer of a reward of Rupees 200 for his apprehension and they direct the 3d. Judge to issue the necessary instructions for carrying this order into effect.

Ordered, that Extract from these proceedings be sent to the 3d. Judge on Circuit in the Southern Division for his information and guidance.

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Chenneegaudoo

and acquit him accordingly - but considering that strong Suspicion, though not amounting to Conviction, attaches to him, the Court of Fouzdaree Udalut under the provisions of Clause Sixth Section II Regulation XV. of 1803 direct that he be required to find two Sureties in 125/ twenty five Rupees each Surety for his good behaviour and appearance when required within two years, or in default thereof that he be detained for two years in Confinement.

1. The Court in their proceedings

of

of the 20th. of November last pointed out the insufficiency of the proof which the Record of the foregoing trial exhibited regarding the time when the Scabbard produced at the trial was found, and as to whether the dagger was drawn when the deceased made a thrust with it or when it was taken from him. The Court further deemed it proper to direct that the 17th. witness be examined on oath in the presence of the prisoner, regarding the truth of the assertion made by the prisoner that the dagger produced in Court was his property.

2. The additional evidence obtained by the Criminal Judge does not it is observed contain the testimony of the 17th. witness.

3. The Criminal Judge has re-examined the prosecutor and the 1st., 2d., and 3d., witnesses but the last alone on the point indicated in paragh. 3 of this Courts proceedings, namely as to where the dagger was found. The others had already deposed in identification of the dagger, and the Court consider their further examination on that point to have been needless.

4. The 3d. witness now states that the Scabbard "was on the dagger when it, the dagger, was found" on the prisoner."

To

5. To this he is most positive but if his assertion is correct, the Court are unable to understand how it came to pass that the Scabbard was missing when the prisoner was examined by the Head of Police. The Court are therefore inclined to attach but little weight to this evidence and on the whole it appears to them that the evidence in identification of the dagger cannot, under all the circumstances be depended upon.

6. The Court deem it unnecessary to wait any longer for the evidence of the 17th. witness and resolve to confirm the finding of their Law Officers acquitting the prisoner: but being of opinion that strong suspicion attaches to him, they have resolved to bind him over in 2 Securities for the period of 2. years.

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

(Sent following letter No.)

Read return dated the 5th. Instant made by the Acting Joint Criminal Judge of Cochin to the precept of the Court of Tondaree Adalut of the

21st.

24th. of February 1840 conveying their observations and orders on the Criminal Reports for the month of January 1840.

(Here enter No. 491.)

1. The acting Joint Criminal Judge explains that the prisoner concerned in Case No. 1 of his Criminal File was sentenced under the provisions of Section II. Regulation IX of 1832, on a view of the evidence produced in support of the charge preferred by the prisoner before the Police Officer, as authorized by the Circular Order of the 6th. of January 1834.

2. The Circular Order quoted by the acting Joint Criminal Judge justifies the proceeding adopted by him in disposing of the Case referred to, but at the same time the Acting Joint Criminal Judge will understand that there is nothing contained in the said Circular Order to prevent the Criminal Court finding for the witnesses who had deposed before the Police Officer, and re-examining them on oath, if such a course should appear necessary, or proper, either upon any representation of the accused party, or otherwise.

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

(Sent in No.)

Read

Read the Reports for the month of February 1840 Submitted by the Criminal Judge of Bellary.

(Here enter No. 549.)

Case No. 279 of 1839. 1. If the further witnesses, for whose attendance application has been made to the Magistrate by the Criminal Judge, do not appear before the Criminal Court at an early period, the charge against the prisoners must be heard and disposed of on the evidence already before the Criminal Court.

Cases Nos. 31 & 32. 2. The Criminal Judge will request the Joint Magistrate of Bellary to report direct to the Court of Foujdaree Udalut the causes of the detention of the prisoner, Goorroopadapah, before him from the 7th. to the 18th. of February last.

Case No. 36. 3. And with reference to the remark by the Criminal Judge on Case No. 30, that "the other man who was concerned in the theft appears to have been killed by the people of the Village, when they were pursuing him", the Criminal Judge will request the Magistrate of Bellary to submit a report on this subject also direct to the Court of Foujdaree Udalut.

4. The Court of Foujdaree Udalut

observe

observe that during the month under review the Criminal Judge of Bellary has not availed himself of the assistance of his Sudr Ameen in the disposal of such Criminal cases as those Officers are competent to investigate and decide.

5. The Court of Fonjdaree Udalut take this opportunity of directing the Criminal Judge of Bellary to report the nature of the Public Buildings at Bellary on which the 126 Convicts are employed, and at the same time to state what number of Convicts, the unexpired period of whose sentences may exceed 6 Months, are available for transfer from Bellary, without detriment to public works in progress at that Station.

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

(Sent following Precept No.)

Read the Criminal Reports for the month of February 1840 submitted by the Principal Sudr Ameen of Ittapoor.

(Here return No. 538.)

Case No. 1. 1. The 1st Prisoner in Case No. 1 having been charged with housebreaking, whereby property

23d March 1840.

property was stolen to the alleged value of Rupees 105. the reference of the Case to the Sudr Ameen was unauthorized, and the Court of Fonjdaree Udalut would further observe, that if the housebreaking was accompanied by theft to the extent charged, the case was not punishable even by the Principal Sudr Ameen himself.

2. The Principal Sudr Ameen will submit an explanation on the subject of this case to the Court of Fonjdaree Udalut.

3. Adverting to the many instances exhibited in this Report in which the Principal Sudr Ameen had proceeded to modify the sentences passed by his Sudr Ameens, tho' such sentences may not have been either "contrary to the Regulations or to justice" the Court of Fonjdaree Udalut resolve to point out to Mr. Sharkey that Section II. Regulation III of 1832 does not intend the alteration of a sentence not contrary to the Regulations as respects the extent of punishment and not contrary to justice as respects the Conviction.

4. It is the province of the Court of Fonjdaree Udalut to remit any portion of a legal punishment awarded by a Sudr Ameen when it may appear to them that the ends of justice may be satisfied by

more

more lenient Sentence than that passed on the persons convicted.

5. The Principal Sudr Ameen is also informed that it is unnecessary, and not required of him, to "confirm" the Sentences awarded by the Sudr Ameen in exercise of the powers vested in those Officers by Regulation III of 1833.

6. With reference to the remarks by the Principal Sudr Ameen in respect to the maltreatment by the Native Police of the prisoners concerned in Case No. 9, the Court of Tanjore Udalut desire that the Principal Sudr Ameen will request the Magistrate of Tanjore to report direct to the Court of Tanjore Udalut the result of the Enquiry that may be made by him into the conduct of the Police on the occasion in question, and also what measures he may have taken in view to the punishment of those who may have been implicated in such alleged gross abuse of authority.

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Tchapoor for his information and guidance by precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. /

Read

Read the Criminal Reports for the month of February 1840 Submitted by the Acting Joint Criminal Judge of Coimbatore.

/ Here enter No. 515 /

Case No. 12.

The Acting Joint Criminal Judge is directed to furnish the Acting Magistrate of Coimbatore with a copy of the remarks recorded on the Case noted in the margin, in order that the Collector may cause the unauthorized Collections made by the Polygar of Ramapattanum to be discontinued.

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

/ Sent in No. /

Read the Criminal Reports for the month of February 1840 Submitted by the Acting Joint Criminal Judge at Masulipatam.

/ Here enter No. 542 /

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

Ordered therefore that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information.

/ Sent in No. /

Read

23d. March 1840.

Read the Criminal Reports for the month of February 1840 submitted by the Criminal Judge of Nellore.

/ Here enter No. 529 /

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

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

/ Sent in No. /

Read letter dated the 3d. Instant from the 3d. Judge of the Provincial Court of Circuit in the Western Division, submitting copies of a correspondence which has passed between himself and the Acting Joint Criminal Judge of Malabar regarding the legality or otherwise of a collective fine being imposed on persons convicted of smuggling tobacco, and requesting instructions as to the application of that fine when recovered.

/ Here enter F.R. No. 482 /

1. The Acting Joint Criminal Judge states in his return addressed to the 3d. Judge of the Provincial Court of Circuit in the Western Division dated 19th. February 1840, that he "has hitherto in Cases "of Tobacco Smuggling, when the fines have been paid, remitted

10. F.R.

23d. March 1840.

"remitted 2/3rds. thereof to the Joint Magistrate to be paid "to the parties most deserving of a reward."

2. The question for determination appears to be, is the appropriation of fines, levied by the Criminal Court under the provisions of Clause 1st. Section IV. Regulation V of 1831, to be regulated by the rules generally applicable to fines so levied, or by those contained in Regulation VII of 1811.

3. It appears to the Court of Tonjdaree Udalut that by Section XIV of the last mentioned Regulation, the payment of the amount of fines levied to those, declared entitled thereto in Section XIII, was required to be made "either by the Board of Revenue, "or by their order."

4. The Court of Tonjdaree Udalut do not see any thing, either in the preamble, or in the enacting Sections of Regulation V. of 1831, which warrants the supposition of the 3d. Judge of the Provincial Court of Circuit in the Western Division, that the distribution of fines according to the provisions of Regulation VII of 1811, was intended to be discontinued; the policy of the law would seem to require its continuance; and in order thereto, the amount of fines realized, should, in the opinion of the Tonjdaree

Udalut

March 1840 from the Acting 1st Judge to the precpt
of the Tongdaree Udalut of the 23rd February calling
for further evidence, touching the State of the mind
of the prisoner in Case No 17 of the Salem Calen-
dar 2nd Sessions of 1839-

(Here enter No 530)

Mr Bird
J
Mr Campbell

The Court of Tongdaree Udalut having
maturely considerd the proceedings held before the
Judge on Circuit, the futwa of the Provincial Law
Officer, and the futwa of the Cazee-ool Cozat and
Mooftes of the Tongdaree Udalut, confirm the said
futwa of the Cazee-ool Cozat and Mooftes afore-
said, convicting the prisoner

Lutchamun

of the crime of Murder and awarding Deyut and
Sentence the said prisoner to be imprisoned and kept
to labor suitable to his condition for and during the
period of his natural life-

The Court of Tongdaree Udalut see
no reason to believe that the prisoner was insane
when he perpetrated the murder or that he had been
previously liable to fits of insanity, and they there-
fore concur with the Acting 1st Judge in convicting
him of Murder. But as it has been shown, by Evidence,
that the said convict has, since that crime, been at
intervals

insane, and is of weak intellect, liable to accesses
of derangement of mind, the Court deem him a
fit subject for mitigation of punishment; and
have sentenced him to Imprisonment for life
with Labor suitable to his condition-

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

(Sent following letter No 424)

Read Letter dated the 21st Ult.
ultimo from the Provincial Court of Circuit for
the Centre Division, forwarding English Trans-
lations of all the proceedings held in Case
No 33 of the Cuddapah Calendar of the 2nd
Session of 1839 and in the charge of Murder res-
pecting which the Prisoner in No 33 and the pri-
soners in the five following cases are said to have
committed Perjury-

(Here enter F. Cs. No 425 of 1840)

1. The Papers now submitted were
called for in parah 20 of the Proceedings of the
Tongdaree Udalut under date the 7th November
1839 upon review of the Cuddapah and Cumbum
Calendars of the Second Sessions of 1839 submitted
by

March 1840 from the Acting 1st Judge to the precept of the Tongdarre Udalut of the 22nd February calling for further evidence, touching the state of the mind of the prisoner in Case No 17 of the Salem Calendar 2nd Sessions of 1839.

(Here enter No 530)

Mr Bird

Mr Campbell

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

Lutchoomun

of the crime of Murder and awarding Deputy and sentence the said prisoner to be imprisoned and kept to labor suitable to his condition for and during the period of his natural life.

The Court of Tongdarre Udalut see no reason to believe that the prisoner was insane when he perpetrated the murder or that he had been previously liable to fits of insanity, and they therefore concur with the Acting 1st Judge in convicting him of Murder. But as it has been shown, by Evidence, that the said convict has, since that crime, been at intervals insane, and is of weak intellect, liable to accesses of derangement of mind, the Court deem him a fit subject for mitigation of punishment; and have sentenced him to Imprisonment for life with labor suitable to his condition.

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

(Sent following letter No 424)

Read Letter dated the 24th ult. from the Provincial Court of Circuit for the Centre Division, forwarding English Translations of all the proceedings held in Case No 33 of the Cuddapah Calendar of the 2nd Sessions of 1839 and in the charge of Murder respecting which the Prisoner in No 33 and the prisoners in the five following cases are said to have committed Perjury.

(Here enter F. C. No 425 of 1840)

The Papers now submitted were called for in parah 20 of the Proceedings of the Tongdarre Udalut under date the 2nd November 1839 upon review of the Cuddapah and Cumbum Calendars of the Second Sessions of 1839 submitted by

by the late Mr James Thomas.—

2. The Court observe that the late Acting Judge of Circuit was quite right not to try the cases upon such inconclusive evidence— and the Court are of opinion that the order he passed on them was a proper and sufficient one, without which it is not necessary to interfere further than to state, that, if due steps are taken by the Magistracy, the period of the death of the deceased could must be easily ascertainable.—

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

(Sent in No. 425)

Read letter dated the 15th instant from the 3rd Judge of the Provincial Court of Circuit in the Eastern Division, reporting his having received the Fifth Additional Calendar containing 2 Cases and 1 Prisoner, in the first of which he is charged "with having given contradictory evidence on "oath," and the other "with having torn and destroyed 2 Examinations taken in a judicial investigation."—

(Here enter No. 553 of 1840.)

Read Further Return dated the 16th

F. C.
24th March 1840.

16th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Fouzdaree Adalut of the 8th February 1840, directing that the late Acting Joint Criminal Judge of Vizagapatam be called upon to submit an explanation of the incorrect entry in the Monthly Criminal Reports of the period of sentence passed upon the Prisoner in Case No. 99 on the Criminal Reports of the late Auxiliary Court at Vizagapatam for the Month of November last.—

(Here enter No. 555 of 1840.)

Read Further Return dated the 16th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Fouzdaree Adalut of the 24th February 1840, requiring him to shew what progress has been made in the preparation of English translations of the Case No. 3 on the Chicacole Calendar, and in Cases Nos. 7. 10. 11. 12. 20. 22. 23. 24. 25. 26. 27. 28. 35. 36. and 37 of the Vizagapatam Calendar for the 2nd Sessions of 1839.—

(Here enter No. 556 of 1840.)

Read letter dated the 17th instant from the Acting 1st Judge late on Circuit in the Southern

by the late Mr. James Thomas.—

2. The Court observe that the late Acting Judge of Circuit was quite right not to try the cases upon such inconclusive evidence.— and the Court are of opinion that the order he passed on them was a proper and sufficient one, without which it is not necessary to interpose further than to state, that, if due steps are taken by the Magistracy, the period of the death of the deceased must be easily ascertainable.—

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

(Sent in No. 425)

Read letter dated the 13th instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, reporting his having received the Fifth Additional Calendar containing 2 Cases and 1 Prisoner, in the first of which he is charged "with having given contradictory evidence on "oath," and the other "with having torn and destroyed 2 Examinations taken in a judicial investigation."—

(Here enter No. 553 of 1840.)

Read Further Return dated the

16th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Fouzdaree Adalut of the 8th February 1840, directing that the late Acting Joint Criminal Judge of Vizagapatam be called upon to submit an explanation of the incorrect entry in the Monthly Criminal Reports of the period of sentence passed upon the Prisoner in Case No. 177 on the Criminal Reports of the late Auxiliary Court at Vizagapatam for the Month of November last.—

(Here enter No. 555 of 1840.)

Read Further Return dated the 16th instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Fouzdaree Adalut of the 27th February 1840, requiring him to shew what progress has been made in the preparation of English translations of the Case No. 3 on the Chicacole Calendar, and in Cases Nos. 7. 10. 11. 12. 20. 22. 23. 24. 25. 26. 27. 28. 35. 36. and 37 of the Vizagapatam Calendar for the 2nd Sessions of 1839.—

(Here enter No. 556 of 1840.)

Read letter dated the 17th instant from the Acting 1st Judge late on Circuit in the Northern

21st March 1840.

Southern Division, transmitting Original Death Warrant in Case No 6 on the Madura Calendar 2nd Sessions of 1839 which was duly executed.

(Here under No 560 of 1840)

Read Petition dated the 20th instant from the Criminal Judge of Salem, to the precept of the Zillah Adalut of the 16th Instant conveying their observations and Orders on the Criminal Reports for the Month of January 1840.

(Here under No 575 of 1840)

Read Letter dated the 9th instant from the 2nd Judge on Circuit in the Western Division, transmitting the Original Death Warrant in Case No 15 on the Malabar Calendar for the 1st Sessions of 1840.

(Here under No 575 of 1840)

Read Return, dated the 18th instant from the Acting Criminal Judge of Cuddapah, to the precept of the Zillah Adalut of the 2nd Instant conveying their observations and Orders on the Criminal Reports for the Month of January 1840.

(Here under No 577 of 1840.)

At a Court of the Zillah Adalut.

Present,

Wednesday, 25th March 1840. John Bird Esqre ——— 1st Puisne Judge,

William Sudleston Esqre ——— 2d Puisne Judge,

Alexr Duncan Campbell Esqre 3d Puisne Judge,

Read letter dated 17th March 1840 from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, submitting for the consideration and final sentence of the Court of Zillah Adalut the record of the trial in Case No 1 on the Supplemental Calendar for the Chittoor 1st Quarterly Sessions of 1840.

(Here enter F.R. No 546)

Mr Bird,
Mr Campbell,

The Court of Zillah 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 "Moonegen" is sufficient to convict him of the crime of murder do convict him thereof, but being of opinion, under the circumstances of the case, that the punishment to which he is liable, under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court sentence him

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.—

The Court of Enquiree Instant concur with the Acting 2d Judge in convicting the prisoner of the crime of murder, but considering the act to have been perpetrated under the impulse of provocation and in the absence of premeditated malice, the Court deem the prisoner a proper object of mercy and have sentenced him to be transported for life.—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division.—

(Sent in No. 426.)

Read letter dated the 23d instant from the 3d Judge on Circuit in the Southern Division, submitting the English record in Case No. 9 on the Criminal Calendar for the 1st Sessions of 1840.—

(Here enter Fiat No. 584 of 1840)

The

Mr. Kindleston,
and
Mr. Campbell,

The Court of Enquiree Instant, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Adrienlen

is sufficient to convict him of the crime of murder, do convict him thereof, and considering, under the circumstances of the case, that the punishment to which he is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of his natural life.—

(Sent following letter No. 427.)

Read letter dated the 4th instant from the 3d Judge Presiding in the Eastern Division, submitting for the final sentence of the Court—

of

25th March 1840.

of Coojdaree Udalut the Record of Trial No 1 on the 3d Additional Calendar Tr Quarterly Sessions 1840, as also copy of the Calendar.—

(Here enter F.H. No 666 of 1840.)

Mr Huddleston, and Mr Campbell,

The Court of Coojdaree 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

"Palakot Ramen"

is sufficient to convict him of the crime of murder, do convict him thereof, but considering, under the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court 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 his natural life.—

(Sent following letter No 428.)

WB

WDC

Thursday 26th March, 1840.

At a Court of the Coojdaree Udalut.

Present,

John Bird Esqr ——— 1st Puisne Judge,

William Huddleston Esqr ——— 2d Puisne Judge,

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

Read letter dated the 20th instant from the 3d Judge on Circuit in the Southern Division transmitting English Translations of the Record in Case No 6 Limerick Calendar for the Tr Sessions of 1840.—

(Here enter F.H. No 667 of 1840.)

Mr Bird, and Mr Campbell,

The Court of Coojdaree 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,

Paramasone

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

(Sent following letter No 429.

Read letter dated the 14th instant from the 2d Judge on Circuit in the Eastern Division transmitting

the

the Record in Case No. 1 on the Madurai 2nd Additional Calendar for the 1st Sessions of 1840.—

(Here enter Cl. No. 568 of 1840.)

Mr. Bird,
and
Mr. Campbell,

The Court of Sujdaree 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

Vakkat Govinna Menon

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, sentence the said prisoner to suffer death, by being hanged at the usual time and place of execution.—

(Cont following letter No. 430)

Read letter dated the 5th instant, from the Magistrate of Madura explaining, with reference to the Proceedings of the Sujdaree Adalut of the 24th February 1840, that the delay of the Police officers in Cases Nos. 1 and 4 of 1840 had been already pointed out to them by the Magistrate, "as might have been easily inferred from the reported "explanation" of the delay" submitted by the Criminal Court, and requesting to be informed whether the Judges are of opinion that the Magistrate should have visited the error by punishment, and if so, the amount of punishment they would direct to be awarded.—

(Here enter No. 485.)

The

26th March 1840.

The Magistrate of Madura is informed that the explanations in those cases, entered in the Monthly Criminal Report, contained nothing that could justify the Court of Sujdaree Adalut in assuming that the error on the part of the Police officers in detaining prisoners before them, on insufficient grounds, had been pointed out to them by the Magistrate:— whether or not the conduct of the Police officers on the occasion in question merits punishment must be determined by the Magistrate himself, who must best know whether those individual Police officers habitually detain prisoners in their Cutcherie on insufficient grounds, or have been merely guilty of an error in the instances under review from ignorance of such previous references, for the orders of the Magistrate, being unnecessary.—

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Madura for his information and guidance.—

(Sent in No. 431.)

Read the Criminal Reports for the Month of February 1840 submitted by the Acting Criminal Judge of Ginjy Zillah.—

(Here enter No. 527)

Write, reference to the reports assigned by

by the Tahsildar of Ramnimungalum for the detention of the prisoner in the Cutcherry from the 15th of January to the 2d of the following month, the Court of Foujdaree Adawlut desire that the Magistrate of Chingleput will point out to this Head of Police that if he was satisfied of the identity of the prisoner there was no necessity for detaining him in the Cutcherry until "furnished with the proceedings held by the "Assistant Magistrate in another case in which this Prisoner "had been apprehended on suspicion".-

Case No. 15. 2. With reference to case No. 15 the Court of Foujdaree Adawlut desire the Acting Criminal Judge will explain whether previous to the release of the prisoner the course of proceeding enjoined by the Circular Order of the 28th of January 1828 was observed by the Criminal Judge.-

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Chingleput for his information and guidance by precept returnable in 3 days from and after its receipt, and with instructions to furnish the Magistrate of Chingleput with a copy of para 1 of these proceedings for his information.-

(Cont following Precept No. 432.)

Read

F. D.

26th March 1840.

Read Letter dated the 12th instant from the Acting First Judge on Circuit in the Centre Division, submitting copies of the Cuddalore and Cuddalum Calendar for the first Sessions of 1840.-

(Here enter C. D. No. 535 of 1840.)

Cuddalore Calendar Cases Nos. 3 and 4. 1. The Acting First Judge will be pleased to lay before the Foujdaree Adawlut any reply which may have been received from the Magistrate reporting the result of the inquiry ordered in the Acting First Judge's proceedings of the 26th February 1840- and the measures adopted to prevent the recurrence of similar irregularities in future.-

Case No. 6. 2. The abstract of the evidence before the Criminal Court should have shown the purport of the "Declaration" of the Prisoner which the 2d and 3d witnesses are said to have proved.-

Case No. 13. 3. The Acting First Judge will be pleased to furnish a copy of his remarks on this case to the Magistrate who, it is hoped, will adopt vigorous measures for the purpose of checking the illegal and oppressive practice on the part of the Police which appears to prevail in the District of Cuddalore "of laying hands on persons previously suspected through nothing should appear against them in the matter in question".-

Case

Case No. 18. 4. The Court of Conjedaree Dedaiut have, in their proceedings under date the 11th ultimo ordered the 1st prisoner in this case to be removed to Chingleput - in which District the sentence of Banishment passed by the Court of Circuit will be carried into effect.-

Cases Nos. 21 and 22. 5. On submitting the referred case No. 21 - the Acting First Judge will be pleased to state his opinion in respect to the guilt or innocence of the prisoner in No. 22. and furnish a brief recital of the facts of the latter case as established by the evidence before the Court of Circuit. The Court of Conjedaree Dedaiut observe that in the event of the prisoner being acquitted in No. 21 - it will be necessary for the Acting First Judge to proceed to judgment in No. 22.-

Case No. 23. 6. The Court will await the promised Report on this case.-

Case No. 30. 7. The two prisoners in this Case were convicted of Gang Robbery by open violence, and the 1st was sentenced by the Court of Circuit to fourteen years imprisonment - but in favour of the second who took no active part in the maltreatment - a mitigation of the prescribed penalty is recommended.-

8. The Court of Conjedaree Dedaiut resolve to accede to the recommendation of the Acting First Judge and

and under the provisions of Clause third Section III Regulation I of 1825, authorize him to issue his warrant to the Criminal Judge of Cuddapah for the imprisonment of the prisoner

2d Iranla Chinnegundoo

with Hard labour in Irons for eight years.-

Case No. 31. 9. The Court of Conjedaree Dedaiut in reference to the proceedings of the Acting First Judge in this case, observe that it would have been more regular to direct the Criminal Judge to communicate the result of the additional inquiry ordered with the entire record to the Judges of the Court of Circuit collectively for their orders on the case the Circuit Judge should not personally or communicate with them direct.-

Case No. 35. 10. The Court of Conjedaree Dedaiut observe that the evidence of the two witnesses on behalf of the second prisoner may be taken by the Criminal Court under orders from the Acting First Judge and sentence passed by the latter - after a consideration of that evidence.-

11. The Court of Conjedaree Dedaiut consider Mr. Lewin deserving of their approbation for the able manner

Case No. 18. 4. The Court of Conjdaree Eddatut have, in their proceedings under date the 11th ultimo ordered the Prisoner in this case to be removed to Chingleput - in which District the sentence of Banishment passed by the Court of Circuit will be carried into effect.-

Cases Nos. 21 and 22. 5. On submitting the referred Case No. 21 - the Acting First Judge will be pleased to state his opinion in respect to the guilt or innocence of the prisoner in No. 22. and furnish a brief recital of the facts of the latter case as established by the evidence before the Court of Circuit. The Court of Conjdaree Eddatut observe that in the event of the prisoner being acquitted in No. 21 - it will be necessary for the Acting First Judge to proceed to judgment in No. 22.-

Case No. 23. 6. The Court will await the promised Report on this case.-

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8. The Court of Conjdaree Eddatut resolve to accede to the recommendation of the Acting First Judge and

and under the provisions of Clause third Section III of Regulation I of 1825, authorize him to issue his warrant to the Criminal Judge of Cuddapah for the imprisonment of the prisoner

2d Iranla Chinnegundoo

with hard labour in Irons for eight years.-

Case No. 31. 9. The Court of Conjdaree Eddatut in reference to the proceedings of the Acting First Judge in this case, observe that it would have been more regular to direct the Criminal Judge to communicate the result of the additional inquiry ordered with the entire records to the Judges of the Court of Circuit collectively for their orders on the Case the Circuit Judge should not personally or communicate with them direct.-

Case No. 35. 10. The Court of Conjdaree Eddatut observe that the evidence of the two witnesses on behalf of the second prisoner may be taken by the Criminal Court under orders from the Acting First Judge and sentence passed by the latter - after a consideration of that evidence.

11. The Court of Conjdaree Eddatut consider Mr. Erwin deserving of their approbation for the able manner

a report on this point.

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

Sent following Precept No. 437.

Read Letter dated the 17th instant from the Third Judge of the Provincial Court of Circuit in the Western Division submitting a copy of the Tellicherry Fourth Additional Calendar of the First Quarter Sessions of 1840.

(Here enter F.C. No. 381 of 1840)

1. In the case on that Calendar the Prisoner was charged "with having on the 20th Magaram 1015, corresponding with the 1st February 1840 at night, inflicted with malicious intent, a wound on the Prosecutor above his waist with a knife."

2. The Third Judge Presiding being of opinion "that the punishment for the offence charged is within the Province of the Joint Criminal Court" returned the case to be disposed of by that tribunal.

3. The Court of Zillah Adalut do not approve of this proceeding of the Third Judge who, in their opinion, ought to have tried the prisoner. If such acts as that with which the prisoner in this case was charged are considered too trifling for the

cognizance of the Court of Circuit, it will be impossible to put an effectual stop to the prevalent crime of stabbing in the Western Division.

4. The Court resolve to call the Third Judge's attention to the remarks in para. 9 of the Extract from the Minutes of Consultation under date the 15th November 1836 No. 959 to the effect that "the great frequency of cases of cutting and maiming consequent on the universal wearing of the knife in Malabar fully warrants as well as imperatively requires that the offence should be visited with far greater severity than in Countries in which a similar state of things does not prevail."

5. The preceding remarks were communicated to the Provincial Court for the Western Division in the letter from the Zillah Adalut of the 18th December 1836 in which the Judges of Circuit in that Division were instructed to a due consideration of the views of Government in the exercise of the powers of discretionary punishment vested in the Courts of Circuit by Clause seventh, Section II Regulation XV of 1803.

Ordered that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Western Division for

27th March, 1840.

for his information and future guidance and to be communicated for the information and guidance of the Acting Joint Criminal Judge of Malabar.

(Sent in Sr. 438—)

Read Return dated the 21st instant from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 21st January 1840 requiring the Criminal Judge of Vizagapatam and the Magistrates of Vizagapatam and Ganjam to suggest the terms of an Act to enable the Magistracy to dispose of cases of trivial violations of the existing Salt Laws and to obviate the necessity of forwarding the parties to the Criminal Court—

(Here enter Sr. 444 of 1840.)

Read letter dated the 7th instant from the Acting 1st Judge on Circuit in the Centre Division returning the Book containing the proceedings held before the Special Court in the case of the Murder of Mr. McDonald—

(Here enter Sr. 499 of 1840.)

Read letter dated the 20th instant from the 2nd Judge on Circuit in the Western Division reporting the closing of the Sessions at Malabar on the 20th Instant.

(Here enter Sr. 582 of 1840.)

F. G.

At a Court of the Foujdaree Adalut.

Present,

Saturday 28th March, 1840. John Bird Esqr. ——— 1st Puisne Judge.

William Rudleston Esqr. ——— 2d Puisne Judge.

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

Read letter dated 15th March 1840, from the 2d Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Foujdaree Adalut the record of the trial in Case Nr. 12 on the Vizagapatam Calendar 2d Sessions of 1839—

(Here enter F. G. Nr. 385.)

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

1st Cheekala Cunniah alias Cantah

and

2d Boggenah Botunnah

is sufficient to convict them of the crime of Robbery by open violence attended with murder, do convict them thereof, and, under the provision of Clauses first and fifth, Section IV Regulation XV of 1803, sentence the said prisoners to be transported

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 respectively.—

1. The Court of Enquiry & Adjutant observe that it was not necessary that the prosecution of this case should have been conducted by the Government Vakeel. The son of the deceased, who appeared as the 19th witness for the prosecution, should have been required to prosecute.—

2. The Court further direct, that it may be brought to the notice of Mr. Dowdeswell the late Joint Criminal Judge of Vizagapatam that the proceedings in the Criminal Court in this case, have been swelled to an unnecessary length by the recorded evidence of several witnesses whose examination was unnecessary and they desire that Mr. Dowdeswell may be informed that in cases in which there are several attesting witnesses to an inquest, it will not be necessary to bind over the whole as in this case, but that a selection may be made of 2 or 3 the most intelligent, who should be required to appear before the Court of Circuit.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division for his information.—

(Sent following letter No. 141)

Read again letter dated the 2d March 1840 from the 3d Judge on Circuit in the Northern Division referring for the consideration and final sentence of the Enquiry Adjutant the record of the trial in Case No. 4 on the Nellore Calendar for the 1st Session of 1840.—

(Here enter S. L. No. 487 of 1840.)

Read also return dated the 15th of March 1840. from the Criminal Judge of Nellore to the precept of the Enquiry Adjutant of the 4th instant, directing him to submit the Eeloogoo record of the Proceedings before the Police in Case No. 3 on the Nellore Calendar for the 1st Session of 1839.—

(Here enter S. L. No. 543 of 1840.)

Mr. Bird,
and
Mr. Campbell,

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

"Cotaparauze Boochama alias
Cota Boochama alias Cotapayapauree
Boochemah".

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

F

of "Highway robbery" do acquit him thereof, and, under the provisions of Clause sixth section II Regulation XV of 1803, direct that he be set at liberty.—

1. Under all the circumstances of the case, the Court are of opinion, that no dependance can be placed on the evidence as to the identity of the prisoner, and they consider that he has most fully established an alibi.—

2. The Court observe that the Law officer having objected to the evidence of the 1st and 2d witnesses upon the grounds of contradictions, the Circuit Judge was not authorized to put a second question to the Law officer.—

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

(Sent following letter No 1442.)

Ordered also that the original papers which accompanied the return of the Criminal Judge of Nellore be returned to that officer.—

(Sent in No 1443.)

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the Month of

February 1840.—

(Here enter No 570.)

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

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

(Sent in No 1444)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Ellichpore for the Month of February 1840.—

(Here enter No 572.)

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

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

(Sent in No 1445)

Read the Criminal Reports for the Month of February 1840 submitted by the Criminal Judge of Chittoor.—

(Here enter No 573.)

Case No 32.

In preparing this case for the Court of Circuit, the Criminal Judge will bear in mind that it is essential

of "Highway robbery" do acquit him thereof, and, under the provisions of Clause eighth section II Regulation XV of 1803, direct that he be set at liberty.—

1. Under all the circumstances of the case, the Court are of opinion, that no dependance can be placed on the evidence as to the identity of the prisoner, and they consider that he has most fully established an alibi.—

2. The Court observe that the Law officer having objected to the evidence of the 1st and 2d witnesses upon the grounds of contradictions, the Circuit Judge was not authorized to put a second question to the Law officer.—

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

(Sent following letter No. 1412.)

Ordered also that the original papers which accompanied the return of the Criminal Judge of Nellore be returned to that officer.—

(Sent in No. 1443.)

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the Month of

February 1840.—

(Here enter No. 540.)

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

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

(Sent in No. 1444)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Ellichpore for the Months of February 1840.—

(Here enter No. 542.)

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

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

(Sent in No. 1445)

Read the Criminal Reports for the Month of February 1840 submitted by the Criminal Judge of Chittoor.—

(Here enter No. 547.)

Case No. 32.

In preparing this case for the Court of Circuit, the Criminal Judge will bear in mind that it is essential

essential to the validity of an Indictment for Forgery that the instrument alleged to have been forged be set out "verbatim" in the body of such indictment, and in order to a conviction for Forgery it is, among other things, necessary that the said instrument so recited in the Indictment, be given in evidence at the Trial, and that the alterations in the Deed be shewn to have been "fraudulent" or "injurious" to the name of the person intended to be defrauded should be specified in the Indictment accordingly.-

Ordered, That Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance.-

(Cent in No. 1446.)

Read the Criminal Reports for the Months of February 1840 submitted by the Criminal Judge of Vizagapatam.-

(Here enter No. 5744.)

Case No. 14. The Criminal Judge of Vizagapatam is required to explain if the conviction of the two prisoners in Case No. 14 rests solely upon their confession before the Police officers in which case the Criminal Judge will suspend the further execution of the sentence passed by the Sudr Ameen until the receipt of the final orders of the Sudr Adalut; but if such alleged confessions were

were supported by other evidence the Court of Sudr Adalut desire to be furnished with a brief abstract of such further evidence as may have been adduced in support of the charge.-

Ordered, That Extract from these proceedings be forwarded to the Criminal Judge of Vizagapatam for his information and guidance by precept returnable in 3 days from and after its receipt.-

(Cent following precept No. 1417.

Read the Criminal Reports for the Month of February 1840 submitted by the Joint Criminal Judge at Trichinopoly.-

(Here enter No. 583.)

Case No. 21. 1. Adverting to the explanation of the grounds of the requisition of security in Case No. 21, the Court of Sudr Adalut desire to be informed, whether or not either of the "Cheques," referred to, detained by the Prisoner, was made payable to order, and if so not only endorsed.-

Report No. 8. 2. Cases Nos. 11. 12. 13. 14 and 15 of the file of 1840 having been "committed" on the 8th of February 1840, the Joint Criminal Judge is required to explain why the record of the proceedings in those cases could not have been had

laid before the Court of Quarterly Sessions before the end of the same month.—

3. The attention of the Joint Criminal Judge is called to the Circular Order of the Foujdaree Adaulut of the 22d March 1830.—

4. The signature of the Joint Criminal Judge to the Reports and Statements now under review being illegible, his attention is called to the "notice" dated the 27th July 1832 printed at page 554 of the official Gazette of that year.—

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

(Sent following Precept No. 448.)

Read the Criminal Reports for the Month of February 1840 submitted by the Acting Assistant Judge in charge of the Zillah Court of Canara.—

(Here enter No. 557)

Case No. 202. 1. The Court of Foujdaree Adaulut see reason to doubt whether the evidence against the prisoner in Case No. 202 of 1839 was sufficient to justify his commitment

F. R.

28th March 1840.

commitment for Trial before the Court of Circuit; but with this remark the Court of Foujdaree Adaulut leave the case to be disposed of by the Judge of Circuit who is en route to, or at the present time has arrived at Mangalore.—

Case No. 11. 2. The Court of Foujdaree Adaulut observe that the prisoner in No. 11. charged with "having made a false complaint" before the Acting Additional Joint Magistrate, has been released;— but adverting to the opinion stated to have been recorded, by the Provincial Court of Circuit that the prisoner was liable to punish= =ment under Regulation IX of 1832 (notwithstanding the complaint having been laid in the first instance before the Magistracy) "if the complainant adhered to his accusation before the Cahsildar also, and spoke at all "in support of it;"— the Court of Foujdaree Adaulut would qualify this opinion recorded by the Provincial Court of Circuit, by adding, that a prisoner would, under the circumstances described, be liable to punishment, under Regulation IX of 1832, only in the event of the prosecutor (now prisoner) not having been sworn to the charge in the first instance before the Magistracy,— but his complaint referred for investigation by the native Police

under

under the provision of section XV Regulation IX of 1816.—

3. But a prisoner having been apprehended and brought before the Magistrate under the provisions of Section XXIV Regulation IX of 1816, that officer is bound to hold a personal investigation, and the irregular reference of such Cases to be disposed of by an officer of Police, will not render the prosecutor liable to punishment under Regulation IX of 1832, even tho' his complaint may be proved to have been false and malicious.—

Case No 16. 4. The Assistant Criminal Judge is informed that the fact of the prisoner in Case No 16 having been previously punished for preferring a false complaint is no ground for the adjudication of an enhanced punishment awarded under Clause 3d Section V Regulation VI of 1822, for an escape from legal custody, subsequently proved against him.—

Case No 17. 5. If there was proof that the 4th and 5th prisoners were "the main instigators in the offence", for which the 1st and 3d prisoners have already been committed for trial before the Court of Circuit, these persons ought also to have been committed by the Assistant Criminal Judge, but the Judge on Circuit, will, on the Case coming before him,

direct such order respecting the 4th and 5th prisoners, who have been held to security, as he may deem proper.—

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

(Sent in No 449)

Ordered also, that paras: 2 and 3 of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance.—

(Sent in No 450.)

At a Court of the Zoujdaree Adalat.

Present,

Monday, 30th March, 1840. John Bird Esqre. ——— 1st Puisne Judge.

Wm Wm Hudleston Esqre. ——— 2d Puisne Judge.

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

Read letter dated 16th March 1840 from the 2d Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Court of Zoujdaree Adalut the record of the trial in Case No. 25 on the Bizeg a patam Calendar for the 2d Sessions of 1839.—

(Here enter F. G. No. 564.)

Mr. Bird, and Mr. Campbell, The Court of Zoujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner,

"Shaik Hoossain alias Hoossainee"

is not convicted, do acquit him, and under the provision of Clause sixth Section II Regulation XV of 1803, direct that the prisoner be set at liberty.—

1. In submitting the record of this case in which the prisoner is charged with the offence described in Act XXX of 1836. the 2d Judge has recorded his opinion that

At a Court of the Zoujdaree Adalat.

Present,

Monday, 30th March, 1840. John Bird Esqre. ——— 1st Puisne Judge.

Do William Rudleston Esqre. ——— 2d Puisne Judge.

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

Read letter dated 18th March 1840 from the 2d Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Court of Zoujdaree Adalut the record of the trial in Case No. 25 on the Bijeeg a patam Calendar for the 2d Sessions of 1839.—

(Vide enter F. R. No. 564.)

Mr. Bird, and Mr. Campbell, The Court of Zoujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner,

"Shaik Hoossain alias Hoossainee"

is not convicted, do acquit him, and under the provisions of Clause sixth Section II Regulation XV of 1803, direct that the prisoner be sent at liberty.—

1. In submitting the record of this case in which the prisoner is charged with the offence described in Act XXX of 1836. the 2d Judge has recorded his opinion that

that the evidence for the prosecution proves the crime against the prisoner.-

2. The Court of Zoujdaree Adaulut have perused with great surprize the extraordinary view taken of this case by the 2d Judge - in as much as there does not appear to be on record one tittle of evidence to establish the guilt of the prisoner who seems never to have been employed in Chuggee and was a mere child accompanying his father and kept at a distance when the crime was committed.-

3. It is clear that the prisoner is the son of the 4th witness, a Chug, but the establishment of this fact alone is, in the opinion of the Court, altogether insufficient for his conviction, and they observe that it is a matter of regret that the prisoner was ever put on his trial.-

4. The Court of Zoujdaree Adaulut direct, also, that it be pointed out to the 2d Judge that the proceedings of Mr. Haig in postponing the case, should have been inserted in the record; immediately before the depositions of the witnesses examined by the present 2d Judge.-

Ordered, that Extract from these Proceedings be sent to the 2d Judge late on Circuit in the Northern

Division for his information.-

(Sent in No. 456.)

Read petition presented by Rungaya Naiken, Palamalay Naiken and Kristnama Naiken late Peons on the Establishment of the Auxiliary Court at Cuddalore.-

(Here enter No. P. No. 20 of 1840.)

1. The Petitioners have already represented to this Court the circumstances under which they were dismissed from their situations by the Assistant Judge, and in the Proceedings of the Zoujdaree Adaulut of the 24th ultimo the Petitioners were informed that the Court did not see any sufficient ground for interfering in their behalf.-

2. To the orders passed under that date the Petitioners are referred, and they are informed that any further petition on the same subject will not be received from them.-

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

Read the Criminal Reports for the Months of February 1840 submitted by the Acting Joint Criminal Judge at Cuddalore.-

(Here enter No. 548.)

Here

These Reports not appearing to require any remark from the Court of Sudder Adawlut.—

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

(Sent in No. 457.)

Read the Criminal Reports submitted by the Principal Sudr Ameen at Tanjore for the Month of February 1840.—

(Here enter No. 534 of 1840.)

These reports are extremely well drawn out, and the sentences they exhibit do not appear to call for any remark from the Court of Foujdaree Adawlut.—

Ordered therefore that Extract from these proceedings be sent to the Principal Sudr Ameen at Tanjore for his information.—

(Sent in No. 458.)

Read the Criminal Reports submitted by the Joint Criminal Judge of Guntoor for the Month of February 1840.—

(Here enter No. 528 of 1840.)

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

Ordered

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

(Sent in No. 459.)

Read the Criminal Return for the Month of February 1840 submitted by the Criminal Judge of Salem.—

(Here enter No. 569.)

Case No. 206. 1. If the further evidence required by the Criminal Court in Case No. 206 of 1839 is not produced at an early period, the Criminal Judge is directed to dispose of the case according to the evidence that may be already before the Criminal Court; and at the same time to pass sentence on the Prisoner for the escape, of which he has been already convicted.—

Case No. 13. 2. In Case No. 13. the Prisoner is charged with having unlawfully and maliciously obliterated and destroyed certain judicial records belonging to the Godapaty District Moonsiffs' Court; and the Prisoner has been committed by the Criminal Judge to take his Trial before the Court of Circuit.—

3. From the remarks of the Criminal Court

Court on the Case the Court of Cuydaree Eedahtt are led to believe that the conduct of the Moonsiff himself on the occasion in question was censurable, but as the Case has been committed the Judge now on Circuit is hereby directed to communicate to the Zillah Judge any neglect or misconduct of the Moonsiff which may be apparent on the Trial.—

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

(Sent in No. 460.)

Ordered also that a copy of para.s 2 and 3 of these proceedings be furnished to the Judge now on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 461.)

Read the Criminal Reports for the Months of February 1840 received this day from the Provincial Court of Circuit in the Western Division from the Principal Sudr Ameen of Salem.—

(Here enter No. 558.)

Case No. 2. 1. In Case No. 2. the Principal Sudr Ameen has not shewn in his remarks, entered in the Criminal Report

Report, sufficient grounds for the commitment of the 1st 2d 3d 4th and 7th Prisoners, but as the case will shortly be laid before the Court of Circuit, the Judge presiding at the present Sessions will point out any error that may be apparent in the proceedings of the Principal Sudr Ameen.—

Case No. 4. 2. In Case No. 4 the Court of Cuydaree Eedahtt see reason to doubt the propriety of the conviction of the 3d Prisoner, and accordingly they resolve to direct the Judge at present on Circuit in the Western Division to look into the proceedings in the Case, and to pass orders thereon with reference to the provisions of Section XXIII Regulation X of 1816.—

3. In the Report No. 6. it is shewn that three prisoners died during the Month under review.— adverting to the small number of Prisoners in confinement at Salem the Court of Cuydaree Eedahtt desire that the Provincial Court of Circuit will ascertain and Report the cause of such mortality.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen of Salem.—

(Sent in No. 462.)

Ordered

Court on the Case the Court of Sujdaree Adaulut are led to believe that the conduct of the Moonsiff himself on the occasion in question was censurable, but as the Case has been committed the Judge now on Circuit is hereby directed to communicate to the Zillah Judge any neglect or mis-conduct of the Moonsiff which may be apparent on the Trial.—

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

(Sent in No. 460.)

Ordered also that a copy of Para.s 2 and 3 of these proceedings be furnished to the Judge now on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 461.)

Read the Criminal Reports for the Months of February 1840 received this the Provincial Court of Circuit in the Western Division from the Principal Sudr Ameen of Cuttack.—

(Here enter No. 558.)

