1156

290

1156

Foydaree

Duree

1822

3

294

No 4

To

The Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

Para 1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 17th Ultimo transmitting remarks of the Criminal Judge in the Zillah of Chicacole upon the Jail Regulations circulated by order of the Court of Foujdaree Adawlut.

2. The report of the Surgeon required in the second rule may be written or verbal at that officer's discretion.—

3. The Rules prohibitory of intercourse with prisoners have respect only to convicts Prisoners under sentence of the Criminal Judge desiring to appeal to the Court of Circuit may be allowed to communicate with their friends under such restrictions as may to the Criminal Judge appear expedient and proper.—

4. The Judges are of opinion that no peon should be invested with authority to flog a prisoner.—

5. With reference to the 7th paragraph of the Criminal Judges letter the Judges direct me to observe that it is the duty of the Criminal Judge to take such measures as may be necessary to enforce the sentences passed upon Convicts under his charge.—

6. You will be pleased to communicate these observations to the Criminal Judge in the Zillah of Chicacole.—

4th January 1822. (Signed) W. Rudleston
Deputy Register.

No 5.

To

The Judges of the Provincial Court of Circuit in the Southern Divisions.

Gentlemen,

Para: 1. I am directed by the Judges of the Foujdaree Adawlut to

to acknowledge the receipt of your letter dated 7th Ultimo, submitting remarks offered by the Criminal Judges in the Zillahs of Trichinopoly Madura and Tinnevelly upon the Adil Regulations circulated by order of the Court of Foujdaree Adalut.-

2. The observations of the Criminal Judge in the Zillah of Trichinopoly to not appear to the Judges to require comment.-

3. With reference to paragraph 2nd of the remarks of the Criminal Judge in the Zillah of Madura the Judges direct me to state that a Cumbly is not considered to be necessary for prisoners whom Cloths are supplied and that prisoners on their release should allowed to take the Cumblies which they may have had in use.-

4 The suggestion of the Criminal Judge in the 5th paragraph is considered by the Judges to be free from objection.-

5. The Criminal Judge in the Zillah of Tinnevelly states that it will require an expenditure of about 100 Pagodas to enable him to carry into effect the provisions contained in Section XXIX Regulation X of 1816.-

6. Under these circumstances it will be proper that the Criminal Judge should make a special application for the sanction of Government to the required addition to the Jail.-

7. The Judges do not deem it proper to recommend to Government an increase of the salary of the Jailor at this station. For the appointment of a Jemadar the Criminal Judge should apply specially for sanction.-

8. The proposition of the Criminal Judge in the concluding paragraph of his remarks is considered by the Judges to be perfectly proper.-

The

9. The Judges desire that the above remarks may be communicated to the Criminal Judges of Trichinopoly Madura and Tinnevelly respectively.-

(Signed) W. Hudleston
Deputy Register.

4th January 1822.

No. 10

To The Criminal Judge in the Zillah of Bellary.

Sir,

Para 1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th November last.

2 Section XV Regulation X of 1816 declares, that all examinations taken before a Criminal Judge are to be written on separate papers and signed by the deponents.-

3 This enactment would be nugatory, were there not a power inherent in the Criminal Court to enforce its observance, and the Judges are therefore of opinion, that it is perfectly competent to you to commit to close custody a witness refusing to sign his deposition, until he shall consent to do so.-

(Signed) W. Hudleston
Deputy Register.

4th January 1822.-

No. 10

To The Criminal Judge in the Zillah of Bellary.

Sir,

Transmitting Copy of a letter from the Secretary to Government in the Judicial Department stating that the Governor in Council sanctions the Bill transmitted on the 27th Ultimo for translations made by order of the Criminal Judge in the Zillah of Bellary.-

14th January 1822.-

To

No. 13. To

(No. 2)

The Secretary to Government in the

Sir, Judicial Department.