Case No. 2. 1. In Case No. 2. the Principal Sudr Ameen has not shewn in his remarks, entered in the Criminal Report

Report, sufficient grounds for the commitment of the 1st 2d 3d 4th and 7th Prisoners, but as the case will shortly be laid before the Court of Circuit, the Judge presiding at the present Sessions will point out any error that may be apparent in the proceedings of the Principal Sudr Ameen.—

Case No. 4. 2. In Case No. 4 the Court of Sujdaree Adaulut see reason to doubt the propriety of the conviction of the 3d Prisoner, and accordingly they resolve to direct the Judge at present on Circuit in the Western Division to look into the proceedings in the Case, and to pass orders thereon with reference to the provisions of Section XXIII Regulation X of 1816.—

3. In the Report No. 6. it is shewn that three Prisoners died during the Month under review— adverting to the small number of Prisoners in confinement at Cuttack the Court of Sujdaree Adaulut desire that the Provincial Court of Circuit will ascertain and Report the cause of such mortality.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen of Cuttack.—

(Sent in No. 462.)

Ordered

Court on the Case the Court of Coydarre Eedahut are led to believe that the conduct of the Moonsiff himself on the occasion in question was censurable, but as the Case has been committed the Judge now on Circuit is hereby directed to communicate to the Zillah Judge any neglect or mis-conduct of the Moonsiff which may be apparent on the Trial.—

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

(Sent in No. 460.)

Ordered also that a copy of para.s 2 and 3 of these proceedings be furnished to the Judge now on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 461.)

Read the Criminal Report for the Months of February 1840 received this the Provincial Court of Circuit in the Western Division from the Principal Sudr Ameen of Salem.—

(Here enter No. 558.)

Case No. 2.

1. In Case No. 2. the Principal Sudr Ameen has not shewn in his remarks, entered in the Criminal Report

Report, sufficient grounds for the commitment of the 1st 2d 3d 4th and 7th prisoners, but as the case will shortly be laid before the Court of Circuit, the Judge presiding at the present Sessions will point out any error that may be apparent in the proceedings of the Principal Sudr Ameen.—

Case No. 4.

2. In Case No. 4 the Court of Coydarre Eedahut see reason to doubt the propriety of the conviction of the 3d prisoner, and accordingly they resolve to direct the Judge at present on Circuit in the Western Division to look into the proceedings in the Case, and to pass orders thereon with reference to the provisions of Section XXIII Regulation X of 1816.—

3. In the Report No. 6. it is shewn that three prisoners died during the Month under review.— adverting to the small number of prisoners in confinement at Salem the Court of Coydarre Eedahut desire that the Provincial Court of Circuit will ascertain and Report the cause of such mortality.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen of Salem.—

(Sent in No. 462.)

Ordered

Ordered also that para 2. of these proceedings be forwarded to the Judge on Circuit in the Western Division for his information and guidance.—

(Sent in No 463)

Read the Criminal Reports for the months of February 1840 submitted by the officiating Joint Criminal Judge of Trincomalee.—

(Here enter No. 531.)

Case No 7. 1. From the explanation of the sentence passed by the officiating Joint Criminal Judge in Case No 7 the Court of Puisne Adalut are doubtful whether the prisoners were liable to punishment for a Criminal offence, or only under Section XXII Regulation III 1802.—

2. It does not appear that the prisoners actually committed a fraud, but that the evidence was only sufficient "to prove the attempt of fraud and extortion"—before however disturbing the sentence the Court of Puisne Adalut desire that they may be furnished with an explanation of the offence actually proved against the prisoners.—

Case No. 10. 3. In Case No 10 the officiating Joint Criminal Judge has omitted to give any abstract of the evidence

evidence for the prosecution, and from the wording of the remarks by the officiating Joint Criminal Judge on the case, it would appear, that the prisoner had been called upon to furnish security merely because "the witnesses who "depose in support of the "alibi" (the defence of the prisoner) "contradict one another to an extent that caused "suspicion on the prisoner".—

4. The officiating Joint Criminal Judge will explain the nature of the evidence produced in support of the charge of Bribery made against the prisoner.—

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

(Sent following Precept No 464)

Read letter dated the 23d instant from the Acting 1st Judge on Circuit in the Centre Division, suggesting that as Case No 34 of the Candyan Calendar for the present Sessions is connected with Case No 27 of the preceding Sessions, tried by the late Mr Thomas, and under reference to the Court of Puisne Adalut, both cases be placed

before

before the Court at one and the same time, for which purpose he recommends that the papers in Mr. Thomas' case be translated and copied in the Provincial Court, and transmitted to him (Mr. Lewin) at Bellary in view to their submission to the Zoujdaree Adalut with the record of the Trial in the said Case No. 34.—

(Here enter No. 894.)

1. The Court of Zoujdaree Adalut concur in opinion with Mr. Lewin that it is very desirable that the records of the two Trials referred to above should be laid before the Court of Zoujdaree Adalut at one and the same time, and accordingly they resolve to instruct the Provincial Court of Circuit in the Centre Division to transmit without delay to the Acting 1st Judge on Circuit in the Centre Division the fair copy of the English Translation of the record of the Trial in Case No. 27 of the Cuddapah Calendar for the 2d Sessions of 1839.—

2. The Court of Zoujdaree Adalut take this opportunity of pointing out to the Provincial Court of Circuit that the Judgment of the Zoujdaree Adalut in Case No. 148 of the Cuddapah Calendar 2d Sessions 1839 is also delayed until receipt of the record of the trial in Case No. 27 of the

the same Calendar.—

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division and to the Acting 1st Judge on Circuit in the Centre Division for their information and guidance respectively.—

(Sent in Nos. 465 and 466.)

Read Miscellaneous Petition presented on the 2d March 1840 by Chinna Govinden of the Zilla of Salem.—

(Here enter F. R. Jn. P. No. 21 of 1840.)

1. The Petitioner represents that he was apprehended on a charge of robbery that Rupees 227, which was buried in his House, as well as a bundle of Bonds, were seized, and taken by the Police.— That on his acquittal by the Judge on Circuit he applied for the restitution of his money and bonds, but that only the latter were returned to him, with an intimation that the money should also be restored to him on the production of the required security.—

2. It appears that on his furnishing the security, he again submitted an application for the money

before the Court at one and the same time, for which purpose he recommends that the papers in Mr. Thomas' case be translated and copied in the Provincial Court, and transmitted to him (Mr. Lewin) at Bellary in view to their submission to the Tanjore Adalut with the record of the Trial in the said Case No. 34.—

(Here enter No. 594.)

1. The Court of Tanjore Adalut concur in opinion with Mr. Lewin that it is very desirable that the records of the two Trials referred to above should be laid before the Court of Tanjore Adalut at one and the same time, and accordingly they resolve to instruct the Provincial Court of Circuit in the Centre Division to transmit without delay to the Acting 1st Judge on Circuit in the Centre Division the fair copy of the English Translation of the record of the Trial in Case No. 27 of the Cuddapah Calendar for the 2d Sessions of 1839.—

2. The Court of Tanjore Adalut take this opportunity of pointing out to the Provincial Court of Circuit that the Judgment of the Tanjore Adalut in Case No. 48 of the Cuddapah Calendar 2d Sessions 1839 is also delayed until receipt of the record of the trial in Case No. 27 of the

the same Calendar.—

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division and to the Acting 1st Judge on Circuit in the Centre Division for their information and guidance respectively.—

(Sent in Nos. 465 and 466.)

Read Miscellaneous Petition presented on the 2d March 1840 by Chinna Govinden of the Zilla of Salem.—

(Here enter S. R. M. P. No. 21 of 1840.)

1. The Petitioner represents that he was apprehended on a charge of robbery, that Rupees 227, which was buried in his House, as well as a bundle of Bonds, were seized, and taken by the Police; that on his acquittal by the Judge on Circuit he applied for the restitution of his money and bonds, but that only the latter were returned to him, with an intimation that the money should also be restored to him on the production of the required security.—

2. It appears that on his furnishing the security, he again submitted an application for the money

to the Criminal Judge of Salem and was referred by him to the Judge who presided at the trial - and who adverting to the condition of the applicant refused to direct the money to be returned.-

3. The Petitioner now seeks for the interference of the Court who he prays will on a consideration of his case issue orders for the immediate restitution of the money in question.-

4. Before speaking any orders on the Petition the Court of Foujdaree Adaulut resolve to call on the Criminal Judge of Salem to report on the circumstances set forth by the Petitioner, and they accordingly direct that a copy of this Petition be sent to the Criminal Judge of Salem.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Salem and that copy be furnished to the Petitioner on his application.-

(Sent in No. 467.)

Circular Order

No. 119.

The Court of Foujdaree Adaulut deem it proper to direct, by a Circular Order, that Prisoners, on being

being forwarded to the Criminal Courts on any Criminal charge or information, be henceforth invariably accompanied by a Memorandum showing their previous convictions (if any) by the Police, Magistracy or other authorities - and their previous general character and conduct - so far as it is currently known and estimated, in order that, if necessary, the Criminal Court may call for evidence on these points.-

Ordered that Extract from these proceedings be sent to the Four Provincial Courts of Circuit by Precept enjoining them to communicate the same to the several Criminal Courts and Magistrates within their respective Divisions - with instructions to the Magistrates to issue the requisite orders on the subject to their Native Police officers for their information and guidance.-

Precept returnable within one Month from and after its receipt.-

Ent'd J.H.

(Sent following Precept No. 468)

F. U.

At a Court of the Foujdaree Adalut.

Present.

Tuesday, 31st March, 1840.

John Bird Esqre. ——— 1st Puisne Judge.
William Rudleston Esqre. ——— 2d Puisne Judge.
Alexr. Duncan Campbell Esqre. ——— 3rd Puisne Judge.

Read Return dated the 12th and Supplemental Return dated the 17th Ultimo from the Provincial Court of Circuit for the Northern Division to the Precept of the Court of Foujdaree Adalut under date the 24th January 1840 - conveying their observations and orders on the Report of the late Circuit Judge of the Provincial Court of Circuit for the Northern Division for the second and third Quarter sessions of 1839 - at Masulipatam -

(Here enter F. Us. Nos. 353 and 436 of 1840.)

With their Supplemental Return of the 17th Ultimo - the Provincial Court of Circuit have forwarded a copy of a Return dated the 12th Ultimo from the Magistrate of Masulipatam wherein that officer states with reference to paras 5 and 6 of the Proceedings of the Foujdaree Adalut under date the 24th January 1840 "that it has been clearly proved by the witness that the Garden was in possession of the Deceased and

and that the tree was cut down without his knowledge - the Defendants were therefore fined three Rupees each for a trespass."-

2. Under this explanation the Court of Foujdaree Adalut do not deem it proper to direct the return of the fine to the parties who petitioned the late First Judge - as suggested by that Officer - and the Magistrate's order of which they complain will therefore remain undisturbed.-

3. This decision however must be considered applicable only to the individual case under consideration upon the general question - the opinion of the Court is recorded in parah 4 of their Proceedings under date the 24th January 1840 - to which they direct that the attention of the Magistrate be called for his information and future guidance -

4. In reference to parahs 5, 6 and 7 of the late First Judge's Report the Court of Foujdaree Adalut observe that in parah 19 of their proceedings under date the 31st October 1835 - Sr. 169, they suggested the introduction of a Rule by a legislative Enactment to the effect, that proof of the signature of the Officer taking the deposition to a distinct certificate appended thereto, that the deposition was deposed on oath and distinctly

read

read over to the deponent before he signed it - should be sufficient evidence to prove such deposition when put in on a trial for perjury; and the point was referred for the consideration of the Indian Law Commission: but after some correspondence on the subject the Court in a letter dated 25th August 1838 recorded their opinion that special legislation in regard to it, ought be dispensed with.-

5. The general question raised by Mr Paske has been frequently discussed and disposed of by the Foujdaree Adalut - and it does not appear necessary to notice the matter further on the present occasion - The Court have not found the existing rule to operate in practice so injuriously as is alleged by Mr Paske in the first part of parah 6 of his Report; and the new Code of Procedure expected from the Indian Law Commission will probably remedy such inconveniences as the present system may occasion.-

Ordered, that Extract from these proceedings together with copies of Papers noted in the margin, be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in 8 Cs.

Ordered also, that Extract from

these

Report of the 1st Judge of the Bow: Ct of Circuit to the S.D. Dated 2nd November 1839 - Petition Sr. 17 - Proc: of the F. Adt. dated 24 January 1840 - Return of the Bow: Court of C: to the S. D. dated 17 February 1840.-

31st March 1840 — and that the Tree was cut down without his knowledge — the Defendants were therefore fined three Rupees each for a trespass."—

2. Under this explanation the Court of Fouzdaree Adalut do not deem it proper to direct the return of the fine to the parties who petitioned the late First Judge — as suggested by that Officer — and the Magistrates order of which they complain will therefore remain undisturbed.—

3. This decision however must be considered applicable only to the individual case under consideration — upon the general question — the opinion of the Court is recorded in parah 4 of their Proceedings under date the 24th January 1840 — to which they direct that the attention of the Magistrate be called for his information and future guidance —

4. In reference to parahs 5, 6 and 7 of the late First Judge's Report the Court of Fouzdaree Adalut observe that in parah 19 of their proceedings under date the 31st October 1838 Sr. No 169, they suggested the introduction of a Rule (by a legislative enactment) to the effect, that proof of the signature of the Officer taking the deposition, to a distinct certificate appended thereto, that the deposition was deposed on oath and distinctly

read

31st March 1840 — read over to the deponent before he signed it — should be sufficient evidence to prove such deposition when put in on a trial for perjury; and the point was referred for the consideration of the Indian Law Commission: but after some correspondence on the subject the Court in a letter dated 25th August 1838 recorded their opinion that special legislation in regard to it, might be dispensed with —

5. The general question raised by Mr. Paske has been frequently discussed and disposed of by the Fouzdaree Adalut — and it does not appear necessary to notice the matter further on the present occasion — The Court have not found the existing rule to operate in practice so injuriously as is alleged by Mr. Paske in the first part of parah 6 of his Report; and the new Code of Procedure expected from the Indian Law Commission will probably remedy such inconveniences as the present system may occasion.—

Ordered, that Extract from these proceedings together with copies of Papers noted in the margin, be sent to the Chief Secretary to Govern-ment for the purpose of being laid before the Right Honorable the Governor in Council —

(Sentin 8 Os)

Ordered also, that Extract from these

Report of the 1st Judge of the Bow: Cir: & Jl: with the S.D. Dated 21st November 1839 — Extra Petition Sr. 17 — Do: of the J. Mr. dated 24 January 1840 — Return of the Bow: Comm: Jl: in the S.D. dated 7 February 1840 —

31st March 1840.

these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance.—

Sent in 8vo

Read letter dated 25th Instant from the 3d Judge on Circuit in the Southern Division.—

(Here enter No 592/1840.)

1. It is competent to the Magistrate of Tanjore to reapprehend any person, charged with a crime not punishable by the Magistracy, whom he has discharged upon insufficient evidence; but it would be incompetent to the Criminal Judge "to direct" that mode of procedure "to be adopted," as suggested at the conclusion of para 2 of the 3d Judges' letter of the 25th instant.—

2. Should the Criminal case in question be eventually forwarded to the Criminal Court, it will be proper that the investigation into the charge should be conducted by an Officer different from that who heard the "suit in appeal."—

3. The reference in question should have been submitted thro' the Collective Court of Circuit in the Southern Division—to whom extract from these proceedings is accordingly ordered to be furnished with instructions to communicate a copy thereof to the 3d Judge on Circuit in the Southern Division.—

(Sent in 8vo

F.R.

31st March 1840.

Read the Criminal Reports submitted by the Criminal Judge of Combaconum for the month of February 1840.—

(Here enter No 578.)

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

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

(Sent in 8vo

Read returns dated the 18th Ultimo and Supplemental Return dated the 1st instant from the 2d Judge Cuttack on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 4th February 1840, conveying their observations and remarks on the Second Judges' Circuit Report for the first half of the year 1839.

(Here enter F.R. Nos 382 and 563 of 1840.)

1. The Criminal Judge of Salem with reference to para 6 of the proceedings of the Foujdaree Udalut of the 4th Ultimo certifies that "a portion of the Doms attending prisoners working on the roads are armed with fire-arms."

2. The Court of Foujdaree Udalut observe

observe that the prescribed proportion of arms is- two carbines to every ten Peons - and one pistol to each officer (Duffadar and Naigue) and this proportion should always be observed -

3. The Criminal Judge of Combaconum states that "the guard with the working parties are always armed with Fire - arms whenever it is considered necessary"-

4. The Court of Foujdaree Adalut observe that their orders prescribing the distribution of a certain quantity of Fire - arms among the Peons employed to guard working parties of convicts, must be obeyed - The necessity of this may be inferred from the attempt - partially successful - made a few months ago by a party of Convicts belonging to the Combaconum Jail. who first seized the swords of the Peons and then made off - Had a portion of the Peons been armed with muskets - this attempt would probably have not been made -

5. The Second Judge will be pleased to call the attention of the Criminal Judge of Combaconum to this subject -

6 With reference to the Return of the acting Joint Criminal Judge of Coimbatore - the Court of Foujdaree Adalut direct that that Officer be instructed to

to submit his Indents for the requisite arms and ammunition to the Magistrate of the District in accordance with the letter from the Secretary to the Military Board dated the 4th November 1837 - circulated through the Provincial Courts to the Judicial Officers under date the 28th of the same Month: and the Acting Joint Criminal Judge will report through the Second Judge - the result of his application to the Magistrate -

7. The Court of Foujdaree Adalut consider the explanation afforded by the Magistrate of Salem in regard to the Fines imposed in Case No. 14 of his Calendar - sufficient -

8. The Court are of opinion that the Magistrate has power to require persons having wells close to the wayside - to erect a wall or railing round them when the omission to do so would be "dangerous to the public safety" and that he may punish disobedience of his orders on the subject as a "petty offence" -

9 The Court of Foujdaree Adalut observe with reference to the last parah of the Magistrate's Return - that the remarks in parah 12 of their proceedings of the 4th Ultimo did not refer to the description of persons from whom security might be demanded - on which point the views of the Magistrate of Salem

are

are correct - but were intended to point out that "supposition" or "suspicion" of their being bad characters - does not constitute sufficient ground for the requisition of security under Clause first Section III Regulation II of 1822 - and that as explained in the Circular order of the 25th February 1824 - the Magistrate cannot commit any individual to gaol under the provisions of the 2nd Section "without a personal examination of the case" - in which the testimony "regarding the mode of Life, the means or the general character" must be delivered on oath - in other words that Proof, not supposition or suspicion of Bad character &c&a is required. -

10. In regard to the observations of the Magistrate of Madura, the Court of Fouzdaree Adalut observe that in the Case No. 2. in the Calendar No. 4 - the Prisoner Coomara Kaick was accused of having delivered over to the Prosecutor a Bullock worth Rupees 7. which was stolen from him - and on suspicion of that offence - was committed to jail "under Section VI Regulation VI of 1827." -

11. And in a Case on the Calendar No. 5 the prisoner Moottoo cummum - being charged "with having been seized in prosecutors' house about 12 O'Clock at night - as he was there for committing a Theft and with having beaten the Prosecutor" - was on strong suspicion of that crime - required under Section

Section VI Regulation VI of 1827 - "to give two Securities in 30 Rupees each for six months for his future good behaviour -"

12. As already observed - it has been decided by the Fouzdaree Adalut that the Magistrate has no power to demand security in case of suspicion of a particular offence which is competent only to the Criminal Judge under Section IV Regulation II of 1822 - and by the Circular order of the 7th July 1831 - the Magistrates are prohibited from demanding security from any excepting the persons described in Clause first - Section III Regulation II of 1822 - and Clause first Section V Regulation VI of 1827 -

13. There is not the smallest ground for the assumption, that it was the design of the Fouzdaree Adalut in their remarks on this subject in their Proceedings of the 4th Ultimo to convey any censure upon the Magistrate of Madura or any other of the Magistrates in the Southern Division - their sole object was to point out to them what appeared to be a general error in regard to their power of demanding security under the provisions of the Law above cited: and which the Magistrate of Madura does not yet appear to understand -

Ordered

31st March 1840

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Southern Division by precept returnable within one Month, from and after the receipt.

(Sent following Precept &c

Ordered also, that Extract from these proceedings, with copies of the papers noted in the margin, be sent to the Chief Secretary to Government, to be laid before the Right Honorable the Governor in Council.

(Sent in &c

Report of 2nd Judge late on Circuit S.D. 14th August 1839. C.16. proc. 4th Feby 1840

Returns from 2nd Judge late on Circuit Southern Division 17th March 1840

Read again letter from the 1st Judge on Circuit in the Western Division forwarding Trials Nos. 22 on the Malabar Calendar for the 2nd Sessions of 1839, as recorded in the Proceedings of the 30th September last.

(Here enter No. 1517 of 1839.)

Read also Return from the 1st Judge on Circuit in the Western Division dated 31st October, as entered in the Proceedings of the 29th November last.

(Here enter No. 1826 of 1839.)

Read also letters from the Criminal Judge of Malabar dated 23rd and 24th December, as entered in the Proceedings of the 7th of January last.

Read also letters from the 1st Judge of Circuit

31st March 1840

Circuit in the Western Division dated 8th and 13th January, as entered in the Proceedings of the 28th January last.

(Here enter Nos. 215, 216 of 1839 & 68, 113 of 1840.)

Read likewise Return from the 2nd Judge on Circuit in the Western Division of the 5th as entered in the Proceedings of the 14th February last.

(Here enter No. 294 of 1840.)

Read also further Return from the 2nd Judge on Circuit in the Western Division under date the 8th and 21st February 1840.

(Here enter Nos. 1303 to No. 1310 of 1840.)

Read also Return to the death warrant in this case made by the 1st Judge late on Circuit in the Western Division under date the 24th January 1840 as entered in the Proceedings of the 3rd February last.

(Here enter No. 204 of 1840.)

Read also further final Return of the 1st Judge late on Circuit in the Western Division dated the 12th March 1840 to this Court's precept of the 7th of January last.

(Here enter No. 570.)

When this Trial first came before the late Jotins First and Third Punchayet Assistants notwithstanding it appeared that one of the 2nd

Prisoners

31st March 1840.

Prisoners witnesses had been committed for Perjury, they requested further evidence to be taken, as solicited by the two Prisoners, for their defence; in proof of the alibi each had pleaded.—

2. This was done. There were two wounds on the body of the deceased; who, before he died, gave a declaration, on the day upon which he was wounded, in which he described himself as walking between the two Prisoners, the first being in front, the 2nd in his rear; that the 1st stabbed him; and that the second wound was inflicted by one of the two, the 1st and 2nd witnesses for the prosecution being there considerably in the rear; and the 3rd witness for the prosecution coming up as the deceased fell.

3. This declaration, which, from the doubt expressed, as to the hand that inflicted the second wound, bears fairness on its face; was given within a few hours of the event; in the presence of numerous witnesses, who attested it.—

4. The deceased, was unable to distinguish clearly which of the two Prisoners inflicted the second wound.— But each of the three witnesses, whom he named, swore before the Criminal and Circuit Courts, in the most consistent manner, to the 1st Prisoner having inflicted the first, and the

2nd

4

3rd March 1840.

2nd Prisoner the second wound; and this was corroborated by the 4th and 5th witnesses before the Criminal and Circuit Courts, who swore that they saw the 2nd Prisoner running away with a knife, in his hand, immediately after the event occurred.—

5. The sole defence against this testimony was the alleged alibi; supported by only one of the 2nd Prisoners witnesses; & expressly contradicted by the other; and by the whole of the consistent testimony for the prosecution.—

6 It was upon this evidence, and the other testimony on record, containing it, that sentence of death was passed against both of the Prisoners, by the late Acting First and 3rd Puisne Judges.—

7. The Criminal Judge in Malabar took upon himself to suspend the execution of the death warrant, on the grounds stated in his communications of the 23rd and 24th December 1839; and, though these grounds did not appear to the Acting first and 3rd Judges at all sufficient to justify so important and extraordinary a step; yet, in a case of life and death, they were unwilling to direct execution of their sentence; until all the 7 new witnesses named by the 2nd Prisoner had been examined; — and they subsequently authorized the examination of 3 other witnesses

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31st March 1840. 2nd Prisoner the second wound; and this was corobora

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3. This declaration, which, from the doubt expressed, as to the hand that inflicted the second wound, bears fairness on its face; was given within a few hours of the event; in the presence of numerous witnesses, who attested it.—

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31st March 1840. 2nd Prisoner the second wound; and this was corroborated by the 4th and 5th witnesses before the Criminal and Circuit Courts, who swore that they saw the 2nd Prisoner running away with a knife, in his hand, immediately after the event occurred.—

5. The sole defence against this testimony was the alleged alibi, supported by only one of the 2nd Prisoners witnesses; & precisely contradicted by the other; and by the whole of the consistent testimony for the prosecution.—

6. It was upon this evidence, and the other testimony on record, confirming it, that sentence of death was passed against both of the Prisoners, by the late Acting First and 3rd Puisne Judges.—

7. The Criminal Judge in Malabar took upon himself to suspend the execution of the death warrants on the grounds stated in his communications of the 23rd and 24th December 1839; and, though these grounds did not appear to the Acting first and 3rd Judges at all sufficient to justify so important and extraordinary a step; yet, in a case of life and death, they were unwilling to direct execution of their sentence; until all the 7 new witnesses named by the 2nd Prisoner had been examined;— and they subsequently authorized the examination of 3 other witnesses

31st March 1840

14. But with reference to paras 12 and 13 of the last return from the said 1st Judge, the Court of Tongdaree Udalut regret to be obliged to observe that his notice of the practice in England is irrelevant. The Judges of the Tongdaree Udalut consult their Colleagues, when they see fit. But it is a direct interference with those duties which belong exclusively to the Judges of the Tongdaree Udalut themselves, for any subordinate Officer to suggest such a reference. This still more so, to propose to them the issue of a Circular Order, to the highly contemptuous import, indicated in his present return, and the Court are concerned to find that an Officer of Mr Vaughan's ability, standing, experience, and perfect knowledge of what is due from a subordinate judicial officer, to those placed in authority over him, should, in noticing the misconduct of the Criminal Judge towards himself, at the same time have permitted himself to deviate, from the respect which he owes to the Court of Tongdaree Udalut.—

15. The Court of Tongdaree Udalut in enclosion direct, in modification of their order of under date the 16th January last, that their original sentence, of which execution was reported under date the 24th January 1840, so far as regards the 1st Prisoner Tolliyel Gounen

P. 16.

31st March 1840 Gounen Nair, be no longer suspended in execution, as regards the

2nd Prisoner, Tolliyel Toppa—

But that the same be now fully executed—; by causing the said — Tolliyel Toppa— to suffer death, so soon as conveniently can be after the receipt of these proceedings, on a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed;— and his body to be subsequently suspended in chains, on a high gibbet, to be erected on the said spot; in conformity with the sentence passed against him by the late Acting First and 2nd Assistant Judges &—

16. The Court of Tongdaree Udalut further direct that the said 7. 8. 9 and 10th witnesses for the said second Prisoner examined before the 2nd Judge of Circuit in the Western Division, be committed to take their trial for wilful and corrupt perjury before him, on such an indictment as may be framed against them, by the 1st and 2nd Judges of Circuit in the Western Division, who will be pleased to communicate with each other on this subject—

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

31st March 1840- information and guidance.—

(Sentence &c

Read letter dated the 1st instant from the 3rd Judge on Circuit in the Southern Division, submitting for the consideration and final sentence of the Foujdary Udalut the record of the trial in case No. 12 on the Madura Calendar 1st Sessions of 1840—

(Here enter F.U. No. 458 of 1840)

1. Of the 7 prisoners apprehended in this case on a charge of having, on the night of the 22nd November 1839 killed one Ingooroo by stabbing him on the breast with a dagger, 5 have been already acquitted and the case, as far as it relates to the 1st and 2nd prisoners only has been referred for the final sentence of the Foujdaree Udalut.—

2. The Court are of opinion that this case has been most insufficiently examined by the Police Officer, who has neglected to make that diligent search for the whole of the truth which the public interests of the community require in all such atrocious crimes, and they regret to observe that the 3rd Judge has left unrectified some obvious omissions of the Police and Criminal Court, which it was his special province to rectify, and has also omitted to take evidence to material facts which must have been within his reach.—

3. The deceased it is stated was not a native

31st March 1840-

native of Madura, but when young came from Tulghat he had been employed for 6 or 7 years as a watcher of the Suppauru and Menachee Soondram Pagodas, and as far as appears from the record, he does not seem to have had any enemies— neither has any cause been yet assigned which can account for the perpetration of the murder.—

4. It is mistated by the 1st prisoner at page 8 that Ramanoosan was first in the habit of frequenting the house of the dancing girl Sankaree &c and afterwards the prisoner (meaning probably the 2nd prisoner) was in the habit of going to that house, and after him the deceased was in the habit of frequenting her house, and on account of the enmity the prisoner killed the deceased at page 6 also the Head of Police has surmised that as the deceased was a man of strength those prisoners 1st, 2nd, 5th, 6th and 7th conspired together and murdered the deceased through jealousy on account of the dancing girl Sellay in the court yard of whose house the 3rd prisoner at page 10 deposed that there were Iyaloy Iyen, Mottay Butler, Tayenen, Soopun and the Elephant Keeper Ambar 5 in all with the exception of Soopun the four other individuals were pressing down Ingooroo the deceased and the said Soopun stabbed him on

the

the chest with a Dagger. The 1st and 3rd prisoners desire these statements before the Criminal Court, yet neither was the dancing girl Selay examined as to the truth of the facts alleged by the 3rd prisoner to have taken place in her house, nor was the dancing girl Venkarasiady examined regarding the assertions made by the 1st prisoner of the connexion which existed between her and the deceased - or of that which she is alleged to have had with the 2nd prisoner and the person Ramasawmy stiled Pammoopain before the Criminal Court -

5. The Court consider it necessary to direct that these two dancing girls be now examined as to the facts above stated, and that they be each required to explain whether any connexion existed between either of them, and any of the sworn accused persons, or between either of them and the deceased, and that they also be questioned as to whether they were aware of the existence of any quarrel between the deceased and any of the accused. -

6. The Court consider it extraordinary that not a single person has been brought forward who saw the deceased on the day of the 22nd, and as far as can be seen, no inquiry seems to have been made on the subject. -

31st March 1840.

It appears from the deposition of the 1st witness that the deceased lived in the house of the Elephant Keeper Ramasamy - the 2nd prisoner at page 9 stated before the Police Officer that when he was at the door of the house of Moonasapa Naicken the deceased gave him the white Doopatah which is before the Interpreter, and received it at 7 o'clock last night. (2nd) Varadier. The 3rd prisoner stated at 5 o'clock yesterday evening (2nd) Varadier & Soon the prisoners Kummalwar, Iyatey, Soopun, Muthiaabluttee and the deceased Ingoo passed from the lane of Moonasapa Naick to the South Awangmoola Street and thence towards the East. At 8 o'clock of the night of the same day as I was in the house of the Elephant Keeper Ramasamy. the deceased came there and after him Kummalwar came there. Apparoo and Soopun were present in the house. Ingoo took the Dooptah cloth and Chullidoms and trowsers that were on the line and gave a waist cloth to Soopun, and a Dooptah cloth to Apparoo, a Dooptah Cloth to Kummalwar and a pair of Chullidoms or short trowsers to me. and then he went out. The 4th prisoner also stated that the day before yesterday (2nd) November 7 o'clock

in

in the night when I was taking my food at the gate of Annaearsen Custory Naicken, Ingoodoo who is murdered gave me a doopatah cloth, and a pair of dirt trowsers to Soba Naicken and a dooptah cloth to Nunnalwar and another to his younger brother Soobun from the house of the said Custory Naicken.

8. The Court of Zoujdaree Adalat deem it necessary that the Elephant Keeper Ramasa my and his wife should be examined in respect to the alleged meeting at his house; and also where they last saw the deceased or any of the prisoners before his death, and how they were then employed. whether also they are aware of the existence of any quarrel between the deceased and the 7 accused persons.-

9. The 1st Prisoner asserts that the cloth No 2 is his own. The Court therefore consider it highly desirable that if it belonged to the deceased as his washerwoman swears that her evidence should be tested on this point by the examination of the wife of Ramasamy the Elephant Keeper by whom the washerwoman swears the clothes of the deceased were in his absence delivered to her to be washed or by any one else capable of recognizing his clothes.-

10. The Court of Zoujdaree Adalat are of

of opinion that the whole of the cloths as well as the dagger and its sheath should be publicly exposed, and any one who can recognize them should be examined as to whom they belong, and especially as to the owners of the dagger and its sheath and the cloth No 8.-

11. At page 38 it is observed in a note by the Criminal Court that the 2nd prisoner on the question being put to him to whom does the dagger No 1 before the Court belong & denied ever that the dagger belonged to him, but afterwards disowned it.- The Court are therefore desirous that if possible it should be clearly established to whom the dagger belonged and whether he were the true owner of it or not.-

12. At Page 89 the 5th Witness Sebbee Ally Mates that as we were given to understand by the People that a wooly cloth and dagger were lying on the outer Gyal of the house of Carpoora coody Sahib - a Brahmin I accompanied the Police Officer there. the dagger No 1 and the bloody Dooptah cloth No 2 were lying on the above said Gyal, and the case which is equal in size to the dagger and which seemed to be its case was lying in the window of the wall raised above the said Gyal. at Page 174 he confirms this at Page 103 the 6th Witness swears that

as the night when I was taking my food at the gate of Annacarene Custoory Naicken, Ingoodoo who is murdered gave me a doopatah cloth, and a pair of short trowsers to Sooba Naicken and a dooptah cloth to Nummalwar and another to his youngest brother Soobun from the house of the said Custoory Naicken.

8. The Court of Tongdaree Udalah deem it necessary that the Elephant Keeper Ramasamy and his wife should be examined in respect to the alleged assisting at his house; and also where they last saw the deceased or any of the prisoners before his death, and how they were then employed - whether also they are aware of the existence of any quarrel between the deceased and the 7 accused persons.-

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opinion that the whole of the cloths as well as the dagger and its sheath should be publicly exposed, and any one who can recognize them should be examined as to whom they belong, and especially as to the owners of the dagger and its sheath and the cloth N.8.-

11. At page 38 it is observed in a note by the Criminal Court that the 2nd prisoner, on the question being put to him to whom does the dagger N.4 before the Court belong? acknowledged that the dagger belonged to him, but afterwards disowned it.- The Court are therefore desirous that if possible it should be clearly established to whom the dagger belonged and whether he were the true owner of it or not.-

12. At Page 89 the 5th Witness Abbey Mutty states that as we were given to understand by the People that a vesty cloth and dagger were lying on the outer Pyal of the house of Carpooranady Vadear - a Brahmin accompanied the Police Officer there. The dagger N.4 and the bloody Dooptah cloth N.8 were lying on the above said Pyal, and the case which is equal in size to the dagger and which seemed to be its case was lying on the window of the wall raised above the said Pyal at Page 174 he confirms this at Page 183 the 6th Witness swears that

as the reason when I was taking my food at the gate of Annacarane Custory Naicken, Sugoodoo who is murdered gave me a Doputah cloth, and a pair of dhoti trousers to Sooba Naicken and a Dooptah cloth to Nummalwar and another to his younger brother Soobun from the house of the said Custory Naicken.

8. The Court of Tongdaree Udalah deem it necessary that the Elephant keeper Ramasamy and his wife should be examined in respect to the alleged meeting at his house, and also where they last saw the deceased or any of the prisoners before his death, and how they were then employed - whether also they are aware of the existence of any quarrel between the deceased and the 7 accused persons.-

9. The 1st Prisoner asserts that the cloth N.2 is his own. The Court therefore consider it highly desirable that if it belonged to the deceased as his washerwoman swears that her evidence should be tested on this point by the examination of the wife of Ramasamy the Elephant keeper by whom the washerwoman swears the clothes of the deceased were in his absence delivered to her to be washed or by any one else capable of recognizing his clothes.-

10. The Court of Tongdaree Udalah are of

opinion that the whole of the cloths as well as the dagger and its sheath should be publicly exposed, and any one who can recognize them should be examined as to whom they belong, and especially as to the owner of the dagger and its sheath and the cloth N.8.-

11. At page 38 it is observed in a note by the Criminal Court that the 2nd prisoner, on the question being put to him to whom does the dagger N.4 before the Court belong? acknowledged that the dagger belonged to him, but afterwards disowned it.- The Court are therefore desirous that if possible it should be clearly established to whom the dagger belonged and whether he was the true owner of it or not.-

12. At page 89 the 5th Witness Arbuthnot Ally states that as we were given to understand by the People that a bloody cloth and dagger were lying on the outer Pyal of the house of Cariamanickady Vatter - a Peramin accompanied the Police Officer there. the dagger N.4 and the bloody Dooptah cloth N.8 were lying on the above said Pyal, and the case which is equal in size to the dagger and which seemed to be its case was lying on the window of the wall raised above the said Pyal at Page 154 he confirms this at Page 113 the 6th Witness swears that

that having heard the people say that a dagger and a cloth stained with blood were lying on the pial of Cuttoorawelly Bluttars house. I went there and found the case of the dagger No 4 on the window of the said house - the doosthah cloth No 8 stained with blood and rolled up and laid on the said pial and at page 177 before the Court of Circuit the same witness deposes to the same effect - In all this however the Court observe that there is nothing to shew how it became known that the dagger and cloth were on the pial of Cuttoora Cutty Bluttars house and there is no evidence as to whose they were or from whence they came, the Court therefore direct that further inquiry be made as to who gave the first information regarding the finding of the dagger and cloth in question, and they desire to be informed what inquiry was at the time made on this subject, and also what steps were taken to discover the owner of the dagger and the cloth and how they came on that place -

13. The Court of Foujdaree Udalut consider the evidence regarding the manner in which the 1st and 2nd prisoners were employed during any part of the 22nd November and where they were on that day to be far from satisfactory - At page 3 the 1st prisoner

prisoner stated before the Police that at 10 Oclock on the night in which I carried the offerings I purchased arrack for 1/2 Cully fanam from one Somasoondrapa Naick in the arrack bazar situated next to the house of the dancing girl Seelay and drank the same, and it appears that on the night of the 22nd November the prisoner was drunk -

14. It is extraordinary that neither Somasoondrapa Naick or the Bluttar, to whose house the 1st prisoner alleges to have taken the offerings, have been examined on the trial. -

15. At page 7 of the record the Head of Police reports that "as Rajah Bluttar denies having deputed him" the 1st prisoner "to carry oblations - no deposition was taken from Rajah Bluttar - And at page 65 it is observed that the 1st witness swears before the Criminal Court that the Bluttar that sent Nunachain by us is another man and not this Rajahs Bluttar shown to him / Bluttar I know this Bluttars house, I did not deliver the Nunnalum at his house, the house of the Bluttar in which I delivered it is another one - I do not know in which Bluttars house the 1st prisoner delivered it - He does not know the house in which I delivered it - and in another place he says - In the pagoda

one

one Bhuttenbraminn gave it into my hands and another into the hands of the said Soobbum, the Bhuttan now before the Court is neither of them.—

16. The 1st prisoner however alleges that he went "in company with a boy named Solamalay" the 1st witness— to the house of Rajah Bhutten/P.8/ and at Page 23 before the Criminal Court the 1st prisoner states that at about 11 or 12 O'Clock on the night of the 22nd November I received milk and the witness Solamalay, who is a young boy, received Punchamoordum given by the Rajah Bhutten from the Sawmy Coil, in the Vessnacky Ammans Pagoda and for the purpose of conveying the same to the house of the Bhutten we came outside. And Solamalay proceeded and delivered the milk and the Punchamoordum to the sister of Rajah Bhutten, her name is unknown to me.—

17. At page 4 the 1st witness deposes before the Head of Police that Soobum carried and delivered the oblation to the people in the house of Nungoo-Bhutten and then we both returned by the way of the Town to the Undeevecadie.—

18. The Court direct that the 1st witness be now required to point out the Brahmin to whose house he took the offerings, whether it was to the house

house of Nungoo or any other Brahmin- and the said Brahmin as well as the female of the house to whom the 1st witness says he delivered the milk and Punchamoordum should be examined as to that fact as also at what hour the 1st witness came to her house, and whether he was then alone, or in company with any one- and if the latter case in whose company he came.—

19. The Court also direct that the boys Narayanen and Rajahpoot Soobo mentioned at pages 59. 63. 64. and 161. as having been in company with the 1st witness on the night of the 22nd November should be required to explain whether the evidence of that witness as far as regards them is correct.—

20. It is a matter of regret to the Judges of this Court that the Criminal Judge did not require the attendance of Chinnasamy- son of Annayeeram Custony and Narrayana samy son of Annayeara Allaghary Sawmy Naicken mentioned by the 2nd prisoner at page 38, and the attendance of the persons Chocklingum and Vasoodevan mentioned by the 4th prisoner at page 47 and examine them as to the truth of the allegations set up by those prisoners that they slept on the night of the 22nd November

in

in the Elephant Hall of the Meenachy Pagoda - and they desire that these persons be now examined on these points, as well as any persons who saw any of the accused on the evening of the 22nd November as to what he, or they were doing and where they were during any part of that day -

21. The Court also consider it of importance to ascertain whether from the spot where the corpse was found, marks of blood were observed leading to any direction, and if so, to what direction - the 3rd Judge will be pleased to submit full and particular information on this point. also if any further information is procurable - The Court are not prepared to dispose of this case until the evidence of the several witnesses on the various points above specified have been taken -

22. The Court of Sunjdarce Udalut resolve therefore to return the English Translation of the record of this case to the 3rd Judge on Circuit in the Southern Division, with instructions to issue a precept to the Acting Criminal Judge of Madura, directing him to obtain the attendance of all the above mentioned witnesses, as well as of the 6th and 7th prisoners, who have been released and who the Court desire may now be examined as witnesses, for, as such, they may be relieved from the fear under which all prisoners must labour - and if they do know any

thing

thing of the murder may be induced to state it and in the presence of the 1st and 2nd prisoners take their examination on oath as to what they know in regard to the prisoners, especially on the points above noticed -

23 The Acting 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 -

24 The 3rd Judge will annex English translations of the additional evidence so taken to the record, and will retransmit the same together with translations of all the depositions not hitherto sent, for the consideration and final judgement of the Court of Sunjdarce Udalut -

25. It is requested that the pencil marks in this Trial be not obliterated -

Ordered, that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept returnable in 20 days from and after its receipt -

(Sent following Precept No

At a Court of the Zoujdaree Adaulut.

Present,

Thursday
2d. of April, 1840. John Bird Esqr. ——— Tra Puisne Judge,

Hecr. Duncan Campbell Esqr. — Acting 2d. Puisne Judge,

Henry Dickinson Esqr. ——— Acting 3d. Puisne Judge,

Read the Criminal Reports for the month of February 1840 submitted by the Criminal Judge of Tirahar.—

(Here enter No. 571.)

The Court of Zoujdaree Adaulut having reviewed the Reports recorded above, deem it necessary only to point the attention of the Criminal Judge to his omission to give a brief Statement of the grounds of the commitment of the prisoner in Case No. 161.—

Case No. 161.

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

(Sent in No. 183.)

Read the Criminal Report for the month of February 1840 submitted by the Acting Criminal Judge of Cuttack.—

(Here enter No. 667 of 1840.)

2d April 1840.

Case No. 221.

1.

In a note to Case No. 221 of the Supplemental Report it is stated that "the 1st Prisoner is reported not to be forthcoming," "and accordingly the Acting Criminal Judge has been in error in including the name of such individual in the Reports periodically submitted to the Court of Sudder Adalut, which Reports are designed to shew the prisoners actually "apprehended" and delivered "to the Criminal Judge.

Case No. 23 of 1840. 2.

With reference to the remarks of the Criminal Court on Case No. 23, the Court of Sudder Adalut desire that the Acting Criminal Judge will explain whether grounds exist for putting the prosecutor in that Case on his trial for the crime of Perjury.

3.

The Regulation quoted by the Moofty the Ameen in justification of the sentence passed by him in Case No. 31. is inapplicable: "beating" having been proved against the prisoner Clause 6. Section II Regulation VII of 1822 should have been cited.

Case No. 29. 4.

If the assault, in this case, was proved, the sentence was extremely moderate. But the reverse, if the sole offence proved was the trespass, which alone is mentioned in the sentence, and which, if the sole offence proved, ought to have been the subject of reference, to the Mahomedan Law officer.

2d April 1840.

Case No. 36. 5.

In Case No. 36 it is stated that the prisoner who was apprehended on the 15th of December 1839 was not brought before the Head of Police until the 9th of February 1840. accordingly the Court of Sudder Adalut desire the Acting Criminal Judge will request the Acting Magistrate of Cuddapah to report direct to the Court of Sudder Adalut the cause of the prisoner's detention in the Cabook for 25 days, and if the reason assigned for the delay may not have been considered satisfactory the Acting Magistrate will report what notice he may in consequence have taken of the conduct of the Police on this occasion.

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

(Sent following Precept No. 1,814)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 26th ultimo communicating for the information and guidance of the Court of Sudder Adalut an Extract from the Minutes of Consultation in the Military Department under date

date the 21st March 1840, desiring that the Criminal Judge at Madura be instructed, thro' the Judicial Department, to cause an additional party of Convicts to be furnished without delay to complete the work ordered in the Minutes of Consultation of the 7th of May last, No. 1940.—

(Here enter No. 593.)

The work referred to in the Minutes of Consultation in the Military Department of the 7th of May last, was the formation of Lines outside the Fort, for the Detachment on duty at Madura, by throwing a portion of the wall into the Ditch; and under the instructions now conveyed to the Judges in the Minutes of Consultation of the 26th ultimo the Court of Foujdaree Adalut resolve to instruct the Criminal Judge of Madura to employ an additional party of Convicts on this work by withdrawing, if necessary, a portion of the 66. Convicts, shewn in the Criminal Reports for February last, to be employed on the Public Roads.—

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

(Sent following Precept No. 1485.)

Ent'd 1/4

F. Vol.

At a Court of the Foujdaree Adalut.

Present,

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

Friday 3rd April, 1840. Alex. Duncan Campbell Esqre. 2d Puisne Judge.

Henry Dickinson Esqre. ——— 3d Puisne Judge.

Read Letters dated the 26th ultimo from the Acting First Judge on Circuit in the Centre Division, submitting for the consideration and Orders of the Court of Foujdaree Adalut, Extracts from the Calendar of the Zillah Court of Bellaree of the first Sessions of 1840, Cases Nos. 8 and 9, with translations of the Depositions on which the charges of Perjury in those cases are founded, and submitting his opinion that the charges cannot be sustained, and requesting authority to quash the Indictments.—

(Here enter F. Vol. Nos. 610 and 611 of 1840.)

The Court of Foujdaree Adalut, having considered the Depositions transmitted with the Letter now recorded, concur with the Acting First Judge in opinion that there is no ground whatever for a charge of Perjury under the Provisions of Regulation III. of 1826, and do accordingly

according[ly] authorize him to order the immediate and unconditional release of the prisoners in the Cases Nos 8 and 9 of the Calendar.

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

/ Sent on No 486 /-

Read letter dated the 25th ultimo from the Provincial Court of Circuit in the Centre Division, transmitting the Original death warrant in Case No 56 of the Cuddapah Calendar for the 2nd Sessions of 1839, which was duly executed.-

/ Here enter No 583 of 1840 /

Read letter dated the 19th ultimo, from the 3rd Judge presiding at the 1st Quarterly Sessions of 1840 in the Western Division reporting his having received the Six the Additional Calendar containing one Case of Perjury and one Prisoner.-

/ Here enter No 585 of 1840 /

Read letter dated the 25th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting copies of the Chittoor 5th 6th 7th 8th and 9th Supplemental Calendars for the 1st Quarterly Sessions of 1840.-

/ Here enter No 589 of 1840 /

Read

Read letter dated the 23rd ultimo from the 3rd Judge on Circuit in the Northern Division reporting the Opening of the 1st Sessions of 1840 at Rajahmundry on the 23rd Ultimo and the State of the Calendar.-

/ Here enter No 591 of 1840 /

Read letter dated the 23rd ultimo from the Acting 1st Judge on Circuit in the Centre Division reporting the Opening of the 1st Sessions of 1840 at Bellary on the 23rd Ultimo and the State of the Calendar.-

/ Here enter No 595 of 1840 /

Read letter dated the 23rd ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division forwarding the Original Death warrant Vizg in case of Masula Patam Calendar 4th Quarter Sessions 1839.-

/ Here enter No 597 of 1840 /

Read Return dated the 27th ultimo from the Acting Criminal Judge of Chingleput to the precept of the Foujdaree Adalut of the 26th March 1840 conveying their observations and orders on the Criminal Reports for the Month of February 1840.-

/ Here enter No 599 of 1840 /

Read letter dated the 23rd ultimo from the Acting Magistrate of Malabar &c submitting

accordingly authorize him to order the immediate and unconditional release of the prisoners in the Cases Nos 8 and 9 of the Calendar.

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

/ Sent on No 486 /-

Read letter dated the 25th ultimo from the Provincial Court of Circuit in the Centre Division, transmitting the Original death warrant in Case No 56 of the Cuddapah Calendar for the 2nd Sessions of 1839, which was duly executed.-

/ Here enter No 583 of 1840 /

Read letter dated the 19th ultimo, from the 3rd Judge presiding at the 1st Quarterly Sessions of 1840 in the Western Division reporting his having received the Sixth Additional Calendar containing one Case of Perjury and one Prisoner.-

/ Here enter No 585 of 1840 /

Read letter dated the 25th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting copies of the Chalteor 5th 6th 7th 8th and 9th Supplemental Calendars for the 1st Quarterly Sessions of 1840.-

/ Here enter No 589 of 1840 /

Read

Read letter dated the 23rd ultimo from the 3rd Judge on Circuit in the Northern Division reporting the Opening of the 1st Sessions of 1840 at Rajahmundry on the 23rd ultimo and the State of the Calendar.-

/ Here enter No 591 of 1840 /

Read letter dated the 23rd ultimo from the Acting 1st Judge on Circuit in the Centre Division reporting the Opening of the 1st Sessions of 1840 at Bellary on the 23rd ultimo and the State of the Calendar.-

/ Here enter No 595 of 1840 /

Read letter dated the 23rd ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division forwarding the Original Death warrant Vecu in case No 1 Masulapatam Calendar 4th Quarter Sessions 1839.-

/ Here enter No 597 of 1840 /

Read Return dated the 27th ultimo from the Acting Criminal Judge of Chingleput to the precept of the Foujdaree Adalut of the 26th March 1840 conveying their observations and orders on the Criminal Reports for the Month of February 1840.-

/ Here enter No 599 of 1840 /

Read letter dated the 23rd ultimo from the Acting Magistrate of Malabar &c

Submitting

3rd April 1840.

Submitting the explanation called for in the Proceeding of the Foujdaree Udalut under date the 27th February last relative to certain cases in the Malabar Criminal Report for the Month of January last.—

(Here enter No. 600 of 1840.)

Read Return dated the 25th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 20th ultimo conveying their observations on Case No. 5 Chittoor Calendar 2nd Quarter Sessions 1839.—

(Here enter No. 603 of 1840.)

Read letter dated the 23rd ultimo from the Acting Joint Criminal Judge of Tellicherry pointing out an omission in Case No. 17 of 1840 in the Supplemental Report for February last and requesting that the same may be inserted therein.—

(Here enter No. 606 of 1840.)

Read letter dated the 28th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division annexing copy of a further return from the Criminal Judge of Bellary relative to the absence of the 17 Witnesses for the prosecution in Case No. 52 Bellary Calendar 1st Sessions 1839.—

(Here enter No. 607 of 1840.)

F.H.

At a Court of the Foujdaree Udalut.

Present,

Monday, 6th April 1840.

John Bird Esqr. ——— 1st Puisne Judge.
Alexr. Duncan Campbell Esqr. — Acting 2d Puisne Judge.
Henry Dickinson Esqr. ——— Acting 3d Puisne Judge.

Read letter dated 9th March 1840 from the 2d Judge Sitting on Circuit in the Northern Division, submitting for the consideration and final sentence of the Foujdaree Udalut the record of the trial in Case No. 3 on the Cheracole Calendar for the 2d Sessions of 1839.—

(Here enter F.H. No. 520 of 1840.)

Mr. Bird,
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 prisoners

2d Cannoth Coo Leetadoo,
4th Arcka Guygiah,
5th Badagana Bullapadonah,
6th Catterwade Roopundonah,
7th Badagana Heerapoodarah,
8th Gunthoorgana Appiah,
9th Badagana Hoogundonah,
11th Doraspa Pokkadoo,
13th Gunjoge Venkoodoo,
14th Coonuga Cannoodoo,
15th Colaka Comadoo alias Chickoodoo
16th Doreschetty Kittadoo,
and
18th Coolan Appeadonah,

Submitting the explanation called for in the Proceeding of the Fouzdaree Adalut under date the 27th February last relative to certain cases in the Malabar Criminal Report for the Month of January last.—

(Here enter No. 600 of 1840.)

Read Return dated the 25th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Fouzdaree Adalut of the 20th ultimo conveying their observations on Case No. 5 Chittoor Calendar 2nd Quarter Sessions 1839.—

(Here enter No. 603 of 1840.)

Read letter dated the 23rd ultimo from the Acting Joint Criminal Judge of Tellicherry pointing out an omission in Case No. 17 of 1840 in the Supplemental Report for February last and requesting that the same may be inserted therein.—

(Here enter No. 606 of 1840.)

Read letter dated the 28th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division annexing copy of a further return from the Criminal Judge of Bellary relative to the absence of the 17 Witness for the Prosecution in Case No. 52 Bellary Calendar 1st Sessions 1839.—

(Here enter No. 607 of 1840.)

JB

Ent. W.

WS

JBs

At a Court of the Fouzdaree Adalut.

Present,

Monday, 6th April 1840.

John Bird Esqr. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqr. ——— Acting 2d Puisne Judge,

Henry Dickinson Esqr. ——— Acting 3d Puisne Judge,

WS

JBs

JB

Read letter dated 9th March 1840 from the 2d Judge 1st Circuit in the Northern Division, submitting for the consideration and final sentence of the Fouzdaree Adalut the record of the trial in Case No. 3 on the Cuttack Calendar for the 2d Sessions of 1839.—

(Here enter S.C. No. 520 of 1840.)

Mr. Bird,
Mr. Campbell,
and
Mr. Dickinson,

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

2d Canookoo Seetanoo,
4th Sreeka Sugiah,
5th Bartagana Gunlapadanah,
6th Cutteranda Boogundanah,
7th Bartagana Veerapoodanah,
8th Gunthoogana Appiah,
9th Bartagana Boogundanah,
11th Potapoo Potkaidoo,
13th Gunjoga Vaikoodoo,
14th Coonga Ramanoo,
15th Colatta Lomadoo alias Chickoodoo
16th Doreesherla Ritadoo,
and
18th Coopan Appadanah,

3rd April 1840.

Submitting the explanation called for in the Proceeding of the Foujdaree Adalut under date the 27th February last relative to certain cases in the Malabar Criminal Report for the Month of January last.—

(Here enter No. 600 of 1840.)

Read Return dated the 25th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Adalut of the 20th ultimo conveying their observations on Case No. 5 Chittoor Calendar 2nd Quarter Sessions 1839.—

(Here enter No. 603 of 1840.)

Read letter dated the 23rd ultimo from the Acting Joint Criminal Judge of Tellicherry pointing out an omission in Case No. 17 of 1840 in the Supplemental Report for February last and requesting that the same may be inserted therein.—

(Here enter No. 606 of 1840.)

Read letter dated the 28th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division annexing copy of a further return from the Criminal Judge of Bellary relative to the absence of the 17 Witnesses for the Prosecution in Case No. 82 Bellary Calendar 4th Sessions 1839.—

(Here enter No. 607 of 1840.)

Ent. W.H.

WB

JB

WB

JB

Ent. W.H.

Fo. 16.

At a Court of the Foujdaree Adalut.

Present,

Monday, 6th April 1840.

John Bird Esqr. ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqr. ——— Acting 2d Puisne Judge,
Henry Dickinson Esqr. ——— Acting 3d Puisne Judge,

Read letter dated 9th March 1840 from the 2d Judge Circuit in Circuit in the Northern Division, submitting for the consideration and final sentence of the Foujdaree Adalut the record of the trial in Case No. 3 on the Chuacole Calendar for the 2d Sessions of 1839.—

(Here enter C.C. No. 520 of 1840.)

Mr. Bird,
Mr. Campbell
and
Mr. Dickinson,

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

2d Canoo Coorookoo Leetadoo,
4th Areka Jugiah,
5th Badagana Gudlapadanah,
6th Cuttevanda Boyrundanah,
7th Badagana Neerapoodanah,
8th Gunthoobyana Appiah,
9th Badagana Boyrundanah,
11th Doraspa Doddaidoo,
13th Gunjoga Venkoobo,
14th Coungee Paumoodoo,
15th Colaba Lomadoo alias Chickoobo
16th Cureshetty Vittadoo,
and
18th Coopoo Appadanah,

is sufficient to convict them of the crime of 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 sentence the said prisoners to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of 14 fourteen years, and being of opinion that the prisoners

1st Cumbara Lomarajdoo,

and

3d Rundungy Lutsyah,

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confessions of the crime abovementioned, they acquit them thereof, but considering that strong suspicion attaches to them, the Court, under the provisions of Clause sixth Section II Regulation XV of 1803, direct that the prisoner

1st Cumbara Lomarajdoo

be required to find two sureties in (500) five hundred Rupees each surety, and the prisoner

3d Rundungy Lutsyah

be required to find two sureties in one hundred Rupees (100) each surety for their good behaviour and appearance respectively when required within three (3) years, or in default thereof that they be each detained for (3) three years in confinement.

The Court do not pass sentence on the prisoner

10th Bedrabahah Veerapadra

who is reported to have died in prison, nor on the prisoners

Coolum

12th Coolum Coluindorah

and

17th Coolum Doorundorah

who have been convicted and sentenced in No. 2 of the same Calendar.

1. The 10th prisoner in this case it is observed has died in prison, and the 12th and 17th have been disposed of in another case.

2. Of the remaining prisoners charged with robbery by open violence attended with arson, the 11th, 13th, 14th, 15th and 16th have been convicted by the Law officer of the Provincial Court, and in this conviction the Judge on Circuit has expressed his concurrence and recommended that they be sentenced to 14 years imprisonment in banishment.

3. The 2d Judge has however recorded his dissent from the futwa of the Law officer acquitting the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 18th prisoners, and considering their guilt to have been established by the evidence on the trial, he resolved in accordance with the provisions of the Regulations to refer the case for the final orders of the Sudder Adawlut.

4. In the 8th Parah of his letter referring the trial, the 2d Judge states that on further consideration of the Proceedings he has seen reason to alter his opinion, and he now states that the contradictions in the depositions of the 9th, 10th and 11th witnesses are so great as to allow of

is sufficient to convict them of the crime of 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 sentence the said prisoners to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of 14 fourteen years, and being of opinion that the prisoners

1st Cumbara Lomarayden,

and

3d Bandungy Lutsyah,

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confessions of the crime abovementioned, they acquit them thereof, but considering that strong suspicion attaches to them, the Court, under the provisions of Clause seventh Section II Regulation XV of 1803, direct that the prisoner

1st Cumbara Lomaraydon

be required to find two sureties in (500) five hundred Rupees each surety, and the prisoner

3d Bandungy Lutsyah

be required to find two sureties in one hundred Rupees (100) each surety for their good behaviour and appearance respectively when required within three (3) years, or in default thereof that they be each detained for (3) three years in Confinement.

The Court do not pass sentence on the prisoner

10th Bedrabarah Terapadora

who is reported to have died in prison, nor on the prisoners

Coolom

12th Coolom Polemidorah

and

17th Coolom Doorumdorah

who have been convicted and sentenced in No. 2 of the same Calendar.

1. The 10th prisoner in this case it is observed has died in prison, and the 12th and 17th have been disposed of in another case.

2. Of the remaining prisoners charged with robbery by open violence attended with arms, the 11th, 13th, 14th, 15th and 16th have been convicted by the Law Officer of the Provincial Court, and in this conviction the Judge on Circuit has expressed his concurrence and recommended that they be sentenced to 14 years imprisonment in banishment.—

3. The 2d Judge has however recorded his dissent from the finding of the Law Officer acquitting the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th and 18th prisoners, and considering their guilt to have been established by the evidence on the trial, he resolved in accordance with the provision of the Regulations to refer the case for the final orders of the Sudder Adawlut.—

4. In the 8th Parah of his letter referring the trial, the 2d Judge states that on further consideration of the Proceedings he has seen reason to alter his opinion, and he now thinks that the contradictions in the depositions of the 9th, 10th and 11th witnesses are so grave as to allow of

no foundation for a sentence of conviction upon that of evidence, and he therefor recommends that the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th Prisoners be required to find security for 2 years.—

5. The trial having been referred for the final judgment of the Royd Jare Adalat, the Court deem themselves competent to pass sentence therein according to their view of the case, and do not consider that they are bound by any alteration that the judgment of the Judge on Circuit may have subsequently undergone.—

6. The Court concur with the presiding Judge in the conviction of the 1st, 13th, 14th, 15th and 16th Prisoners on the proof of their several confessions and on the evidence of the 9th, 10th and 11th witnesses.—

7. That the robbery was actually committed at the time and place specified in the confession of the 2d, 4th, 5th, 6th, 7th, 8th, 9th and 18th Prisoners before the Police is in the opinion of the Court of Foujdara Adalat amply proved by the testimony of the 2 Prosecutors and the two prosecutrixes, and by that of the 9th, 10th and 11th witnesses, and although it is clear that the evidence of these witnesses contains some inconsistencies, there appears no room to doubt that they were present at the time of the robbery and saw all who

were therein engaged, and this testimony in connexion with the confessions above alluded to, the Court consider sufficient for the conviction of all the said Prisoners of whose guilt there cannot be the least doubt.—

8. The 1st and 3d Prisoners did not confess before any authority and although the Court consider the presumption of their guilt very strong, they do not consider the evidence sufficient to convict them.—

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

(Cent in No 490—

The Court of Foujdara Adalat observe that the 3d Judge on Circuit in the Northern Division has, up to the present date, submitted only one of the referrible Trials on the Hellore Calendar for the 1st Sessions of 1840, but not any of the 4 referrible cases on the Guntoor Calendar for the same Sessions, tho a Month has elapsed since the single Trial alluded to above was despatched to the Court of Foujdara Adalat.—

Accordingly they resolve to direct that Mr. Stronbow be reminded that the Court of Foujdara Adalat

no foundation for a sentence of conviction upon that of evidence, and he therefore recommends that the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th prisoners be required to find security for 2 years.—

5. The trial having been referred for the final judgment of the Cuydaree Edatut, the Court deem themselves competent to pass sentence therein according to their view of the case, and do not consider that they are bound by any alteration that the judgment of the Judge on Circuit may have subsequently undergone.—

6. The Court concur with the presiding Judge in the conviction of the 11th, 13th, 14th, 15th and 16th prisoners on the proof of their several confessions and on the evidence of the 9th, 10th and 11th witnesses.—

7. That the robbery was actually committed at the time and place specified in the confession of the 2d, 4th, 5th, 6th, 7th, 8th, 9th and 18th prisoners before the police is in the opinion of the Court of Cuydaree Edatut amply proved by the testimony of the 2 Prosecutors and the two prosecutrixes, and by that of the 9th, 10th and 11th witnesses, and although it is clear that the evidence of these witnesses contains some inconsistencies, there appears no room to doubt that they were present at the time of the robbery and saw all who

who were therein engaged, and this testimony in connexion with the confessions above alluded to, the Court consider sufficient for the conviction of all the said prisoners of whose guilt there cannot be the least doubt.—

8. The 1st and 3d Prisoners did not confess before any authority and altho' the Court consider the presumption of their guilt very strong, they do not consider the evidence sufficient to convict them.—

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

(Sent in Aug 1840.

The Court of Cuydaree Edatut observe that the 3d Judge on Circuit in the Northern Division has, up to the present date, submitted only one of the referrible Trials on the Dollore Calendar for the 1st Sessions of 1840, but not any of the 4 referrible cases on the Guntoor Calendar for the same Sessions, tho' a Month has elapsed since the single Trial alluded to above was despatched to the Court of Cuydaree Edatut.—

Accordingly they resolve to direct that altho' Strombow be reminded that the Court of Cuydaree Edatut

no foundation for a sentence of conviction upon that ev
evidence, and he therefore recommends that the 2d, 3d, 4th, 5th, 6th,
7th, 8th and 9th prisoners be required to find security for
2 years.—

5. The trial having been referred for the final judgment of the Coujdaree Adawlut, the Court deem themselves competent to pass sentence therein according to their view of the case, and do not consider that they are bound by any alteration that the judgment of the Judge on Circuit may have subsequently undergone.—

6. The Court concur with the presiding Judge in the conviction of the 11th, 13th, 14th, 15th and 16th prisoners on the proof of their several confessions and on the evidence of the 9th, 10th and 11th witnesses.—

7. That the robbery was actually committed at the time and place specified in the confession of the 2d, 4th, 5th, 6th, 7th, 8th, 9th and 18th prisoners before the police is in the opinion of the Court of Coujdaree Adawlut amply proved by the testimony of the 2 Prosecutors and the two prosecutrixes, and by that of the 9th, 10th and 11th witnesses, and although it is clear that the evidence of these witnesses contains some inconsistencies, there appears no room to doubt that they were present at the time of the robbery and saw all who

were therein engaged, and this testimony in connexion with the confessions above alluded to, the Court consider sufficient for the conviction of all the said prisoners of whose guilt there cannot be the least doubt.—

8. The 1st and 3d Prisoners did not confess before any authority and altho' the Court consider the presumption of their guilt very strong, they do not consider the evidence sufficient to convict them.—

Ordered, that Ecstract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

(Sent in Ad 490—

The Court of Coujdaree Adawlut observe that the 3d Judge on Circuit in the Northern Division has, up to the present date, submitted only one of the referrible Trials on the Bellore Calendar for the 1st Sessions of 1840, but not any of the 4 referrible Cases on the Guntoor Calendar for the same Sessions, that a Month has elapsed since the single Trial alluded to above was despatched to the Court of Coujdaree Adawlut.—

Accordingly they resolve to direct that Mr. Strombom be reminded that the Court of Coujdaree Adawlut

Ordered that attach the highest importance to the speedy disposal of the Trials in question, and they desire that he will use his utmost exertions to expedite the preparation of the Records of the Trials in Cases Nos 5, 7 and 8. of the Rectors Calendar and in Cases Nos 1. 2. 4. and 5 of the Guntoor Calendar for the 1st Sessions of 1840.—

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

(Sent following Receipt No 491.)

Read letter dated the 5th ultimo from the Criminal Judge of Vizagapatam, submitting for the orders of the Court of Sudder Adalut copy of a correspondence with the Magistrate regarding the case of a person sent in by the Head of the Police of the Vizagapatam Talook on a charge of having effected his escape from the custody of the Peons attached to the Head of Police.—

(Here enter No 507)

1.

The question at issue between the Criminal Judge and Magistrate in this case is, whether or not, it is competent to the former officer to punish a party, under the provisions of Clause third Section V Regulation VI of 1822, for making his escape from the custody of the Police when

when he was not under examination for any specific offence, but had merely been apprehended on suspicion of having been concerned in robbery.—

2.

It appears to the Court of Sudder Adalut that any person under legal custody on suspicion of a Criminal offence is subject to the provisions of Clause third Section V Regulation VI of 1822.—

Vide Cir. Q. 13th July 1829.

Ordered, that Extract from these proceedings be communicated to the Criminal Judge of Vizagapatam for his information and guidance this the Provincial Court of Circuit in the Northern Division, through which channel it is observed this reference should have been submitted in the first instance.—

(Sent in No 492.

Read the Criminal Reports for the Months of February 1840 submitted by the Acting Criminal Judge of Madura.—

(Here enter No 532.)

Case No 6.

Upon consideration of the circumstances connected with Case No 6 of the Supplemental Report, the Court of Sudder Adalut do not deem it proper to disturb the sentence that has been passed by the Criminal Court in that number, and the same

is

is ordered to be communicated to the Acting Criminal Judge with reference to his letter of the 14th. ultimo.—

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

(Sent in No. 493)

Ent'd

At a Court of the Tongdarre Adalut.—

Present,—

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

Tuesday, 7th April, 1840.

Alexr. Duncan Campbell Esqre. 2nd Puisne Judge.

Henry Dickinson Esqre. ——— 3rd Puisne Judge.

Read letter dated the 25th October 1839 from the Acting Judge on Circuit in the Centre Division submitting the record of Case No. 2. on the Cuddapah Calendar for the 2nd Sessions A.D. 1839 for the final decision of the Higher Court.—

(Here enter No. 1797 of 1839.)

Mr. Bird
Mr. Campbell
and
Mr. Dickinson.

The Court of Tongdarre Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Tongdarre Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, so far as it acquits the prisoners.—

4th. Sonkasoola Shroff Soobladoo.

and

5th. Gollooree Soobree.—

and they accordingly acquit them but considering that strong suspicion though not amounting to conviction attaches to them, the Court under the provisions

provisions of Clause 5th Section II Regulation XV of 1803, direct that the said prisoners be required respectively to find two Sureties in (150) one hundred and fifty Rupees each Surety, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for three years in confinement, and the Court being of opinion that the proof against the prisoners,-

1st Saurookola Golla Rolda Nangadoo.

2nd Woomadeshetty Dansareegandoo.

and

3rd Doodegacoola Mysooregandoo.-

is sufficient to convict them of the crime of Murder, do under the authority with which they are vested, by Clause first Section II Regulation I of 1818, convict them thereof, and, under the provisions of Section X Regulation VIII of 1802, sentence the said prisoners to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No. 495.)

End 7th.

No. 14.

Thursday, 9th April 1840.

Court of the Foujdaree Udalut

Present:-

John Bird Esqre ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre Actg 2d Puisne Judge

Henry Dickinson Esqre ——— Actg 3d Puisne Judge

Read letter dated the 25th Ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, transmitting the English translation of the Record in Case No. 1 on the 6th Supplemental Calendar for the Chittoor 1st quarterly Sessions of 1840.-

(Here enter No. 588.)

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

Sannuppah Chetty.

is sufficient to convict him of the crime of forgery, do convict him thereof, and under the provisions of Clause third Section V Regulation VIII of 1831, and Clause first Section III Regulation VI of 1811 sentence the said prisoner to be imprisoned

Actg Mr Dickinson.

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

(Sent following letter No. 499)

Read letter dated the 27th Ultimo from the Acting First Judge on Circuit in the Centre Division, transmitting the English translations of the Record in Case No. 32 on the Cuddapah Calendar for the 1st Sessions of 1840.-

(Here enter No. 616.)

Mr. Campbell and Mr. Dickinson

The Court of Sujidarees 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

Toomoola Gauleegaudoo

is sufficient to convict him of the crime of Murder, instead

do convict him thereof, and do order the provisions of Section X Regulation VIII of 1802, sentence the said Prisoner, to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No. 500.)

Read letter dated the 31st Ultimo from the Third Judge on Circuit in the Southern Division, transmitting the English Record in Case

Case No. 11 on the Tinnevelly Calendar for the 1st Sessions of 1840.-

(Here enter No. 630.)

Mr. Bird and Mr. Dickinson

The Court of Sujidarees 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

Vycoontapaty

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

(Sent following letter No. 501)

Read letter dated the 26th Ultimo from the 2nd Judge on Circuit in the Western Division, submitting a Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Calicut during the First Sessions of 1840.-

(Here enter F. M. No. 615 of 1840.)

The

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

(Sent following letter No. 499)

Read letter dated the 29th Ultimo from the Acting First Judge on Circuit in the Centre Division, transmitting the English translations of the Record in Case No. 32 on the Cuddapah Calendar for the 1st Sessions of 1840.-

(Here enter No. 616.)

Mr. Campbell and Mr. Dickinson

The Court of Sanjdaree 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

Toomoola Gauleegaudoo

is sufficient to convict him of the crime of Murder, as laid in the charge do convict him thereof, and D under the provisions of Section X Regulation VIII of 1802, sentence the said Prisoner, to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No. 500.)

Read letter dated the 31st Ultimo from the Third Judge on Circuit in the Southern Division, transmitting the English Record in Case

9th April 1840.-

Case No. 11 on the Timnevelly Calendar for the 1st Sessions of 1840.-

(Here enter No. 630.)

Mr. Bird and Mr. Dickinson

The Court of Sanjdaree 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

Vycoontapaty

is sufficient to convict her of the crime of Murder, as laid in the charge do convict her thereof, and D, under the provisions of Section X Regulation VIII of 1802, sentence the said prisoner to suffer death, by being hanged, at the usual time and place of execution.-

(Sent following letter No. 501)

Read letter dated the 26th Ultimo from the 2nd Judge on Circuit in the Western Division, submitting a Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Calicut during the First Sessions of 1840.-

(Here enter F. 16. No. 615 of 1840.)

The

9th April 1840.

The Court of Foujdaree Udalut observing that in some of the cases in the Statement now submitted the parties were detained for periods ranging from 17 to 23 days - resolve to call upon the Second Judge - with reference to their Circular Order of the 2d October 1837 - No. 193 - to state whether he adopted Mr. Vaughan's Plan of summoning witnesses - and if not to explain the circumstances which prevented his doing so -

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

(Sent following precept No. 502)

Read letter from the Provincial Court of Circuit in the Centre Division, submitting for the orders of the Court of Foujdaree Udalut a copy of the proceedings held by the Judge on Circuit and by the Collective Court of Circuit in the Centre Division on review of the proceedings of the Criminal Court of Cuddapah in Case No. 172 of 1839, and of the return thereto

F.W.

9th April 1840.

thereto made by the Acting Criminal Judge of Cuddapah, requesting the Provincial Court of Circuit for reasons urged in his return, to reconsider their order for the re-apprehension and commitment of the prisoner in the case referred to -

(Here enter No. 624)

The Court of Foujdaree Udalut observe that the Provincial Court of Circuit are perfectly competent themselves to dispose of the reference from the Acting Criminal Judge of Cuddapah, and in the present stage of the proceeding therefore the Court of Foujdaree Udalut decline to interfere; but for the information of the Provincial Court of Circuit the Foujdaree Udalut would record their opinion that if no further evidence exists against the prisoner concerned in the case No. 172 of 1839, than is described in the Acting Criminal Judge's return of the 28th March 1840, there can be little probability of the prisoner's eventual conviction even if re-apprehended and committed for trial before the

9th April 1840.

the Court of Circuit.—

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

(Extract in No. 503.)

Read letter, dated the 2d Instant, 1840, from the Criminal Judge of Bellary requesting the opinion of the Court of Tanjore Udalut whether, in a case of Robbery, where the party robbed has declined to prosecute, and did not in the first instance lay before the Magistracy or Police a complaint before the Magistracy or Police, but merely gave information of the Robbery to the Cutwall, the Criminal Court is bound to proceed in the Trial of the case by appointing the Government Pleader to prosecute.—

(Here enter No. 639.)

1. The Court of Tanjore Udalut are of opinion that the Criminal Judge of Bellary is bound to proceed with the investigation into the case of Theft against

9th April 1840.—

certain Prisoners forwarded to the Criminal Court by the Head of Police of Gootty, notwithstanding that the injured party declines to prosecute.—

2. But adverting to Paras. 2 of the Criminal Judge's letter of the 2d Instant, the Court of Tanjore Udalut would record their opinion that the Criminal Judge is not competent to go into the case of embezzlement, arising out of the case under investigation, if no distinct charge of such offence has been brought before the Criminal Court.—

3. In disposing of the case of theft it will be competent to the Criminal Judge to require the attendance of the injured party (Ensign Southey) as a witness, if his evidence is considered necessary for the conviction of the prisoners.—

4. The Court of Tanjore Udalut observe that this reference should have been submitted by the Criminal Judge thro' the prescribed channel of the Provincial Court of Circuit, thro' whom it is ordered that these proceedings

proceedings be communicated to the Criminal Judge of Bellary.—

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

(Sent in No. 504)

Read return dated the 6th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Faujdaree Udalut of the 30th March 1840, forwarding Circular Order No. 119, directing that prisoners on being forwarded to the Criminal Courts on any Criminal charge or information be henceforth invariably accompanied by a Memorandum shewing their previous convictions (if any) by the Police Magistracy or other authorities and their previous general character and conduct so far as it is currently known and estimated.—

(Here enter No. 652.)—

At a Court of the Faujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Saturday 11th April 1840.

Alexr Duncan Campbell Esqre 1st Puisne Judge

Henry Dickinson Esqre 3d Puisne Judge

No final return having been received from the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 31st January 1840 directing the discharge from confinement of the Prisoner Sungaly Moottoo Puttaton in Case No. 1 of the 5th Supplemental Calendar of the Auxiliary Court at Trichinopoly for the 2d Quarter Sessions of 1839.—

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 make a final return to the precept aforesaid without delay.

(Sent following precept No. 507)

Read letter dated the 27th Ultimo from the Second Judge on Circuit in the Western

proceedings be communicated to the Criminal Judge of Bellary.—

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

(Sent in No. 504)

Read return dated the 6th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tanjadore Udalut of the 30th March 1840, forwarding Circular Order No. 119, directing that Prisoners on being forwarded to the Criminal Courts on any Criminal charge or information be henceforth invariably accompanied by a Memorandum shewing their previous convictions (if any) by the Police Magistracy or other authorities. and their previous general character and conduct so far as it is currently known and estimated.—

(Here Enter No. 652.)—

At a Court of the Tanjadore Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Saturday 11th April 1840.

Alexr Duncan Campbell Esqre 1st 2d Puisne Judge

Henry Dickinson Esqre 1st 3d Puisne Judge

No final return having been received from the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 31st January 1840 directing the discharge from confinement of the Puisne Singaly Moottoo Puttatoo in Case No. 1 of the 5th Supplemental Calendar of the Auxiliary Court at Trichinopoly for the 2d Quarter Sessions of 1839.—

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 make a final return to the precept aforesaid without delay.

(Sent following precept No. 507)

Read letter dated the 27th Ultimo from the Second Judge on Circuit in the Western

Western Division transmitting the original death warrant in Cases Nos 9 and 10 of the Calicut Calendar for the 1st Sessions of 1840.-

(Here enter No. 622.)

Read return dated the 31st Ultimo from the Joint Criminal Judges at Trichinopoly to the precept of the Foujdaree Udalut of the 28th Ultimo conveying their observations on the Criminal Reports for the month of February 1840.-

(Here enter No. 625.)

Read letter dated the 1st Instant from the Third Judge on Circuit in the Northern Division reporting his intention to open the 1st Sessions of 1840 at Vizagapatam on the 23d Instant.-

(Here enter No. 634.)

Read return dated the 2d Instant from the Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 23d March 1840 conveying their observations and orders on the Criminal Reports for the month of February 1840.-

(Here enter No. 638.)

Read

Read letter dated the 31st Ultimo from the Chief Secretary to Government sanctioning the arrangements reported in the Proceedings of the Foujdaree Udalut of the 9th March 1840 regarding a certain number of Convicts on the march to Nellore being retained at Guntoor for the purpose of being employed on the Northern Roads the remainder of the Gang being dispatched to Nellore for the purpose of being employed in the paper manufactory in the Jail at that Station.-

(Here enter No. 649.)

End 11th

185

185

Read return and further return dated the 28th February and 30th March 1840 from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Udalut of the 11th February 1840 directing them to issue the requisite instructions for the restoration of Condry Rajapah late Head Translator of the late Auxiliary Court at Vizagapatam.-

(Here enter Nos. 464 & 633.)

F. Uc:

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Monday, ——— Alexr Duncan Campbell Esqre 2nd Puisne Judge,

13th April 1810. ——— Henry Dickinson Esqre ——— 3rd Puisne Judge,

Read Letter dated the 30th ultimo

from the Provincial Court of Circuit for the

Southern Division submitting a copy of a

communication from the Magistrate of Madura

dated 24th ultimo requesting that the censure

passed upon him by the Foujdaree Udalut

in their proceedings under date the 4th February

1810 may be recalled.—

/ Here enter F. Uc: Nº 619 of 1810. /

Also read Letter dated 5th instant

from the same Court submitting a copy of a

communication from the Magistrate of Madura

dated 28th ultimo and of one addressed to that

Officer by the Joint Magistrate relative to the

same subject.—

/ Here enter F. Uc: Nº 630 of 1810. /

The question in regard to the

Power

power of the Magistracy to demand security under the Provisions of Regulations II of 1822 & V of 1827 - from the parties therein referred to, has been fully answered in the proceedings of the Foujdaree Udalut under date the 31st March 1840 in which also it was pointed out that the notion of the Magistrate of Madura - that the remarks of this Court in their proceedings under date the 13th February 1840 were intended to convey a censure (much less "to cast approbrium") upon the Magistrates in the Southern Division - was wholly unfounded - On this point therefore no further order is requisite -

2. But the Court deem it necessary to signify their strong disapprobation of the tenor of the correspondence in which the Magistrate & Joint Magistrate have thought fit on this occasion to engage - They would have acted more consistently with the respect they owe to this Court, had they followed the example of the other Magistrates, in simply acknowledging the receipt of the orders issued for their future guidance and certifying their intention to conform thereto requesting information, solely, on any point not understood -

The

3. The Court regret especially that the Magistrate of Madura if he considered himself bound to forward at all the communication of the Joint Magistrate of the 23rd ultimo did not see fit to withhold or request his Subordinate to withdraw that part of the letter (paras 4 and 5) wherein he requested sanction to issue a Circular Order to the Heads of Police directing them "to crack sending cases of suspicion up for investigation" &c &c -

4. Such a Circular Order the Magistrate must be well aware, would be illegal and is in the opinion of the Foujdaree Udalut the Magistrate ought to have pointed that out to the Joint Magistrate, and abstained from pursuing any further, an irrelevant and unprofitable correspondence -

5. In regard to the cases themselves noticed in the Joint Magistrate's Letter the Court of Foujdaree Udalut observe that in Case No 12 - the Prisoner should have been sent up to the Criminal Court charged with having entered the house with an intent to steal: and the Court consider the explanation in respect of the other case insufficient

The

power of the Magistracy to demand security under the Provisions of Regulations II of 1822 & V of 1827 from the parties therein referred to, has been fully answered in the proceedings of the Foujdaree Udalut under date the 31st March 1840. in which also it was pointed out that the notion of the Magistrate of Madura - that the remarks of this Court in their proceedings under date the 13th February 1840 were intended to convey a censure (much less "to cast opprobrium") upon the Magistrates in the Southern Division was wholly unfounded. On this point therefore no further order is requisite.

2. But the Court deem it necessary to signify their strong disapprobation of the tenor of the correspondence in which the Magistrate & Joint Magistrate have thought fit on this occasion to engage. They would have acted more consistently with the respect they owe to this Court, had they followed the example of the other Magistrates, in simply acknowledging the receipt of the orders issued for their future guidance and certifying their intention to conform thereto requesting information, solely, on any point not understood.

The

3. The Court regret especially that the Magistrate of Madura if he considered himself bound to forward at all the communication of the Joint Magistrate of the 23rd ultimo did not see fit to withhold or request his subordinate to withdraw that part of the letter (paras 4 and 5) wherein he requests sanction to issue a Circular Order to the Heads of Police directing them "to crush sending cases of suspicion up for investigation" &c.

4. Such a Circular Order the Magistrate must be well aware, would be illegal and in the opinion of the Foujdaree Udalut the Magistrate ought to have pointed that out to the Joint Magistrate, and abstained from pursuing any further, an irrelevant and unprofitable correspondence.

5. In regard to the cases therein noticed in the Joint Magistrate's Letter the Court of Foujdaree Udalut observe that in Case No 12. the Prisoner should have been sent up to the Criminal Court charged with having entered the house with an intent to steal: and the Court consider the explanation in respect of the other case insufficient.

The

6.

The Court likewise observe that upon the examination of a person on a specific charge, the evidence proves him to come under the description of persons specified in Clause first Section III Regulation II of 1822 - the Magistrate is competent to require security: but there must be proof by testimony: it is not sufficient that the party is "suspected" or "supposed", to be of a bad character -

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and for communication to the Magistrate of Madura and to the Joint Magistrate -

/ Sent in No. 508 /-

Read letter dated the 27th ultimo from the 3d Judge presiding at the 1st Quarterly Sessions of 1840 in the Western Division returning the Original Death Warrant issued in Case No. 1 on the Additional Calendar with copies of the Extract from the Proceedings of the Court of Quarterly Sessions and of the Separate communication from the Acting Joint Criminal Judge of Malabar shewing execution thereof and describing the particulars required.

required to be reported under Standing orders -

/ Here enter No. 618 of 1840 /

Read Return dated the 6th instant from the 3d Judge on Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 18th ultimo conveying their observations on the Gunjam Calendars for the 1st Sessions 1840 -

/ Here enter No. 634 of 1840 /

Read Letter dated the 11th instant from the Magistrate of Salem submitting the report called for in the Proceedings of the Foujdaree Adalut of the 29th February last regarding the alleged ill treatment by the Police Peons of the parties in Case No. 14 of the Salem Criminal Reports for January 1840.

/ Here enter No. 686 of 1840 /

Read letter dated the 7th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division transmitting the Original death warrant in Case No. 8 on the Vizagapatam Calendar for the 1st Sessions of 1839 which was duly executed -

/ Here enter No. 688 of 1840 /

6. The Court likewise observe that if upon the examination of a person on a specific charge, the evidence proves him to come under the description of persons specified in Clause first Section III Regulation II of 1822 the Magistrate is competent to require security: but there must be proof by testimony: it is not sufficient that the party is "suspected," or "supposed", to be of a bad character.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and for communication to the Magistrate of Madura and to the Joint Magistrate.

/ Sent in Nº 508 /.

Read letter dated the 27th ultimo from the 3rd Judge presiding at the 1st Quarterly Sessions of 1840 in the Western Division returning the Original Death Warrant issued in Case Nº1 on the Additional Calendar with copies of the Extract from the Proceedings of the Court of Quarterly Sessions and B of the Separate communication from the Acting Joint Criminal Judge of Malabar shewing execution thereof and describing the particulars required.

required to be reported under Standing orders.

/ Here enter Nº 618 of 1840 /

Read Return dated the 6th instant from the 3rd Judge on Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 18th ultimo conveying their observations on the Gunjoor Calendars for the 1st Sessions 1840.

/ Here enter Nº 684 of 1840 /

Read B letter dated the 11th instant from the Magistrate of Salem submitting the report called for in the Proceedings of the Foujdaree Adalut of the 29th February last. regarding the alleged ill treatment by the Police Peons, of the parties in Case Nº 11 of the Salem Criminal Reports for January 1840.

/ Here enter Nº 686 of 1840 /

Read B letter dated the 7th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division transmitting the Original death warrant in Case Nº 8 on the Vizagapatam Calendar for the 1st Sessions of 1839 which was duly executed.

/ Here enter Nº 688 of 1840 /

13th April, 1840.-

Read Return dated the 10th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Fouzdaree Udalut dated the 4th March last conveying their observations and Orders on the Trial No 8 Vizagapatam Petty Calendar 1st Sessions of 1839.-

(Here enter No 695 of 1840.)

Read Return dated the 4th instant from the Principal Sudr Ameen at Mchapoor to the precept of the Fouzdaree Udalut of the 23rd March 1840 conveying their observations and orders on the Criminal Reports for the Month of February 1840.-

Ent 2d

(Here enter No 702 of 1840.)

F. No.

At a Court of the Fouzdaree Udalut.-

Present:-

John Bird Esqre 1st Puisne Judge.

Wednesday, 15th April, 1840.- Alexr Duncan Campbell Esqre 2d Puisne Judge.

Henry Dickinson Esqre 3rd Puisne Judge.

Read return dated the 10th March 1840 from the Acting Joint Criminal Judge at Tellicherry to the precept of the Court of Fouzdaree Udalut of the 2nd March conveying their remarks and orders on the Tellicherry Criminal Reports for the Month of January 1840.-

(Here enter F. No. No 524.)

1. With reference to the orders of the Court of Fouzdaree Udalut contained in their Proceedings of the 2nd Ultimo in which the Court directed the remission of that part of the Sentence passed on the Prisoner in Case No 19 which awarded corporal punishment. The Acting Joint Criminal Judge after certifying that the corporal punishment has been suspended" states that he considered a severe example to be necessary in the prisoners case, for independent of the fowls being under his charge, a system of petty

above, the Magistrate previous to forwarding them to the Criminal Court, requested to be informed of the grounds on which the Principal Sudr Ameen considered it incumbent on him to enter on an examination of the witnesses for the defence, previous to the committal of the parties for trial before the Court of Circuit, Section II Regulation XIII of 1832 appearing to the Magistrate "to authorize that course only in Cases where there may "be reasonable doubts as to the truth of the charge "preferred against the prisoners," and in the instance under reference all the prisoners with the exception of the 4th had confessed before the Magistrate, and with this 4th prisoner some of the Stolen property had been discovered.—

2. The Principal Sudr Ameen replies that the witnesses whose attendance he requires were named by the prisoners to prove first "that "they had been severely maltreated and strongly "intimidated by the Native Police previous to their "transmission to" the Magistrate, and also by the Magistrate's "own Peons" "after their transmission" to that authority, "to compel them to criminate "themselves before" the Magistrate. Secondly "that "some of them were actually absent at another place than

"than that of the Robbery on the night of its "occurrence;" and Thirdly "that most of the "property said to belong to the Prosecutor belongs "to themselves.—

3. The Magistrate points out that under the circumstances of the confessions of the prisoners having been freely and voluntarily given before himself, the examination of witnesses by the Principal Sudr Ameen on behalf of the prisoners on the points stated, would be a work of Supererogation on the part of the Principal Sudr Ameen, and "not required by the "Regulations or the orders of the Superior Courts" but that all the witnesses who may be required on behalf of the prisoners to establish any pleas they may be advised to set up should of course be forthcoming when the case comes on for trial before the Court of Circuit.—

4. The Principal Sudr Ameen submits that he has "considerable doubt whether "it is competent for a Magistrate to call in "question any requisition of a Criminal Court "for witnesses on behalf of a Prisoner or Prosecutor" and if the Judges of the Foujdaree Adalut should be of opinion "that it is due to the prisoners "that their witnesses should be examined to the points

"points they have mentioned, before they are com-
"mitted for trial before the Court of Circuit, and
"that it is the duty of the Magistrate to for-
"ward them," the Principal Sudr Ameen requests
that the necessary orders may be issued to the
Magistrate "as it is desirable that the case should
"be disposed of before the arrival of the Court of
"Circuit" but should the Judges be of a different
opinion, the Principal Sudr Ameen requests instruc-
tions for his future guidance.—

5. The Court of Tonjdaree Udalut do not hesitate to record their opinion in concurrence with that expressed by the Principal Sudr Ameen that it is altogether incompetent to the Magis-trate to call in question any requisition of a Criminal Court for witnesses required in Cases under investigation before them.—

6. It is the province of the superior Courts to notice to the Criminal Judges, and to the Principal Sudr Ameens any undue exercise of the powers vested in those Officers by Section II Regulation XIII of 1832;— and the Provincial Court of Circuit in the Northern Division to whom it is resolved to transmit an extract from these proceedings, will communicate such opinion to the Magistrate of Ganjam for his information

and

and future guidance.—

7. But adverting to the circumstan-
ces detailed in the correspondence which has
been submitted for their consideration, the Court
of Tonjdaree Udalut are doubtful whether the
Principal Sudr Ameen of Ichapore was not,
in the instance under reference, in error in requiring
the attendance of the 23 witnesses cited by the
prisoners in their defence.—

8. Upon a reference from the Provin-
cial Court of Circuit in the Northern Division,
the Court of Tonjdaree Udalut observed in their
letter of the 2d February 1833. That they concurred
in opinion with the Provincial Court that when
a prisoner confesses, it can seldom or ever be ad-
visable for the Criminal Court to examine wit-
nesses on behalf of a prisoner under Section II
Regulation XIII of 1832, because the only object of
examining such witnesses must be the extenua-
tion of the Prisoner's offence, and the mitigation
of his punishment; and that it could never have
the effect of preventing his committal which is
the only object of the Regulation referred to.—

9. The Legislature in authorizing
the Criminal Judges to take evidence on behalf

of

of the accused has in view merely the prevention of needless commitments, not the taking of evidence by the committing Officer on the defence, in cases where there may be reasonable probability of conviction: and with respect to the second plea of the prisoners in the case under reference, to which also the Principal Sudr Ameen desired to examine witnesses, the Provincial Court of Circuit will point out to Mr. Sharkey that the Court of Foujdaree Adalut have ruled in their proceedings of the 28th November 1838, communicated to Mr. Boileau when 3d Judge of the Provincial Court of Circuit in the Northern Division, that adverting to the general prevalence of attempts to establish in defence an alibi, supported by perjury, a Judicial Officer would not be justified in withholding a case, on such plea, from the Court of Circuit, if the evidence for the prosecution was full and consistent; - the examination therefore of witnesses by the Criminal Court on such a point, when the prisoners had, (as in the present instance) originally confessed before the European Magistracy, would only have the effect of putting the witnesses, cited to such plea, to the double inconvenience of attending before both Tribunals, and the Government to double the

x That some of them were absent at another place on the night of the Robbery.

para 9.

the expence in batta for their attendance -

10 With these remarks the Court of Foujdaree Adalut must leave to the discretion of the Principal Sudr Ameen the determination of the question whether any of the witnesses cited on the defence of the prisoners in Case No. 2 of 1840 should be examined by the Criminal Court before the arrival of the Court of Circuit; - the nature of the evidence adduced on behalf of the Prosecutor has not been sufficiently shewn to enable the Court of Foujdaree Adalut to determine whether in the event of the pleas advanced by the prisoners being supported by evidence, the Principal Sudr Ameen would be justified in withholding the case from the Court of Circuit - the only ground on which examination of witnesses for the defence by the Principal Sudr Ameen could be supported. -

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, with instructions to make the necessary communications to the Magistrate of Ganjam, and to the Principal Sudr Ameen at Itchapore. -

(Sent in No. 533.)