I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying General Abstract Statement of the Criminal Trials, on which sentences were passed during the last year with the request of the Judges that it may be laid before the Honorable the Governor in Council.-

17th January 1822. (Signed) W. Oliver

Register.

No. 15. To

(No. 3)

The Secretary to Government in the

Sir, Judicial Department.

Para 1. With reference to your letter (No. 529) dated 21st Ultimo I am directed by the Judges of the Court of Foujdaree Adalut to report, that on 29th Ultimo the late Criminal Judge of Coimbatore was instructed to send 30 of the prisoners under his charge to Trichinopoly, and to distribute the remainder between the Jails at Salem and Chittoor.-

2. Immediately on the receipt of your letter orders were dispatched to the late Criminal Judge and to the Criminal Judge in the Zillah of Salem to transfer to the Custody of the Principal Collector and Magistrate all the prisoners who had been confined in the Jail at Coimbatore, excepting such as were confined on a requisition of Security, committed for trial before the Court of Circuit, sentenced to imprisonment without labor, and three Civil prisoners, and one Lunatic.-

3. Previously to the receipt of the orders last referred to the late Criminal Judge had carried into effect the first instructions

instructions which had been transmitted to him relative to the disposal of the prisoners; but the Criminal Judge in the Zillah of Salem has since reported his having sent to the Principal Collector and Magistrate 44 prisoners being the total number of those, whose detention at Salem was not specially directed.-

4 Should the Honorable the Governor in Council consider it expedient, that a greater number of convicts should be placed at the disposal of the Principal Collector and Magistrate, the Judges will direct the transfer of as many as may be required from the Jail at Salem.-

19th January 1822. (Signed) W. Oliver.

Register.

No. 16. To

The Criminal Judge in the Zillah of

Sir, Trichinopoly.

The late Criminal Judge in the Zillah of Coimbatore having by order of the Foujdaree Adalut dispatched, on 26th Ultimo, 30 Convicts with a view to their being imprisoned during the periods of their respective sentences in the Jail under your charge, I am directed to desire that you will report the number and the state of health of those, who may reach their distination.-

19th January 1822. (Signed) W. Hudleston,

Deputy Register.

No. 17. To

The Register of the Provincial Court of Circuit for the

Sir, Centre Division.

I am directed by the Judges of the Foujdaree Adalut to transmit to you for the purpose of being lodged among the records

records of the Provincial Court of Circuit the accompanying papers which were left at Madras by Mr. W. D. Wright late 3d Judge of the Court.—

22d January 1822. (Signed) W. Hudleston
Deputy Register.

No. 30. To
The Second Judge on Circuit in the
Western Division.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 22d Instant, desiring their opinion, as to "whether a father should against his "will be required to demand Kissaas, or be made to stand Prosecutor "against his son".—

2. As it would appear from your statement of the case that the father of the accused was not the original Complainant, the Criminal Judge was not required by the provision contained in Clause third Section IX Regulation X of 1816 to bind him over to carry on the prosecution; and the principle of the Mohummedan Law under which as heir of the slain his demand of Kissaas would be necessary for the adjudication of the prescribed punishment in a Case of murder, is overruled by the provisions of Section XV Regulation VII and Section XI Regulation VIII of 1802.—

3. The Judges of the Court of Foujdaree Adalut are, therefore of opinion that the father in this case is not legally compellable to invoke the punishment of his son, although his testimony as a witness, if necessary, may be required by the Court of Circuit; and that the Vakeel of Government should be authorized

authorized to conduct the prosecution.—

30th January 1822. (Signed) W. Hudleston
Deputy Register.

No. 31 To The Criminal Judge in the Zillah of Bellary.

Sir,

1st I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 21st Instant, stating your opinion against the propriety of admitting to a conditional pardon Joramah, the person alluded in the proceedings of the Court of Circuit which accompany your letter, and requesting the instructions of the Judges as to your further proceedings.—

2nd It appears, that the Acting Judge late on Circuit has minutely described in his detailed remarks on this Case, which have been furnished to the Magistrate certain points affecting the credibility of the statements given by Joramah, regarding which further evidence is required; and the Assistant Magistrate in his letter dated 21st Ultimo reports, that he has issued the necessary orders.