Read letter dated the 4th instant from the 2d Judge of the Provincial Court of Circuit in

in the Northern Divisions requesting with reference to the remarks recorded by the Court of Foujdaree Adalut in their proceedings of the 30th of March last, on consideration of the record of the Trial in Case No. 25 of the Vizagapatam Calendar for the 2d Sessions of 1839, to be furnished "for his future "guidance with the construction which the Judges" of the Foujdaree Adalut "have placed upon the "Act" No. XXX of 1836.—

(Here enter No. 644.)

The 2nd Judge states that he was led to suppose that whether a person be "employed "in Thuggee or not, still his having belonged to the "Thugs alone was sufficient to constitute the crime," made punishable by Act XXX of 1836.

2. The remarks of the Court of Fouj-daree Adalut, contained in paras: 2 and 3 of their proceedings of the 30th ultimo, were recorded on review of the record of the Trial in Case No. 25 of the Vizaga-patam Calendar for the 2nd Sessions of 1839, wherein the prisoner was found guilty of the offence described in Act No. XXX of 1836, merely because he was the son of a Thug; a mere child, who accompanied his father, but appeared never to have been employed in Thuggee so to have otherwise belonged to the gang.—

In

No. 106.

16th April, 1840.

3. In the opinion of the Court of Foujdaree Adalut the term "having belonged to a gang of Thugs" cannot possibly be consid-dered to extend to children and others, such as the prisoner in the case referred to above, who are not themselves members of the gang, had any participation in the acts committed, and were not in any way aiding and abetting in the commission of the crime of Thuggee.—

4. To render a party amenable to punishment under Act XXX of 1836 it is essential in the opinion of the Foujdaree Adalut, that the person accused should be proved to have been associated as a member with, and actually belonging to, a gang of Thugs.—

Ordered, that extract from these proceedings be forwarded for the information and future guidance of the 2nd Judge of the Provincial Court of Circuit in the Northern Divisions, and that he be directed to communicate them, for his guidance, to Captain Vallancey the Joint Magis-trate in Vizagapatam through the Magistrate of that district.—

(Sent in No. 534.)

Read a letter dated the 14th instant from

in the 2nd Northern Divisions requesting with reference to the remarks recorded by the Court of Foujdaree Udalut in their proceedings of the 30th of March last, on consideration of the record of the Trial in Case No. 25 of the Vizagapatam Calendar for the 2d Sessions of 1839, to be furnished "for his future "guidance with the construction which the Judges "of the Foujdaree Udalut "have placed upon the "Act" No. XXX of 1836.—

(Here enter No. 644.)

The 2nd Judge states that he was led to suppose that whether a person be "employed "in Thuggee or not, still his having belonged to the "Thugs alone was sufficient to constitute the crime, made punishable by Act XXX of 1836.—

2. The remarks of the Court of Foujdaree Udalut, contained in paras: 2 and 3 of their proceedings of the 30th ultimo, were recorded on review of the record of the Trial in Case No. 25 of the Vizagapatam Calendar for the 2nd Sessions of 1839, wherein the prisoner was found guilty of the offence described in Act No. XXX of 1836, merely because he was the son of a Thug— a mere child who accompanied his father, but appeared never to have been employed in Thuggee so to have otherwise belonged to the gang.—

In

No. 166
16th April, 1840

3 In the opinion of the Court of Foujdaree Udalut the term "having belonged to a Gang of Thugs" cannot properly be considered to extend to children and others, who like the prisoner in the case referred to above, were not themselves members of the gang, had no participation in the acts committed, and were not in any way aiding and abetting in the commission of the crime of Thuggee.—

4 To render a party amenable to punishment under Act XXX of 1836 it is essential, in the opinion of the Foujdaree Udalut, that the person accused should be proved to have been associated as a member with, and actually belonging to, a Gang of Thugs.—

Ordered, that extract from these proceedings be forwarded for the information and future guidance of the 2nd Judge of the Provincial Court of Circuit in the Northern Divisions, and that he be directed to communicate them, for his guidance, to Captain Vallancey the Joint Magistrate in Vizagapatam through the Magistrate of that district.—

(Sent in No. 534.)

Read a letter dated the 14th instant from

16th April, 1840

From the Acting 2nd Judge of the Provincial Court of Circuit in the Ceded Districts, transmitting a Statement of Batta from to Deponents and 3 Witnesses attending before the Court of Circuit at Chittoor for the 1st quarter Sessions

WS of 1840.

Here enter No 72 of 1840.

F.W.

1st Saturday, 18th April 1840.

F.W.

At a Court of the Foujdaree Udalut.

Present,

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

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read letter dated the 1st April 1840 from the 2nd Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in Code No. 20 on the Vizagapatam Calendar for the 2nd Sessions of 1839.

(Here enter F.W. No. 640 of 1840.)

Mr. Bird and Mr. Campbell

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

1st Shaik Madar, alias Madary,

2nd Shaik Emam

3rd Fakeerah

and

4th Ebram

are not convicted of the crime described in Act

Act XXX of 1836 on strong presumptive proof or on the evidence of credible witnesses or on their own confessions, do acquit them thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the said prisoners be set at liberty.—

(Sent following letter No. 535.)

1. Of the 4 prisoners in this case charged with the crime described in Act XXX of 1836 it is observed that the 1st prisoner who was apprehended four years ago is now only 17 or 18 Years old the second and fourth who were apprehended 3 Years ago are now only 17, and 12 or 11 Years old respectively, and the 3rd who was apprehended 2 Years ago is now only 20 Years of age.—

2. In the opinion of the 2d Judge there appears to be no doubt but that the prisoners belonged to the gang of Thugs and have therefor rendered themselves liable to the penalty prescribed by Act XXX of 1836.—

3. On what grounds the 2d Judge has arrived at such an opinion the Court of Faujdaree Udalut are at a loss to conceive.—

4. The only evidence against these prisoners

prisoners is that of the Thug approvers who swear that they are either the children or adopted children of persons belonging to their gang, and who speak to the presence of some of the prisoners at acts of Thuggee 10 or 8 Years ago. And this evidence is not only altogether uncorroborated, but is in many respects untrustworthy and inconsistent, and even if admitted to be credible goes no further than to prove that the parents obtained additional shares in their names for crimes committed; if in their presence only so because they were in attendance on their parents.—

5. Beyond this there is not the most remote proof to show that these individuals belonged to a gang of professed Thugs.

6. In regard to the 3d and 4th prisoners in particular the evidence exists wholly insufficient to justify even their detention in confinement much less their commitment for trial.—

7. The 4th prisoner is even now a boy of 11 or 12 Years old with nothing whatever against him to prove him a Thug except the worthless assertion of the 4th witness, and evidence such

Act XXX of 1836 on strong presumptive proof or on the evidence of credible witnesses or on their own confessions, do acquit them thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the said prisoners be set at liberty.—

(Sent following letter No. 535.)

1. Of the 4 prisoners in this case charged with the crime described in Act XXX of 1836 it is observed that the 1st prisoner who was apprehended four years ago is now only 17 or 18 years old. the second and fourth who were apprehended 3 years ago are now only 17, and 12 or 11 years old respectively, and the 3rd who was apprehended 2 years ago is now only 20 years of age.—

2. In the opinion of the 2d Judge of there appears to be no doubt but that the prisoners belonged to the gang of Thugs and have therefor rendered themselves liable to the penalty prescribed by Act XXX of 1836.—

3. On what grounds the 2d Judge has arrived at such an opinion the Court of Foujdaree Udalut are at a loss to conceive.—

4. The only evidence against these prisoners

prisoners is that of the Thug approvers as he swear that they are either the children or adopted children of persons belonging to their gang, and who speak to the presence of some of the prisoners at acts of Thuggee 10 or 8 years ago. And this evidence is not only altogether uncorroborated, but is in many respects unbelievable and inconsistent, and even if admitted to be credible goes no further than to prove that the parents obtained additional shares in their names for crimes committed; if in their presence only so because they were in attendance on their parents.—

5. Beyond this there is not the most remote proof to show that these individuals belonged to a gang of professed Thugs.

6. In regard to the 3d and 4th prisoners in particular the evidence was wholly insufficient to justify even their detention in confinement much less their commitment for trial.

7. The 4th prisoner is now a boy of 11 or 12 years old with nothing whatever against him to prove him a Thug except the worthless assertion of the 4th witness, and evidence such

such as it is, that on one occasion, when a child of a few years old, he was carried on his Father's shoulder, on a Thuggee expedition, and the evidence regarding the 3rd prisoner is decidedly in his favor instead of against him, all the witnesses except one declaring that he never was concerned with them.—

8. Yet on evidence so deficient and so proof so incomplete and inconclusive the 2d Judge has, to the surprize of the Court, expressed his opinion that the prisoners are liable to a sentence of imprisonment for life.—

9. Mr. Montgomerie's view of the evidence in this case is quite unaccountable, and reflects most deeply on his judgment—and the Court deem it necessary to warn that Officer that any such instance of misjudgment on his part will form the subject of a grave representation to the Government.—

10. At page 92 of the record it is stated by the 6th witness that "as I did not "declare your circumstances I was put in double "fetters, but in order to save your lives and as you "are

"are young I did not state them, I was therefore put in fetters".—

11. The Court therefore resolve through the Court of Circuit to call on Captain Vallancey to explain the use of the double fetters above alluded to, and whether they were, as stated, placed on the witness in question. The 2d Judge late on Circuit will also be prayed to communicate to Captain Vallancey their serious displeasure at his unaccountable conduct, in committing those prisoners to trial, on evidence so extremely unsatisfactory as that produced on this trial.—

12. The Court further require that the Assistant General Superintendant in the Thuggee department be called on to explain the circumstances which led to the extraordinary detention of the Prisoners before him previous to the transmission to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division by Precept returnable in 25 days from and after its receipt.

(And following Precept No. 536.)

Read

Read letter dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English translations of the record in Case No 55 of the Caudjapah Calendar for the 2nd Sessions of 1839.

(Here enter No 604.)

Mr Campbell and Mr Dickinson

The Court of Faujdaree 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 Wauchoherla Vencataramoodoo

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, sentence the said prisoner to suffer death, by being hanged, at the usual time and place of execution.—

The prisoner,

2nd Goodaroo Nasavvadoo

has been acquitted and released by the Court of Circuit.—

(Sent following letter No 537.)

Read letter from the Provincial Court of Circuit in the Southern Division under date

date the 23rd Ultimo certifying that they have obeyed the instructions of the Faujdaree Udalut conveyed to them in an Extract from the proceedings of this Court of the 16th March 1840, by recalling and cancelling the orders previously issued by the Provincial Court of Circuit in Cases Nos 94 and 96 of the Coimbatore Criminal File of 1839, but offering a few observations "in order precisely to ascertain the views of the "Upper Court in referring such cases for their "investigation."—

(Here enter No 598.)

The object in directing the Judge on Circuit to look into the proceedings of the Joint Criminal Court in Cases Nos 94 and 96, was in view to the error of the Sudr Ameen being pointed out to him by the Judge on Circuit, in such manner as might have appeared necessary and proper, if, after an examination of the whole record of the case, that Officer should have concurred in the view expressed by the Court of Faujdaree Udalut of the offenders having been insufficiently punished. But inasmuch as such opinion, when

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when expressed by the Court of Tenjdaree Udalut on review of the monthly Criminal Reports, is necessarily arrived at on a perusal of a mere abstract of the evidence adduced before the Criminal Court, some such previous examination of the record of the case, as that ordered in the proceedings of the Tenjdaree Udalut of the 30th of August 1839, is proper to be held before any ultimate decision is recorded on the proceedings of a Judicial Officer; and with this view the precept referred to was addressed by the Court of Tenjdaree Udalut to the Judge on Circuit in the Southern Division.—

2. With respect to Case No 10 of the Trichinopoly Criminal File, the Provincial Court of Circuit will observe, that, in a case of wounding so severe as to fracture a limb, the prisoner should have been committed for trial to the Court of Circuit. But on the principle maintained in the proceedings of the Tenjdaree Udalut of the 16th Ultimo, the Provincial Court of Circuit were in error in directing an enhanced punishment to be inflicted on the 1st Prisoner concerned therein; the imprisonment of

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of the proceedings of the Joint Criminal Judge in passing so inadequate a sentence on the 1st prisoner, should have been noticed with decided disapprobation, but as pointed out in the proceedings of the Tenjdaree Udalut of the 16th Ultimo, the sentence having been declared and in part executed, the prisoner should have been allowed the benefit of the errors committed in his case.—

3. The proceedings of the Joint Criminal Judge would have been liable to the same notice had the prisoner in Case No 10 been charged with, and punished for, an offence not regularly cognizable by the Joint Criminal Judge, it being the practice of the Tenjdaree Udalut to allow a prisoner the benefit of his trial before an incompetent Tribunal, (when such trial may, in every other respect, have been regular and complete) tho' the sentence passed may be less than the regular Tribunal would have awarded.—

4. The object, in such cases, is to correct the administration of the law prospectively. For it cannot be rectified retrospectively, as regards

regards persons already punished, without injustice to the individual Prisoner, and a 2nd. Trial, which is repugnant to the humane Spirit of the Law.-

5. But in Cases where a Prisoner may have been improperly released, by a Criminal Judge, on a charge not finally adjudicable by the Criminal Court, as well as in Cases adjudicable by the Criminal Court where their proceedings found to have been irregular and incomplete, (such for instance as where the Prisoner may not have been heard in his defence), it would be open to the Provincial Court of Circuit to quash the proceedings of the Criminal Court, and to order the Prisoner to be regularly placed on his trial, the spirit of the enactment, in Section XXIII Regulation X of 1816, being, as explaind in the Circular Order No. 23, "to obtain correction of error when practicable".

6. Under this view of the Law the Provincial Court of Circuit will proceed to cancel or to modify their orders issued to the Joint Criminal Judge at Trichinopoly on review of his proceedings in Case No. 10 of the Criminal File

File of 1840.-

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. 538)

Read letter dated the 30th Ultimo from the Magistrate of Madura submitting his explanation relative to the conduct of the Police Officers in Cases Nos. 1 and 4 of the Madura Criminal File of 1840, and requesting that the Criminal Judge of Madura be instructed to be careful in recording in his Calendar all causes of delay in Cases sent to his Court by the police, and of the notice taken of such delay by the Magistrate.

(Here enter No. 626.)

Ordered that a copy of the letter above recorded be sent to the Criminal Judge of Madura for his information and future guidance.-

(Sent in No. 539)

Read Supplemental Return dated the 24th Ultimo from the Provincial Court of

regards persons already punished, without injustice to the individual prisoner, and a 2nd. Trial, which is repugnant to the humane Spirit of the Law.-

5.

But in Cases where a Prisoner may have been improperly released, by a Criminal Judge, on a charge not finally adjudicable by the Criminal Court, as well as in Cases adjudicable by the Criminal Court where their proceedings found to have been irregular and incomplete (such for instance as where the Prisoner may not have been heard in his defence), it would be open to the Provincial Court of Circuit to quash the proceedings of the Criminal Court, and to order the Prisoner to be regularly placed on his trial, the spirit of the enactment, in Section XXIII Regulation X of 1816, being, as explained in the Circular Order No. 23, "to obtain correction of error when practicable".

6.

Under this view of the Law the Provincial Court of Circuit will proceed to cancel or to modify their orders issued to the Joint Criminal Judge at Tuticorin upon review of his proceedings in Case No. 10 of the Criminal File.

File of 1840.-

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. 538)

Read letter dated the 30th Ultimo from the Magistrate of Madura submitting his explanation relative to the conduct of the Police Officers in Cases Nos. 1 and 4 of the Madura Criminal File of 1840, and requesting that the Criminal Judge of Madura be instructed to be careful in recording in his Calendar all causes of delay in Cases sent to this Court by the police, and of the notice taken of such delay by the Magistracy.

(Here enter No. 626.)

Ordered that a copy of the letter above recorded be sent to the Criminal Judge of Madura for his information and future guidance.-

(Sent in No. 539)

Read Supplemental Return dated the 25th Ultimo from the Provincial Court of

of Circuit in the Northern Division to the Precept of the Court of Sonjdaree Udalut under date the 24th October 1839 directing them to call upon Mr. Dowdeswell late joint Criminal Judge at Vizagapatam to explain his proceeding in not committing the Prisoner Ramoo who was sent up to the Criminal Court by Captain Vallancey Assistant General Superintendant in the Thuggee Department under the provisions of Act No. XXX of 1836 and further to explain the entry at the foot of Case No. 92 of the Vizagapatam Supplemental Criminal Report for the month of June last to the effect that there was "no evidence" against the prisoner in that case.—

(Here enter F.C. No. 631 of 1840.)

1. With their Supplemental Return now recorded the Provincial Court of Circuit have forwarded copies of various documents referring to the matter under consideration, and among them is a copy of a Return dated 4th January 1840 from the late joint Criminal Judge of Vizagapatam, Mr. Dowdeswell wherein

wherein he states that "the prisoner was sent up to the Court charged with having belonged to a Gang of Thugs and his Depositions given before the Assistant Magistrate of Guntoor and Captain Vallancey, together with five witnesses were likewise forwarded."—

2. Of these Depositions, that given before Captain Vallancey is alone submitted with this Supplemental Return: the deposition before the Assistant Magistrate of Guntoor the most material document on the Record of the Trial has not been sent up.—

3. Before passing further orders in this matter the Court of Sonjdaree Udalut resolve to direct the Provincial Court to call for and submit without delay, an English Translation of the said Deposition before the Assistant Magistrate of Guntoor.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable within twelve days from

from and after its receipt.—

(Sent following precept No. 540)

The Court of Sudder Dewanny Adawlut deem it necessary with reference to their Proceedings under date the 20th January 1840 to call upon the Provincial Court of Circuit for the Centre Division to make a final Return to this Courts Precept of the 14th December 1839 in parah: 13 of the proceedings accompanying which the Provincial Court were required to instruct Mr. Stromboom the late Zillah Judge of Cuddapah to submit any further explanation he may wish to offer with reference to this Courts remarks on the proceedings in Original Suit No. 160 of 1839 on the File of that Zillah Court—and to his observation in his Return of the 24th October submitted with the Supplemental Return of the Provincial Court of the 22d November 1839. "that he has always adhered to the provisions of Section IV Regulation II of 1811."—

Ordered

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for the Centre Division by Precept returnable within three days from and after its receipt.—

(Sent following precept No. 541)—

End 7th.

18th April 1840.

from and after its receipt.—

(Sent following precept No. 540.)

The Court of Sujdaree Udalut deem it necessary with reference to their Proceedings under date the 20th January 1840 to call upon the Provincial Court of Circuit for the Centre Division to make a final Return to this Courts Precept of the 14th December 1839 in parah: 13 of the proceedings accompanying which the Provincial Court were required to instruct Mr. Shoubom the late Zillah Judge of Cuddapah to submit any further explanation he may wish to offer with reference to this Courts remarks on the proceedings in Original Suit No. 160 of 1839 on the File of that Zillah Court—and to his observation in his Return of the 24th October submitted with the Supplemental Return of the Provincial Court of the 22d November 1839. "that he has always adhered to the provisions of Section IV Regulation II of 1811."—

Ordered

18th April 1840.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for the Centre Division by Precept returnable within three days from and after its receipt.—

Ent'd W.

(Sent following Precept No. 541.)

J. Uo:-

At a Court of the Foujdaree Udalut.-

Present

Monday, 20th April, 1840.-

John Bird Esqre _____ 1st Puisne Judge
Alexr Duncan Campbell Esqr 2nd Puisne Judge
Henry Dickinson Esqre ___ 3rd Puisne Judge

Read Miscellaneous Petition

presented on the 2nd March 1840 by Comara Sawmy Moodelly the Mookhtyar duly Rec'd in behalf of Veera Lachella Moodelly and Ramasamy Moodelly-

(Here enter N. P. F. No. 822 of 1840.)

1. The Petitioners complain that property to the value of 10,000 Rupees has been stolen from them, and their houses and other property destroyed by a mob of 200 Sepoys at Wallajabad: that they preferred a complaint to the Tashildar but that that officer on some representation of the Adjutant, Lieutenant Wheeler, the 1st Defendant, not only released several of the prisoners, but in forwarding the case to the Criminal Court suppressed the depositions of some of the witnesses, and forwarded only 18 Sepoys as prisoners in one case, and the 1st Defendant as a prisoner in another case, and that the Criminal Judge after a

mock

20th April 1840

most illegal and partial investigation of the charge imposed a fine of 30 Rupees on the Prosecutors and 10 Rupees on the 11th Prisoner.—

2. The Petitioners further represent that they brought their complaint to the notice of the Court of Circuit, and were directed by them to apply to the Circuit Judge next expected, but as no 2nd Sessions were held at Chingleput last year, they are compelled to seek redress from this Court.—

3. They accordingly pray the Court will issue instructions to the Judge on Circuit to order the reapprehension of all the prisoners and re-examine the case de novo, together with such witnesses as shall be named by the complainants to compel the production of all the articles produced before the Head of Police and such other property as shall be pointed out by the complainants to take under consideration the depositions suppressed by the Head of Police as well as the Petitions presented by the Complainants to the Magistrate immediately after the plunder was committed and to make a full inquiry into the matter in question.—

4. They further pray that orders may be issued referring the complainants to the Civil Court for

20th April 1840

for the recovery from a Mr. Wheeler, the Adjutant, and the Head of the Police of the sum of 10,000 and odd Rupees the value of the plundered property.—

5. The Court of Foujdaree Adalut observe that the case appears to have been duly investigated by the Criminal Judge and the Prisoners released from want of proof against them.—

6 The Petitioners are further informed that if they are dissatisfied with the decision of the Criminal Court, they should address the Judge on Circuit in the Centre Division, who will doubtless upon such orders on the subject as the circumstances of the case may appear to require.—

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

Read Miscellaneous Petitions presented on the 9th, 16th and 30th Vellore by Soobbarayo Petty of the Zillah of Chittoor.—

(Here enter M. P. Nos. 24. 26 and 33.)

The Petitioner represents that during his absence at Vellore his house having been robbed by one Moonesamy his brother complained to the Moonsiff of the Village who being a relation of the defendant compromised

20th April 1840.

compromised the matter - but that subsequently the circumstances having been reported through the Duffadar to the Assistant Magistrate the case was transmitted to the Criminal Court. He complains that the Criminal Judge not only dismissed the charge but advised his opponent to bring a Civil Action against him Petitioner for defamation of character -

And he prays the Court to issue a precept to the Judge on Circuit to call for the proceedings and dispose of the case -

The Court of Fouzdaree Adalut observe that in this case the 1st prisoner was released by the Criminal Court on a requisition of security and the 2nd prisoner unconditionally, the Court see no reason to doubt the propriety of the Criminal Judge's decision and direct that the prayer of this Petition be rejected -

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 23rd March 1840 by Moonyan and Cachengattan of the Zillah of Chittoor

(Here enter Misc: Pet: No: 228 of 1840)

The Petitioners complain of the unjust Sentence

20th April 1840.

Sentence passed by the Circuit Judge against their relations Gadem Vencatramen and Chenna Rayen prisoners in Case No: 1 of the Chittoor 10th Supplemental Calendar for the 4th Quarter Sessions 1839 and pray the Court to call for and examine the record of the trial in the above cases and pass an order for the release of the prisoners -

The Court of Fouzdaree Adalut having referred to the Calendar containing the case cited by the Petitioners see no reason to question the correctness of the conviction of the prisoners -

Ordered therefore, that this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application -

Read letter dated the 15th instant from the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in Case No: 1 on the Supplemental Calendar of Bellary for the 2nd Sessions of 1839 -

(Here enter No: 696)

The Court of Fouzdary Adalut on

Mr Dickinson - deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Cummur Vellegandoo

is sufficient to convict him of the crime of gang robbery

20th April 1840.

compromised the matter - but that subsequently the circumstances having been repeated through the Duffadar to the Assistant Magistrate the case was transmitted to the Criminal Court - He complains that the Criminal Judge not only dismissed the charge but advised his opponent to bring a Civil Action against him Petitioner for defamation of character -

And he prays the Court to issue a precept to the Judge on Circuit to call for the proceedings and dispose of the case -

The Court of Fouzdaree Adaulut observe that in this case the 1st prisoner was released by the Criminal Court on a registration of security and the 2nd prisoner unconditionally, the Court see no reason to doubt the propriety of the Criminal Judge's decision and direct that the prayer of this Petition be rejected -

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 23rd March 1840 by Moonyan and Cachengattan of the Zillah of Chittoor

(Here enter Mis: Pet. No. 228 of 1840)

The Petitioners complain of the unjust sentence

20th April 1840.

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The Court of Fouzdaree Adaulut having referred to the Calendar containing the case cited by the Petitioners see no reason to question the correctness of the conviction of the prisoners -

Ordered therefore, that this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application -

Read letter dated the 15th instant from the Provincial Court of Circuit in the Centre Division - transmitting an English translation of the Record in Case No. 1 on the Supplemental Calendar of Bellary for the 2nd Sessions of 1839 -

(Here enter No. 696)

The Court of Fouzdary Adaulut 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 -

Cummur Pottegandoo -

is sufficient to convict him of the crime of gang robbery

20th April 1840.

compromised the matter - but that subsequently the circumstances having been reported through the Duffadar to the Assistant Magistrate the case was transmitted to the Criminal Court - He complains that the Criminal Judge not only dismissed the charge but advised his opponent to bring a Civil action against him Petitioner for defamation of character -

And he prays the Court to issue a precept to the Judge on Circuit to call for the proceedings and dispose of the case -

The Court of Fouzdaree Adalut observe that in this case the 1st prisoner was released by the Criminal Court on a registration of security and the 2nd prisoner unconditionally, the Court see no reason to doubt the propriety of the Criminal Judge's decision and direct that the prayer of this Petition be rejected -

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 23rd March 1840 by Moonyan and Cachengatten of the Zillah of Chittoor

(Here enter Mis: Pet. No. 28 of 1840)

The Petitioners complain of the unjust sentence

20th April 1840.

sentence passed by the Circuit Judge against their relations Gadem Vucatramen and Chenna Rayen prisoners in Case No. 1 of the Chittoor 10th Supplemental Calendar for the 4th Quarter Sessions 1839 and prays the Court to call for and examine the record of the trial in the above case and pass an order for the release of the prisoners -

The Court of Fouzdaree Adalut having referred to the Calendar containing the case cited by the Petitioners see no reason to question the correctness of the conviction of the prisoners -

Ordered therefore, that this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application -

Read letter dated the 13th instant from the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in Case No. 1 on the Supplemental Calendar of Bellary for the 2nd Sessions of 1839 -

(Here enter No. 6961)

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

Cummur Tellegundoo

Mr. Dickinson -

is sufficient to convict him of the crime of going

robbery

20th April 1840.

robbery, do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section IV Regulation XV of 1803 sentence the said prisoner to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of fourteen years and to receive 195 lashes with a Cat of nine tails.-

(Sent following letter &c.

Read letter dated 4th April 1840 from the Acting 2nd Judge of the Provincial Court in the Centre Division submitting for the consideration and final sentence of the Court of Foujdary Adalut the record of the trial in Case &c. of the 5th Supplemental Calendar of the Chittoor 1st Quarterly Sessions of 1840.-

(See order F.R. No. 687.)

Mr. Bird - and Mr. Campbell -

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

Cundely Davaraiah

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime of forgery, do acquit him thereof, and under the provisions of Clause fifth Section II Regulation XV of 1803 direct that

25th April 1840.

that he be set at liberty so far as relates to this charge.-

(Sent following letter &c.

1.

The Court of Foujdary Adalut have differed in their view of this case, entirely from that taken of it by the Acting 2nd Judge. It does not appear to them that one tittle of evidence has been adduced to establish the crime of forgery with which alone the prisoner in this case stands charged. Still though the Court are of opinion that the offence charged is not proved against the prisoner, they consider that there is sufficient testimony to justify his being put on his trial for uttering the forged document in question with the intent to defraud his opponents, and they accordingly resolve to direct the Acting 2nd Judge to issue the necessary orders for bringing the prisoner to trial for that offence. It is not quite clear whether the document was filed in the original suit or in the Appeal. This must be ascertained, and the indictment should specify it, as well as whether he personally filed it, or caused it to be filed by his Vakeel.-

2.

It is observed that in their proceedings of the 4th October 1836. the Court of Foujdary Adalut decided that uttering is an offence quite distinct from forgery and that while the former offence is punishable under the provisions of Clause seventh Section II Regulation XV of 1803. the latter falls under the provisions of Clause third

20th April 1840

Third Section IV Regulation VI of 1811—

Circular Order
No 120—

3. In order to prevent as far as possible any obstruction to Criminal justice and inconvenience or injury to individuals similar to those which have occurred in the case at present under review, the Court of Foujdary Adalut resolve to issue the following Circular Order for the guidance of the several judges on Circuit and of the Criminal Courts under them—

4. In all cases of Fogery wherever from the evidence and the circumstances of the case there are grounds to charge the prisoner with also uttering the forged instrument, knowing it to be forged, with intent to defraud, a charge for such uttering shall invariably form a second count in the arraignment, distinct from that of fraudulently fabricating the instrument, and in each count the words, with intent to defraud A. B. (here enter the name of the party intended to be injured) shall be added—If the uttering consists in having filed the document in Court, the No of the suit, or appeal, should be specified,—and if filed by a Vakeel, the Prisoner should be charged with having uttered it by causing the Vakeel to file it with intent &ca—

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge late presiding at the Chittoor 1st & 2nd Quarterly Sessions of 1840 by precept returnable in 28 days, and that the original bond which accompanied the Acting 2nd Judge's letter be returned—

(Sent following precepts &c

Ordered also that Extract from these proceedings

3. F. Ble.
20th April 1840

proceedings (Paras: 3 and 4) be sent to the 4 Provincial Courts, with instructions to communicate the same to the several judicial Officers within their respective Divisions for their information and guidance

(Sent in &c

1. The Register lays before the Court the following Statements drawn up in his Office from the returns received thro' the Provincial Courts of Circuit exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Abstract of the operations of this Court from the 1st of January to the 30th of June 1839 according to the forms approved by Government—

(Here enter No 1 to 9—)

Village Police 2. Statement No 1 with the details in No 2 exhibits the number of persons summoned before the Village and District Police and Magistracy, for Petty offences punishable by themselves, together with the number of acquittals and convictions, and the nature of the punishments inflicted—

3. The total number of persons brought before the Village Police together with the number acquitted or convicted of petty offences, as compared with the preceding half year, or from the 1st July to

to the 31st December 1838, is as follows:-

	Persons summoned	Persons acquitted: After investigation	Persons acquitted: without investigation upon Razeenamah &c.	Persons punished.
From the 1st of July to 31st December 1838.	3199	589	922	1688.
From the 1st of January to the 30th June 1839.	2522	373	529	1620.

4. Of the 1620 persons punished by the Village Police, 1054 were confined in the Village Choultry, and 566 in the Stocks.-

5. Complaints for Petty Assaults or affrays constitute the great majority of the cases brought before the Village Police.-

6. Out of 2522 persons brought before them, 1941 were for Petty Assaults or affrays, and 581 for Petty thefts; of the former 1090 were punished, of the latter 530.

District Police-7. The total number of persons brought before the District Police from the 1st January to 30th June last for Petty offences punishable by themselves was 52118; besides whom, there were 990 whose cases were not disposed of at the close of the previous report.-

8 In the preceding half year, the number of persons summoned before the District Police was 54,063.-

9. With reference to the very great disproportion of persons for petty offences, before the Village and District police, the Magistrates generally should direct their Tahsildars to encourage the Village Police to exercise their functions more actively, to prevent petty cases coming unnecessarily before the District or Police, to the greater inconvenience of the people and the distraction of these officers from higher duties.-

10. The subjoined is a comparative statement of the acquittals and convictions by the District Police during the period under review, and the last half of the year 1838.-

	Total summoned and under examination at the commencement of the half year.	Acquitted after investigation	Discharged upon their own application or petition for default of Complainant.	Punished with fine or imprisonment.	Punished with labor in the Magistrate's Choultry.	Punished with labor in the Magistrate's Choultry.	Dismissed with admonition.	Number of persons under examination at the close of the half year.	Remarks.
From 1st July to 31st Dec 1838	55226	17881	21944	13602	797	54224	12	990	"
-"- 1st Jan 19 to 30 June 1839.	53108	19347	21073	12513	899	51832	29	1246	1
Decrease	118	500	871	1089			17		1

In

11. 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 428, a decrease compared with the preceding half year of 75 persons considered to have been falsely and maliciously accused before the District Police of Petty offences only.-

12. The following Statement exhibits the number of persons punished, and the nature of their punishment, by the District Police, for the two periods above referred to - inclusive of those punished after reference to the Magistrate.-

Punishment	Half Year ending 31st Dec. 1838.	Half Year ending 30th June 1839.
Fined	9522.	8481.
Confined in the Chowkey with or without labour	4510.	4348.
Confined in the Stocks	269	423.
Flogged	98	160.
	14399.	13412.

13. The 160 persons entered as having been flogged by the District Police were subjected to Corporal punishment by order of the Magistrate, upon reference

J. Ble.

20th April 1840.-

reference made to that authority under the provisions of Clause 2nd Section IV Regulation IV of 1821.

Magistracy

14. Before the Magistracy there were brought during the Half year under review 3619 persons for petty offences, besides whom there were 37 persons whose cases had not been disposed at the close of the previous six Months,- making a total of 3656 persons. In the preceding half year the total number was 3878.-

3878
3656
222 decrease

15. The following is a Statement of the acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy during the 1st half of the year 1839.-

	Persons committed and under examination	Acquitted	Discharged upon Bail or dismissed for default or other cause	Convicted	Total disposed of	Persons under examination at the close of the Sepat.	Total
From 1st January to 30th June 1839	3656	1688	586	1363	3637	19	3656

Statement shewing the manner in which the persons convicted before the Magistracy were punished.-

	Fined	Imprisoned	Flogged	Total Punished
From 1st January to 30th June 1839	880	356	127	1363

11. 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 428, a decrease compared with the preceding half year of 75 persons considered to have been falsely and maliciously accused before the District Police of Petty offences only.-

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× 3878
× 3656
222 decrease

15. The following is a Statement of the acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy during the 1st half of the year 1839.-

	Persons summoned and under examination	Acquitted	Discharged upon Pleas: examination dismissed for default or other cause	Convicted	Total disposed of	Remain under examination at the close of the report	Total
From 1st of January to 30th of June 1839	3656	1688	586	1363	3637	19	3656

Statement shewing the manner in which the persons convicted before the Magistracy were punished.-

	Fined	Imprisoned	Flogged	Total Punished
From 1st of January to 30th of June 1839	880	356	127	1363

16. Of the 1688 persons acquitted by the Magistracy, there were 87 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 81.

17. Of the 3656 persons charged with petty offences, 2662 persons were brought up for petty assaults— 468 persons for petty thefts and 135 persons for abuse of authority. Of these last, only 38 were convicted and punished, 32 by fine, and 6 by imprisonment.—

18. The following is a general Statement in which the number of persons brought before the Village and District Police and the Magistracy, for petty offences, with the number acquitted and punished during the last half of the year 1838 and the 1st half of the year 1839 have been contrasted.—

	During the half year ending 31st December 1838.—				During the half year ending the 30th June 1839.—			
	Summoned and defending	Acquitted	Discharged upon Razeenamah &c.	Punished	Summoned and defending	Acquitted	Discharged upon Razeenamah &c.	Punished
Village Police	3199	589	922	1688	2522	373	529	1620
District Police	55226	17881	21944	14399	53108	17347	21073	13412
Magistracy	3878	1961	586	1294	3656	1688	586	1363
Total	62303	20431	23452	17381	59286	19408	22188	16395

The

19. The above Statement exhibits a decrease as compared with the preceding half year of 3017 persons brought before the Native Police Officers and Magistracy.

20. The sum remitted to the Magistrates the District Police Officers on account of the 8481 persons who were fined by them, amounts to Rupees 7771 A. P. 3 5.—

Crimes and Misdemeanors.—

21. The total number of Crimes and Misdemeanors committed during the half year ending the 30th of June last, as exhibited in the Statement No. 3, with its details in No. 4, amount to 4198, in which it is calculated 17132 persons were concerned, being 828 Cases and 2556 persons less than in the preceding six months.—

22. Of the 17132 persons supposed to have been concerned in the Cases ascertained to have occurred during the period embraced in this report, 8389 persons appear to have escaped apprehension, which is 2128 persons less than are supposed to have eluded apprehension during the previous six months.—

23. The following Statement exhibits the cases of heinous Crimes committed during the 1st half of the year 1839.—

Murder

16. Of the 1688 persons requitted by the Magistracy, there were 87 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 81.

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18. The following is a general Statement in which the number of persons brought before the Village and District Police and the Magistracy, for Petty offences, with the number acquitted and punished during the last half of the year 1838 and the 1st half of the year 1839 have been contrasted.-

	During the half year ending 31st December 1838.-				During the half year ending the 30th June 1839.-			
	Summoned and defending	Acquitted	Discharged upon Razeenamah &c.	Punished	Summoned and defending	Acquitted	Discharged upon Razeenamah &c.	Punished
Village Police	3199	589	922	1688	2522	373	529	1620
District Police	55226	17881	21944	14399	53108	17347	24073	13412
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Total	62303	20431	23452	17381	59286	19408	22188	16395

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19. The above Statement exhibits a decrease as compared with the preceding half year of 3017 persons brought before the Native Police Officers and Magistrates.

20. The sum remitted to the Magistrates the District Police Officers on account of the 8481 persons who were fined by them, amounts to Rupees 7771 A. 3 P. 5.-

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21. The total number of Crimes and Misdemeanors committed during the half year ending the 30th of June last, as exhibited in the Statement No. 3, with its details in No. 4, amount to 4198, in which it is calculated 17132 persons were concerned; being 828 Cases and 2556 persons less than in the preceding six months.-

22. Of the 17132 persons supposed to have been concerned in the Cases ascertained to have occurred during the period embraced in this report, 8389 persons appear to have escaped apprehension, which is 2128 persons less than are supposed to have eluded apprehension during the previous six months.-

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Murder

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17. Of the 3656 persons charged with petty offences, 2662 persons were brought up for petty Assaults- 468 persons for petty thefts and 135 persons for abuse of authority- Of these last, only 38 were convicted and punished, 32 by fine, and 6 by imprisonment-

18. The following is a general Statement in which the number of persons brought before the Village and District Police and the Magistracy, for petty offences, with the number acquitted and punished during the last half of the year 1838 and the 1st half of the year 1839 have been contrasted-

	During the half year ending 31st December 1838-				During the half year ending the 30th June 1839-			
	Summoned and defending-	Acquitted	Discharged upon Razeenamah &c	Punished	Summoned and defending	Acquitted	Discharged upon Razeenamah &c	Punished
Village Police	3199	589	922	1688	2522	373	529	1620
District Police	55226	17881	21944	14399	53108	17347	24073	13412
Magistracy	3878	1961	586	1294	3656	1688	586	1363
Total	62303	20431	23452	17381	59286	19408	22188	14395

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19. The above Statement exhibits a decrease as compared with the preceding half year of 3017 persons brought before the Native Police Officers and Magistracy

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23. The following Statement exhibits the cases of heinous Crimes committed during the 1st half of the year 1839-

Murder

20th April 1840.

	Half year ending the 30th June 1839.	
	Cases.	Persons.
Murder	118	356
Culpable Homicide	22	63
Robbery and Murder	22	254
Gang Robbery attended with or without aggravating Circumstances	734	8440
Robbery by a Single individual	96	96
Housebreaking by day	36	65
Do. by Night	1211	2870
Theft	905	2302
Forgery	55	116
Perjury	12	12
Maiming or Wounding	42	484
Arson	138	296
Rape	17	23

Criminal Courts. Nos 5 and 6.

24. Statement No 5 with the details in 826, exhibits the operations of the Criminal Courts from the 1st January to the 30th June 1839.

25. The total number of cases brought before the Criminal Courts during the above period, including of those not disposed of at the close of

20th April 1840.

Theft 6, 4

20th April 1840

4

is 2139, including 4968 prisoners.

In the preceding half

26. number of cases was 2198 including 4795 prisoners

decrease in the half year under review of 59 cases, but

increase in the number of prisoners to the extent of 173.

Of the cases brought and depending

27. before the Criminal Courts, 91 were Cases of Murder, 15 of Murder by Thuggee, 16 of Culpable Homicide, 36 of Robbery and Murder, 327 of Gang Robbery, 13 Robbery by a single individual, 23 of Housebreaking by day, 236 of House-breaking by night, 327 of Theft, 104 of Receiving Stolen goods, 41 of Arson, 10 of Rape, 50 of Perjury, 3 of Subornation of Perjury, 20 of Forgery, 177 of Maiming and Wounding and 163 Cases of Breaches of the Revenue Laws &c &c.

Of the 4968 persons brought before

28. the Criminal Courts

812 were released unconditionally

against 19 of whom the charge was considered wilfully false and Malicious

19 were released on security

110 were detained on demand of security

1231 were convicted and punished in Cases cognizable by the Criminal Court

In Cases Cognizable by the Court of Session.

889 were released by the Criminal Courts

against 28 of whom the charge was considered wilfully false and Malicious

In Cases punishable by the Court of Session

Brought

40.

20th April 1

38. In the Northern Division 101 Cases, of which 31 were referred; and in the Western Division 65 Cases, of which Were referred to the Fouzdaree Udalut.

39. Of the 101 Trials referred to the Fouzdaree Udalut by the Circuit Courts, the Futwas delivered by their Law Officers were concurred in by the Court of Circuit in 62 Cases, but the nature of the offences made the trials of necessity referible, and 34 Cases were referred because the Courts of Circuit did not approve of the Futwa of their Law Officers; the remaining 5 Cases were referred under Act

Fouzdaree Udalut. 3 Do. 30 of 1836.

Statement No. 9.

40. Statement No. 9 exhibits the operations of the Fouzdaree Udalut during the 1st half of the year 1839.

41. It shews that at the date of the last report, there were 6 cases, including 7 persons, which had not been disposed of, and that there were received during the half year 64 Trials, including 110 persons, making together 70 Trials and 117 prisoners; whereof 40, were trials for Murder, 1 Case of Culpable Homicide, 9 Cases of Robbery and Murder, 1 Case of Robbery with an intent to kill, 2 Cases of Treason and Rebellion, 2 Cases of Gang Robbery and wounding, 7 Cases of Gang Robbery, 1 Case of Robbery by a single Individual,

J. No.

20th April 1840

Individual, 1 Case of House breaking by night and Theft, 4 Cases of Wounding, and 2 Cases of Cattle Stealing.

42. Of these 70 trials 56 were disposed of within the half year under review, inclusive of 1 Case which was returned to the Court of Circuit for disposal, leaving 14 undisposed of at the close of the report.

43. Of the 55 Cases containing 90 prisoners, in which the Court of Fouzdaree Udalut proceeded to Judgment.

12. persons were released unconditionally. Of these 15 persons, 10 were considered
3. Ordered to be released on Security — 3 convicted by the Judge of Circuit.
73. Convicted and sentenced to punishment — Of whom 4 were convicted & sentenced by the Judge of Circuit.

1. Insane
1. Died
90

44. Of the 73 persons convicted

20 were sentenced to suffer death
5. Flogged and Transported
16 Transported without Flogging
1. Flogged and Imprisoned for more than 7 and not more than 14 years
18. Imprisoned for more than 7 and not nine than 14 years without Flogging.
13. Imprisoned for 7 years and under without flogging.
1. Punished in another case.
73

45. Of the trials disposed of by the Fouzdaree Udalut, there were 20 Cases in which the Futwas of acquittal were overruled, under the provisions of Section 11 Regulation I of 1818; in 10 of which the Futwas were founded on exceptions to the competency of the witnesses, and in the remaining

J. M.

30th April 1840

the Tongdarce Adalut, whether sitting singly,
or whether more than one Judge be present—

		Singly—	Conjointly—	Attached to the Court—
Hon. Reid Esqre.	1st Judge	"	30	From 1st January to 24th April 1839—
J. A. Oakes Esqre.	1st 2d & Actl. 1st Judge	3	30	From 1st January to 24th April and From 30th April to 30th June 1839—
W. Hudleston Esqre.	2nd Judge	"	10	From 2nd April to 30th June 1839—
A. D. Campbell Esqre.	3rd Judge	"	18	From 1st January to 18th March 1839—
H. Dickinson Esqre.	2d 3rd Judge	2	23	From 1st April to 30th June 1839—

A Statement also is appended

50.

shewing what number of referrible trials have actually been referred to the Tongdarce 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 53d para of the General letter from the Honorable the Court of Directors dated 20th March 1833—

Ordered, that Extract from these proceedings together with the copies in Triplicate of all Statements connected therewith be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council—

Certified &c

Appendix

20th April 1840.

Appendix.

The following is an abstract of the proceedings of Conviction in the trials disposed of, by the Court of Fouzdaree Adaulut under the provisions of Section II Regulation I of 1818 from the 1st of January to the thirtieth of June 1838.

Case No 2.

Chingleput Calendar

2nd Sessions of 1838.

The prisoner in this Case

Verrasawmy

was charged with having cut and wounded the Prosecutor Ponen with a Knife in a certain Village.—

Both on his arraignment and Defence before the Court of Circuit the prisoner pleaded "not guilty"—

The Mahomedan Law Officer of the Court of Circuit declared the prisoner convicted on strong presumption of wounding and awarded Coroobit.—

The Cazee ool Cazat and Muftees of the Fouzdaree Adaulut on the ground that the witnesses did not actually see the prisoner commit the crime, and that his declaration containing his confession was inadmissible as being given in the talook, acquitted him, but on a question being put to what specific punishment under the Mahomedan Law the Prisoner would have been liable to, had he been convicted upon full legal evidence of the crime charged, they declared him liable to Coroobit.—

The Court of Fouzdaree Adaulut concurred with

4. J. W.

20th April 1840.—

with the Judge presiding at the trial as far as regarded the conviction of the prisoner but considered the sentence of fourteen years imprisonment proposed by him to be too severe, and on the grounds that the intention to kill was not mentioned in the indictment, they resolved to give the prisoner the benefit of the informality and condemned him to five years imprisonment under the provisions of Clause third Section VII Regulation XV of 1803.—

Case No 12

Cuddalore Calendar

2nd Sessions of 1838.—

The Prisoners in this Case

1st Moottan

2nd Mathaguddy Carpen

3rd Comaren

4th Vellayen

and

4/5 Tchuleren

were charged with having in company with certain others, armed with weapons, entered the house of the prosecutrix by open violence, bound her husband and murdered him by stabbing him, and robbed therefrom property to the value of Rupees 14 5 and Annas 0.—

The Prisoners pleaded not guilty.—

The Provincial Law Officer declared the prisoners guilty of murder and liable to Coroobit, And being heard on account of their present Denial.—

The

The Law Officers of the Foujdaree Adalut declared the crime of murder not to be established against any one of the prisoners, but that of robbery against the first second and fifth - and that of receiving property knowing it to be robbed against the third - upon their respective confessions they acquitted the remaining prisoner -

The Judge of Circuit convicted the five prisoners of the crime of robbery and murder and proposed to inflict the highest penalty of the Law upon the first and second prisoners, and that of transportation upon the rest -

The Court of Foujdaree Adalut concurred in this award so far as it affected the first four prisoners, but being of opinion that the evidence did not shew that the fifth had taken any active part in the outrage, they sentenced him to seven years imprisonment with hard labor in irons -

Case No 2.

Masulipatam Calendar.

3rd Qua Sessions of 1838 -

Of fifteen prisoners in this Case all save two were acquitted by the Judge presiding: the remaining prisoners

3d Goondaya -

and

4th Cavelee Narsimloo -

pleaded not guilty to the charge of having with Company

Company with certain others proceeded in a gang to the public Treasury at Ellore, in order to rob it and there stabbed and killed two Sepoys who were keeping guard over it -

The fuluva of the Mahomedan Law Officer of the Court of Quarterly Sessions acquitted all the prisoners except the 3rd and 4th, whom it declared liable to Kissaus, and the Judge presiding at the trial concurred in this finding -

The Law Officers of the Foujdaree Adalut took exception to the testimony of the witnesses on account of the contradictions therein and the possibility of their having been induced by some consideration to cast the blame on others and acquitted them of the crime of murder, but pronounced them guilty of Robbery and liable to Kissaus. And being barred because the property was not actually robbed -

The Court of Foujdaree Adalut were of opinion that the proof against the prisoners was sufficient to convict them of the crime charged and sentenced them to transportation for life under the provisions of Clauses Second and Fifth Section IV Regulation XV of 1803 -

The

20th April 1840.-

Case 89 5

Vizagapatam Calendar

2nd Sessions of 1838.-

The prisoner in this Case

Mandasoo Juggun

both on his arraignment and defence before the Court of Circuit pleaded not guilty to the charge of having on a certain night entered the Mess House at Vizianagaram by removing the bars of the windows opened a box therein placed - and stolen therefrom money to the amount of Rupees Nine hundred and eighty two, and Annas eight, together with a gold ring.-

The Provincial Law Officer declared the crime not proved against the prisoner and that he was entitled to his release.-

The Cazee ool Cazat and Mufftee of the Fouzdary Adalut acquitted the prisoner on the grounds that all the witnesses save the sixth were under some legal incompetency and that the evidence of the sixth not to mention that it stood alone, was in law not entitled to credit as its purport was to ward off evil consequences from himself.-

The Court of Fouzdaree Adalut concurred with the Judge of Circuit in considering the charge proved against the prisoner by the evidence of the sixth witness, which they saw no reason for doubting.-

They

8.

J. Oc.

20th April 1840.-

they accordingly demanded a second future and under the finding of Guilt sentenced the prisoner to imprisonment with hard labor for seven years.-

Case 88 14.

Canara Calendar -

1st Sessions of 1839

The prisoners in this Case

1st Purcera

2nd Aydee

3rd Dooma

4th and Pumbada Devo.-

denied the charge of having entered the house of a certain person at night - killed him by strangling him, and robbing from his house property to the value of Rupees Six hundred and eight.-

The Provincial Law Officer declared them liable to Tazeer & Corporal on strong suspicion, and being barred by their denial before the Court of Circuit.-

The evidence being circumstantial the Law Officers of the Fouzdaree Adalut did not go into the evidence but convicted the prisoners of robbery on their own confessions.

The Court of Fouzdaree Adalut on the grounds of this confession and of the fact that there was full proof of the murder of the deceased on the occasion of the robbery, added to the fact that

one

one of the prisoners confessed that he had aided in the act of strangulation convicted them of robbery and murder and sentenced the 3rd prisoner to suffer death and the remaining ones to receive 195 lashes and to be transported for life.-

Case No 4.
Finally Calendar
20th Septr 1839.

Ramasawmy Khone the prisoner in this case stood charged with the murder of his wife by cutting her throat with a Knife and stabbing her in the side.-

The Law Officers of the Court of Circuit declared the prisoner to be convicted of the murder but liable to strong suspicion, and the Judge of Circuit being of opinion that the evidence was sufficient to convict the prisoner of wilful murder, referred the Case to the Zoujdary Adalut.-

The Law Officers of that Court considering that the evidence of the first witness was not entitled to credit on the grounds of its standing alone and of its failing to shew the wounder: that of the fourth fifth sixth seventh, eighth, ninth and tenth for the latter reason, not to mention the sex of the 4th and that of the other witnesses of no avail to the prosecution, acquitted the Prisoner.-

The

The Court of Zoujdaree Adalut were of opinion that the prisoner was guilty of the murder of his wife and their opinion was based on the following considerations.-

1st.- That in addition to the fact of the quarrelling of the parties, the strong evidence (circumstantial) of the 1st and 4th witnesses and the proof afforded by the blood on the prisoners clothes, that the conduct of the prisoner when he saw the corpse was not that of a man witnessing a horrible discovery and being himself not participant in the deed of blood.-

2d.- That on the blood on his person and dress being observed he spat the juice of betle shewing signs of alarm.-

3rd.- That after saying in November when questioned by the Criminal Court that he had no witnesses he afterwards brought witnesses in the January following to swear that he had had the bloody flux and had killed a sheep in order to account for the blood on his dress and the smell of blood on his knife.-

4thly That the inconsistencies in his defence were of a nature irreconcilable with innocence.-

5thly That he at one time said that the stains of blood were from musquetoes and before the Court of Circuit he stated they were from small pox.-

And Sixthly that all these strong facts are not by a most miserable and inconsistent attempt at

a

one of the prisoners confessed that he had aided in the act of strangulation connected them of robbery and murder and sentenced the 3d prisoner to suffer death and the remaining ones to receive 195 lashes and to be transported for life.—

Case No. 4.
Tumerelly Cabudar
1st Sessions of 1839.

Ramasawmy Khone the prisoner in this case stood charged with the murder of his wife by cutting her throat with a Knife and stabbing her in the side.—

The Law Officers of the Court of Circuit declared the prisoner to be convicted of the murder but liable to strong suspicion, and the Judge of Circuit being of opinion that the evidence was sufficient to convict the prisoner of wilful murder, referred the Case to the Foujdary Udalut.—

The Law Officers of that Court considering that the evidence of the first witness was not entitled to credit on the grounds of its standing alone and of its failing to shew the wounder: that of the fourth fifth sixth seventh, eighth, ninth and tenth for the latter reason, not to mention the sex of the fourth and that of the other witnesses of no avail to the prosecution, acquitted the Prisoner.—

The

The Court of Foujdaree Udalut were of opinion that the prisoner was guilty of the murder of his wife and their opinion was based on the following considerations.—

1st.— That in addition to the fact of the quarrelling of the parties, the strong evidence (circumstantial) of the 1st and 4th witnesses and the proof afforded by the blood on the prisoners clothes, that the conduct of the prisoner when he saw the corpse was not that of a man witnessing a horrible discovery and being himself not participant in the deed of blood.—

2d.— That on the blood on his person and dress being observed he spat the juice of betle shewing signs of alarm.—

3rd.— That after saying in November when questioned by the Criminal Court that he had no witnesses he afterwards brought witnesses in the January following to swear that he had had the bloody flux and had killed a sheep in order to account for the blood on his dress and the smell of blood on his knife.—

4thly That the inconsistencies in his defence were of a nature irreconcileable with innocence.

5th.— That he at one time said that the stains of blood were from mosquetoes and before the Court of Circuit he stated they were from small pox.—

And 6thly that all these strong facts are met by a most miserable and inconsistent attempt at

a

aba defence-

The Court accordingly concurred with the Judge of Circuit in awarding Capital Punishment-

Case No 3-
Coimbatore Calendar-
2nd Sessions of 1838-

The prisoner

Mohummed Hoosman-

on his arraignment and defence before the Court of Circuit pleaded not guilty to the charge of having feloniously wounded the prosecutor by shooting at him with a musket loaded with small shot-

The Law Officers of the Fouzdaree Adalut concurred with the Cauzee of the Court of Circuit in acquitting the prisoner on the ground that there were no witnesses to the commission of the offence on to the prisoners confession- The Court of Fouzdaree Adalut agreed with the Judge of Circuit in considering the declaration of the prosecutor, corroborated by the circumstantial evidence, sufficient to convict the prisoner and they accordingly sentenced him to one years imprisonment with hard labor in irons-

Case No 8-
Combaconum Calendar-
1st Sessions of 1839-

The Prisoner

Iyanatara Sen-

stood charged with having on a certain night, in company with some others carrying arms and sticks, gone forth to the Village of Chilumgaudoo, entered the house of the Prosecutor Sundamanny Moodely therein situated, beaten the said prosecutor and his mother stabbed the latter below the

Race

Rose with a bayonet of which wound she died and plundered from the house property to the value of eighty two Rupees-

Both on his arraignment and defence before the Court of Circuit the prisoner pleaded not guilty-

The Mahomedan Law Officer of the Court of Circuit convicted the prisoner of the crime laid to his charge on strong presumptive proof and awarded Asseebut, in which finding the Judge presiding concurred-

The Cazee ool Cazaut and Mooftee of the Fouzdaree Adalut considered the evidence sufficient to convict the prisoner on strong presumptive proof of the crime of robbery only: as the only positive evidence (not hearsay) to the death of the deceased in question was the declaration of the prosecutor which is not admissible in the Mahomedan Law-

The Court of Fouzdaree Adalut, on a deliberate consideration of all the circumstances of the Case convicted the prisoner of the crime of murder committed in the perpetration of robbery by open violence and sentenced him to receive One hundred and Ninety five lashes and to be transported for life-

The

aba defence.-

The Court accordingly concurred with the Judge of Circuit in awarding Capital Punishment.-

Case No. 5.-
Coimbatore Calendar.-
2nd Sessions of 1838.-

The prisoner
Mohummed Hoosman.-
on his arraignment and defence before the Court of Circuit pleaded not guilty to the charge of having feloniously wounded the prosecutor by shooting at him with a musket loaded with small shot.-

The Law Officers of the Foujdaree Adalut concurred with the Canzee of the Court of Circuit in acquitting the prisoner on the ground that there were no witnesses to the commission of the offence on to the prisoners confession. The Court of Foujdaree Adalut agreed with the Judge of Circuit in considering the declaration of the prosecutor, corroborated by the circumstantial evidence, sufficient to convict the prisoner and they accordingly sentenced him to one years imprisonment with hard labor in irons.-

Case No. 8.-
Combaconum Calendar.-
1st Sessions of 1839.-

The Prisoner
Iyanatara Pen.-
stood charged with having on a certain night, in Company with some others carrying arms and sticks, gone forth to the Village of Anlingandoo, entered the house of the Prosecutor Sundamanny Moodely therein situated, beaten the said prosecutor and his mother stabbed the latter below the Knee

Buse with a bayonet of which wound she died, and plundered from the house property to the value of eighty two Rupees.-

Both on his arraignment and defence before the Court of Circuit the prisoner pleaded not guilty.

The Mahomedan Law Officer of the Court of Circuit convicted the prisoner of the crime laid to his charge on strong presumptive proof and awarded Qisas, in which finding the Judge presiding concurred.-

The Cazee ool Cazaut and Mooftees of the Foujdaree Adalut considered the evidence insufficient to convict the prisoner on strong presumptive proof of the crime of robbery only: as the only positive evidence (not hearsay) to the death of the deceased in question was the declaration of the prosecutor which is not admissible in the Mahomedan Law.-

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the Case convicted the prisoner of the crime of murder committed in the perpetration of robbery by open violence and sentenced him to receive One hundred and Ninety five lashes and to be transported for life.-

The

20th April 1840.

Case No. 1.

Cheacode Calendar

2nd Sessions of 1838.—

The prisoners in this Case

Jegunnadha Saudoo

and

Ragoonadha Saudoo

pleaded not guilty to the charge of having at midnight struck the prosecutor's brother on the head with a stone roller so severely that he died in consequence and robbed from his person property to the value of Rupees 112.15.2.—

The Moofty of the Provincial Court acquitted both the prisoners of the crimes laid to their charge.—

The Law Officers of the Tongdaree Udalut convicted the first prisoner of the crime charged upon strong presumptive proof, and declared him liable to Kissas.—

They considered the crime not established against the second prisoner and declared him entitled to be set at liberty.—

The Court of Tongdaree Udalut sentenced the first prisoner to transportation for life, and being of opinion that the record contained sufficient proof against the second prisoner to convict him of the crime of having aided in the disposal of the dead body of the deceased they called upon their Law Officers to declare to what

punishment under the Mahomedan Law the prisoner would have been liable, had he been convicted on full legal evidence of the said crime.—

The Court under the finding of Kissas declared in their Law Officers second future sentenced the prisoner aforesaid to seven years hard labor in irons on the public roads.—

Case No. 3

Rajahmundry Calendar —

1st Sessions of 1839.—

The Prisoner stood charged with the murder of his own concubine by stabbing her in the left side with a knife.—

The Law Officers of the Tongdaree Udalut concurred with the Law Officer of the Court of Circuit in declaring the prisoner entitled to be released their sentence was grounded on the circumstance that the evidence of the witnesses was either hear say or not to the actual fact of the murder, and that the confession of the prisoner was given before the Head of Police.—

The Court of Tongdaree Udalut agreed with the Judge of Circuit in considering that the prisoner was clearly convicted of the crime charged, and as no extenuating circumstances appeared, they sentenced him to suffer death.—

Read the Criminal Reports for the month of March 1840 submitted by the Acting Criminal

20th April 1840.

Case No. 1.

Chicacole Calendar

2nd Sessions of 1838.

The prisoners in this Case

Jogunnadha Sandoo

and

Ragoonadha Sandoo

pleaded not guilty to the charge of having at midnight struck the prosecutor's brother on the head with a stone roller so severely that he died in consequence and robbed from his person property to the value of Rupees 112.15.2.

The Moosty of the Provincial Court acquitted both the prisoners of the crimes laid to their charge.

The Law Officers of the Tongdaree Adalut convicted the first prisoner of the crime charged upon strong presumptive proof, and declared him liable to Cokroobit.

They considered the crime not established against the second prisoner and declared him entitled to be set at liberty.

The Court of Tongdaree Adalut sentenced the first prisoner to transportation for life, and being of opinion that the record contained sufficient proof against the second prisoner to convict him of the crime of having aided in the disposal of the dead body of the deceased they called upon their Law Officers to declare to what

20th April 1840

punishment under the Mahomedan Law the prisoner would have been liable, had he been convicted on full legal evidence of the said crime.

The Court under the finding of Cokroobit declared in their Law Officers second future sentenced the prisoner aforesaid to seven years hard labor in irons on the public roads.

Case No. 3

Rajahmundry Calendar —

1st Sessions of 1839.

The Prisoner stood charged with the murder of his own concubine by stabbing her in the left side with a knife.

The Law Officers of the Tongdaree Adalut concurred with the Law Officer of the Court of Circuit in declaring the prisoner entitled to be released their sentence was grounded on the circumstance that the evidence of the witnesses was either hear say, or not the actual fact of the murder, and that the confession of the prisoner was given before the Head of Police.

The Court of Tongdaree Adalut agreed with the Judge of Circuit in considering that the prisoner was clearly convicted of the crime charged and as no extenuating circumstances appeared, they sentenced him to suffer death.

Read the Criminal Report for the month of March 1840 submitted by the Acting Criminal

20th April 1840.

Criminal Judge of Rajahmundry.

(Here enter No. 694.)

Case No. 9.

Adverting to the evidence of the 5th and 6th witnesses for the prosecution in Case No. 9, who swear that they saw the 4th Prisoner at the time of the Dakeity, there would appear to have been grounds for the commitment of this 4th prisoner also to take his trial before the Court of Circuit, but as the Case has no doubt been already laid before the Judge on Circuit in the Northern Division, the Sudder Adalut resolve to transmit an Extract from these proceedings to Mr. Stambaw, who will report whether in the course of the examination of the proceedings before the Criminal Court he saw reason to doubt the propriety of the release of the said 4th prisoner on security, and if so, whether his reapprehension, and reference of his Case to the Collective Court, was ordered.—

Ordered that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(And following Precept &c.

Read letter dated the 24th Ultimo from the Acting 1st Judge on Circuit in the

Centre

10 J. Hc.

20th April 1840.— Centre Division intimating that in Case No. 13 of the Bellary Calendar for the 1st Sessions of the present year, the prisoner who is charged with the murder of his wife and of her paramour, have been tried, and a fatwah of acquittal pronounced on the grounds that the homicide was justifiable— stating that he the presiding Judge, is also of opinion that the prisoner should be acquitted on the grounds taken by the Mahomedan Law Officer, but submitting that he is doubtful whether under the circumstances he would be justified by Law in confirming the Fatwah, and ordering the release of the prisoner, and whether it would not be his duty to refer the Trial.—

(Here enter No. 596.)

Ordered that the Acting 1st Judge on Circuit in the Centre Division be informed that it is necessary that the record of the Trial in question should be referred for the final judgment of the Court of Sudder Adalut who are alone competent to determine to what extent the act in question was justifiable under the Mahomedan Law.—

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

(Sentence No.

Read

Read return dated 10th April 1840 from the Officiating Joint Criminal Judge at Tinnevelly to the precept of the Court of Foujdary Adalut of the 30th Ultimo conveying their remarks and orders on the Tinnevelly Criminal Reports for the Month of February last.

(Here enter F. No. 8 to 68 of 1840.)

The explanation afforded by the Officiating Joint Criminal Judge regarding the cases adverted to in their Proceedings of the 30th Ultimo is considered by the Court of Foujdary Adalut to be satisfactory.—

Ordered that Extract from these proceedings be sent to the Officiating Joint Criminal Judge at Tinnevelly for his information.—

(Sent in No.)

Read Miscellaneous Petition presented on the 23rd of March 1840 by Tydee Sooboo Vaicken and 38 others late Jail Peons on the establishment of the Zillah Court of Salem.—

(Here enter F. C. M. P. No. 30 of 1840.)

1. The Petitioners after representing the length of their service complain of their removal from their situations which they impute to the misrepresentations of the Jailor, who is alleged to entertain a spite against them in consequence of their protesting against the injustice of compelling them to supply the places of

7 Peons who had been directed to proceed in charge of a band of Convicts transferred from the Salem to the Tuticorin Jail.—

2. And after alleging that their situations have been conferred on the brothers of the Jailor they pray the Court will on a consideration of their case order their restoration.—

3. It is observed that the petitioners have already brought their case to the notice of the Provincial Court of Circuit in the Southern Division who declined to interfere in the case on the ground of the authority for dismissing Public servants being by the Circular Order of the 21st August 1834 vested in the Head Public Officer".

4. It appears however to the Court of Foujdaree Adalut that a full explanation of the circumstances of this Case should have been required by the Provincial Court previous to the issue of their order of the 19th December last and they accordingly resolve to direct the Judges of the Provincial Court now to call for such explanation and thereon to pass such orders as may then appear proper communicating the result for the information of the Court of Foujdaree Adalut.—

5. The Court also deem it necessary that

that the truth of the allegation that Several of the Jailor's relations are Employed as Peons under him should be ascertained for if true, the practice, if carried to too great extent is highly objectionable, and should be forbidden.—

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 20 days.—

(Sent following Precept &c

Ordered also, that copy of these Proceedings be furnished to the Petitioners Generally on their application.—

Read the Criminal Reports for the Month of March 1840. submitted by the Criminal Judge of Vizagapatam.—

(Here enter No. 107)

Case No. 18. 1. The Court of Foujdaree Adalut are of opinion that the Criminal Judge was not warranted in punishing the 1st prisoner, originally charged with Housebreaking, on the ground that she "confessed a "Robbery she never committed, with the intention of implicating another, (the 2nd prisoner) and getting her punished.—

If

2. If there were grounds for putting the prisoner on her trial for a conspiracy, the Prosecutrix should be included in the same case, for she would appear to have been equally guilty with the 1st prisoner, but in as much as such charge cannot originate with the Criminal Court, the Criminal Judge is directed to cancel the sentence passed upon the 1st prisoner, and to order her immediate discharge from confinement.—

Case No. 20. 3. The Court of Foujdary Adalut are of opinion that unless it was proved that 3rd prisoner concerned in Case No. 20 was not a free agent, but was impelled by fear or intimidation to lend her assistance in carrying away the Jewel Box which the 1st Prisoner stole from the house of the prosecutrix, the Criminal Judge erred in directing her release without punishment.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Vizagapatam for his information and guidance by precept returnable in 3 days from and after its receipt.—

(Sent following Precept &c

Read letter dated the 31st January 1840

20th April 1840

1840 from the Provincial Court of Circuit in the Southern Division returning with reference to Tongdarce Udalut's letter of the 26th December last, the Statement No. 2 submitted by the Magistrate of Tangore for the 1st half year of 1839 duly corrected –

(Here enter No. 2264)

Read letter dated the 20th Ultimo from the Provincial Court of Circuit in the Centre Division, returning the Statement No. 2 from the Magistrate of South Arcot with the omission supplied –

(Here enter No. 573.)

Read letter dated the 23rd September 1839 from the Provincial Court in the Northern Division, transmitting Printed Statements for the 1st Half year of 1839 –

(Here enter No. 1826.)

Read letter dated the 12th August 1839 from the Provincial Court of Circuit in the Western Division, transmitting the Statements of Crimes and Misdemeanors for the first half year of 1839 –

(Here enter No. 1383.)

Read letter dated the 8th November 1839 from the Provincial Court of Circuit in the Southern Division, transmitting Printed Statements for the 1st Half year 1839 –

(Here enter No. 1924)

20th April 1840

Read letter dated the 21st December 1839 from the Provincial Court in the Southern Division – retransmitting the Half yearly Statements returned by the Tongdarce Udalut in their letter of the 3rd Instant for correction –

(Here enter No. 2144.)

For No. 1

At a Court of the Coojdaree Adaulut.

Present,

Tuesday,
21st April, 1840.

John Bird Esqr. ——— 1st Puisne Judge,
Lieut. Duncan Campbell Esqr. 2d Puisne Judge,
Henry Dickinson Esqr. ——— 3d Puisne Judge,

WB

Read letter dated the 7th instant from the 2d Judge of the Provincial Court of Circuit in the Northern Division, submitting English Translations of the Records in Cases Nos. 23-24-26 and 28 on the Vizag Calendar for the 2d Sessions of 1839.—

(Here enter No. 689 of 1840.)

No. 23.

Mr. Campbell,

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

"Radarkha"

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Section II of the Act aforementioned, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural

natural life.—

No. 24.

Mr. Campbell.

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

Ruddoo Khan

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831 and Section I of the Act aforementioned sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

No. 26.

Mr. Campbell.

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

Roofdin Shaw

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Section I of the Act aforementioned, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

The

No. 28

Mr. Campbell.

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

Ibram alias Roofdin Meya

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Section I of the Act aforementioned, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

(Sent following letter No. 563)

Read Letter dated 3d. instant from the Third Judge on Circuit in the Southern Division, submitting copies of the Combaconum Calendars of the First Sessions of 1840.—

(Here enter S.L. No. 670 of 1840.)

The Third Judge will be pleased to report

Primary Calendar 1.

Case No. 8.

whether in his opinion there is evidence sufficient for the conviction of the parties whom he describes as the prime movers in the offence charged in this case — and if so — whether he has issued orders for their re-apprehension and re-examination before the Criminal Court.—

Case No. 10. 2. The Court of Enquiry adjourned consider the sentence

natural life.—

No. 24.

Mr. Campbell.

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

Imid Dookhan

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831 and Section I of the Act abovementioned sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

No. 26.

Mr. Campbell.

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

Roofsain Shaw

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Section I of the Act abovementioned, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

No. 28

Mr. Campbell.

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

Ibram alias Roofsain Sheya

is sufficient to convict him of the offence described in Act XXX of 1836, convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Section I of the Act abovementioned, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life.—

(Sent following letter No. 563)

Read Letter dated 3d instant from the Third Judge on Circuit in the Southern Division, submitting copies of the Combaconum Calendars of the first Sessions of 1840.—

(Here enter S.C. No. 670 of 1840.)

Primary Calendar Case No. 8.

1. The Third Judge will be pleased to report whether in his opinion there is evidence sufficient for the conviction of the parties whom he describes as the prime movers in the offence charged in this case — and if so — whether he has issued orders for their re-apprehension and re-examination before the Criminal Court.—

Case No. 10.

2. The Court of Enquiry Adjutt consider the sentence

Cases [illegible]

sentence in this aggravated case of "Escape" too lenient.—

3. The Court of Sudder Adalut affirm the acquittals in these cases. In No. 75 the Court observe that the prisoner did not positively swear to a fact afterwards proved to be false. He spoke to the best of his recollection to what he believed to be the case when he was 15 years of age — and was not liable to be charged with perjury if his impression was at last found to be incorrect. Still less was he liable to such a charge on what he swore that he had heard. The attention of the Criminal Judge should be pointed to the remarks in the Circular order of the Sudder Adalut of the 31st January 1814.—

Case No. 16. 4. The prisoner in this case was charged with having exposed her natural child to death. and it appears by the evidence that the child died.—

5. The prisoner was sentenced by the Third Judge to four years' imprisonment with hard labour in Irons.—

6. The Court of Sudder Adalut observe that death having ensued, the Trial should have been referred for their final Judgment. This the Third Judge will now do. suspending in the mean time the sentence he has passed

F. G.

21st April 1840.

passed upon the prisoner.—

Cases Nos. 23 and 24. 7. The prisoners in these cases were convicted of Housebreaking and Theft; but in favour of the 1st prisoner in No. 23. and the 1st and 3d prisoners in No. 24 the Presiding Judge recommends that the prescribed penalty be reduced to two year's imprisonment with hard labour in irons on the ground that the amount of property stolen was within the limit cognizable by the Criminal Court and the cases would have been disposed of by that authority, but for the connexion of these prisoners with others whose repeated previous offences rendered it necessary to commit the cases for Trial before the Court of Circuit.—

8. The Court of Sudder Adalut resolve to accede to the recommendation of the Third Judge, and under the provisions of Clause third Section III Regulation I of 1825. authorize that officer to issue his warrant to the Criminal Court for the imprisonment of the prisoners

Coottapeen

Ponnen

and

Rungen

with hard labour in Irons on the public roads or other public

public works, for, and during the period of two (2) years.-

Supplemental Calendar Case No. 1. Q. With reference to the remarks of the Third Judge in this case, the Court of Enjuiaree Udalut resolve to direct that the sentence of the Court of Circuit be suspended, and that the Trial be referred for their final judgment.-

Case No. 3. 10. The Third Judge will likewise be pleased to submit the Record of this case for the consideration of the Enjuiaree Udalut, and will in the mean while order the sentence to be suspended.-

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

(Sent following Precept No. 564)

Ext. 1

Read letter dated the 4th instant from the Agent to the Governor of Fort St. George at Vizagapatam, transmitting the original death warrant for the execution of the Prisoner Condicondah Veeriah.-

(Here enter No. 657.)

Read letter dated the 13th instant from the acting 1st Judge on Circuit in the Centre Division, reporting

reporting his intention to open the 1st Sessions of 1840 at Chingleput on the 20th Proximo.-

(Here enter No. 722.)

Read return dated the 9th instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Enjuiaree Udalut of the 30th March 1840, forwarding Circular Order No. 119 - directing that Prisoners, on being forwarded to the Criminal Courts with any Criminal charge or information, be henceforth invariably accompanied by a Memorandum shewing their previous connections (if any) by the Police Magistracy or other authorities and their previous general character and conduct so far as it is currently known and estimated.-

(Here enter No. 723.)

Read letter dated the 13th instant from the 2d Judge on Circuit in the Western Division, transmitting the Original death warrant in Case No. 1 of the Calicut 2d Additional Calendar for the 1st Sessions of 1840 which was duly executed.-

(Here enter No. 724.)

Read letter dated the 13th instant from the 2d Judge on Circuit in the Western Division, reporting

reporting the opening of the 1st Sessions of 1840 at Mangalore on the 13th Instant, and the state of the Calendar—

(Here enter No. 725.)

Read letter dated the 16th instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding the Statement required by the Circular Order No. 4 of the Foujdaree Adawlut dated 5th July 1834.—

(Here enter No. 726.)

Read return dated the 15th instant from the Provincial Court of Circuit in the Southern Division to the Precept of the Foujdaree Adawlut of the 11th April 1840, directing the discharge from confinement of the Prisoner Sungaly Rooster Puttalon in Case No. 1 of the 5th Supplemental Calendar of the Auxiliary Court of Trichinopoly for the 2d Quarter Sessions of 1839.—

(Here enter No. 729.)

Read letter dated the 16th instant from the 3d Judge on Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1840 at Salem on the 16th instant, and the state of the Calendar.—

(Here enter No. 730.)

At a Court of the Foujdaree Adawlut

Present

Wednesday, 22d April, 1840. John Bird Esqre ——— 1st Puisne Judge,
Alexr Duncan Campbell Esqre 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated 30th March 1840 from the 2d Judge on Circuit in the Western Division submitting for the consideration and final sentence of the Court of Foujdaree Adawlut the records of the trial in Cases No. 21 on the Calicut Calendar, and Case No. 1 Supplemental Calendar for the 1st Sessions of 1840.—

(Here enter F. D. No. 671.)

Mr Bird, and Mr Dickinson, 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

1st Chorungal, alias Chembotte Thodyil Ceeran Chatta

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, sentence the said Prisoner to suffer death, by being hanged, as soon as conveniently

can

can be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot.—

And the Court being of opinion that the prisoner

Noorady alias Chakinguel Ramen

is not convicted, on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime aforesaid, do acquit him thereof, but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct that under the provisions of Clause sixth Section II Regulation XV of 1803 he be required to find two sureties, in |250| two hundred and fifty Rupees each surety, for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for three years in confinement.—

(Sent following letter No. 565.)

1. With reference to the remarks contained in the 7th parah of the 2d Judge's letter of reference: that on further consideration "of the case, as far as it regards the

the 2d prisoner, I am inclined to doubt whether there is sufficient legal proof for his conviction". The Court of Sudder Adalut concur in considering that there is in fact nothing against him besides his Calcok confession and they are of opinion that even the evidence of the 9th witness, bad as it is, does not implicate him.—

2. The Court entertain not little doubt of the guilt of this prisoner, but they do not think that it would be safe on the evidence adduced to convict him, they have therefore resolved to require him to procure security.—

3. In the trial of this case, the Court of Sudder Adalut have remarked with satisfaction the zeal and intelligence of the 5th Pargah of Calicut, by whom the clue was obtained in tracing the murderer and they consider him entitled to thanks, which they direct may be communicated to him, for his successful operations "in bringing to light these atrocious murders, after all the efforts, both of the Magistracy and Police, had so signally failed.—

4. With reference to the distribution of the reward alluded to in the letter of the acting Magistrate, the Court of Sudder Adalut, before proceeding to pass any orders thereon, are desirous of having under their

consideration

can be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot.—

And the Court being of opinion that the prisoner

Noorudy alias Chakinguel Bamen

is not convicted, on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime aforesaid, do acquit him thereof, but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct that under the provisions of Clause sixth Section II Regulation XV of 1803 he be required to find two sureties, in 250 two hundred and fifty Rupees each surety, for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for three years in confinement.—

(Sent following letter No 565)

1. With reference to the remark contained in the 7th paragraph of the 2d Judge's letter of reference: that on further consideration "of the case, as far as it regards the

the 2d prisoner, I am inclined to doubt whether there is sufficient legal proof for his conviction". The Court of Foujdaree Adaulut concur in considering that there is in fact nothing against him besides his Cabook confession and they are of opinion that even the evidence of the 1st witness, bad as it is, does not implicate him.—

2. The Court entertain but little doubt of the guilt of this prisoner, but they do not think that it would be safe on the evidence adduced to convict him, they have therefore resolved to require him to produce security.—

3. In the trial of this case, the Court of Foujdaree Adaulut have remarked with satisfaction the zeal and intelligence of the Raja of Calicut, by whom the clue was obtained in tracing the murderers and they consider him entitled to thanks, which they direct may be communicated to him, for his successful operations "in bringing to light these atrocious murders, after all the efforts, both of the Magistracy and Police, had so signally failed.—

4. With reference to the distribution of the reward alluded to in the letter of the Acting Magistrate, the Court of Foujdaree Adaulut, before proceeding to pass any orders thereon, are desirous of having under their

consideration

"Commands of the Judges at an earlier period than is
"now possible, the 3d Judge begs that he may receive
"sanction for the employment of an additional temporary
"Translator, to enable him to bring up the arrears."—

2. The Court of Loydaree Edalut are of opinion that the above return made by Mr. Strombom the 3d Judge on Circuit in the Northern Division contains no satisfactory explanation of the great delay that has occurred in the transmission of the Records of the Trials under reference to the Court of Loydaree Adalut.—

3. It is observed that whereas Mr. Anderson the 2d Judge on Circuit in the Western Division, has, up to the present date, submitted to the Court of Loydaree Adalut the translated Records of 11 Trials for their final judgment,— and Mr. Harington the 3d Judge on Circuit in the Southern Division has submitted the translated records of 7 Trials,— and Mr. Lewin the Acting 1st Judge on Circuit in the Centre Division has transmitted the records of 7 Trials held by him at the present Sessions,— Mr. Strombom with an establishment

establishment so fully efficient in numerical strength, has failed in submitting more than the translated record of a single case, tho' a period of three months has elapsed since the commencement of the present Session!—

4. This failure on the part of Mr. Strombom and of the Circuit establishment in the Northern Division requires full explanation.— If the native establishment on Circuit in the Northern Division is composed of inefficient servants, it will be the duty of Mr. Strombom immediately to report such fact to the Court of Loydaree Adalut, and to enable the Court themselves to judge of the performances of this Circuit establishment during the present Sessions, they desire to be furnished with a detail of the work performed by each individual of the English establishment during their stay at the stations already visited by the Circuit Court.—

5. It is understood that Mr. Strombom himself requires no Interpreter— and whilst he is trying cases, the Translator should be translating cases already tried.—

6. In the meantime the Court of Loydaree Adalut do not deem it proper to recommend any increase of the establishment usually accompanying the Judge on Circuit in the Northern Division, which, if not so composed

composed of inefficient servants, ought, if duly superintended, to have accomplished as much as a similar Class of Servants have actually performed in the several other Divisions, where the trials are at least as heavy, and in the Western Division more numerous.—

Ordered, that Extract from these proceedings be forwarded to the 3d. Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 567.)

Read letter dated the 7th of April 1840 from the Magistrate of Bellary, submitting the explanation called for in the Proceedings of the Coimbatore Adalut of the 23d March last relative to certain cases on the Bellary Criminal Reports for the months of February 1840.—

(Here enter Ex. No. 690 - 1840.)

From the explanation of the Joint Magistrate which accompanied the letter above recorded, the Court of Coimbatore Adalut are doubtful whether any inquest was held on the body of the thief who fell and was killed in the hue and cry raised on the attempt made to rob the house of the complainant in Case No. 36.—

It

22d April 1840.

It does not appear at least that any record of the inquest, as is required, was transmitted with the other proceedings of the case to the Criminal Court, and the Magistrate is accordingly required to explain the omission.—

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

(Sent following Precept No. 568)

At a Court of the Coujdaree Adaulut.

Present,

Thursday,
23d. April 1840.

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

Alexr. Duncan Campbell Esqre. ——— 2d. Puisne Judge,

Henry Dickinson Esqre. ——— 3d. Puisne Judge,

Read the Criminal Reports submitted by the Principal Sudr Ameen at Ramee for the Month of March 1840.—

(Here enter No. 716.)

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

Ordered therefore that Extract from these proceedings be sent to the Principal Sudr Ameen at Ramee for his information.—

(Sent in No. 569.)

Read letter from the Acting 1st Judge on Circuit in the Centre Division, requesting the opinion of the Court of Coujdaree Adaulut "as to whether a Judge on "Circuit can receive appeals from the Sentences of a "Magistrate passed under Section XXXIV Act No. XVII of 1837."—

(Here enter No. 721.)

The Court of Coujdaree Adaulut are of opinion that it is competent to the Court of Circuit to receive

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receive petitions against the sentences of a Magistrate or Joint Magistrate passed under Section XXXV Act No XVII of 1837.-

2. As to the powers of a Judge of Circuit to pass orders on petitions complaining of the proceedings of a Magistrate on Cases determinable by him, the Court of Zoujdaree Adalut have ruled in their proceedings circulated under date the 14th of May 1829, that "this power is confined "in the first instance to a reference for explanation, when "sufficient ground may appear for requiring it, and that "when the Petitioner may allege Acts unauthorized by or in "violation of the express enactments of the Law, which "may be acknowledged by the Magistrate, it is the duty "of the Judge on Circuit to refer the Case to the Court "of Zoujdaree Adalut and to suspend the operation of any "penal sentence unwarranted by Law, pending such "reference"-

Ordered, That Extract from these proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division for his information and guidance.-

(Sent in No 1570)

Read again letter dated the 19th October

1839 from the Criminal Judge of Bellary, reporting that a Case had been sent to his Court by the Joint Magistrate of Bellary charged with demanding and exacting for their own use unauthorized postage on post free letters of Soldiers and others of the Hs Ms 39th Regiment of Foot, and observing, that tho' the Act. No XVII of 1837 directs that persons convicted of the offences enumerated shall be punished by the Magistrate, it appears doubtful whether in the provinces under the Madras Presidency, the Criminal Judge is not the proper authority by whom the offender shall be tried.-

(Here enter No 1770 of 1839)

1. In reply to this reference, the Court of Zoujdaree Adalut recorded their opinion that in Cases falling within the scope of the provisions of section XXXV., as the Magistrate has not jurisdiction in cases punishable to the extent therein provided, the Criminal Judge is the officer intended by the term "Magistrate" in that section.-

2. At the period however when such opinion was expressed by the Court of Zoujdaree Adalut, the provision of Section IV Act No II of 1839, declaring that in all Acts heretofore passed by the Governor General

of

of India in Council the term "Magistrate" shall extend to all "Joint Magistrate," "Persons lawfully exercising the "powers of a Magistrate", and "Justices of the Peace" had escaped the observation of the Judges.—

3. Accordingly the Court of Sudder Adalut resolve to modify para 4. of their orders addressed to the Criminal Judge of Bellary under date the 11th November 1839, and if any intimation of such recorded opinion has been communicated to the Magistrate or to the Joint Magistrate of the District, by the Criminal Judge, that officer will immediately inform those officers that under the explanation of the term "Magistrate" given in the Section IV Act No. II of 1839, those officers also as well as the Criminal Judge, if a Justice of the Peace, have jurisdiction in the Cases punishable to the extent provided in Section XXXV Act No. XVII of 1837.—

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

(Sent in No. 571.)

Read return dated 31st March 1840 from the

Ex. 16.

23d April 1840.

from the Provincial Court of Circuit in the Northern Division in the Precept of the Court of Sudder Adalut of the 7th of last Month conveying their remarks and orders on the trial of Case No. 39 on the Vizigapatam Calendar for the 2d Sessions of 1839.—

(Here enter Ex. Ab. No. 632 of 1840.)

1. With reference to the additional evidence called for in this case, the 2d Judge reports that the necessary instructions were issued to the Magistrate of Vizagapatam on the 11th Instant, but no reply has yet been received from that Officer—so soon as it is received the result will be reported by a Supplemental return; the Court accordingly resolve to direct the Provincial Court to issue a further Precept to the Magistrate of Vizagapatam directing him without more delay immediately to make the return called for in their Precept of the 7th Instant.—

2. The Court of Sudder Adalut are glad to find that the defect in the charge pointed out in the 4th and 5th paras of their Proceedings of the 7th Instant had attracted the notice and been rectified by the 2d Judge

of India in Council the term "Magistrate" shall extend to all "Joint Magistrate," "Persons lawfully exercising the "powers of a Magistrate," and "Justices of the Peace" had escaped the observation of the Judges.—

3. Accordingly the Court of Foujdaree Adawlut resolve to modify para 4. of their orders addressed to the Criminal Judge of Bellary under date the 11th November 1839, and if any intimation of such recorded opinion has been communicated to the Magistrate or to the Joint Magistrate of the District, by the Criminal Judge, that officer will immediately inform those officers that under the explanation of the term "Magistrate," given in the Section IV Act No. II of 1839, those officers also as well as the Criminal Judge, if a Justice of the Peace, have jurisdiction in the Cases punishable to the extent provided in Section XXXV Act No. XVII of 1837.—

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

(Sent in No. 571.)

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Read return dated 31st March 1840 from the

from the Provincial Court of Circuit in the Northern Division to the Precept of the Court of Foujdaree Adawlut of the 7th of that month conveying their remarks and orders on the trial of Case No. 39 on the Vizagapatam Calendar for the 2d. Sessions of 1839.—

(Here enter Extr. Dis. No. 632 of 1840.)

1. With reference to the additional evidence called for in this case, the 2d. Judge reports that the necessary instructions were issued to the Magistrate of Vizagapatam on the 11th Instant, but no reply has yet been received from that Officer—so soon as it is received the result will be reported by a Supplemental return;—the Court accordingly resolve to direct the Provincial Court to issue a further precept to the Magistrate of Vizagapatam directing him without more delay immediately to make the return called for in their precept of the 7th instant.—

2. The Court of Foujdaree Adawlut are glad to find that the defect in the charge pointed out in the 4th and 5th parals of their Proceedings of the 7th instant had attracted the notice and been rectified by the 2d.

Judge

Judge and they trust that future transcripts prepared by the 2d Judge for submission to the Court of Conjdara Udvalut will receive such careful revision as will obviate the necessity of remarks similar to those called forth in the Speaches above alluded to.—

3. With reference to the remark contained in the concluding Speach of the return under reply the Court of Conjdara Udvalut observe that the 2d Judge was correct in supposing that the Precept of the 7th ultimo ought to have been addressed to him instead of to the Provincial Court of Circuit.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division for his information by freight returnable in 5 days from and after its receipt.—

(Sent following precept No. 572.)