3rd The result of this further investigation not having yet ascertained, the Judges of the Foujdaree Adalut consider your application for their instructions to be premature, and in order to obviate any further needless reference they direct, that this case be brought on the first in the Calendar at the ensuing Sessions of Jail Delivery, in order that the Court of Circuit may on an examination of all the proceedings determine as the utility or propriety of proposing to the Foujdaree Adalut the tender of a conditional pardon to Joramah under the provisions of Section XX. Regulation VIII of 1802.—

30th January 1822. (Signed) W. Hudleston
Deputy Register.

No 34 To (No 4)

The Secretary to Government in the Judicial Department.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adaulut to transmit for the orders of the Honorable the Governor in Council the accompanying letter, dated 29th Ultimo, from the Criminal Judge in the Zilla of Bellary transmitting for sanction a statement of expence incurred in feeding certain cattle sent in by the Magistrate with a gang of Khaneegars together with the letter from the Criminal Judge, dated 12th December therein referred to.-

2. In answer to the latter letter the Judges of the Foujdaree Adaulut directed that the 5 Bullocks therein mentioned should be sold in liquidation of part of the expence which had attended their detention, and in explanation of the charge now submitted for sanction the Judge direct me to submit the accompanying copy of a letter from the Criminal Judge dated 31st May and of the reply thereto dated 30th June last.-

5th February 1822. (Signed) W. Oliver Register.

No 35. To The Acting Criminal Judge in the Zillah of Madura.

Sir,

1. Upon an examination of your last quarterly report of persons apprehended in the Zillah of Madura the Judges of the Foujdaree Adaulut observe that of 189 persons, whose cases were disposed of by you 151 were released nothing being established against them, from which it seems inferrible that the majority of this large body of persons

persons must have been sent to the Zillah Criminal Court without a particle of evidence as to their commission of the offences laid to their charge.-

2. If this inference be correct, it will be proper that the circumstances should be brought to the notice of the Magistrate in order that he may be careful himself or caution his Police officers, as the case may be, not to forward persons to the Criminal Judge, unless there may be ground to suspect that they have committed the offences with which they may be charged.-

3. With reference to case No 2, in the report of persons under charge of the Judge to be tried by the Court of Circuit, in which seven prisoners who were charged with robbery are stated to be at large upon bail, the Judges, direct me to call your attention to a letter from this office dated 6th March last; from which you will perceive that a Memorandum should be entered in the report explanatory of cases wherein persons charged with an offence not bailable may be admitted to bail, as being only implicated in the degree mentioned in Clause Second Section X Regulation IX of 1816.-

4. A similar notice should also be appended, for the information of the Judges to cases wherein the special sanction of the Court of Circuit for the admission of bail may have been obtained under the provisions of Section XI Regulation X of 1816.-

5. In Case No 3 in the report transmitted by you of Criminal Cases depending on 31st Ultimo the date of the charge against the prisoners is stated to have been 25th and that

of

of his apprehension the 23d December, the Judges conclude that this is a clerical error.—

5th February 1822. (Signed) W. Hudleston.
Deputy Register.

No. 36. To
The Criminal Judge in the Zillah of
Nellore.

Sir,

1st I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 29th Ultimo, transmitting report of prisoners confined under sentence to 31st December 1821.—

2d Section XXXVII. Regulation X of 1816 declares that the reports therein referred to shall be transmitted by the Criminal Judges to the Register to the Foujdaree Adalut "within twenty days after the Judges of Circuit have finished the business of the Circuit or Jail Delivery at their respective stations;" the Judges of the Court of Foujdaree Adalut direct me, therefore, to return to you the above report, in order that it may be transmitted at the period, and contain the particulars, prescribed by the Regulation.—

5th February 1822.— (Signed) W. Hudleston.
Deputy Regr.

No. 37. To
The Criminal Judge in the Zillah of
Bellary.

Sir,

1. Referring to Case No. 20 in your last Quarterly Report of persons apprehended in the Zillah of Bellary, wherein the prisoner, charged with stealing a Buffaloe is stated to have

been sentenced to six months imprisonment and to pay a fine of 20 Rupees commutable to a further imprisonment of four months, the Judges of the Foujdaree Adalut direct me to observe to you, that under the provisions of Section VII. Regulation X of 1816. punishment by fine is not applicable to cases of theft.—

2. In the first case on your report of Criminal Cases depending on 31st December last the date of the charge is stated to be 19th September, and that of the apprehension of the accused 22d April 1821.—

3. The Judges require an explanation of this apparent inconsistency.—

With reference to a case in the report wherein the date of the charge is stated to be unknown, the Judges direct me to observe that whenever the report furnished by an officer of Police under the provisions of Clause fourth Section XXVII. Regulation XI of 1816. may not contain this information, a reference should be made to the Magistrate in order that the omission may be supplied.—

5th Febuary 1822. (Signed) W. Hudleston.
Deputy Register.

No. 38. To
The Acting Criminal Judge in the Zillah of
Cuddapah

Sir,

1. In a Case No. 1 of your report of criminal cases depending on 31st December last the prisoner who is stated to have reached the Zillah station on 22d May 1821. charged with stealing a Handkerchief value 1 Rupee is described as standing committed

committed for wilful and corrupt perjury.-

2. The Judges of the Foujdaree Adalut desire, that you will explain the delay which has occurred in disposing of this case, and the grounds upon which a prisoner accused of theft has been committed to take his trial for an offence of so different a description.-

3. In case No. 2 the 1st prisoner is stated to have been apprehended on 4th February, and to have reached the Court on 1st November 1821.-

4. The Judges desire, that you will obtain from the Magistrate an explanation of this most extraordinary delay.-

5th February 1822.- (Signed) W. Hudleston
Deputy Register

No. 39. To The Second Judge late on Circuit in the Northern Division.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 28th Ultimo and to transmit to you correct transcripts of the fatwas and sentences in cases No. 1 and 7 Nellore Calendar 2nd Sessions A. D. 1821.

9th February 1822. (Signed) W. Hudleston
Deputy Register

No. 40. To (No. 5)
The Secretary to Government in the Judicial Department.

Sir,

1. The Judges of the Court of Foujdaree Adalut have recently had occasion to resume the consideration of the correspondence held regarding certain provisions proposed in an Extract of the Proceedings of the Court under date 9th July last prescribing the mode

mode of bringing to punishment persons guilty of Perjury before a Collector, Register, Sudr Ameen, District Moonsiff, District Punchayet, Tillage Moonsiff or Tillage Punchayet.-

2. In reply to my letter (No. 40) dated 10th August last, which conveyed the opinion of the Judges that a legislative enactment would, with reference to Section VIII Regulation X of 1816, be requisite for the introduction of the above provisions, it is observed in your letter (No. 342) dated 17th August, that "as the "Governor in Council understands that cases of perjury committed "before the several tribunals specified by the Foujdaree Adalut "may be brought through the Magistrate and his Police officers under "the cognizance of the Criminal Judge, it does not appear "immediately necessary to adopt the proposed enactments for "authorizing their being brought under that officer's cognizance "direct from the tribunals when they were committed."-

3. Certain cases included in the last report furnished by the Criminal Judge in the Zillah of Combaconum under the provisions of Section XXXV Regulation X of 1816, in which the prisoners were brought before that officer by the Head of Police charged with having committed perjury before a Moonsiff, have attracted the attention of the Judges to a further defect in the existing Law on this point, and confirmed them in their opinion of the expediency of providing for the reference of charges of this nature to the Judge direct from the tribunal before which the perjury may have been committed.-

4. From the Criminal Judge's notice of the cases in

in question it would appear, that he considered the charges inadmissible with reference to the provisions of Section XXIX Regulation IX of 1816.