Read letter dated the 8th Instant from the Provincial Court of Circuit in the Centre Division submitting copies of the opinions recorded by the acting 2d and 3d Judges of the Provincial Court regarding the disposal of

of Case No. 126 of 1840 on the Criminal file of the Auxiliary Court at Cuddalore.—

(Here enter E. L. No. 699)

1. In their Proceedings of the 29th February 1840. the Court of Conjdara Udvalut directed the Provincial Court to call for and examine the Proceedings held before the Auxiliary Court in the case above referred to and to proceed therein as directed in Section XXIV Regulation X of 1816.—

2. With the above letter the Provincial Court submits the opinions recorded by the acting 2d and 3d Judges from which it appears that the views of these two Officers regarding the disposal of the case are at variance, and that while "the acting "3d Judge is of opinion that the Joint Criminal Judge "should have committed the case for trial before "the Court of Circuit," the acting 2d Judge considers "the punishment" the prisoner "has already suffered "by detention in Jail and dismissal from office "will on the present occasion suffice."—

The

3. The Court of Coujdaree Adawlut observe that as there is a difference of opinion between the two Judges present at the Sudder Station in regard to the disposal of this case, the Proceedings in the case should be referred for the decision of the Acting 1st Judge - and they direct that this course be adopted whenever &c. Lewin may resume his seat in the Provincial Court which for the purposes of this reference he may probably be able to do en route from Bellary to Chingleput.-

4. The Court also observe that the enclosures submitted with Mr. Hawkins' letter exhibit traces of a want of that due supervision which it is required all documents, emanating from a Public office, should receive, before they are attested as correct copies,- and as Mr. Hawkins has before been specially warned against such neglect, they direct that the record be returned to the Provincial Court for explanation and correction by their Registrar.-

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. 573.)

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E. H.

At a Court of the Coujdaree Adawlut.

Present,

Friday 24th April, 1840. John Bird Esqr. _____ 1st Puisne Judge,

Alexr. Duncan Campbell Esqr. ___ 2d Puisne Judge,

Henry Dickinson Esqr. _____ 3d Puisne Judge,

Read the Criminal Reports for the month of March 1840, submitted by the Joint Criminal Judge at Cuttack.-

(Here enter No. 719.)

Case No. 19. 1. The Court of Coujdaree Adawlut are of opinion that the Joint Criminal Judge erred in finally disposing of the charge made against the prisoner in Case No. 19 - a case of assault attended with wounding to so serious an extent ought not to have been punished by the Joint Criminal Judge, but should have been committed for trial before the Court of Circuit.-

Case No. 25. 2. In Case No. 25. the prisoner would appear from the entry in the Column of the Report to have been apprehended on the 28th of February and forwarded to the Criminal Court on the 5th of March,- but in the explanation submitted by the Head of Police of Cuttack, it is stated that the prisoner who had escaped on her first apprehension

apprehension, "was re- apprehended on the 19th of February, but not brought before the Head of Police till the 1st of March - This discrepancy in the dates of the apprehension of the prisoner, the Court of Enquiry did not desire may be explained by the Magistrate of Trichinopoly, and any extraordinary delay on the part of the Head of Police, in forwarding the case to the Criminal Court, explained -

3. The Joint Criminal Judge is required to state under what circumstances the prisoner "Limapien" was transferred to Salem on the 2d March 1840 -

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

(Sent in No. 582.)

Read return dated the 17th instant from the Acting Criminal Judge of Cuddapah, to the precept of the Enquiry Register of the 2d April 1840, conveying his observations and orders on the Criminal Reports for the Months of February 1840 -

(Here enter No. 745.)

Read Statement dated the 31st Ultimo from the Acting Criminal Judge of Chingleput, shewing the amount realized by the labour of the Prisoners in the Gaol

Gaol of Chingleput for the 1st quarter of 1840 -

(Here enter No. 746.)

Read letter dated the 17th instant from the 3d Judge on Circuit in the Southern Division, transmitting a Statement of Batta paid to the Prosecutors and witnesses during the 1st Sessions of 1840 at Combaconum -

(Here enter No. 757.)

Read letter dated the 17th instant from the 3d Judge on Circuit in the Southern Division, transmitting the original death warrant in Case No. 6 on the Tinnevelly Calendar for the 1st Sessions of 1840 which was duly executed -

(Here enter No. 752.)

Read return dated the 15th instant from the 2d Judge on Circuit in the Western Division, to the precept of the Enquiry Register of the 9th Instant on the Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Calicut during the 1st Sessions of 1840 -

(Here enter No. 754.)

Read letter dated the 18th instant from the Acting Chief Magistrate and Superintendant of

of Police at Madras, transmitting the Report of Cases tried under act XXII of 1837. in the Month of March 1840.

(Here enter No. 758.)

Read Extract from the Minutes of Consultation under date the 7th instant, communicating the opinion of Government on the Proceedings of the Conjeeveram Adalut of the 5th February 1840, submitting figured statements shewing the probable expense which would be entailed by the adoption of the Courts suggestion to pay the expence of all Prosecutors and witnesses appearing before the Courts of Circuit, without reference to the restriction contained in Section XXXIII of Regulation X 1816, and stating that the matter therein proposed will be submitted for the consideration of the Indian Law Commission.

(Here enter No. 767.)

Read letter dated the 20th instant from the 3d Judge on Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1840 at Coimbatore on the 11th Proximo.

(Here enter No. 780.)

At a Court of the Conjeeveram Adalut.

Present,

Saturday, 25th April 1840. John Bird Esq.re ——— 1st Puisne Judge,

Hec.r Duncan Campbell Esq.re ——— 2d Puisne Judge,

Henry Dickinson Esq.re ——— 3d Puisne Judge,

Read Letter dated the 28th February 1840 from the Third Judge on Circuit in the Northern Division, transmitting the Delete Calendar of the First Sessions of 1840.

(Here enter Jr. Dr. No. 443 of 1840.)

Case No. 3. 1. The Prisoner in this case was charged with having taken a bribe from and released certain Prisoners consigned to his custody, who had been apprehended on a charge of Burglary, and the Third Judge returned the Case to the Criminal Court to be disposed of by that Tribunal, on the ground - as stated in the Extract from his proceedings under date the 27th January 1840 - that there appeared nothing in the Record to shew that it was an aggravated case calling for punishment greater than the Criminal Judge is empowered to inflict.

2. On referring to the Criminal Report of the Zillah Court of Nellore for the Month of January last - in which this case is entered as No. 71 - the Court of Conjeeveram

of Police at Madras, transmitting the Report of Cases tried under Act XXII of 1837 in the Month of March 1840.—

(Here enter No. 758.)

Read Extract from the Minutes of Consultation under date the 7th instant, communicating the opinion of Government on the Proceedings of the Zoujdaree Adalut of the 5th February 1840, submitting figured Statements shewing the probable expence which would be entailed by the adoption of the Courts suggestion to pay the expence of all Prosecutors and witnesses appearing before the Courts of Circuit, without reference to the restriction contained in Section XXXIII of Regulation X 1816, and stating that the matter therein proposed will be submitted for the consideration of the Indian Law Commission.—

(Here enter No. 767.)

Read letter dated the 20th instant from the 3d Judge on Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1840 at Coimbatore on the 11th Proximo.—

(Here enter No. 780.)

Entd.

At a Court of the Zoujdaree Adalut

Present,

Saturday, 25th April 1840. John Reid Esq.re ——— 1st Puisne Judge,

Hec.r Duncan Campbell Esq.re ——— 2d Puisne Judge,

Henry Dickinson Esq.re ——— 3d Puisne Judge,

Read Letter dated the 28th February 1840 from the 3d Judge on Circuit in the Northern Division, transmitting the Sessions Calendar of the First Sessions of 1840.—

(Here enter Sessions No. 443 of 1840.)

Case No. 3.

1. The Prisoner in this case was charged with having taken a bribe from and released certain Prisoners consigned to his custody, who had been apprehended on a charge of Burglary, and the 3d Judge returned the Case to the Criminal Court to be disposed of by that Tribunal, on the ground as stated in the Extract from his proceedings under date the 27th January 1840 — that there appeared nothing in the Record to shew that it was an aggravated case calling for punishment greater than the Criminal Judge is empowered to inflict.—

2. On referring to the Criminal Report of the Zillah Court of Vellore for the Month of January last — in which this Case is entered as No. 1 — the Court of Zoujdaree

Coujdaree Dewanny find that the Prisoner was a Dom: and with reference to this circumstance the Court are of opinion that he was properly committed for Trial before the Court of Circuit: but the Court will not now order his re-commitment.—

Case No. 6.

3. The prisoner in this case was charged with having assaulted on the highway and robbed the Prosecutor and the 1st witness: he having, at the time, a stick in his hand.—

4. The prisoner was sentenced by the Third Judge of Circuit to seven years imprisonment with hard labour in Irons "under section XXI. Regulation VII of 1832;" as there was no finding of "Wilful" in this case the section quoted is not applicable, but the Court approving of the sentence of seven years imprisonment it need not be disturbed.—

5. The Court of Coujdaree Dewanny in their proceedings under dates the 3d March 1838, 5th August 1835, 15th August 1837, and 27th July 1839, have animadverted upon the unnecessary and improper diffuseness of the abstracts of the evidence in the Nellore Calendars and strictly enjoined the Criminal Judge to amend them in that respect. This however has not been done in the Calendar under review, and the Court deem the neglect of their repeated instructions on this point very reprehensible.—

6. Further, the remarks &c. in this Calendar do not appear to have undergone any revision by the European Officers, whose duty it is to revise and correct the labours of their native

native subordinates. The following quotation from the "remarks of the Court of Circuit on Case No. 1 of 1840." is unintelligible: "as to the 1st witness—2d witness—3d witness—4th witness and 12th witness were going to Mungalagherry—the 1st 3d 10th and 11th prisoners came and the 1st prisoner was attacking who with a sword on the thumb of my left hand and wounded me on the head" &c.

7. The remarks of the Court of Circuit on the several cases are likewise extended to an objectionable length—consisting as they do for the most part of a recitation of the evidence for the prosecution and defence.—

8. The Court of Coujdaree Dewanny deem it necessary to intimate to the Third Judge, and direct that the resolution be by that Officer communicated to the Criminal Judge of Nellore—that they will in future return the Calendars for amendment whenever they are laid before this Court in such a state, as is that under review.—

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

(Sent in No. 587.)

Read the Criminal reports for the Month

Month of March 1840 submitted by the acting Joint Criminal Judge at Cochin.—

(Here enter No. 641.)

Case No. 2. The Court of Foujdaree Udalut are not of opinion that the cause of the delay in forwarding the prisoners concerned in Case No. 2 to the Criminal Court have been satisfactorily explained by the Native Police;— if the Tahsildar was unable himself to investigate the charge the Magistrate should explain if there was no other authorized officer on the spot who could have proceeded with the investigation of the Case.—

Ordered accordingly, that extract from those proceedings be forwarded to the Acting Joint Criminal Judge of Cochin, with instructions to communicate a copy thereof to the Magistrate of Malabar for his information and guidance.—

(Sent in No. 588.)

Read the Circuit Report prescribed by section XXXVII. Regulation VII of 1802.— of Mr. H. D. Davis.— Third (now Acting Second) Judge of the Provincial Court of Circuit for the Centre Division.— for the first half of the year 1839.— dated 15th February 1840.—

(Here enter F.D. No. 349 of 1840.)

The

F.D.

25th April 1840.

Parahs. 11 and 12. The Court of Foujdaree Udalut beg leave to bring to the favorable consideration of Government the application mentioned in parah: 12 of this Report— of the sons of the late Zemindar of Palecondah— now in confinement in the Fort of Vellore— for instruction in the English Language: and the suggestion of the Acting Second Judge that a capable teacher be employed for that purpose at the charge of the Government.—

Parah. 17. 2. The Report in this parah: in regard to the state of health of the Convicts visited by the Acting Second Judge is most satisfactory.—

Parah. 18. 3. The Court of Foujdaree Udalut concur in the opinion expressed in this parah: and beg leave to suggest that the Judges of Circuit generally be instructed to visit during their Circuits all convicts who may be employed on public works at a distance from their Jails.—

Parah. 19. 4. It does not appear that the Serjeants attached to the Convict Gangs have applied for an addition to their allowances: and the Court of Foujdaree Udalut as at present advised are not satisfied of the necessity of making any such addition.—

Sanction

Parah. 20.

6. Sanction has been granted by Government under date the 7th Instant No. 8/206 for the periodical relief of the Duffadars and Peons employed on the great Western Road.—

6 With respect to the proposed augmentation of the pay of the Jail Establishment in charge of the Convicts employed on the Great Western Road, the Court of Sudder Adalut are of opinion that as the salary of the Jail Establishment at Guindy, has, for reasons urged in the proceedings of the Sudder Adalut of the 18th April 1838, been raised - the Duffadars to Rupees 8 — 12 per mensem. and the Peons to 6 Rupees per mensem, the pay of this portion of the Jail Establishment on the Western Road, who are subjected to the same personal inconveniences and additional expenses as the similar class of servants employed with the Convicts at Guindy, should also be raised to the same standard.—

See Extract from the Minutes of Consultation under date the 9th May 1836, and order of Govt. dated 8th November 1836.

Para: 25.

7. Under the general allotment of Convicts on the Public Roads proposed in the Minutes of Consultation of the 16th instant No. 97/283. arrangements will perhaps be made for the repair of the Roads in the vicinity of Bellary.—

8. For the opinion of the Court of Sudder Adalut

Adalut as to the expediency of allowing to Convicts in a Jail indulgencies of the nature suggested in para: 26 of the said Report, except at the requisition of the Medical Officer, the Judges beg leave to refer to their Circular Orders of the 27th October 1830 and 5th June 1832.—

Ordered, that Extract from these proceedings, together with copy of the Circuit Report of the 3d, now Acting 2d, Judge of the Provincial Court of Circuit in the Centre Division 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. 589.)

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

(Sent in No. 590.)

Read the Criminal Reports for the Month of March 1840. submitted by the Acting Criminal Judge

Judge of Madura.—

(Here enter No. 737)

Case No. 15. 1. Inasmuch as the prisoner in Case No. 15 does not appear to have been suspected of the Commission of any act of criminality, it was not competent to the Criminal Court to demand security from the prisoner under Clause 1st Section IV Regulation II of 1822, and the sentence of the Sub Ameen must be amended accordingly. If it should be considered necessary and proper that security should be demanded from the prisoner as a "suspicious person" he should be forwarded by the Criminal Court to the Magistrate by whom alone such security is exigible under Clause 1st Section III Regulation II of 1822.—

Case No. 16. 2. The Court of Foujdaree Udalut see reason also to doubt whether there were sufficient grounds for the demand of security made from the 1st prisoner in Case No. 16. If however the security has been furnished and the party is at large on Bail, the Court of Foujdaree Udalut will not disturb the sentence of the Sub Ameen, but if the individual in question is a prisoner in the Gaol, the Judges desire that he may be immediately released from confinement.—

3. The Acting Criminal Judge is directed to furnish the Magistrate of Madura with a copy of the

S. A.

25th April 1840.

the explanation of the Heads of Police who forwarded Cases Nos. 19 and 20 to the Criminal Court, together with a copy of the remarks recorded by the Acting Criminal Judge thereon as entered in the Report under review, in view to the Magistrate forwarding direct to the Court of Foujdaree Udalut an explanation of the delay in Case No. 19. from the 8th to the 13th of March, and in Case No. 20. the exact date of the charge made before the Head of Police, and why that date does not correspond with, or is not anterior to, the date of the apprehension of the prisoners.—

4. With reference to the Statement of Casualties and of Prisoners released during the Month of March, the Acting Criminal Judge is directed to explain under what circumstances the prisoner "Cuckappa" committed suicide, and whether an inquest was held on the body.—

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

2.

April 1840.

guidance by precept returnable in 6 days from and after its receipt.—

(Sent following Precept No 591)

F. U.

At a Court of the Foujdaree Udalut.

Present

Monday, 27th April, 1840.—

John Bird Esqre 1st Puisne Judge.

Alexr Duncan Campbell Esqre 2d Puisne Judge.

Henry Dickinson Esqre 3d Puisne Judge.

Read Miscellaneous Petition

presented on the 13th April 1840 by Vakeel T. Apjohn in behalf of Goodeshory Sythel of the Zillah of Dealabar.—

(Here enter F.U. No 2. No 10 of 1840)

Sythel, an inhabitant of Goodeshory and prisoner in Case No 1 on the Fellicherry 24th additional Calendar for the Fourth Quarterly Sessions of 1839 was convicted by the Jury presiding at the Quarterly Sessions of having broken the lock of a box the key of which was under the charge of the Prosecutor in that case, and stolen therefrom property valued at Rupees 310—— and sentenced to imprisonment with hard Labor in irons for seven years.—

He now alleges his innocence, and represents that had it been his desire he might have embezzled property to the value of that which he is accused of stealing without hazard of detection.—

27th April 1840

He prays that orders may be issued for his release from confinement.

The Court of Fouzdaree Adalut entertain no doubt of the correctness of the Prisoner's conviction, and decline to interfere in the manner prayed for.

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

Read letter dated the 13th instant from the Second Judge of the Provincial Court in the Southern Division, submitting English Translations of the Record in Case No. 36 on the Vizagapatam late Mussulman Courts' Calendar for the 2nd Sessions of 1839.

(Here enter J. No. 738 of 1840.)

Mr. Campbell and Mr. Dickinson

The Court of Fouzdary 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

Cundery Pamjy

is sufficient to convict her of the crime of destroying her child by leaving it in the sea while attempting to destroy it and herself for which discretionary punishment is awardable under the Mahomedan Law, as declared in the futwas of their Law Officers, do convict her thereof, and with reference to the provisions of

Clause

27th April 1840

Clause third Section VII Regulation XV of 1803 sentence her to be imprisoned and kept to labor suitable to her sex within prisons for and during the period of two years from the date of her apprehension.—

(Sent following letters &c.

Read return dated the 16th instant made by the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Fouzdaree Adalut of the 23rd March 1840 requiring the Provincial Court of Circuit to call upon the Magistrate of Guntoor to report the grounds upon which Veteha Dhurmapoory was dismissed from his situation as Head of

Police.—

(Here enter J. No. 756.)

Previous to passing any final order in this matter, the Court of Fouzdaree Adalut desire to have before them a translation of the record of the Trial of the said Veteha Dhurmapoory before the Criminal Court, referred to in para 3 of the order addressed by the Magistrate of Guntoor to that individual under date the 7th of February 1839 and the Provincial Court of Circuit are accordingly hereby ordered to procure and to submit with the least practicable delay.—

Ordered that Extract from these proceedings

He prays that orders may be issued for his release from confinement.

The Court of Foujdaree Adalut entertain no doubt of the correctness of the Prisoner's conviction, and decline to interfere in the manner prayed for.

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

Read letter dated the 13th instant from the Second Judge of the Provincial Court in the Southern Division, submitting English Translations of the Record in Case No 36 on the Vizagapatam late Auxiliary Courts' Calendar for the 2nd Sessions of 1839.

(Here enter Ct. No. 8 of 1840)

Mr Campbell
and
Mr Dickinson

The Court of Foujdary 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

Cundery Pamjee

is sufficient to convict her of the crime of destroying her child by leaving it in the Sea while attempting to destroy it and herself for which discretionary punishment is awardable under the Mahomedan Law, as declared in the fetwas of their Law Officers, do convict her thereof, and with reference to the provisions of

Clause

27th April 1840

Clause third Section VII Regulation XV of 1803 sentence her to be imprisoned and kept to labor suitable to her sex within prisons for and during the period of two years from the date of her apprehension.—

(Sent following letter &c

Read return dated the 16th instant made by the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Foujdaree Adalut of the 23rd March 1840 requiring the Provincial Court of Circuit to call upon the Magistrate of Guntoor to report the grounds upon which Vedeha Dhurmapoory was dismissed from his situation as Head of Police.—

(Here enter No. 7356.)

Previous to passing any final order in this matter, the Court of Foujdaree Adalut desire to have before them a translation of the record of the Trial of the said Vedeha Dhurmapoory before the Criminal Court, referred to in para 3 of the order addressed by the Magistrate of Guntoor to that individual under date the 7th of February 1839 which the Provincial Court of Circuit are accordingly hereby ordered to procure and to submit with the least practicable delay.—

Ordered that Extract from these proceedings

27th April 1840.

proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable in 20 days from and after its receipt.—

(Sent following Precept &c)

The Half yearly Criminal Statements for the 2nd Half of 1839 not having been yet received from the Provincial Courts of Circuit in the Centre, Southern and Western Divisions, and having been specially called for by Government—

Resolved that those Courts be required forthwith to send up the Statements in question, and with reference to the Circular Order No. 14 dated 10th June 1835 to explain the cause which has hitherto delayed their transmission.—

Ordered, that Extract from these proceedings be sent to the Provincial Courts of Circuit in the Centre, Southern and Western Divisions by precept returnable in 5 days from and after its receipt.—

(Sent following Precept &c)

Read the Criminal Reports for the Month of March 1840 received from the Criminal Judge of Combaconnum.—

(Here enter No. 740)

Case No. 31. 1. In Case No. 31. it is stated that the

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1st and 2nd prisoners confessed the offence laid to their charge before the Police, but before the Criminal Court they retracted their former confessions, and as there was no satisfactory evidence against them, they were ordered to furnish Security for their future good behaviour for three Months—

See C. C. No. 30. 2. The uncorroborated confession of a Prisoner before the Police is not sufficient to warrant an order for the requisition of security, and accordingly if there is no other evidence against the 1st and 2nd prisoners, the Court of Foujdaree Adalut desire that they may be immediately released from confinement.—

Case No. 32. 3. The Court of Foujdaree Adalut are also of opinion that sufficient grounds have not been shewn for the demand of Security made against the 1st and 2nd prisoners concerned in Case No. 32, and the Criminal Judge will accordingly cancel the order to that effect passed by the Dindigul Sudr Ameen.—

Case No. 36.— 4. In Case No. 36 it is stated that there is no further proof against the 2nd, 3rd and 4th prisoners than the crimination of the 1st Prisoner, this accusation not having been corroborated by

any

27th April 1840

any other person before the Head of Police the 2nd, 3rd and 4th prisoners should not have been sent up to the Criminal Court and the Magistrate of Tanjore is required to call the attention of the Head of Police of Shealy to the provisions of Section XXVIII Regulation XI of 1816.

Case No. 38.

5. The 2nd prisoner in Case No. 38 appears to have been ordered to furnish security for his future good behaviour and appearance when required within 12 Months, merely because he is stated to have confessed the crime charged against him, before the Village Moonsiff. It is observed that the Village Moonsiff was not competent to receive the confession of the prisoner, and the grounds urged in the Sentence of the Sudr Ameen being altogether insufficient for the demand of security, the Criminal Judge will cancel the Sentence as regards the said 2nd prisoner accordingly.

Case No. 40.

6. The Criminal Judge is desired to ascertain and to report the date of the apprehension of the 10th prisoner concerned in Case No. 40.

Case No. 43.

7. If the Magistrate of Tanjore is of opinion that the reference made to him by the Head of Police of Tullocottah as regards the 1st prisoner, was an unnecessary reference, he will report direct to the Court of Tanjore Adalut what notice he may have taken

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of the delay occasioned thereby in forwarding such prisoner to the Criminal Court.

Case No. 49.

8. The 1st prisoner in Case No. 49. is charged with having preferred a false and malicious Complaint before the Head of Police, and the 3rd prisoner is charged with having been necessary to the same.

9. If the 2nd prisoner was not a party to the false Complaint, the Court of Sunderee Adalut desire that he be immediately released from confinement as in such a Case there can be no necessary.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Combaconum for his information and guidance by precept returnable in 5 days from and after its receipt, and with instructions to communicate Paras 4 and 9. to the Magistrate of Tanjore for his information and guidance.

(Sent following Precept No.)

No. 20.-

At a Court of the Foujdaree Adalut.-

Present:-

Tuesday, 28th April, 1840.-

John Bird Esqre.——— 1st Puisne Judge.

Alexr. Duncan Campbell Esqre. 2nd Puisne Judge.

Henry Dickinson Esqre.——— 3rd Puisne Judge.-

Read returned dated 2nd, and Supple-
mental return dated 15th April 1840, from the 2nd Judge
on Circuit in the Western Division, to the precept
of the Court of Foujdary Adalut of the 10th March
last, conveying their observations in Case No. 1 on the
Calicut Calendar for the 1st Sessions of 1840.- and
directing that the Criminal Judge of Malabar be
instructed to report the result of the enquiry held
by him in conformity with the orders of the Court of
Circuit into the conduct of the Cumaastah Paraboo
Vettel Kondy Menon.

(Here enter F. 66. 8. 642 and D 753)

1. From the information now submitted by the 2nd Judge, it appears that the Criminal Judge of Malabar has been unable to obtain any further evidence against the Cumaastah Parabo Vettel Kondy Menon.-

2. But, although there is no legal evidence against

against him, the Criminal Judge from a view of the whole matter is still of opinion that there is a considerable degree of presumptive evidence against Kondyo Ukeno, and that his conduct has given rise to suspicion of his integrity which prevents the Criminal Judge from recommending his restoration to an office of so much trust and responsibility as the one he lately held.

3. The Court of Inquiry Udalut are of opinion that there is no proof whatever of the charges brought against the Gomashta in question, and they accordingly resolve to direct his immediate restoration to his former situation.

Ordered, that Extract from these proceedings be sent to the 2nd Judge on Circuit in the Western Division for his information and guidance by precept returnable in 20 days from and after its receipt.

(Sent following Precept No. 606)

Read the Criminal Reports for the Month of March 1840 submitted by the Joint Criminal Judge at Guntoor.

(Here enter No. 732.)

Case No. 13. In Case No. 13 it is stated that "the Havildar" "1st and 2nd witnesses depose that the Prosecutor informed "them of his loss; that they went on the traces of the "fallen rice and footsteps and apprehended the prisoner "who confessed before the Police, and said that he sold "the rice Ves to two Comatis, and that they found 12 a

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"seer of Rice in the house of one Comaty, which the "prosecutor identified."

From this explanation it is to be

2.

inferred that "the traces" led to the prisoners house, and if such was the fact and if the Prisoners state-ment in respect to his having sold the Rice to two Comatties was confirmed by one of the Comatys themselves the Court of Inquiry Udalut are of opinion that the Joint Criminal Judge erred in unconditionally releasing the prisoner.

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

(Sent in No. 607)

Read the Criminal Reports for the month of March 1840 submitted by the Criminal Judge of Bellary.

(Here enter No. 733.)

Case No. 16. 1. The Criminal Judge of Bellary is requested to furnish the Magistrate of the District with a copy of the remarks recorded by the Assistant as Criminal Judge on Case No. 16 in view to an Inquiry being made into the Conduct of the Head of Police of the Pannoor Talook, and of such other Police Officers whose proceedings connected with the investigation into the original charge of Highway

Robbery

against him. The Criminal Judge from a view of the whole matter is still of opinion that there is a considerable degree of presumptive evidence against Kandya Menon, and that his conduct has given rise to suspicion of his integrity which prevents the Criminal Judge from recommending his restoration to an office of so much trust and responsibility as the one he lately held.

3. The Court of Foujdaree Adalut are of opinion that there is no proof whatever of the charges brought against the Comastah in question, and they accordingly resolve to direct his immediate restoration to his former situation.

Ordered, that Extract from these proceedings be sent to the 2nd Judge on Circuit in the Western Division for his information and guidance by precept returnable in 20 days from and after its receipt.

(Sent following Precept No. 606.)

Read the Criminal Reports for the Month of March 1840 submitted by the Joint Criminal Judge at Guntoor.

(Here enter No. 732.)

Case No. 13. In Case No. 13 it is stated that "the Honorable 1st and 2nd witnesses depose that the Prosecutor informed "them of his loss; that they went on the traces of the "fallen rice and footsteps and apprehended the prisoner "who confessed before the Police and said that he sold "the rice Vca to two Comatties, and that they found 1/2a

"seer of Rice in the house of one Comaty, which the "prosecutor identified."

2. From this explanation it is to be inferred that "the traces" led to the prisoner's house, and if such was the fact and if the Prisoner's statement in respect to his having sold the Rice to two Comaties was confirmed by one of the Comaty themselves the Court of Foujdaree Adalut are of opinion that the Acting Joint Criminal Judge erred in unconditionally releasing the prisoner.

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

(Sent in No. 607.)

Read the Criminal Reports for the month of March 1840 submitted by the Criminal Judge of Nellore.

(Here enter No. 733.)

Case No. 16. 1. The Criminal Judge of Nellore is directed to furnish the Magistrate of the District with a copy of the remarks recorded by the Assistant as Criminal Judge on Case No. 16 in view to an enquiry being made into the Conduct of the Head of Police of the Pamoor Talook, and of such other Police Officers whose proceedings connected with the investigation into the original charge of Highway Robbery

Robbery may appear to the Magistrate to have been irregular.—

2. The Court of Foujdaree Adalut desire to be informed if the Criminal Judge has satisfied himself by a review of the evidence in Case &c as to that the Sentence to find security passed upon the prisoner by the Moosfee Sudr Ameen is correct. From the abstract of the evidence given in the Criminal Report it would appear that there was sufficient proof for the conviction of the prisoner.—

Case &c. 21. 3. The Criminal Judge will also explain what crime the prisoner in Case &c. 21 was convicted by the Zillah Sudr Ameen. As at present advised the Court of Foujdaree Adalut doubt much the propriety of the Sentence passed by the Sudr Ameen.—

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

(Sent following Precept &c. 602.)

Read the Criminal Reports for the month of March 1840 submitted by the Acting Joint Criminal Judge at Masulipatam.—

(Here enter &c. 7411)

Case &c. 19. With reference to the remark by the Acting Joint Criminal Judge on Case &c. 19 the Court

Court of Foujdaree Adalut would point out to that officer, that on the 1st charge in that case the prisoners if convicted, would be liable to the punishment provided in Section III Regulation III of 1819 for apprehension and abuse of authority.—

Ordered that Extracts from these proceedings be forwarded to the Acting Joint Criminal Judge at Masulipatam for his information and guidance.—

(Sent in &c. 609.)

Read Supplemental Return dated 15th April 1840 from the Acting 1st Judge on Circuit in the Centre Division, to the precept of the Court of Foujdaree Adalut of the 26th March 1840, conveying their observations and orders on the Cuddapah and Cumbum Calendars for the 1st Sessions of 1840.—

(Here enter F. R. &c. 7449.)

With this return the Acting 1st Judge has submitted the report promised by him in the Calendar on Case &c. 23 on the Cuddapah Calendar, in which case he was induced to delay coming to a decision till the arrival of certain papers connected with it, called for from the Police.—

2. The prisoner in this case was charged with gang robbery and was acquitted by the Court of Circuit

a strict adherence to its requirement.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division by precept returnable in 20 days from and after its receipt.—

(Sent following Precept No. 610.)

Read the Sirsee Criminal Reports forwarded by the Provincial Court of Circuit in the Western Division for the month of March 1840.—

(Here enter No. 762 of 1840.)

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 Provincial Court of Circuit in the Western Division to be by them communicated for the information of the Principal Sudr Ameen at Sirsee.—

(Sent in No. 611.)

Read Extract dated the 8th Instant from the Proceedings of the Provincial Court of Circuit for the Centre Division, forwarding with reference to the Proceedings of the Foujdary Adalut of the 5th of February last their opinion on the Proceedings of the Lower Courts in certain Cases which were by the desire of the Court of

of Foujdaree Adalut called up for perusal by the late Acting Judge of Circuit Mr. Thomas.—

(Here enter J. Ho. No. 682 of 1840.)

1. The Provincial Court of Circuit will be pleased to furnish a copy of their remarks in Case No. 138 to the Magistrate of Bellary, who will be required to adopt immediate measures for checking a recurrence of the illegality noticed by the Provincial Court, on the part of the Assistant Surgeon Row in receiving the confession of the prisoner in that Case, the attention of the Magistrate will also in a special manner be called to the highly improper measures adopted by the Head of the Police to induce the prisoner to confess his guilt, and if necessary to take such notice of his conduct as will prevent a similar disregard to the provisions of the Regulations, and the often repeated injunctions of the Court of Foujdaree Adalut on this subject.—

2. The Proceedings of the Provincial Court do not appear to call for further remarks from the Court of Foujdaree Adalut.—

Ordered accordingly, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 10 days, from and after its receipt.—

(Sent following Precept No. 612.)

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a strict adherence to its requirement.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division by precept returnable in 20 days from and after its receipt.—

(Sent following Precept No. 610.)

Read the Three Criminal Reports forwarded by the Provincial Court of Circuit in the Western Division for the months of March 1840.—

(Here enter No. 762 of 1840.)

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

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

(Sent in No. 611.)

Read Extract dated the 8th instant from the Proceedings of the Provincial Court of Circuit for the Centre Division, forwarding with reference to the Proceedings of the Fouzdary Adalut of the 5th of February last their opinion on the Proceedings of the Lower Courts in certain Cases which were by the desire of the Court of

F. Mc.

28th April 1840.

of Fouzdaree Adalut called up for review by the late Acting Judge of Circuit Mr. Thomas.—

(Here enter F. Mc. No. 682 of 1840.)

1. The Provincial Court of Circuit will be pleased to furnish a copy of their remarks in Case No. 138 to the Magistrate of Bellary, who will be required to adopt immediate measures for checking a recurrence of the illegality noticed by the Provincial Court; on the part of the Assistant Simpson Row in receiving the confession of the prisoner in this Case, the attention of the Magistrate will also in a special manner be called to the highly improper measures adopted by the Head of the Police to induce the 2nd Prisoner to confess his guilt, and if necessary to take such notice of his conduct as will prevent a similar disregard to the provisions of the Regulations, and the often repeated injunctions of the Court of Fouzdaree Adalut on this subject.—

2. The Proceedings of the Provincial Court do not appear to call for further remarks from the Court of Fouzdaree Adalut.—

Ordered accordingly, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 612.)

F. 16.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Wednesday, Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

29th April 1840. Henry Dickinson Esqre. — 3d Puisne Judge.

Read letter dated the 13th Instant

115 from the 1st Judge of the Provincial Court of

Circuit in the Southern Division, submitting

copy of the Trichinopoly Calendar for the

1st Quarterly Sessions of 1840.—

(Here enter No. 714.)

Case No. 2 1. In preparing the indictment

in Case No. 2, the Joint Criminal Judge of

Trichinopoly has omitted to observe the form

of indictment for the crime of Subornation

of Perjury, prescribed in the Circular Order

of the 19th of August 1835, No. 49, and

accordingly the 1st Judge is required to enjoin

the Joint Criminal Judge to a strict ob-

servance of the prescribed form of indictment

in future similar commitments.—

2. Adverting to para: 2 of the

1st Judge's

29th April 1840.

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

(Sent in No. 614)

Read letter dated the 15th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Trichinopoly Calendar for the 2d Quarter Sessions of 1840.—

(Here enter No. 736.)

Case No. 1. 1. From the remarks recorded by the 2nd Judge on Case No. 1 it would appear that the 2nd prisoner was an habitual receiver of stolen property, and liable therefore to punishment under Clause 3d Section IV Regulation VI of 1822; the sentence awarded by the 2nd Judge is but a lenient punishment for a receiver of this description.—

2. In justification of the sentence passed upon the 3d and 4th prisoners in the same case, Clause 6th Section II Regulation XV of 1803 should have been quoted by the 2d Judge;— who will amend his sentence accordingly.—

Ordered

1st Judge's letter, submitting this Calendar, the Court of Sunjdaree Udalut resolve to explain for the information and future guidance of Mr Waters, that the submission of Calendars laid before the Court of Quarterly Sessions should not be delayed until the close of the Quarter, but each Calendar should be forwarded to the Court of Sunjdaree Udalut as soon as the Trials of the Cases entered therein have been concluded.—

Ordered, that Ex[redacted] from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance.—

(Sent in No. 613.)

Read letter dated the 10th Instant from the 3d Judge of the Provincial Court in the Western Division, submitting copies of the 5th and 6th Additional Calendars laid by the Acting Joint Criminal Judge of Malabar for the 1st Quarter Sessions of 1840.—

(Here enter No. 737.)

The above Calendars not requiring any observation from the Court of Sunjdaree Udalut.—

Ordered

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

(Sent in No. 615)

Read letter dated the 13th Instant from the Magistrate of Canara, submitting copy of a letter from the Assistant Magistrate of the District detailing the circumstances of a case of Murder lately investigated by that Officer, and as it does not appear to the Magistrate likely that any further evidence in the case will be elicited by the ordinary course of enquiry, recommending that a conditional Pardon may be offered to any of the four persons named by Mr. Lushington.—

(Here enter No. 57.)

1. The Court of Tongdaree Udalut having perused the several papers which accompanied the Magistrates' letter of the 13th Instant, see much reason to doubt that the person named "Tempa," the Poojaree of the Village of Wallalunkey, was murdered by some of the

the papers before the Court it appears not improbable that Tempoojary made away with himself, in the manner conjectured by the inhabitants of the Village, in consequence of his being suspected of having misappropriated certain property belonging to the Pagoda; and until something further therefore transpires to satisfy the Magistrate that Murder was actually committed, the Court of Tongdaree Udalut withhold their sanction for the offer of a conditional pardon to either of the "4 Defendants" referred to by the Assistant Magistrate.—

2. And should the Magistrate having occasion to address the Court of Tongdaree Udalut again on this subject, he will be pleased to report the name of the individual whom he may consider it necessary should be admitted as an approver.—

3. The general discretion which the Magistrate is desirous to obtain for tendering a pardon "to any of the four persons named by Mr. Lushington," is one which the Court of Tongdaree Udalut have ruled to be incompatible

29th April 1840.

Read return dated the 13th Instant made by the Acting Criminal Judge of Madura to the precept of the Court of Fouzdaree Udalut of the 2nd of April 1840 directing that Officer, under instructions received from Government, to cause an additional party of Convicts to be furnished without delay to complete the formation of Lines, outside the Fort, for the Detachment on duty at Madura.

(Here enter Appx 31.)

1.

In the above return the Acting Criminal Judge reports that in "conformity "with the above order. 20 Convicts have been put "upon the work in question, and that they "will continue there until the desired work "is completed."

2.

The Court of Fouzdaree Udalut desire the Acting Criminal Judge will report whether the 20 Convicts referred to are an additional party employed on this work, or whether such party is in fact the strength of the whole Gang employed in forming Lines for the Military Detachment on duty at Madura; and in the event of the whole Gang

3.

S.N.

29th April 1840.

Gang so employed consisting of only 20 Convicts the Acting Criminal Judge is directed to ascertain from the Officer Superintending the work, whether with such party of Convicts the putting fin. of the Lines can be completed.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance by precept returnable in 3. days, from and after its receipt.—

(Sent following precept No. 618)

Read returns dated the 16th and 27th April 1840 from the Provincial Courts of Circuit in the Northern and Centre Divisions to the precept of the Fouzdaree Udalut of the 30th Ultimo, forwarding Circular Order No. 119. directing that Prisoners, on being forwarded to the Criminal Courts on any Criminal charge or information be henceforth invariably accompanied by a Memorandum shewing their previous Convictions (if any) by the Police Magistracy or other authorities

and

29th April 1840.

Read return dated the 13th Instant made by the Acting Criminal Judge of Madura to the precept of the Court of Sunjdaree Udalut of the 2nd of April 1840, directing that Officer, under instructions received from Government, to cause an additional party of Convicts to be furnished without delay to complete the formation of Lines, outside the Fort, for the Detachment on duty at Madura.-

(Here enter No. 731.)

1. In the above return the Acting Criminal Judge reports that in "conformity "with the above order. 20 Convicts have been put "upon the work in question, and that they "will continue there until the desired work "is completed."-

2. The Court of Sunjdaree Udalut desire the Acting Criminal Judge will report whether the 20 Convicts referred to are an additional party employed on this work, or whether such party is in fact the strength of the whole Gang employed in forming Lines for the Military Detachment on duty at Madura; and in the event of the whole Gang

3.

S.N.

29th April 1840.

Gang be employed consisting of only 20 Convicts the Acting Criminal Judge is directed to ascertain from the Officer Superintending the work, whether with such party of Convicts the putting up of the Sepoys can be completed.-

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance by precept returnable in 3. days, from and after its receipt.-

(Sent following precept No. 618.)

Read returns dated the 16th and 27th April 1840 from the Provincial Courts of Circuit in the Northern and Centre Divisions to the precept of the Sunjdaree Udalut of the 30th Ultimo, forwarding Circular Order No. 119. directing that prisoners, on being forwarded to the Criminal Courts on any Criminal charge or information be henceforth invariably accompanied by a Memorandum shewing their previous Convictions (if any) by the Police Magistracy or other authorities

and

29th April 1840.

and their previous general character and conduct
so far as it is currently known and estimated.

(Here enter Nos 797 & 813.)

JJS

JJS

JJS

JJS

No 110

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge

Thursday 30th April 1840. Alexr Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 11th of April 1840 from the Acting 1st 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 Cases Nos 3 and 4 of the Criminal Calendar for the 1st Sessions of 1840.—

(Here enter F.U. No 772.)

Mr Bird and Mr Campbell

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner 1 Dastarz e Karregadoo 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 Clauses first and fifth of Section

Section IV Regulation XV of 1803, sentence the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of fourteen years.—

The 2nd to the 10th prisoner inclusive have been released by the Court of Circuit.—

1. The Court of Foujdaree Udalut after a deliberate consideration can discover nothing in this case to support the opinion expressed by the Acting 1st Judge that the 1st prisoner is an itinerant beggar—in no way whatever connected with the robbery; on the contrary, it appears to them that there is satisfactory proof that he was apprehended with arms upon him at the time of the robbery in the act of running away.—

2. The Court further consider it fully established that he confessed that he was one of the robbers, on the 15th of June, before he could have had time to enter into a conspiracy with the Prosecutor and witnesses or been induced by the Police to implicate the other prisoners or to have framed such a tale.—

Under

3. Under this view of the case, the Court of Foujdaree Udalut have sentenced the prisoner in question to 14 years imprisonment.—

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

(Sent following letter No. 623.)

Read Extract from the Minutes of Consultation under date the 16th of April 1840, recorded on examination of the General Statement shewing the manner in which the services of the Convicts in the several Jails within this Presidency, were disposed of during the half year ending the 31st December 1839.—

(Here enter No. 778.)

1. In the above Extract the Right Honorable the Governor in Council observes "that out of so large a body as 6,455 a "greater proportion than 4,294 ought to be "employed in making and repairing the "public Roads,—the work which under proper "arrangements is calculated to afford the most "remunerating return to Government, and the

greatest

Section IV Regulation XV of 1803, sentences the said prisoner to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of fourteen years.—

The 2nd to the 10th prisoner inclusive have been released by the Court of Circuit.—

1. The Court of Foujdaree Udalut after a deliberate consideration can discover nothing in this case to support the opinion [redacted] proposed by the Acting 1st Judge that the 1st prisoner is an itinerant beggar, in no way whatever connected with the robbery; on the contrary, it appears to them that there is satisfactory proof that he was apprehended with arms upon him at the time of the robbery in the act of running away.—

2. The Court further consider it fully established that he confessed that he was one of the robbers, on the 15th of June, before he could have had time to enter into a conspiracy with the Prosecutor and witnesses or been induced by the Police to implicate the other prisoners or to have framed such a tale.—

Under

3. Under this view of the case, the Court of Foujdaree Udalut have sentenced the prisoner in question to 14 years' imprisonment.—

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

(Sent following letter No. 623)

Read Extract from the Minutes of Consultation under date the 16th of April 1840, recorded on examination of the General Statement shewing the manner in which the Services of the Convicts in the several Jails within this Presidency, were disposed of during the half year ending the 31st December 1839.—

(Here enter No. 778.)

1. In the above Extract the Right Honorable the Governor in Council observes "that out of so large a body as 6,455 a "greater proportion than 4,294 ought to be "employed in making and repairing the "Public Roads, the work which under proper "arrangements is calculated to afford the most "remunerating return to Government, and the

greatest

"greatest benefit to the community," but His Lordship
in Council "remarks that while a considerable
"number of Convicts are employed at Vellore
"in making paper to supply the Public Offices,
"several smaller, and comparatively inefficient
"parties are employed at other jails on the same
"duty"—"these" His Lordship "is of opinion
"should be discontinued, and their services
"transferred to more useful works— In like
"manner, all able bodied Convicts now employed
"in basket making, weaving and beating Paddy
"except to the extent that may be absolutely
"necessary to supply the wants of the prisoners,
"and not for sale, should," in the opinion of
His Lordship in Council, "be transferred to
"the Roads; and at all those Stations where
"their number is so small as to make their
"labor of little benefit, the Convicts should
"be removed, the able bodied to Gangs working
"under Special Superintendence on Great Roads
"or other important public works—" and in view
to strengthen the Gangs employed on the
Public Roads and other important public
works, His Lordship directs that a report

of the number which may be found available
may be submitted at the earliest practicable
period, when the Government will give
the necessary directions for their local
allotment.—

2. The Court of Foujdaree Udalut
gather from these remarks that it is not the
intention of the Right Honorable the Governor
in Council to direct the discontinuance of the
manufacture of paper for the public service
at Vellore, and from the Minutes of Consulta-
tion in the Public Department under date
the 15th April 1840, № 490, the Court of
Foujdaree Udalut infer that the Government
contemplate the future manufacture of paper
for the public service in the jail at Cuddapah
whenever the operations of the paper-makers
in that jail can be resumed.—

3. The Judges also do not believe
it to be the intention of Government to direct
the discontinuance of the manufacture of
Cloth in the jails at Chingleput and Cuddalore
where English Looms have been introduced
at a considerable expense to Government, but
beyond

before issuing final orders to the Officers in charge of the Jails at Vellore, Cuddapah, Chingleput and Cuddalore, the Court of Sujdaree Udalut respectfully request further instructions from Government on this subject for their guidance.—

4. In the meantime however the Court of Sujdaree Udalut resolve to furnish the several Officers in charge of Jails in the Provinces with an Extract from these Proceedings for their information and guidance and with reference to the views of Government in respect to the future employment of Convict labor, to desire they will report at the earliest practicable period what number of Convicts, in the Jail under their charge, may be made available for employment on the publics roads, or other public works, under the Rules printed at page 432 of the Official Gazette for 1837 their Report having particular reference to Rule III.—

5. Basket making, and beating Paddy, to the extent necessary to meet the wants of the Prisoners, may be accomplished by the Prisoners

Prisoners considered unfit for employment on the High roads, and by those confined in default of furnishing security for their good behaviour and appearance when required.—

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

(Sent in Pc. 624.)

Ordered also, that Extract from these proceedings be furnished for the information and guidance of the Criminal and Joint Criminal Judges thro' the 4 Provincial Courts of Circuit.—

(Sent in Pc. 625)

Read the following letter dated the 28th Ultimo from the Agent to the Governor of Fort St. George in Ganjam.—

(Here enter F.C. Pc. 628 of 1840.)