5. The Judges of the Court of Foujdaree Adalut of opinion that the restriction contained in this section against prosecutions for perjury by parties applies solely to the zillah and superior Civil Courts the provisions of Section VIII Regulation III of 1802, which is cited at the conclusion of that section being obviously limited to perjury committed before the zillah Judge.

6. The principle upon which it was determined to take away from parties in suits before the higher Civil Courts the right of bringing forward accusations of perjury, appears to the Judges to be much more strongly opposed to the admission of charges of this nature which may be preferred by parties in suits before the Native tribunals; and as the Judges perceive, that provisions prohibitory of such charges have been found necessary in Bengal, they beg leave to suggest the enactment of the rule contained in Section XIV Bengal Regulation XVII of on this subject.

7. From the second clause of the section last cited were taken the rules proposed by the Foujdaree Adalut under date 9th July last for defining the mode of bringing the offenders in such cases to punishment and the Judges being of opinion that much vexation to parties, and unnecessary occupation of the time of the Magistrates and their Police officers would be obviated by the adoption of those rules, and that the intervention of the latter officers in cases of perjury in civil suits is objectionable on general principles beg

leg leave to repeat the recommendation of their enactment.

8. The proposed provisions on the two foregoing points, might, if sanctioned by the Honorable the Governor in Council, be conveniently introduced immediately before section IX of the Regulation, submitted by the Judges under date 8th December last, intitled "a Regulation to provide for the more effectual administration of Criminal Justice in certain Cases and to alter certain provisions of the Regulations now in force."

11th February 1815. (Signed) W. Olivier
Register

No. 41. To The Secretary to Government in the (No. 6)
Judicial Department.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying Letter, dated 21st Ultimo, from the Provincial Court of Circuit in the Southern Division, recommending that an addition of 20 Peons to the Jail establishment for the Zillah of Tinnevelly may be sanctioned.

2. It appears from the foregoing communication that on the reduction of the Jail establishment to its present scale of 50 Peons, the number of prisoners in confinement was 118, and that the number at present is 226.

3. The Criminal Judge in his letter to the Provincial Court, dated 12th November, states the augmentation to be required for the observance of the rule against sending out Convicts under the charge of a single Peon and an instance was lately reported by this Officer of the escape of three Convicts so guarded

which

which was effected in a very daring manner.-

4. The Judges of the Foujdaree Udalut concur in the modification suggested by the Provincial Court of the establishment originally proposed by the Criminal Judge; and beg leave to recommend that an addition of 20 Peons to the present Jail establishment at Tinnevelly may be sanctioned to be postponed reduced on any diminution of the number of prisoners.-

11th February 1822.- (Signed) W. Oliver
Register

No. 42. To The Acting Criminal Judge in the Zillah of Cuddapah.-

Sir,

1. Referring to certain cases in your last Quarterly Report of persons apprehended in the Zillah of Cuddapah, wherein the date of apprehension is stated to be unknown, the Judges of the Foujdaree Udalut direct me to observe to you, that in such cases a communication should be made to the Magistrate in order that the omission may be supplied, and the report transmitted in a correct form to the Court of Foujdaree Udalut.-

2. In the report of casualties the Judges remark that in the column headed "natural death" and when" are inserted notices of the several persons hanged in pursuance of the sentences of the Court of Foujdaree Udalut.-

3. The above entries are manifestly misplaced and a separate report is allotted to such cases in the Appendix to Regulation X of 1816.-

11th February 1822.- (Signed) W. Hudleston
Dy. Register

No. 43. To The Magistrate in the Zillah of Bellary.