1. The Agent submits a copy of a letter from Captain Vallancey, Assistant Superintendant for the suppression of Thuggee, dated

dated the 27th Ultimo, in which that Officer communicates his intention of forwarding for trial, before the Agent, "certain cases of Thuggee, in which the particular Acts of Murder to be specially charged in the Indictments, against the Prisoners, were perpetrated within the limits of the Bengal Presidency."

2. The Agent observes that he is "disposed to think that the wording of Act No. XVIII of 1839 would authorize the trial of such cases by any competent Court to which they may be committed, wherever the offence may have been committed, without limitation even to the Company's territories; but as the point is of much importance", he considers it "proper to submit the question "as to jurisdiction for the consideration of the "Judges and to solicit their instructions for his "guidance."

3. The Court of Sunjdarees Udalut observe that, by Act No. XVIII of 1839, it is provided that "any person accused of the offence "of murder by Thuggee may be tried by any "Court which would have been competent to try "him

"him if his offence had been committed within "the Zillah where that Court sits" and the Government having, under the provisions of Section IV of Act No. XXIV of 1839, by the Rules which accompanied the letter from the Chief Secretary of the 26th November last, authorized the Governor Agents to exercise, until further orders, the powers of a Court of Circuit, the Court are of opinion that the prisoners in question may be tried either by the Governor Agents or by the Court of Circuit, as may be found most convenient.

4. The Court of Sunjdarees Udalut concur in opinion with the Agent that the provisions of Acts Nos. XXX of 1836 and XVIII of 1839 authorize the trial of cases of the Special nature therein contemplated, by any competent Court, without reference to the local limits within which the offence may be charged to have been perpetrated: in other words that those Acts contemplate no limits, as to jurisdiction.

The

5. The Judges however are not unanimous upon this question. It has been argued that the tracts of land subject to the Agent of the Governor of Fort St. George have been withdrawn from the operation of the ordinary Laws, and are subject to such rules as the Governor of Fort St. George may be pleased to prescribe; that there is no power vested in the Governor of Fort St. George to give these Agents Criminal Jurisdiction, in cases of offences not committed within the tracts subject to them, or over persons not subject to their jurisdiction; and that, according to the provisions of Act XXIV of 1839, the Criminal jurisdiction of the Agents therein referred to is confined exclusively to offences committed within the tracts of country subject to them.

6. The Court of the Agent, it is urged, is not attached to any Zillah; and, is not a Court, coming within the scope of either Section II Act XXX of 1836 or Act XVIII of 1839.

7. It has been observed that upon the same principle of construction, as the Court have

have given to the Acts in question, any person subject to our Courts, might be tried by either of the Agents of the Governor of Fort St. George, by an order of Government passed under Regulation III of 1827, for any crime committed any where within the Madras Presidency, which it is urged is not the Law.

8. The Court of Sudder Adawlut are of opinion that the arguments above alluded to deserve the gravest consideration. They concur in thinking that local limits bound the jurisdiction, in all crimes; except in those contemplated in the Acts Nos. XXX of 1836 and XVIII of 1839; wherby all local limitations of jurisdiction have been abolished.

9. But, as it is of the utmost importance that no such cases should be tried, by any authority of which the jurisdiction is doubtful; they consent to direct that, until further orders, all such cases shall be tried by the Courts of Circuit.

Before

30th April 1840.

10. Before coming to a final decision on this question, the Court of Sunjolaree Udalut resolve to submit Extract from these Proceedings to the Government; in order that a reference may be made to the Supreme Government, to ascertain the manner in which the two Acts in question are carried practically into effect, in similar portions of the territory under the Supreme Government, exempted from the operation of their Code of laws; so that uniformity of construction may, if possible, be given to the Acts in question, under all the Presidencies.—

11. In disposing of this reference, the Supreme Government will no doubt be led to consider the Acts in question; with reference to the XLIII Section, of the Act of the 3rd and 4th Wm 4th Cap. 85; and to the fact of those Acts having conferred jurisdiction on the Courts, over persons not subject to, and over offences, not committed within, the territory, of the Company.—

(Entrie No. 626.)

Ordered

4. No. 56.

30th April 1840.

Ordered, that Extract from these proceedings be sent to the Agents to the Governor of Fort St. George in the Districts of Ganjam and Vizagapatam and to the Provincial Court of Circuit in the Northern Division for their information respectively.—

(Entrie Nos. 627 & 628.)

Read letter dated the 14th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division submitting copies of the 10th and 11th Supplemental Calendars for the Chittoor 1st Quarterly Sessions of 1840.—

(Here enter No. 713.)

1. The two prisoners concerned in Case No. 1 of the 10th Supplemental Calendar have been convicted of Highway Robbery the property taken by the prisoners being valued at 9 Rupees.—

2. Under the circumstances however "of the prisoners not being old offenders, and "the Robbery not being attended with any "personal injury," the Acting 2nd Judge submits "that

"that the ends of justice will be fully satisfied
"by a mitigation" of the prescribed punishment
"to 8 years' imprisonment with hard labor in
"irons".-

3. The Court of Tonjdaree Udalut
concurring in opinion with the Acting 2d Judge,
direct that the mitigated punishment proposed
be passed on the Prisoners
1st "Mauradoo"
and
2nd "Morreddy."

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

(Sent in No. 620)

Read the Criminal Reports
for the month of March 1840. submitted by
the Acting Criminal Judge of Chingleput.-

(Here enter No. 715.)

Case No. 34. 1. The Court of Tonjdaree Udalut
resolve to direct the Judge at present on Circuit
in the Centre Division to look into the proceedings
of

of the Criminal Court in Case No. 34, and to
proceed thereon as directed in Section XXIII.
Regulation X of 1816.-

2. The Court of Tonjdaree Udalut
desire to be informed, whether the 145 Convicts
entered in Column 2 of the Statement appended
to the Reports, and exhibiting the manner
in which the services of the Prisoners in
confinement at Chingleput, are disposed of,
is inclusive of the number of Convicts in
confinement at Chingleput awaiting execution
of their Sentences to Transportation.-

Ordered, that Extract from
these proceedings be forwarded to the Acting
Criminal Judge of Chingleput for his
information and guidance, and that a copy
of para. 1 of these proceedings be furnished
for the information and guidance of the
Acting 1st Judge on Circuit in the Centre
Division.-

(Sent in Nos. 630 & 631.

Read the Criminal Reports
submitted by the Criminal Judge of Chittoor
for

"that the ends of justice will be fully satisfied
"by a mitigation" of the prescribed punishment
"to 8 years' imprisonment with hard labor in
"irons."-

3. The Court of Fouzdaree Udalut
concurring in opinion with the Acting 2d Judge
direct that the mitigated punishment proposed
be passed on the Prisoners
1st "Mauradoo"
and
2nd "Morreddy."-

Ordered, that Extract from these
proceedings be forwarded to the Acting 2d Judge
of the Provincial Court of Circuit in the Centre
Division for his information and guidance.-
(Sent in No. 620)

Read the Criminal Reports
for the month of March 1840. submitted by
the Acting Criminal Judge of Chingleput.-
(Here enter No. 715.)

Case No. 24. 1. The Court of Fouzdaree Udalut
resolve to direct the Judge at present on Circuit
in the Centre Division to look into the proceedings
of

of the Criminal Court in Case No. 24, and to
proceed thereon as directed in Section XXIII
Regulation X of 1816.-

2. The Court of Fouzdaree Udalut
desire to be informed whether the 145 Convicts
entered in Column 2 of the Statement appended
to the Reports, and exhibiting the manner
in which the services of the Prisoners in
confinement at Chingleput, are disposed of,
is inclusive of the number of Convicts in
confinement at Chingleput awaiting execution
of their Sentences to Transportation.-

Ordered, that Extract from
these proceedings be forwarded to the Acting
Criminal Judge of Chingleput for his
information and guidance, and that a copy
of para. 1 of these proceedings be furnished
for the information and guidance of the
Acting 1st Judge on Circuit in the Centre
Division.-
(Sent in Nos. 630 & 631.

Read the Criminal Reports
submitted by the Criminal Judge of Chittoor
for

for the month of March 1840.-

(Here enter No. 739.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut in this place, because in the event of there having been grounds to charge the prisoner in Case of No. 29 with the intent to Rob, and no charge to that effect entered in the arraignment, the omission of the rule prescribed in the Circular Order No. 90 will be duly pointed out to the Criminal Judge, if not by the Court of Circuit, by the Court of Foujdaree Udalut on review of the Calendar containing the Case.-

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

(Sent in No. 632)

Read the Criminal Reports for the month of March 1840. submitted by the Acting Joint Criminal Judge at Tellicherry.

(Here enter No. 742.)

Case No. 38. 1. The Court of Foujdaree Udalut would desire to be informed whether in the examination

examination of the child produced as a witness in Case No. 38 the Acting Joint Criminal Judge had overlooked the Circular Orders of the 15th April 1819 and 12th July 1825.-

Case No. 40 2. The Court of Foujdaree Udalut see reason to doubt whether the evidence adduced in Case No. 40 was sufficient for the Conviction of the Prisoner, and they accordingly direct the Provincial Court of Circuit in the Western Division to call for the proceedings of the Criminal Court in the Case in question, and to pass such orders thereon as may appear to them proper and consistent with the Regulations, reporting the result thereof for the information of the Court of Foujdaree Udalut.-

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Tellicherry for his information and guidance, and that a copy of para. 2 of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance.-

(Sent in No. 633 & 634)

Read

for the month of March 1840.-

(Here enter No. 739.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut in this place, because in the event of there having been grounds to charge the prisoners in Case, No. 29 with intent to Kill, and no charge to that effect entered in the arraignment, the omission of the rule prescribed in the Circular Order No. 90 will be duly pointed out to the Criminal Judge, if not by the Court of Circuit, by the Court of Foujdaree Udalut on review of the Calendar containing the Case.-

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

(Sent in No. 632)

Read the Criminal Reports for the month of March 1840. submitted by the Acting Joint Criminal Judge at Tellicherry.

(Here enter No. 742.)

Case No. 38. 1. The Court of Foujdaree Udalut would desire to be informed whether in the examination

examination of the child produced as a witness in Case No. 38 the Acting Joint Criminal Judge had overlooked the Circular Orders of the 15th April 1819 and 12th July 1825.-

Case No. 40 2. The Court of Foujdaree Udalut see reason to doubt whether the evidence adduced in Case No. 40 was sufficient for the Conviction of the prisoner, and they accordingly direct the Provincial Court of Circuit in the Western Division to call for the proceedings of the Criminal Court in the case in question, and to pass such orders thereon as may appear to them proper and consistent with the Regulations, reporting the result thereof for the information of the Court of Foujdaree Udalut.-

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Tellicherry for his information and guidance, and that a copy of para. 2 of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance.-

(Sent in Nos. 633 & 634)

Read

Read the Criminal Reports
for the month of March 1840 submitted by
the Criminal Judge of Cuddapah.—

(Here enter No. 59)

Case No. 221. 1. The Criminal Judge of Cuddapah
is enjoined to use his endeavours to dispose of
Case No. 221 without further delay. If the
additional witnesses sent for on the 9th of
March do not shortly appear before the Criminal
Court, the case must be disposed of on the
evidence that has been already adduced.—

Case No. 321. 2. The Acting Magistrate of Cuddapah
should be apprized of the commitment of the
prisoners in Case No. 321, and at the same time
he should be informed by the Criminal Judge
that to ensure the conviction of the persons
accused every endeavour should be made to procure
further evidence before the arrival of the Court
of Circuit.—

Case No. 15. 3. The Criminal Judge of Cuddapah
is directed to furnish the Acting Magistrate
of the District, with a copy of the remarks
recorded on Case No. 15, with instructions to

submit a Special report direct to the Court
of Foujdaree Udalut of all the circumstances
connected with the examination of the Prosecutor
and he will also report his opinion whether
any evidence is forthcoming which may lead
to the apprehension of the actual perpetrators
of the crime.—

Case No. 34. 4. The Court of Foujdaree Udalut
desire to be informed of the specific offence
for which the prisoners concerned in Case
No. 34 have been committed to take their
Trial before the Court of Circuit.—

Case No. 37. 5. The Criminal Judge of Cuddapah
is informed that the execution of the sentence
awarded for the escape proved against the
prisoner in Case No. 37 should be suspended
until the result of the commitment of the
same individual in Case No. 36 has been made
known to the Criminal Court.—

Ordered, that Extract from these
proceedings be forwarded to the Criminal
Judge of Cuddapah for his information and
guidance by precept returnable in 5 days

from

30th April 1840.-

Read the Criminal Reports
for the month of March 1840 submitted by
the Criminal Judge of Cuddapah.-

(Here enter No 159)

Case No 221. 1. The Criminal Judge of Cuddapah
is enjoined to use his endeavours to dispose of
Case No 221 without further delay. If the
additional witnesses sent for on the 7th of
March do not shortly appear before the Criminal
Court, the case must be disposed of on the
evidence that has been already adduced.-

Case No 321. 2. The Acting Magistrate of Cuddapah
should be apprized of the commitment of the
prisoners in Case No 321, and at the same time
he should be informed by the Criminal Judge
that to ensure the conviction of the persons
accused every endeavour should be made to procure
further evidence before the arrival of the Court
of Circuit.-

re No 15. 3. The Criminal Judge of Cuddapah
is directed to furnish the Acting Magistrate
of the District, with a copy of the remarks
recorded on Case No 15, with instructions to

Submit

30th April 1840.-

submit a Special report direct to the Court
of Fouzdaree Udalut of all the circumstances
connected with the examination of the Prosecutor,
and he will also report his opinion whether
any evidence is forthcoming which may lead
to the apprehension of the actual perpetrators
of the crime.-

Case No 34. 4. The Court of Fouzdaree Udalut
desire to be informed of the specific offence
for which the prisoners concerned in Case
No 34 have been committed to take their
Trial before the Court of Circuit.-

Case No 37. 5. The Criminal Judge of Cuddapah
is informed that the execution of the Sentence
awarded for the escape proved against the
prisoner in Case No 37 should be suspended
until the result of the commitment of the
same individual in Case No 36 has been made
known to the Criminal Court.-

Ordered, that Extract from these
proceedings be forwarded to the Criminal
Judge of Cuddapah for his information and
guidance by precept returnable in 5 days

from

from and after its receipt, and with instructions to communicate a copy of Paras. 2 and 3 to the Acting Magistrate of Cuddapah for the information and guidance of that Officer.—

(Sent following Precpt. No. 635.)

Read the Criminal Reports for the month of March 1840 submitted by the Acting Joint Criminal Judge at Cuddalore.—

(Here enter No. 763.)

Caste No. 19. The Court of Tanjaore Udalut desire that the Acting Joint Criminal Judge will furnish the Magistrate of South Arcot with a copy of the remarks recorded on Caste No. 19 and 8 at the same time exhort the Magistrate to procure further evidence; but if further evidence is not to be obtained in the ordinary course, and the Magistrate or Joint Criminal Judge may see reason to believe that the offer of a pardon to one or more of the suspected accessaries, would lead to the apprehension or conviction of the principal offender or offenders, a report to that effect should be submitted to the Court of Tanjaore Udalut.—

Ordered

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Cuddalore for his information and guidance, and with instructions to communicate a copy thereof for the information and guidance of the Magistrate of South Arcot.—

(Sent in No. 636.)

Read letter dated the 17th Instant from the Acting 1st Judge on Circuit in the Centre Division, submitting copy of the Bellary Calendar for the 1st Sessions of 1840.—

(Here enter No. 771.)

Caste No. 3. 1. The Court of Tanjaore Udalut much regret the necessity that existed for the postponement a Second time of the trial of the prisoner "Moottiah."—

2. The Acting 1st Judge will be pleased to call upon the Criminal Judge of Bellary to explain, for the information of the Court of Tanjaore Udalut whether every endeavour was made by the Magistracy to

to obtain the attendance of the prosecutor and 4 witnesses at the present Sessions, and at the same time the Criminal Judge will explain what steps have been taken thro' the Magistracy to ensure the attendance of these persons at the next Sessions.-

3. For their failure in attendance at the present Sessions however their recognizances should be declared forfeited.-

Case No. 12. 4. In Case No. 12 the two prisoners Paladoo, and Hoosain Khan stood charged with the crime of Gang Robbery.-

5. The Acting 1st Judge states that the prisoners were recognized at the time of the Robbery, delivered up the property taken, and subsequently in their Village and afterwards at the Criminal Court confessed to the circumstances of the Robbery - the violence used by them towards the prosecutor was, the Acting 1st Judge states, "of the most trifling "description, little more than sufficient to "distinguish the Case from a theft," and the prisoners themselves are proved to have been previously

previously of good character - Under these circumstances the Acting 1st Judge submits that imprisonment for 14 years does not appear called for, but is of opinion that "8 years would amply meet the justice of "the case in all its bearings".-

6. The Court of Soujdaree Udalut concurring in opinion with the Acting 1st Judge, direct that the prisoners

Paladoo

and

Hoosein Khan

be respectively sentenced to 8 years imprisonment with hard labor in irons.-

Case No. 14. 7. Adverting to the reasons assigned for the postponement of the Trial in Case No. 14 viz. the absence of the most material evidence - the Prosecutor and 1st Witness the Court of Soujdaree Udalut desire to be informed if the recognizances of these persons were, by order of the Acting 1st Judge declared to be forfeited.-

Case No. 16. 8. In Case No. 16 the prisoner stood

to obtain the attendance of the prosecutor and B 4 Witnesses at the present Sessions, and B at the same time the Criminal Judge will explain what steps have been taken thro the Magistracy to ensure the attendance of these persons at the next Sessions.-

3. For their failure in attendance at the present Sessions however their recognizances should be declared forfeited.-

Case No. 13. 4. In Case No. 13 the two Prisoners Paladoo, and Hoosain Khan stood charged with the crime of Gang Robbery.-

5. The Acting 1st Judge states that the prisoners were recognized at the time of the Robbery, delivered up the property taken, and subsequently in their Village and afterwards at the Criminal Court confessed to the circumstances of the Robbery - the violence used by them towards the prosecutor was, the Acting 1st Judge states, "of the most trifling "description, little more than sufficient to "distinguish the Case from a theft," and the Prisoners themselves are proved to have been previously

previously of good character - Under these circumstances the Acting 1st Judge submits that imprisonment for 14 Years does not appear called for, but is of opinion that "8 Years would amply meet the justice of "the case in all its bearings."-

6. The Court of Foujdaree Udalut concurring in opinion with the Acting 1st Judge, direct that the prisoners

Paladoo

and

Hoosein Khan

be respectively sentenced to 8 Years imprisonment with hard labor in irons.-

Case No. 14. 7. Adverting to the reasons assigned for the postponement of the Trial in Case No. 14 viz: the absence of the most material evidence - the Prosecutor and 1st Witness the Court of Foujdaree Udalut desire to be informed if the recognizances of these persons were, by order of the Acting 1st Judge declared to be forfeited.-

Case No. 16. 8. In Case No. 16 the prisoner stood

stood charged with having assaulted the Prosecutrix on the high-road, and with having taken from her by force and violence property (Jewels) to the value of Rupees 26.—

9. The Acting 1st Judge states that no serious violence was offered to the person of the Prosecutrix, and he recommends therefore that the legal punishment be reduced to 8 years.—

10. Under the circumstances of the case the Court of Sonjdaree Udalut resolve to accede to the recommendation of the Acting 1st Judge, and to direct that the prisoner

"Narapah"

be sentenced to 8 Years' imprisonment with hard labor in irons.—

Case No. 21. 11. The gross irregularity on the part of the Police, before whom the charge of Murder in Case, No. 21 was originally investigated, had been properly noticed by the Acting 1st Judge to the Magistrate of the District, and by the Court of Sonjdaree Udalut approved of Mr Lewin having recommended the removal of the Police

Duffadar

Duffadar and Sarchesthum who appeared as the 4th and 8th Witnesses on behalf of the prosecution.—They desire however to be informed if the recommendation of the presiding Judge to this effect has been acted upon by the Magistrate, and whether that Officer was directed by the Acting 1st Judge to notice the conduct of the Head of Police by whom the 1st witness was detained in confinement for 7 or 8 days before any deposition was taken from him; and if any such reference has been made to the Magistrate the Court of Sonjdaree Udalut desire to be informed of the result.—

12. The trial of the prisoners before the Court of Circuit terminated in their acquittal on the ground that "there was no other evidence "but the confession before the Police, which "under the circumstances must be held worthless."

13. If however the confession of the 2nd prisoner was corroborated by the discovery of a bloody axe in his house, the Court of Sonjdaree Udalut consider that the release of such prisoner should not have been ordered without

without Security.—

Case No. 23. 14. The Prisoner charged with Murder in Case No. 23 has been acquitted for want of evidence — The charge against the Prisoner resting on such slender testimony it is to be regretted that the Criminal Judge did not send for, and examine as Witnesses, all those Persons who the 1st Witness stated had accompanied the deceased to the Jungle.—

Case No. 24. 15. The Court of Sunjdarre Udalut expect that the Criminal Judge of Bellary will make every exertion to procure further evidence to the Murder charged in Case No. 24.—

16. The Criminal Judge should urge the Magistrate to ascertain whether the Prisoner who stands charged with the Murder of the deceased had any enmity against Goorapah; and every endeavour should be made to discover the man who the 5th Witness states accompanied the deceased with a bundle to the Nullah.—

Cases Nos. 26 and 29. 17. The Criminal Judge of Bellary erred in directing the commitment of these Cases for

for trial before the Court of Circuit.—

Case No. 34. 18. In Case No. 34 it is explained by the Acting 1st Judge that the 5th Prisoner was not engaged in the Robbery charged, but "his crime was that of an accessary before the "fact, in having been employed by others, not "before the Court, in getting the Robbers together" he was sentenced accordingly to 7 Years Imprisonment under Clause 1st Section II Regulation XV of 1803.—

19. The Court of Sunjdarre Udalut resolve to request the Acting 1st Judge to state whether there was not sufficient against this Prisoner to bring him within the scope of Clause 3d Section IV Regulation XV of 1803.—

20. The Court of Sunjdarre Udalut discharge a pleasing duty in again recording the high opinion they entertain of Mr. Login as a Judge of Circuit; and Mr. Paternoster the Criminal Judge of Bellary is also deserving of commendation for the very creditable way in which, with one or two exceptions, the Cases entered in this Calendar have been laid before the Court of Circuit.—

Adverting

30th April 1840.

21. Adverting to the extent and nature of the Criminal business before the Court at Bellary, the Judges of the Foujdaree Udalut in a letter recently addressed by them to Government have recommended that on the contemplated reduction of the Zillah Court at Vizagapatam to an Auxiliary Court, the gentleman who at present stands appointed to the situation of Register of the Zillah Court of Vizagapatam, be transferred to Bellary where the services of a Register are much required.—

Ordered, that Extract from these proceedings be forwarded to the Acting 1st 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 637)

Read return and Supplemental return dated the 1st and 6th Instant from the Acting First Judge on Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 26th March 1840, consigning their observations and orders on the Cuddapah and Curnoor Calendars

S.W.

30th April 1840.

Calendars for the 1st Sessions of 1840.—

(Here enter Nos 635 and 665.)

Read letter dated the 23d Instant from the Acting Deputy Secretary to Government, communicating Extract from the Minutes of Consultation in the Public Department of the 15th Instant, and directing that the necessary instructions be issued through the Judicial Department to the Superintendent of Stationery being supplied from the Jail at Chingleput with such quantity of Cartridge Paper as may be required for the public Service, until the Manufacture of paper at the Jail at Cuddapah shall be resumed.—

(Here enter No 790.)

1st May 1840.

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English record in Case No. 30 of the Bellaree Calendar for the 2nd Sessions of 1839.—

(Here enter No. 773 of 1840.)

Mr. Bird
and
Mr. Dickinson.

The Court of Foujdary 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—

Veeraguttee Narasseegan

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law; as declared in the futwahs of the 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 and kept to hard labor, in irons, on the public roads, or other public works, for, and during the period of five years.—

(Sent following letter No. 645.)

Read letter dated the 20th of April 1840 from the Agent to the Governor of Fort St. George at Vizagapatam.— Submitting for the consideration and final sentence of the Court of Foujdaree Udalut the

1st May 1840.

the record of the trial in Case No. 10 on his file.—

(Here enter F.R.C. No. 800.)

Mr. Bird
and
Mr. Campbell.

The Court of Foujdary 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 Cunchiladah Ennachandra panze

and

2nd Cunchiladah Cavisipatj panze

is sufficient to convict them of the crime of murder, do convict them thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court sentence the 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 fourteen (14) years.—

At page 55 of the record in pleading to the arraignment before the Agent, it is recorded that "the prisoner said he did not commit the crime."—

The Court of Foujdaree Udalut observe that this mode of recording the prisoner's plea is irregular.— The reply to the Question are you guilty or not? or Did you

2nd May 1840.

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English record in Case No. 30 of the Bellaree Calendar for the 2nd Sessions of 1839.

(Here enter No. 773 of 1840.)

Mr. Bird
and
Mr. Dickinson

The Court of Foujdarry 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

Veerooguttee Narasseegan[redacted]

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law; as declared in the futwahs of the 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 and kept to hard labor, in irons, on the public roads, or other public works, for, and during the period of five years.—

(Sent following letter No. 645.)

Read letter dated the 20th of April 1840 from the Agent to the Governor of Fort St. George at Vizagapatam — Submitting for the consideration and final sentence of the Court of Foujdaree Adalut the

1st May 1840.

Mr. Bird
and
Mr. Campbell.

the record of the trial in Case No. 10 on his file.—

(Here enter F.R.C. No. 809.)

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

1st Chinchiladah Ramachendra ranze

and

2nd Chinchiladah Canniah ranze

is sufficient to convict them of the crime of murder, do convict them thereof, but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section V Regulation VIII of 1802, would, in this instance, be too severe, the Court sentence the 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 fourteen (14) years.—

At page 55 of the record in pleading to the arraignment before the Agent, it is recorded that "the prisoner said he did not commit the crime."—

The Court of Foujdaree Adalut observe that this mode of recording the prisoner's plea is irregular. The reply to the Question are you guilty or not? or Did you

1st May 1840.

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English record in Case No. 30 of the Bellaree Calendar for the 2nd Sessions of 1839.

(Here enter No. 773 of 1840.)

Mr. Bird and Mr. Dickinson.

The Court of Foujdary 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

Veerapuguttee Narasseegan

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law; as declared in the futwahs 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 and kept to hard labor in irons, on the public roads, or other public works for, and during the period of five years.—

(Sent following letter No. 645.)

Read letter dated the 20th of April 1840 from the Agent to the Governor of Fort St. George at Vizagapatam — Submitting for the consideration and final sentence of the Court of Foujdaree Udalut the

1st May 1840.

Mr. Bird and Mr. Campbell.

the record of the trial in Case No. 10 on his file.—

(Here enter F. No. 800.)

The Court of Foujdary 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 Chinchiladah Ramachendra Panze

and

2nd Chinchiladah Cassipatty Panze

is sufficient to convict them of the crime of murder, do convict them thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court sentence the 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 fourteen (14) years.—

At page 55 of the record in pleading to the arraignment before the Agent, it is recorded that "the prisoner said he did not commit the crime."—

The Court of Foujdaree Udalut observe that this mode of recording the prisoner's plea is irregular.—The reply to the Question are you guilty or not? or Did you

1st May 1840-

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English record in Case No. 30 of the Bellaree Calendar for the 2nd Sessions of 1839-

(Here enter No. 773 of 1840.)

Mr. Reid and Mr. Dickinson- The Court of Foujdary 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-

Veerooguttee Narasseegan[redacted]

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in the futwahs of the 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 and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of five years-

(Sent following letter No. 645.)

Read letter dated the 20th of April 1840 from the Agent to the Governor of Fort St. George at Vizagapatam- Submitting for the consideration and final sentence of the Court of Foujdaree Udalut the

1st May 1840- the record of the trial in Case No. 10 on his file-

(See enter F. Vol. No. 800.)

Mr. Reid and Mr. Campbell- The Court of Foujdary 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 Chinchiladah Ennachendra ranze

and

2nd Chinchiladah Cassipatty ranze-

is sufficient to convict them of the crime of murder, do convict them thereof, but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court sentence the 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 fourteen (14) years-

At page 55 of the record in pleading to the arraignment before the Agent, it is recorded that "the prisoner said he did not commit the crime"-

The Court of Foujdaree Udalut observe that this mode of recording the prisoner's plea is irregular- The reply to the Question are you guilty or not? or Did you

2d May 1840-

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the English record in Case No. 30 of the Bellaree Calendar for the 2nd Sessions of 1839-

(Here enter No. 773 of 1840-)

Mr. Bird
and
Mr. Dickinson-

The Court of Foujdarry 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-

Veerooguttee Narasseegan[redacted]

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in the futwahs of the 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 and kept to hard labor, in irons, on the public roads, or other public works, for, and during the period of five years.-

(Sent following letter No. 645.)

Read letter dated the 20th of April 1840 from the Agent to the Governor of Fort St. George at Vizagapatam - Submitting for the consideration and final sentence of the Court of Foujdaree Adalut the

2d May 1840-

the record of the trial in Case No. 10 on the file.-

(See vide F. Mo. No. 809.)

Mr. Bird
and
Mr. Campbell-

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

1st Chinchiladah Ennachendra ranze
and
2d Chinchiladah Cawsepatty ranze-

is sufficient to convict them of the crime of murder, do convict them thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court sentence the 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 fourteen (14) years.-

At page 55 of the record in pleading to the arraignment before the Agent, it is recorded that "the prisoner cried he did not commit the crime."-

The Court of Foujdaree Adalut observe that this mode of recording the prisoner's plea is irregular.- The reply to the Question- are you guilty or not? or- Did you

1st May 1840.-

you commit this crime or not? Should be taken down in the words of the accused. I am not guilty or I did not commit this crime.-

The Court of Sudder Adawlut observe that the instructions conveyed to the Agent in their Proceedings of the 6th March 1840. requiring him to discontinue the transmission of copies of the proceedings in the original language has escaped his notice.- and they direct that his attention be again called thereto.-

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

(Sent following letter No. 646.)

Read letter dated the 7th March 1840 from the Acting Criminal Judge of Cuddapah forwarding a copy of the correspondence containing the opinions of the Medical Officers as to the propriety of releasing Poreddy Eddal Conda reddy. Prisoner in Case No. 13 of the Cuddapah Calendar for the 2nd Sessions of 1838.-

(See inter F.H. No. 504.)

1. The Assistant Surgeon at present in charge of the Jail at Cuddapah reports that Poreddy Edda Conda reddy has appeared to be of perfectly sane mind

ever

F. H.

1st May 1840.-

ever since he came under his charge on the 1st January last and is capable at present of going at large with safety to the public.

2. He cannot however certify that he will always continue as every person who has been once insane must be considered more or less liable to a relapse of the disease.-

3. It is observed that Mr. Jamieson, late in charge of the Jail, was also of opinion that although Edda Conda reddy was apparently in a sound state of mind during the time he was under his charge, yet if he has escaped punishment in consequence of being insane he can never be set at liberty with safety, as when insanity has once appeared, there is always a risk of relapse.-

4. Under these opinions the unconditional release of the individual in question would be improper and accordingly the Court of Sudder Adawlut direct that Poreddy Edda Conda reddy be still detained in confinement, unless some of his relations or friends are able and willing to enter into an engagement to take care of him, and to prevent his doing further mischief, on this point the Criminal Court will communicate with them, if necessary through the Magistrate.-

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

(Sent in No. 647.)

1st May 1840.

Udalut

The Court of Foujdary having occasion to refer to the record of the trial in Case No. 5 on the Salem Calendar for the 2nd Sessions of 1836, resolve to direct the Provincial Court of Circuit in the Southern Division to prepare and submit with the least practicable delay an English translation of the record thereof.—

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

(Sent following Precept No. 648.)

WS

WB

Eyre

JB

F. 116.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Saturday, Alexr. Duncan Campbell Esqre. 2d Puisne Judge

2nd May, 1840. Henry Dickinson Esqre. — 3d Puisne Judge.—

Read the Criminal Reports

for the Month of March 1840. Submitted by

the Criminal Judge of Bellary.—

(Here enter No. 719.)

WS

WB

JB

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

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

(Sent in No. 652.)

Read the Criminal Reports for the Month of March 1840, submitted by the Officiating Joint Criminal Judge at Tinnevelly.

(Here enter No. 720.)

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

Ordered

1st May 1840.

Udalut

The Court of Foujdarry having occasion to refer to the record of the trial in Case No. 5 on the Sabrin Calendar for the 2nd Sessions of 1836 resolve to direct the Provincial Court of Circuit in the Southern Division to prepare and submit with the least practicable delay an English translation of the record thereof.—

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

(Sent following precept No. 648.)

F. 86.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge

Saturday, Alexr. Duncan Campbell Esqre. 2d Puisne Judge

2nd May, 1840. Henry Dickinson Esqre. — 3d Puisne Judge.—

Read the Criminal Reports for the Month of March 1840. Submitted by the Criminal Judge of Bellary.—

(Here enter No. 760.)

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

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

(Sent No. 652.)

Read the Criminal Reports for the Month of March 1840, Submitted by the Officiating Joint Criminal Judge at Tinnevelly.

(Here enter No. 720.)

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

Ordered

Ordered therefore that Extract from the proceedings be sent to the Officiating Joint Criminal Judge at Tinnevelly for his information

(Sent in Ltr No. 653.)

Read letter dated the 21st ultimo from the 2nd Judge of the Provincial Court in the Northern Division, reporting the opening of the 2nd Quarterly Sessions of 1840.

(Here enter No. 803 of 1840.)

Read Return dated the 23rd ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Tinjidaree Udalut of the 23rd March 1840, conveying their orders upon the Petitions of Sait Seva Lauk, Rajah Vajeeredy Mahammah, Sabneevis Vencata Cristnen and Rajah Vajeeredy Lutchmapatty Naidoo, connected with the proceedings of the Magistrate in the matter of the claims of the several parties to certain property appertaining to the Vajeeredy Estate.-

(Here enter No. 825 of 1840.)

F. W.

Monday, 4th May 1840.

At a Court of the Tinjidaree Udalut.—

Present,

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 2d Puisne Judge
Henry Dickinson Esquire 3d Puisne Judge

Read again Miscellaneous Petitions presented on the 15th July and 11th November 1839, by Lutchmoo Ammal of the Zillah of Chittoor, as already recorded on the 5th August and 11th November 1839 and 6th January last.

Read also Miscellaneous Petitions from the said female.-

(Here enter Nos. 1 and 43. of 1840.)

Also read again Return dated 23rd September and Supplemental return dated 18th December 1839, from the Provincial Court of Circuit for the Centre Division, to the precept of the Court of Tinjidaree Udalut under date the 6th September 1839, directing them to instruct the Magistrate of North Arcot, to take evidence as to the truths or falsity of the assertion of the Petitioner Lutchmoo Ammal. that she was detained in confinement by the Head of Police of Caverypauk for

Six

Ordered therefore, that [illegible]
the proceedings be sent to the Off[illegible] of that Officers
Criminal Judge at Tinnev[illegible] Uddalut as
[illegible]
[illegible] 28th September 839 and 27th
January 840

Read also return dated 18th February
1840, and Supplemental return dated 9th March 1840,
from the Provincial Court of Circuit for the Centre Division
to the precept of the Court of Tondaree Uddalut of the 27th
January 1840, directing them to instruct the Magistrate
of North Arcot to refer to the accounts of Batta paid
by the Tahsildar of Cauvery pauk and to ascertain and
report whether they contain a charge for batta paid to
the Petitioner Lutchmoo Ammal during the period she
was in confinement.-

[Here enter Fls. Nos. 362 & 502 of 1840]

1. With their Supplemental return of the
18th December, the Provincial Court submit a copy of a
return dated the 13th of that month from the Magis-
trate of North Arcot, in which that Officer reports that
"according to an order issued to the Head of Police in the
"Cauvery pauk Talook, the Complainant Lutchmee Ammal
"having returned again to her village, was produced
"before the Acting Head Assistant Magistrate and her
complaint

"complaint investigated- that it appears on reference
"to former proceedings- that what the woman states regard-
"-ing her confinement in Jail is true: it further appears
"that the Head of Police having found her guilty on two
"accusations brought against her he imposed on her
"the fine of two Rupees for each offence, and in default
"of payment confined her in Jail for six days."-

2. With regard to her accusation that
the Tahsildar (during her confinement for six days) gave
her nothing to Eat or drink, the Magistrate states it is
altogether false and not to be credited, she cannot pro-
duce one evidence in favor of it.-

3. The Magistrate further states his
opinion "that the Head of Police acted with perfect pro-
"-priety, and that altogether taking into consideration
"that the complainant was punished previously for
"two different offences; he thinks her complaint is both
"frivolous and unfounded."-

4. In his return of the 6th March which
accompanied the Supplemental Return from the Pro-
-vincial Court of the 9th of that month, the Magistrate
states that it is not usual in every Talook to pay Batta
to individuals who's circumstances will admit of their
supporting themselves when confined in the Cutcherry

in

six days without food and Submit a copy of that Officers report for the information of the Tonjadaree Udalut as already recorded on the 28th September 1839 and 27th January 1840.

Read also return dated 18th February 1840, and Supplemental return dated 9th March 1840, from the Provincial Court of Circuit for the Centre Division in the precept of the Court of Tonjadaree Udalut of the 27th January 1840, directing them to instruct the Magistrate of North Arcot to refer to the accounts of Batta paid by the Tahsildar of Canavery Paunk and to ascertain and report whether they contain a charge for batta paid to the Petitioner Lutchimee Ammal during the period she was in confinement.

(Here enter F.Cs. Nos. 362 & 502 of 1840)

1. With their Supplemental return of the 18th December the Provincial Court Submit a copy of a return dated the 13th of that Month from the Magistrate of North Arcot, in which that Officer reports that "according to an order issued to the Head of Police in the "Canavery Paunk Taluk, the Complainant Lutchimee Ammal "having returned again to her village, was produced "before the Acting Head Assistant Magistrate and her Complaint

"complaint investigated - that it appears on reference "to former proceedings that what the woman States regard- "ing her confinement in Jail is true: it further appears "that the Head of Police having found her guilty on two "accusations brought against her, he imposed on her "the fine of two Rupees for each offence, and in default "of payment confined her in Jail for Six days."

2. With regard to her accusation that the Tahsildar (during her confinement for Six days) gave her nothing to Eat or drink, the Magistrate States it is altogether false and not to be credited, She cannot produce one evidence in favor of it.

3. The Magistrate further States his opinion "that the Head of Police acted with perfect pro- "priety, and that altogether taking into consideration "that the complainant was punished previously for "two different offences; he thinks her complaint is both "frivolous and unfounded."

4. In his return of the 6th March which accompanied the Supplemental Returns from the Provincial Court of the 9th of that Month, the Magistrate States "that it is not usual in every Taluk to pay Batta "to individuals whose circumstances will admit of their "supporting themselves when confined in the Cutcherry in

in default of paying a fine imposed on them.

5. "In the Petitioner Lutchmy's case it appears that she was placed immediately under the charge of a Police Peon named Syed. This individual whose house adjoins that of Lutchmy accompanied her morning and Evening to her house to receive her victuals. another Peon Parasaram Naicken who was also on guard over Lutchmy states in Evidence that he daily observed the Complainant and the Peon Syed go and returns from her house. There appears to have been no complaint heard by any of the Peons or other Cutcherry Servants that the Complainant was in want of food during her confinement, and they had hourly opportunities of hearing this if such had been the fact, as she was seated in a part of the Cutcherry.

6. "There can be no doubt, adds the Magistrate, that the real truth is this, and it is also the opinion of all, that Lutchmy preferred the charge against the Tahsildar of depriving her of food, being aware that the Peon Syed, the only individual who could speak to the facts, was dead, and that there was no other person who could say that she did positively go to her house twice a day for food."

The

7 The Court of Fouzdaree Adalut under the explanations submitted by the Magistrate direct that the Petitioners from the party on this subject be dismissed as rejected.

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

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, for communication to the Magistrate of North Arcot, with reference to the Proceedings of this Court of the 27th January last. and the 6th September 1809

(Sent in No. 656.)

Read Miscellaneous petition presented on the 24th of February 1810 by Brooktypar Vakeel Goorvo-Samy Iyer on behalf of Appalachariar of the Zillah of Chittoor.

(Here enter F.R. Mis. No. 19 of 1810)

The prayer of this petition is that

1. the Court of Fouzdaree Adalut will issue a precept to the Criminal Judge of Chittoor to proceed with the trial and award a punishment to certain persons named in the petition whom the Petitioner charges

with

with having committed a forgery in a Suit brought against three of them and Several other Defendants by the Petitioner for the Recovery of treasure from which he claims as proprietor of the Soil in which the treasure was found.

2. It is alleged by the Petitioner that Criminal Proceedings were commenced against the parties in question by the late Judge Mr. Lascelles who was unable to complete them, in consequence of the absence of certain important witnesses, and that Since that Officer's removal no further Steps have been taken in the matter.

3. It does not appear that the Petitioner has addressed the Court of Circuit on the Subject, and the Court therefore resolve to Refer the Petitioner to the Judge now Presiding at the Quarterly Sessions at Chittoor.

4. The Court of Fouzdaree Adalut cannot notice the matter in the first instance.

Ordered, that the above 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 16th March 1840 by Govindan

(Here enter M. P. No. 27 of 1840)

The Petitioner represents that he

1. is related to Moonegan, a prisoner in a case No. 4 on a Calendar of which neither the Zillah nor Sessions is Specified, states the circumstances under which as he alleges the prisoner was apprehended committed for trial and eventually Sentenced to imprisonment with hard labour in irons by the Court of Circuit, complains that the Sentence is unjust, and prays the Court to call for the record and reverse it.

The Court of Fouzdaree Adalut &c

2. no ground for their interference in behalf of the prisoner in question, and direct that the petition be rejected.

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

Read Miscellaneous Petition presented on the 29th April 1840 by Varanasee Sambiah of the Zillah of Chicacole.

(Here enter F. M. Dk. P. No. 50 of 1840)

This is one of the same persons who

1. addressed the Court under date the 20th January last, and the petitions is to the same effect, viz, to procure the release

of

with having committed a forgery in a Suit brought against three of them and several other Defendants by the Petitioner for the Recovery of treasure from which he claims as proprietor of the Soil in which the treasure was found.

2. It is alleged by the Petitioner that Criminal Proceedings were commenced against the parties in question by the late Judge Mr. Lascelles who was unable to complete them, in consequence of the absence of certain important witnesses, and that since that Officer's removal no further steps have been taken in the matter.

3. It does not appear that the Petitioner has addressed the Court of Circuit on the Subject, and the Court therefore resolve to refer the Petitioner to the Judge now Presiding at the Quarterly Sessions at Chittoor.

4. The Court of Fouzdaree Udalut cannot notice the matter in the first instance.

Ordered, that the above 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 16th March 1840 by Govindoo

/Here enter Mr. P. No. 27 of 1840/

1. The Petitioner represents that he is related to Moonegan, a prisoner in a case No. 4 on a Calendar of which neither the Zillah nor Sessions is specified, states the circumstances under which as he alleges the prisoner was apprehended, committed for trial and eventually sentenced to imprisonment with hard labour in irons by the Court of Circuit, complains that the Sentence is unjust, and prays the Court to call for the Record and reverse it.

The Court of Fouzdaree Udalut see

2. no ground for their interference in behalf of the prisoner in question, and direct that the petition be rejected.

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

Read Miscellaneous Petitions presented on the 29th April 1840 by Varanasee Sambiah of the Zillah of Chicacole.

/Here enter F. M. Pet. No. 50 of 1840/

This is one of the same persons who

1. addressed the Court under date the 20th January last, and the petitions is to the same effect, viz, to procure the release

of

of his brother the 2d prisoner in Cases Nos. 5, 6, 7, 8, & 9 of the Chicacole Calendar for the 2d Sessions of 1839.

2. As intimated to the petitioner on the 23d March last, the Court of Sonjdaree Udalut see no reason to question the propriety of the conviction of the prisoner in question.

3. The prayer of this petition is accordingly rejected, and the Petitioner informed that any further address on this subject cannot be received.

Ordered accordingly, that the Petition be rejected, and that copy of these Proceedings be furnished to the Petitioner on his application.

Read petition presented on the 27th ultimo by Nungoondapah of the Zillah of Chittoor.

(Here enter M. P. No. 51 of 1840)

1. The Petitioner complains of the unjust imprisonment of his maternal Uncle Cundalee Badrapah prisoner in Case No. 1 of the Chittoor 5th Supplemental Calendar for the 1st Quarter Sessions of 1840 on a charge of forgery, and prays that the Court of Sonjdaree Udalut will after considering the record of the trial, and certain Bonds mentioned in the petition, issue orders for the immediate release of his Uncle from confinement.

The

J. U.
4th May 1840.

2. The Court of Sonjdaree Udalut decree that the petitioner be informed that his Uncle has been acquitted by the Sonjdaree Udalut on the charge of Forgery, but considering that there was sufficient testimony to justify his being put on his Trial for uttering the forged document with intent to defraud, orders have been issued for his being brought to Trial for that Offence.

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

Coomrasawmy Moodely Mootkyan Vathial on behalf of Trucatachella Moodely and Ramasawmy Moodely of the Zillah of Chingleput, moves the Court to return the Enclosures in Miscellaneous Petition No. 22 of 1840.

Ordered accordingly.

Read the Criminal Reports for the month of March 1840 submitted by the Criminal Judge of Malabar.

(Here enter No. 774.)

Case No. 35.

1. A Copy of the remarks recorded by the Criminal Court on Case No. 35 should be furnished by the Criminal Judge to the Magistrate of the District, in order that due notice may be taken of the conduct of the Police should the Statement of the

the witness, "that he was compelled to sign in the Talook
"a false Statement" against the prisoner, prove to be true.

Case No. 42. 2.

If the 1st prisoner in Case No. 42 was convicted of Housebreaking, Clause 6th Section II. Regulation VI of 1822 should have been quoted in justification of the sentence, but if the breaking was not established, Clause 4th Section III. Regulation VI. of 1822 was properly quoted in support of the punishment awarded. The Criminal Court will point out, thro' the Magistracy, to the Officer who sent in this Case, that the 2d and 3d Prisoners should not have been sent in as such, because they possessed no knowledge of the articles having been robbed.

Case No. 43. 3.

The Court of Fouzdaree Adalut desire to be informed whether the prisoner in Case No. 43. was convicted of a theft, and if so, the Criminal Judge will explain the circumstance of aggravation which brought the Case within Clause 4th Section III Regulation VI. of 1822.

4.

The Criminal Judge will also request the Magistrate of Malabar to report direct to the Court of Fouzdaree Adalut the circumstances which led to the detention of the prisoner in this Case in the Talook from the 8th of December to the 28th February 1840.

Case No. 44. 5.

The Court of Fouzdaree Adalut

doubt

doubt whether Case No. 44 of the Malabar Criminal File has been properly disposed of, and accordingly they resolve to direct the Provincial Court of Circuit in the Western Division to call for the proceedings in the case, and to pass such orders thereon as may appear to them proper and consistent with the Regulations.

Case No. 57. 6.

The prisoner concerned in Case No. 57 appears to have been forwarded to the Criminal Court on very insufficient grounds, and accordingly the Criminal Judge will bring the circumstance to the notice of the Magistrate.

7

With reference to the Statement shewing the manner in which the Convicts were employed during the month of March 1840, the Court of Fouzdaree Adalut desire to be informed whether the whole of the 177 Convicts working outside, were employed on works connected with the new Record Room.

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

(Sent following Precept No. 657.)

Ordered also, that a copy of para 5.

of

of the 2d proceedings be forwarded for the information and guidance of the Provincial Court of Circuit in the Western Division.

(Sent in No. 658.)

Read the Criminal Reports Submitted by the Principal Sudr Ameen at Ishapoor for the month of March 1840.

(Here enter No. 785.)

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

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

(Sent in No. 659.)

Read letter dated the 13th Ultimo from the Principal Sudr Ameen at Ishapoor, forwarding Copy of a letter from the Magistrate of Sanjam which was omitted to be forwarded with the correspondence which accompanied the Criminal Report for the months of March last.

(Here enter No. 775.)

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 6th May, 1840.

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 23d ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, Submitting copy of the 1st Supplemental Calendar for the 2d Quarter Sessions of 1840, held at Trichinopoly.

(Here enter No. 810.)

Cases Nos 1 and 2.

The Court of Foujdaree Udalut doubt whether the cases entered in the margin have been properly disposed of by the presiding Judge, and accordingly they resolve to direct that an English Translation of the Record of the Trials in Cases Nos 1 and 2 be prepared and Submitted for their consideration.

Ordered, that extract from these proceedings be forwarded to the 2d Judge presiding at the present Quarter Sessions at Trichinopoly, for his information and guidance by

4th May 1840.

of these proceedings be forwarded for the information and guidance of the Provincial Court of Circuit in the Western Division.

(Sent in No. 658.)

Read the Criminal Reports submitted by the Principal Sudr Ameen at Sholapoor for the month of March 1840.

(Here enter No. 785.)

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

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

(Sent in No. 659.)

Read letter dated the 13th Ultimo from the Principal Sudr Ameen at Sholapoor, forwarding Copy of a letter from the Magistrate of Sanjan which was omitted to be forwarded with the correspondence which accompanied the Criminal Report for the month of March last.

(Here enter No. 775.)

E. W. L.

WS

WD

JB

F. 16.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 6th May 1840.

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 23d ultimo from the 2nd Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the 1st Supplemental Calendar for the 2d Quarter Sessions of 1840, held at Trichinopoly.

WS

WD

JB

(Here enter No. 810.)

Cases Nos. 1 and 2.

The Court of Foujdaree Udalut doubt whether the cases entered in the margin have been properly disposed of by the presiding Judge, and accordingly they resolve to direct that an English Translation of the Record of the Trials in Cases Nos. 1 and 2 be prepared and submitted for their consideration.

Ordered, that extract from these proceedings be forwarded to the 2nd Judge presiding at the present Quarter Sessions at Trichinopoly, for his information and guidance by

Precept

precept returnable in 15 days from date after its receipt.

(Sent following Receipt No. 666)

Read Extract from the Minutes of Consultation dated the 27th ultimo, stating that the Proceedings of the Tondiarre Adalut of the 16th March 1840 are review of the Report of the 3rd Judge of the Provincial Court of Circuit in the Western Division on the Tellicherry 4th Quarterly Sessions of 1839 - do not appear to call for any particular remark -

(Here enter No. 831 of 1840.)

Read Return dated the 29th ultimo from the 3rd Judge on Circuit in the Southern Division, to the precept of the Tondiarre Adalut of the 21st April 1840, conveying their observations and orders on the Combaconum Calendar for the 1st Sessions of 1840 -

(Here enter No. 835 of 1840.)

Read Statement dated the 1st ultimo from the Criminal Judge of Salem, of the amount realized by the labor of the Prisoners in the 1st Quarter of 1840 -

(Here enter No. 840 of 1840.)

Read letter dated the 2d instant from

from the Acting Criminal Judge of Chingleput forwarding a list of convicts arrived up to the end of last Month under Sentence of Transportation -

(Here enter No. 841 of 1840.)

Read Return dated the 1st ultimo from the Officer Commanding Nilgherries of the convicts in the Jail at Dotacamund for the Month of March 1840 -

(Here enter No. 843 of 1840.)

Read letter dated the 29th ultimo from the Acting Magistrate of Cuddapah, returning the record in Case No. 6 on the Cuddapah Calendar for the 2nd Sessions of 1839, which accompanied Tondiarre Adalut's letter dated 30th March, 1840 -

(Here enter No. 846 of 1840.)

Read letter dated the 30th ultimo from the Acting Magistrate of Cuddapah, submitting the explanation called for in the Proceedings of the Tondiarre Adalut dated the 2nd Instant, relative to Case No. 36 on the Cuddapah Criminal Reports for the Month of February 1840 -

(Here enter No. 847 of 1840.)

Read

6th May, 1840.

Read letter dated the 1st instant from the 3rd Judge on Circuit in the Southern Division, transmitting the original death warrant in Case No. 11 on the Tinnevelly Calendar for the 1st Sessions of 1840 which was duly executed.-

(Here enter No. 848 of 1840.)

Read letter dated the 1st instant from the 2nd Judge of the Provincial Court of Circuit in the Southern Division, forwarding copy of the Trichinopoly 2nd Supplemental Calendar 2nd Quarter Sessions of 1840.-

(Here enter No. 849 of 1840.)

F. U.-

At a Court of the Foujdaree Adalut.-

Present

Thursday, 7th May 1840.-

John Bird Esqre 1st Puisne Judge.
Alexr Duncan Campbell Esqre 2nd Puisne Judge.
Henry Dickinson Esqre 3rd Puisne Judge.-

Read return dated March 5th and Supplemental Return dated April 21st from the 3rd Judge on Circuit in the Southern Division, to present of the Foujdaree Adalut of February 22nd conveying his observations and orders on the Madura Calendar of the 1st Sessions of 1840.-

(Here enter F. U. Nos. 472-784 of 1840.)

1. Together with the Supplemental Return above recorded, the 3rd Judge submits an English translation of the record of Case 6 on the Madura Calendar called for in Para: 3 of their Proceedings of February 22nd 1840.-

2. The Court of Foujdary Adalut having attentively considered the Proceedings held in this case, entertain but little doubt that the death of deceased was caused by the illusage she received from her Husband; but looking upon the proof

proof before the Court of Circuit as insufficient to establish the crime charged against the prisoner, resolve not to disturb the sentence of acquittal passed by the Presiding Judge—

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Southern Division for his information—

(Sudder Sadr 8th)

Read return, dated the 2nd instant made by the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Foujdaree Adalut of the 27th April 1840, directing the Provincial Court of Circuit to forward the Criminal Statements for the 2nd half of 1839 without further delay.—

(Here enter 8th 857)

1.

In the above return the Provincial Court of Circuit certify that the required reports have been accordingly transmitted, and they explain that the delay in forwarding them "is owing chiefly to the necessity of making office copies of the whole of the Reports "which are voluminous, and can only be taken "up by the Writers at intervals, when the current "duties of the Office leave them leisure," and "to obviate this

"inconvenience," the Provincial Court recommend that the Magistrates and Joint Magistrates "be required "to embody in their own Reports a brief Abstract of "the Substance of each separate Report of their Dis= "=trict Police Officers."—

2.

The Court of Foujdary Adalut resolve to point out to the Provincial Court of Circuit that the practice of making copies of the Reports submitted by the Native Officers of Police, for the purpose of being lodged among the Records of the Provincial Court, is wholly unnecessary, it is sufficient if the Provincial Court of Circuit take copies of the Reports transmitted by the European Magistracy, or of such of those Reports as may have called forth any observation or remark from the Provincial Court of Circuit; the Court of Foujdary Adalut are moreover of opinion that the practice of retaining copies of the figured Statements furnished by the Magistracy, may also be discontinued by the Provincial Court of Circuit, and being relieved of this task, the Court of Foujdary Adalut trust that no delay will hereafter occur in the transmission of these periodical Statements and Reports accompanied by such remarks, as on

review

7th May 1840

review thereof, the Provincial Court of Circuit may deem it their duty to record.—

3. And in order that the relief herein proposed to be afforded to the English Establishment of the Provincial Courts may be known and acted upon generally, the Court of Fouzdaree Udalut are pleased to direct that an Extract from these proceedings be forwarded for the information and guidance of the 4 Provincial Courts of Circuit.—

(Sentence Sr. 670)

F. Uc:-

At a Court of the Fouzdaree Udalut.—

Present.

Friday, 8th May, 1840.—

John Bird Esqre _____ 1st Puisne Judge.—

Alexr Duncan Campbell Esqre 2nd Puisne Judge.—

Henry Dickinson Esqre _____ 3rd Puisne Judge.—

Read a proceeding dated 17th February 1840 from the 2nd Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Fouzdaree Udalut the record of the trial in Case Sr. 39 on the Vizagapatam Calendar for the Sessions of 1839.—

(Here enter Fle. Sr. 624 of 1840)

Read also return dated the 31st March and Supplemental return dated 20th April 1840 from the same officer to the precept of the Fouzdaree Udalut of the 7th March last, conveying their remarks and orders on the trial of Case Sr. 39 on the Vizagapatam Calendar for the 2nd Sessions of 1839.—

(Here enter Fle. Sr. 791 of 1840.—)

Mr. Bird.
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

7th May 1840

review thereof, the Provincial Court of Circuit may deem it their duty to record—

3. And in order that the relief herein proposed to be afforded to the English Establishment of the Provincial Courts may be known and acted upon generally, the Court of Foujdaree Adalut are pleased to direct that an Extract from these proceedings be forwarded for the information and guidance of the 4 Provincial Courts of Circuit—

(Sentence 8a 670)

W.S

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F. Vo:—

At a Court of the Foujdaree Adalut—

Present—

Friday, 8th May, 1840—

John Bird Esqre ——— 1st Puisne Judge—

Alexr Duncan Campbell Esqre — 2nd Puisne Judge—

Henry Dickinson Esqre ——— 3rd Puisne Judge—

W.S

Read a proceeding dated 4th February 1840 from the 2nd Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Court of Foujdaree Adalut the record of the trial in Case 8a 39 on the Vizagapatam Calendar for the Sessions of 1839—

(Here enter F. Vo. 8a 424 of 1840)

Read also return dated the 31st March and Supplemental return dated 20th April 1840 from the same officer to the precept of the Foujdaree Adalut of the 4th March last, conveying their remarks and orders on the trial of Case 8a 39 on the Vizagapatam Calendar for the 2nd Sessions of 1839—

(Here enter F. Vo. 8a 791 of 1840—)

Mr Bird.
Mr Campbell
and
Mr Dickinson

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

8th May 1840

against the prisoners

1st Chullapelly Chelliah

2nd Cunchy Chelliah

and

3rd Chullapelly Venkataramdoo

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, sentence the prisoner

1st Chullapelly Chelliah

to suffer death, by being hanged, so soon as conveniently can be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body subsequently to be suspended in chains on a high gibbet, to be erected on the said spot; and the prisoner

2nd Cunchy Chelliah

to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour, in irons, on the public roads, or other public works, for and during the period of his natural life.—

The Court further sentence the prisoner

3rd Chullapelly Venkataramdoo

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of four years.—

(Sent following letter No. 677.

8th May 1840

With reference to the enclosures in the above supplemental returns so far as they are connected with the conduct of the Peishcar, it appears to the Court that it is proved by abundant evidence that the Peishcar caused several persons to be ill-treated, in order to compel them to disclose what they knew, and they consider him undeserving of continuation in his office, and are of opinion that he should be dismissed from employment in the Company's service—

Ordered, that Extract from these Proceedings be sent to the 2nd Judge Cuttack on Circuit in the Northern Division for his information and guidance by Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 678.)

Read letter dated the 30th Ultimo from the 3rd Judge on Circuit in the Southern Division, transmitting the English translation of the record in Case No. 3 on the Sabun Calendar for the 1st Sessions of 1840.—

(Here enter No. 838 of 1840.)

The Court of Sudder 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

Ba Sooroo

is sufficient to convict him of the crime of murder

Mr Campbell

and

Mr Dickinson

8th May 1840

against the prisoners

1st Chullapelly Chelliah

2nd Cunchy Chelliah

and

3rd Chullapelly Venkataramdoo

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, sentence the prisoner

1st Chullapelly Chelliah

to suffer death by being hanged, so soon as conveniently can be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body subsequently to be suspended in chains on a high gibbet, to be erected on the said spot; and the prisoner

2nd Cunchy Chelliah

to be transported to such place or places, beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour, in irons, on the public roads, or other public works, for, and during the period of his natural life.-

The Court further sentence the prisoner

3rd Chullapelly Venkataramdoo

to be imprisoned, and kept to hard labor, in irons, on the public roads or other public works, for and during the period of four years.-

(Sent following letter No 677.

With

8th May 1840

With reference to the enclosures in the above supplemental return. So far as they are connected with the conduct of the Peishcar, it appears to the Court that it is proved by abundant evidence that the Peishcar caused several persons to be ill-treated, in order to compel them to disclose what they knew, and they consider him undeserving of continuation in his office, and are of opinion that he should be dismissed from employment in the Company's service.

Ordered, that Extract from these Proceedings be sent to the 2nd Judge Acting on Circuit in the Northern Division for his information and guidance by Precept returnable in 10 days from and after its receipt.

(Sent following Precept No 678.)

Read letter dated the 30th Ultimo from the 3rd Judge on Circuit in the Southern Division, transmitting the English translation of the record in Case No 3 on the Salem Calendar for the 1st Sessions of 1840.-

(Here enter No 838 of 1840.)

Mr Campbell and Mr Dickinson

The Court of Zillah 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

Ramasawmy

is sufficient to convict him of the crime of murder

8th May 1840.

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

(Sent following letter No 679)

Read return under date April 29th 1840 from the Criminal Judge of Bellary, to precept of the Foujdary Adalut of the 27th March 1840 - directing him to report what notice he had taken of the conduct of the Peons on the occasion of the escape of the Prisoner Lovagowdoo from the Paper manufactory.—

(Here enter F.U. No 850)

In the above return the Criminal Judge states that he has suspended five of the Peons who were on guard at the time of the escape, but he has omitted to mention for what period such suspension is to have effect - The Court of Foujdaree Adalut therefore direct that information on this point be now submitted.—

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

(Sent in No 680)

Read Extract from the Proceedings of the Joint Criminal Court at Trichinopoly dated

12. F.U.

8th May 1840.—

dated April 28th 1840, submitting the explanation called for by the Court of Foujdaree Adalut in their Proceedings of April 24th 1840, relative to certain cases on the Trichinopoly Criminal Reports for the months of February last—

(Here enter No 837 of 1840.)

1. Referring to the opinion expressed by the Court of Foujdaree Adalut regarding Case 19, that "the Joint Criminal Judge had erred in formally "disposing of the charge made against the Prisoner"— the Joint Criminal Judge states "that the imprisonment "awarded to the Prisoner therein involved his dismis- "-sal from the service of Government and the loss "of a pension to which after 22 years service he would "shortly have been entitled"— and that "it was on a "consideration of the heavy penalties the Prisoner "had thus indirectly incurred, that he refrained "from committing him to stand his trial before the "Court of Circuit."—

2. The Court of Foujdaree Adalut observe that these were points for the consideration of the Circuit Court, and that the Joint Criminal Judge was not justified in passing sentence on the Prisoner, who should have been committed to take

take his trial before the Court of Circuit. The Sentence awarded by the Joint Criminal Judge will not however now be disturbed.—

3. With references to the explanation submitted in the 4th Para of the Joint Criminal Judges' Proceedings, the Court of Foujdaree Adalut resolve to direct the Joint Criminal Judge to transmit a copy thereof, together with a transcript of the letter which accompanied it, to the Provincial Court of Circuit in the Southern Division, who will be pleased to call on the Criminal Judge of Salem, to furnish a report of the circumstances under which the Prisoner Sinnapien, is again to be brought to trial.—

Ordered, that Extract from these proceedings be furnished to the Joint Criminal Judge at Trichinopoly for his information, and that Extract from Para 3 be transmitted to the Provincial Court in the Southern Division by precept returnable in ten days.—

(Sent following Precept No 681/682.)

Read letter dated the 21st Ultimo from the 1st Judge late on Circuit in the Western Division, transmitting the death warrant of the 2d Prisoner in Case No 22 on the Madabar Calendar 2nd Sessions of 1839 which

which was duly executed.—

(Here enter F.H. No 809 of 1840.)

Read letter dated the 28th Ultimo from the Acting 1st Judge on Circuit in the Centre Division, stating that he left Bellary before the letter from the Foujdaree Adalut 20th Ultimo reached him, and that it has not been possible for him to comply with the orders of Government, directing him to visit the State prisoner Vencamah, under the charge of the Magistrate of Bellary.—

(Here enter F.H. No 817 of 1840.)

Read Return dated the 27th Ultimo from the 2d Judge late on Circuit in the Southern Division, to the precept of the Foujdaree Adalut of the 31st March 1840, conveying their observations and orders on his Circuit Report for the 1st Sessions of 1839.—

(Here enter F.H. No 819 of 1840.)

take his trial before the Court of Circuit. the Sentence awarded by the Joint Criminal Judge will not however now be disturbed.—

3. With reference to the explanation submitted in the 4th Para of the Joint Criminal Judge's Proceedings, the Court of Tongdaree Udalut resolve to direct the Joint Criminal Judge to transmit a copy thereof, together with a transcript of the letter which accompanied it, to the Provincial Court of Circuit in the Southern Division, who will be pleased to call on the Criminal Judge of Salem, to furnish a report of the circumstances, under which the Prisoner Sinapein, is again to be brought to trial.—

Ordered, that Extract from these Proceedings be furnished to the Joint Criminal Judge at Trichinopoly for his information, and that Extract from Para 3 be transmitted to the Provincial Court in the Southern Division by precept returnable in ten days.—

(Sent following Precept No. 681 & 682.)

Read letter dated the 21st Ultimo from the 1st Judge late on Circuit in the Western Division, transmitting the death warrant of the 2nd Prisoner in Case No. 22 on the Malabar Calendar 2nd Sessions of 1839 which

which was duly executed.—

(Here enter F.H. No. 809 of 1840.)

Read letter dated the 20th Ultimo from the Acting 1st Judge on Circuit in the Centre Division, stating that he left Bellary before the letter from the Tongdaree Udalut 20th Ultimo reached him, and that it has not been possible for him to comply with the orders of Government, directing him to visit the State prisoner Vencanah, under the charge of the Magistrate of Bellary.—

(Here enter F.H. No. 817 of 1840.)

Read Return dated the 27th Ultimo from the 2nd Judge late on Circuit in the Southern Division, to the precept of the Tongdaree Udalut of the 31st March 1840, conveying their observations and orders on his Circuit Report for the 1st Sessions of 1839.—

(Here enter F.H. No. 819 of 1840.)

F.No.

At a Court of the Tongdarre Adalut.

Present

John Bird Esqr. _____ 1st Provincial Judge

Saturday 9th May 1840 — Alexr. Duncan Campbell Esqre 2nd Provincial Judge

Henry Dickinson Esqre ___ 3rd Provincial Judge.

No further return having been received from the Provincial Court of Circuit in the Northern Division, to the precept of the 8th January 1840, requiring them to submit translations of the papers in the Case of Ootsandachaloo the Government Pleader of the Zillah Court of Sylhet.

Ordered, that the Provincial Court of Circuit in the Northern Division be required by precept returnable in 5 days from and after its receipt to explain with reference to their return of the 25th April 1840. what further progress has been made towards completing the papers required by the Court of Tongdarre Adalut, and the Provincial Court are required to make a full return to the precept aforesaid without further delay.

(And following Precept No 684)

9th May, 1840.

Read letter dated the 2nd instant from the Criminal Judge of Chittoor, forwarding a list of Prisoners sent from the Jail at Chittoor to be employed under the Orders of Captain Worster Superintendant of the Great Western Road.

(Here enter No. 851 of 1840.)

Read Extract from the Minutes of Consultation dated the 30th ultimo, stating that the Proceedings of the Foujdaree Udalut of the 31st March 1840 on review of the Ref[illegible] the late 1st Judge of the Northern Provincial Court of Circuit for the 2nd and 3rd Quarterly Sessions of 1839 at Masulipatam do not appear to call for any particular remarks.

(Here enter No. 855 of 1840.)

Read Return dated the 2nd instant from the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 2nd April 1840 calling for the Criminal Statements for the 2nd Half of 1839.

(Here enter No. 856 of 1840.)

J. No.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre — 1st Puisne Judge

Tuesday, 12th May, 1840. Alexr Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 30th Ultimo from the Second Judge of the Provincial Court of Circuit in the Northern Division, submitting translations of the Record in Case No. 22 on the Vizagapatam Primary Calendar for the 2d Sessions of 1839.

(Here enter No. 869.)

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

Bada Jamail Khan,

is sufficient to convict him of the crime described in Act XXX of 1836, do convict him thereof, and under the provisions of Claude 1st Section V Regulation VIII of 18[illegible]

and

12th May 1840.-

and Section 1 Act XXX of 1836, sentence him to be imprisoned and Kept to hard labor in irons on the publics roads or other publics works, for and during the period of his natural life.-

(Sent following letter No. 686)

Read letter dated the 4th Instant from the Acting First Judge of the Provincial Court of Circuit in the Northern Division, submitting English translations of the Record in Code No. 35 on the Virayapatam late Auxiliary Courts Calendar for the 2d Sessions of 1839.-

(Here enter No. 887.)

Mr. Bird and Mr. Campbell.

The Court of Sudder 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

Yerra Dashragadoo

is sufficient to convict him of being accessary after the fact, to Murder by Thuggee, accompanied with Robbery, do convict him thereof, but considering that under the circumstances of the case,

12th May 1840.-

case, the punishment to which the Prisoner is liable would in this instance be too severe, the Court 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 five years.-

(Sent following letter No. 687)

Read letter dated the 21st Ultimo from the Third Judge on Circuit in the Southern Division, transmitting the English translation of the Record in Case No. 20 on the Cumbaconum Calendar for the 1st Sessions of 1840.-

(Here enter No. 844.)

Mr. Dickinson.

The Court of Sudder 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

Chadumbra Moodelly

is sufficient to convict him of the crime of forgery, do convict him thereof, and under the provisions of Clause 1st Section V Regulation VIII of 1831 and Clause 1st Section III Regulation VI of 1811. sentence him to be imprisoned

for

12th May 1840.

and kept to hard labor in irons on the public roads, or other public works, for and during the period of two years.—

(Sent following letter No. 688.)

Read letter dated the 2d Instant from the Magistrate of Madura, submitting the explanation called for in the Proceedings of the Tonjdaree Udalut dated the 25th Ultimo relative to certain cases on the Madura Criminal Reports for the month of March last.—

(Here enter No. 870.)

1. In this letter the Magistrate reports that though the "Statement No. V seems to have been dispatched from the Criminal Court to that of the Tonjdaree Udalut on the 31st March" the return shewing the way in which the cases sent up by the Magistracy and Police were disposed of by the Criminal Court in the month of March was not received "by one till the "last day of last month only having been forwarded to me on the 29th and that in it Case "No. 30 is not included".—

2. The Court of Tonjdaree Udalut accordingly

12th May 1840.—

accordingly resolve to call on the Acting Criminal Judge to explain the cause why the Case No. 30 was not included in the report forwarded to the Magistrate, and as it appears to them that much of the advantage which might be expected from this report is lost by its transmission to the Magistrate at so late a date after the disposal of the cases as has occurred in the present instance, they desire that such delay may not be allowed to occur in future.—

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

(Sent following precept No. 689.)

Read return dated May 4th 1840 from the Criminal Judge of Tellore, to precept of the Court of Tonjdaree Udalut under date the 28th Ultimo, conveying their observations on the Criminal reports for the month of March last.—

(Here enter J.M. No. 874.)

12th May 1840.

and kept to hard labor in irons on the public roads, or other public works, for and during the period of two years.—

(Sent following letter No. 888.)

Read letter dated the 2d Instant from the Magistrate of Madura, submitting the explanation called for in the Proceedings of the Tinjdaree Udalut dated the 25th Ultimo relative to certain cases on the Madura Criminal Reports for the month of March last.—

(Here enter No. 870.)

1. In this letter the Magistrate reports that though the "Statement No. V seems to have been dispatched from the Criminal Court to that of the Tinjdaree Udalut on the 31st March the return shewing the way in which the cases sent up by the Magistracy and Police were disposed of by the Criminal Court in the month of March was not received "by one till the "last day of last month only having been forwarded to me on the 29th and that in it case "No. 20 is not included".—

2. The Court of Tinjdaree Udalut accordingly

F.M.

12th May 1840.—

accordingly resolve to call on the Acting Criminal Judge to explain the cause why the Case No. 20 was not included in the report forwarded to the Magistrate, and as it appears to them that much of the advantage which might be expected from this report is lost by its transmission to the Magistrate at so late a date after the disposal of the cases as has occurred in the present instance they desire that such delay may not be allowed to occur in future.—

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

(Sent following precept No. 889.)

Read return dated May 4th 1840 from the Criminal Judge of Tinnevelly to precept of the Court of Tinjdaree Udalut under date the 28th Ultimo, conveying their observations on the Criminal Reports for the month of March last.—

(Here enter F.M. No. 871.)

12th May 1840.

1. With reference to Para 2. of this Court's Return, this Court of Sunjdaree Udalut are of opinion, that the confession of the Prisoner corroborated by the Prosecutor's evidence and the return of the property was quite sufficient, for the conviction of the Prisoner of the charge brought against him. The Court therefore direct that this opinion be communicated to the Sudr Ameen Moosfee for his information and future guidance.—

2. The Court of Sunjdaree Udalut consider the explanation afforded by the Criminal Judge in the 3rd Para of the above return, with reference to Case No. 21. to be satisfactory, and they direct that their opinion be communicated to the Criminal Judge for his information.—

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

(Sent in No. 690.)

Read return dated the 25th Ultimo from the Acting Joint Criminal Judge of Tellicherry to the precept of the Sunjdaree Udalut of

12th May 1840.

of the 15th April 1840. relative to the Criminal Reports for the Month of January 1840.

(Here enter No. 806.)

Read letter dated the 23rd Ultimo from the Third Judge on Circuit for the Northern Division, reporting the opening of the 1st Sessions of 1840 at Vizagapatam on the 23rd Ultimo, and the state of the Calendar.—

(Here enter No. 814.)

Read letter dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting the death warrant of the 1st, 2d and 3d Prisoners in Case No. 2 of the Cuddapah Calendar 2d Sessions of 1839.—

(Here enter No. 815.)

Read letter dated the 2d Ultimo from the Provincial Court of Circuit in the Western Division submitting certain explanation with reference to the remarks of the Sunjdaree Udalut in their Proceedings of

of the 28th March on the Case No. XI of 1840 on the Criminal file of the Zillah Court of Canara :-

(Here enter No. 662.)

Read letter dated the 23d Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division reporting with reference to the Proceedings of the Fouzdaree Udalut of the 30th March last the cause of the mortality among the prisoners in the Jail at Sirsee during the Month of February last.-

(Here enter No. 821.)

Read return dated the 27th Ultimo from the 2d Judge late on Circuit in the Northern Division to the precept of the Fouzdaree Udalut of the 23d April 1840 directing with reference to his return of the 31st March last to the Precept of the Higher Court dated the 7th of the same month on the Case No. 39 on the Vizagapatam Calendar for the 2d Sessions of 1839 that a further Precept may be issued to the Magistrate of Vizagapatam commanding him without further delay immediately to make the return called for in the Higher Courts precept of the 7th Ultimo.-

(Here enter No. 824.)

J. U.

Wednesday 13th May 1840.- At a Court of the Fouzdaree Udalut.

Present

WB — John Bird Esqre — 1st Puisne Judge

— — Alexander Duncan Campbell Esqre 2d Puisne Judge

— — Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 2d Instant, from the 2d Judge on Circuit in the Western Division transmitting the English record in Case No. 3 of the Sirsy Calendar for the 1st Sessions of 1840.-

(Here enter No. 888.)

Mr. Bird and Mr. Campbell

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

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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 sentence him to suffer Death by being hanged at the usual time and place of Execution

(Sent in No. 693)

Read letter dated the 20th April

1840

1840 from the 2d Judge on Circuit in the Western Division, submitting for the consideration and final sentence of the Court of Foujdarree Udalut the Record of the trial in Case No.6 on the Canara Calendar for the 1st Sessions of 1840.

(Here enter Fll. No.892)

Mr. Bird
and
Mr. Campbell

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the Case in Evidence before them, being of opinion that the prisoner "Curlummboo" is not convicted on presumptive proof, or on the Evidence of credible witnesses, or on his own confession of the crime of murder, do acquit him therefrom, and under the provisions of Clause 6th Section II Regulation XV of 1803 direct that he be set at liberty.

1. The only Evidence in this Case by which the murder is fixed on the prisoner is that of the 1st and 2d witnesses who both swore that they were attracted by a cry and on looking about they saw the deceased running with the head of an arrow sticking in his side followed by the Prisoner.

The

2. The Prosecutor obtained his information regarding the circumstances attending the death of the deceased even before he was aware of what had become of him from the 2d witness who in the first instance accused the Prisoner of having committed the murder in company with the first witness & neighbour Nittadaka Amboo.

3. The latter part of this original statement is now entirely denied.

And this denial the Court consider a most material inconsistency.

4.

5. The Court also are unable to place implicit reliance on the Evidence of two persons who do not hesitate to identify the head of an arrow 5 inches long alleged to have been seen by them when two thirds hidden within the body of the deceased running under the circumstances represented, nor do who having seen what they state they did see, could remain without giving any information for three or four days.

6. The Court moreover deem the story of these two witnesses a very strange one.

7. If the deceased was shot in the

manner

1840 from the 2d Judge on Circuit in the Western Division, Submitting for the consideration and final sentence of the Court of Foujdaree Udalut the record of the trial in Case No.6 on the Canara Calendar for the 1st Sessions of 1840.

(Here enter F.H. No.892)

Mr Bird and Mr Campbell

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the Case in Evidence before them, being of opinion that the Prisoner a "Curlumboo" is not convicted on presumptive proof, or on the Evidence of credible witnesses, or on his own confession of the crime of murder, do acquit him thereof, and under the provisions of Clause 6th Section II Regulation XV of 1803 direct that he be set at liberty.

1. The only Evidence in this Case by which the Murder is fixed on the Prisoner is that of the 1st and 2d witnesses who both swore that they were attracted by a cry and on looking about they saw the deceased running with the head of an arrow sticking in his side followed by the Prisoner.

The

2. The Prosecutor obtained his information regarding the circumstances attending the death of the deceased even before he was aware of what had become of him from the 2d witness who in the first instance accused the Prisoner of having committed the murder in company with the first witness's neighbour Nittadaka Amboo.

3. The latter part of this original statement is now entirely denied.

4. And this denial the Court consider a most material inconsistency.

5. The Court also are unable to place implicit reliance on the Evidence of two persons who do not hesitate to identify the head of an arrow 5 inches long alleged to have been seen by them when two thirds hidden within the body of the deceased running under the circumstances represented, and who having seen what they state they did see, could remain without giving any information for three or four days.

6. The Court moreover deem the story of these two witnesses a very strange one.

7. If the deceased was shot in the manner

manner stated by these witnesses they must have seen him within a few moments after he received the wound under his arm, yet most unaccountably no mention is made of the shaft of the arrow.

8. All they are stated to have seen is the arrow head sticking in his side, and no one has even attempted to account for the absence of the shaft.

9. If it had been broken off or had fallen down, it would in all probability have been found, but such is not the case.

10. With reference also to the arrow head said to have been found sticking in a piece of flesh, it is hardly possible that an instrument four inches long and 1 inch broad, should have escaped observation when the body was inspected. and it is clear that any flesh, sticking to the arrow, must have come from the wound, if made by that arrow, yet it appears that the wounds were distinctly visible when the body was originally examined, and it does not appear that any flesh was then detached from either of them.

11. Under these circumstances the Court are

are impressed with the belief that the arrow head was not in the body when the body was first inspected and that there is ground to suspect that it may have been put there, in order to support the evidence of the 1st and 2d witnesses.

12. But even if the arrow head had been found on the body of the deceased, there is nothing except the evidence of the 1st and 2d witnesses to connect it with the Prisoner, or to shew that it ever belonged to him. Something resembling arrow shafts was indeed found in his house. But as before stated to this arrow head, no shaft at all was found.

13. The only fact which appears to the Court to have been proved is that the deceased was missing and that he was some days afterwards found dead with two wounds as described in the proceedings.

14. With this view of the evidence of the two witnesses, "on the credit of whose statements the case turns," the Court of Foujdaree Adalut are unable to convict the prisoners of having inflicted those wounds of which the deceased is alleged to have died.

Ordered, that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Western

Western Division for his information and guidance-

(Sent in No. 694)

Read letter dated 3d April 1840 from the 3d Judge late presiding at the Tellicherry 1st Quarterly Sessions of 1840 Submitting for the consideration and final sentence of the Foujdaree Udalut the record of the trial in case No. 1 on the 2d additional Calendar of the Auxiliary Court of Malabar for the 1st Quarterly Sessions of 1840.

(Here enter Fll. No. 718)

1. The Court of Foujdaree Udalut are of opinion that the trial of this important case of Murder has been conducted in a most unsatisfactory manner- But, for the present, they abstain from recording any opinion, until further evidence is before them; when they will state their sentiments at large, on the Case-

2. The Court consider it necessary for the ends of Justice that the Adigary's Son Coonhamboo &c. should be examined on the following points, and that the 1st Judge of Circuit should also be required to Examine him on any further point which may to him appear likely to afford any material Evidence relative to the facts of the Case-

Question to Coonhamboo-

1. At what time did you arrive at

at Moopan Cottiy's house on the night he was shot-

2. Who went with you and who did you find there on your arrival?

3. Were you informed that 1st and 2d witnesses had seen the Prisoner and his Brother Bapoo running away; and if so, at what hour, and on what day, and by whom? Did you see them with the deceased- If so, when did they go away- and if they spoke to you, what did they say?

4. Did you see the Prisoner at Moopan's house and at what hour- and what was he doing?

5. Did you question the Prisoner on the night of the 29th of January as to his having been seen running away by 1st and 2d witnesses, and at what hour did you so question him?

6. If you received intimation of the 1st and 2d witnesses having seen the Prisoner running away and did not question him immediately- State why you did not question him?

7. Who found the iron ball, and at what hour was it found and what are the circumstances attending its finding- did you see any

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dent in the wall where it had struck and if so in what wall and at the time it was found did the 4th witness say any thing respecting it?

8. At what hour did you place the Prisoner under guard and why. State specifically your reasons for suspecting him?

9. Did you on the night in question see the Prisoner affording aid to the deceased by bringing him Cocoanuts and did you order him to produce all or any of the guns in the neighbourhood

10. At what hour did you send the 2d and 3d witnesses to bring the Prisoner's Gun and in what condition was it when it was brought were there any appearances of its having been lately fired were there any appearances of its having been immersed in water and at the time it was discovered did the 4th witness say any thing respecting it?

11. Look at the Adigatics two urzees. Did your father write them? and if so, as he was absent, was it upon the information he got from you, or from whom?

12. Did you hear the deceased speak, if so, what did he say? Did you see him write if so, what did he write?

3. The Court also wish to have before them the examination of the Police Goorustah Chata-la Chundoo alluded to in Mr. Birkan's letter, and if none such exists, he must be examined on the points therein specified.

4. The Court further require that Jaya Vallapel Packy son of Jaya Vallapel afsan as well as all the other witnesses who deposed before the Head of Police, but who have not been examined before the Court of Circuit or Criminal Court should be questioned as to all that they are acquainted with connected with this case, especially that the 1st, 2d, 4th, 8th, 9th, and 12th questions to Combamboo should be put to each of them.

5. It is observed that the 3d Judge declined proving the admissions made by the Prisoner before the Talook Police. The Court of Sudderee Adalut are at a loss to understand the motive for such a proceeding, it appears to them that the deposition in question is of great importance and should have been proved.

6. The Court therefore resolve to direct that the witnesses who attested his declaration before the

the Police should also be summoned and required to prove it.

7. It also appears necessary that a further inquiry should be made as to the finding of the iron ball and for this purpose the 5th witness should be again asked whether it is the very ball that he made or not, and whether there is any person who saw him make it or could recognize it. If so such person must be also examined on that point.

8. Particular inquiries should also be made as to the circumstances of the deceased, and whether any of the parties, including the prosecutor and all the witnesses who have appeared in this Case, can according to the custom of his caste benefit by his death, or inherit his property. The names of any such person must be particularly specified.

9. The Court of Zoydaree Adalut resolve therefore to return the English translation of the record of the trial to the Provincial Court of Circuit in the Western Division with instructions to the 1st Judge to issue a precept to the Joint Criminal Judge of Tellicherry, directing him to obtain the attendance of the persons above required to the end that they may be re-examined

13th May 1840.

re-examined by the 1st Judge.

10. The Court consider it necessary further to direct that the persons above alluded to be questioned particularly in respect to the points above detailed and all the circumstances within their knowledge with regard to the murder in question and that their examination be conducted in the presence of the Prosecutor and Prisoner.

11. The 1st Judge will permit the prisoner to cross examine the witnesses and to offer anything further in his defence should he wish it at the close of the examinations.

12. The 1st Judge will annex English Translations of the additional evidence so taken to the record and will retransmit the same with any opinion he may have to offer on the case for the consideration and final judgment of the Court of Zoydaree Adalut.

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

(Sent following Precept No. 695)

Read

13th May 1840.

Read the Criminal Reports for the month of March 1840 Submitted by the Criminal Judge of Salem.

(Herewith F.R. No. 799.)

Report No. V.

Case No. 41.

1. The 1st prisoner in this Case is charged with having during the day of the 24th February 1840, through the instigation of One Veroovumbala Comdan, preferred a false complaint against the Carcone Leelaramien, a witness in Criminal Case No. 36 of 1840.

2. There is however no information in the report as to the authority before whom the false complaint is alleged to have been preferred.

3. The Court of Foujdaree Udalut accordingly direct that an explanation on this point be called for.

4. With reference to the 2d and 3rd prisoners in this case who were forwarded to the Criminal Court for giving false evidence in support of the false complaint preferred by the 1st prisoner. The Court of Foujdaree Udalut observe that Regulation IX of 1832, as explained by their Circular Order No. 57 of the 28th December 1835, does not authorize the punishment of

13th May 1840.

witnesses who may have appeared in support of false charges preferred before the Native Officers of Police, but applies only to the party by whom the false charge shall have been preferred, and this should be explained by the Magistrate to the Head of Police of Trichengode.

Case No. 44

5. The 1st prisoner in Case No. 44 is charged with being found in possession of plundered property, but guilty knowledge which is the essence of the offence is not charged.

6. The Criminal Judge should have amended the Charge.

Case No. 49

7. The 2d prisoner Mootiere Chetty in Case No. 49 is charged with knowingly receiving the stolen ornaments removed by the 1st prisoner from the prosecutor's temple.

8. The Court of Foujdaree Udalut deem it proper to direct that the Criminal Judge be informed that the charge, as at present worded, involves no crime, if by "knowingly" is intended knowing the ornaments to be stolen property it should have been so stated.

Case No. 51.

9. No explanation of the necessity of the reference made to the Magistrate in Case No. 51.

having

Read the Criminal Reports for the month of March 1840 Submitted by the Criminal Judge of Salem.

(Presenter F.U. No. 799.)

Report No. V.

Case No. 41.

1. The 1st prisoner in this case is charged with having during the day of the 21st February 1840, through the instigation of One Veroovembala Comidan, preferred a false complaint against the Carcone Seetaramien, a witness in Criminal Case No. 36 of 1840.

2. There is however no information in the report as to the authority before whom the false complaint is alleged to have been preferred.

3. The Court of Foujdaree Udalut accordingly direct that an explanation on this point be called for.

4. With reference to the 2d and 3d prisoners in this case who were forwarded to the Criminal Court for giving false evidence in support of the false complaint preferred by the 1st prisoner. The Court of Foujdaree Udalut observe that Regulation IX of 1832, as explained by their Circular Order No. 57 of the 28th December 1835, does not authorize the punishment of

of witnesses who may have appeared in support of false charges preferred before the Native Officers of Police, but applies only to the party by whom the false charge shall have been preferred, and this should be explained by the Magistrate to the Head of Police of Trichangode.

Case No. 44

5. The 1st prisoner in Case No. 44 is charged with being found in possession of plundered property, but guilty knowledge which is the essence of the offence is not charged.

6. The Criminal Judge should have amended the charge.

Case No. 49

7. The 2d prisoner Krishnare Chetty in Case No. 49 is charged with knowingly receiving the stolen ornaments removed by the 1st prisoner from the prosecutors' temples.

8. The Court of Foujdaree Udalut deem it proper to direct that the Criminal Judge be informed that the charge, as at present worded, involves no crime, if by "knowingly" is intended knowing the ornaments to be stolen property it should have been so stated.

Case No. 51.

9. No explanation of the necessity of the reference made to the Magistrate in Case No. 51. having

having been furnished as required by the Circular Order
No. 62 dated 26th February 1836 the Court of Foujdaree
Udalut are unable to judge whether the delay in
sending the Prisoner to the Criminal Court has been
sufficiently accounted for.

10. The Court of Foujdaree Udalut direct
that copy of the 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 crave attention
to be paid in future, by the Sudeyoor Head of Police,
to the injunctions of the Circular Order in question, and he
will explain for the information of the Court of Foujdaree
Udalut whether the nature of the Case No. 31 rendered
a previous reference to the Magistracy necessary.

Case No. 43. 11. The prisoner in this Case was charged
with having during the night stolen the Prosecutors
bullock valued at 5 Rupees, and the Sudr Ameen Rec-
corded the following Sentence. The prisoner confessed
before the Police and the Court that he stole the Prosecutors
bullock out of the Cattle Shed at night, and having
killed and cut it up, that he ate it & he produced the
skin of the bullock which is identified as the Pros-
cutors, and which was found in his house by the witnesses
on the Prosecution. His confession before the
Tahsildar

Tahsildar is proved he is Sentenced under Clause
4th Section III Regulation VII of 1822 to 18 months im-
prisonment and to receive 150 lashes.

12. The Sentence appears to the Court
of Foujdaree Udalut too severe; there is nothing in
the report to show that the prisoner is an old offender
or a bad character, unless therefore either of these points
were proved by the Evidence adduced, the Court are of
opinion that the Corporal punishment should be
remitted.

13. The Court remark that the number
of Cases not disposed of by the Criminal Court at
the close of the month of March is large, and Explan-
ation should have been submitted why the Examina-
tion into those Cases could not have been commenced
upon, and moreover completed, before the close of the
month of March last.

Ordered that Extract from these Pro-
ceedings be sent to the Criminal Judge of Salem for
his information and guidance by Precept Returnable in
5 days from and after its receipt.

Sent following Precept No. 696

Read letter dated the 6th Instant

from

having been furnished as required by the Circular Order
No. 62 dated 26th. February 1836 the Court of Fouzdaree
Adalut are unable to judge whether the delay in
sending the Prisoner to the Criminal Court has been
sufficiently accounted for.

10. The Court of Fouzdaree Adalut direct
that copy of the 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 make attention
to be paid in future, by the Andeyoor Head of Police,
to the injunctions of the Circular Order in question, and he
will explain for the information of the Court of Fouzdaree
Adalut whether the nature of the Case No. 51 rendered
a previous reference to the Magistracy necessary.

Case No. 43. 11. The prisoner in this Case was charged
with having during the night stolen the prosecutors
bullock valued at 5 Rupees, and the Sudr Ameen rec-
corded the following Sentence. The prisoner confessed
before the Police and the Court that he stole the Prosecutors
bullock out of the Cattle shed at night, and having
killed and cut it up, that he ate of it: he produced the
skin of the bullock which is identified as the Prose-
cutors, and which was found in his house by the witnesses
on the Prosecution. His confession before the
Tahsildar

Tahsildar is proved. he is Sentenced under Clause
4th Section III Regulation VII of 1822 to 18 months im-
prisonment and to receive 150 lashes.

12. The Sentence appears to the Court
of Fouzdaree Adalut too severe; there is nothing in
the report to show that the prisoner is an old offender
or a bad character, unless therefore either of these points
were proved by the evidence adduced, the Court are of
opinion that the Corporal punishment should be
remitted.

13. The Court remark that the number
of Cases not disposed of by the Criminal Court at
the close of the month of March is large, and Explan-
ation should have been submitted why the Examina-
tion into those Cases could not have been commenced
upon, and moreover completed, before the close of the
month of March last.

Ordered that Extract from these Pro-
ceedings be sent to the Criminal Judge of Salem for
his information and guidance by Precept returnable in
5. days from and after its receipt.

(Sent following Precept No. 196)

Read letter dated the 6th Instant

from