Sir,

The report prescribed by Section XXX Regulation IX of 1816 and the statement required by the orders of the Court of Foujdaree Udalut dated the 25th June 1819 not having been received from your office I am directed to desire that they may be transmitted without further delay.-

11th February 1822.- (Signed) W. Hudleston
Deputy Register

The same to the Magistrate of Chittoor and Malabar.-

No. 44. To The Second Judge on Circuit in the Western Division.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut, to acknowledge the receipt of your letter, dated 4th Instant, reporting upon the case of Tuna, a prisoner committed for trial on a charge of murder, who appears to be insane and to have committed the act with which he is charged under a deprivation of intellect.-

2. It being the intention of the Circular Orders of the Foujdaree Udalut, dated 29th October 1807, that the Judges should have before them the whole of the circumstances of cases of this nature, and the evidence upon which the Court of Circuit may arrive at the conclusion of a prisoners insanity, I am directed to desire that you will transmit English translations of the proceedings which may have been held in this case, and the examinations taken by you relative to the state of mind of the prisoner Tuna.-

13th February 1822.- (Signed) W. Hudleston
Dy. Register

No. 48. To The Criminal Judge in the Zillah of North Malabar.

Sir,

1. The Judges of the Court of Foydaree Adalut observe that your last Quarterly report of persons apprehended in the zillah of North Malabar for the months of October November and December includes the names of 34 persons, who were apprehended and reached the Zillah station in the preceding quarter, and who were stated in the preceding report to be under examination.—

2. The form of the report requires the insertion of those only whose arrival at the Zillah station may have taken place within the period embraced by the report and a separate report was required by the instructions of the Foydaree Adalut dated 27th September last, "exhibiting the mode in which the "cases of all persons apprehended in the previous quarter and "with respect to whom no final order was then passed may "have been disposed of."

3. This separate report has been furnished by you, but the repetition of the names of the same persons in the quarterly report prescribed by the Regulation is irregular, and calculated to mislead by shewing a greater than the actual number of persons apprehended in the course of the year.

4. If it is true that the number of persons who may appear from the date of their arrival to belong to the former quarter could easily be deducted from the total number of prisoners contained in each report, but the Judges have considered it more regular that the form of the report prescribed

prescribed by the Regulation should be strictly adhered to and a separate report be furnished of the cases in question.—

13th February 1822.— (Signed) W. Hudleston
Dy. Register.

No. 50. To The Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

Para 1st. I am directed by the Judges of the Court of Foydaree Adalut to transmit for your information and guidance the annexed Copy of an Extract from the Minutes of Consultation in the Military Department dated 1st Instant, and to desire that the same may be communicated to the several Criminal Judges within your Jurisdiction.—

2d. It will be the duty of the several Criminal Judges to place under the charge of the Medical officer of the station all prisoners brought before them in Criminal charges who may appear from evidence to be of unsound mind, reporting for the orders of the Judges of the Foydaree Adalut the circumstances of the cases of all such as may not be eventually considered fit subjects for the Lunatic Asylum.—

3d. This report is to be accompanied by translations of the examinations which may have been taken in the case, and by the opinion of the Medical officer as to the state of mind of the prisoner.—

4th. The Magistrates are to be enjoined after the requisite accommodation shall have been provided, to send to the Zillah station all insane persons from whose insanity they may have reason to apprehend any fatal effects, and whose friends

friends may not be able and willing to answer for their safe custody such persons will be disposed of conformably with the general instructions, which will be furnished to the Medical Officer of the station by the Medical Board, and it will be competent to the Criminal Judges to restore them to the charge of their friends on the recommendation of the Surgeon without applying for the Special permission of the Foujdaree Adalut.—

5th The present instructions will to a certain degree supersede the standing orders of the Court dated 29th October 1807 regarding Lunatic prisoners, should however cases of the nature therein described hereafter arise, it will be proper that those orders should be adhered to by the Judges of Circuit.—

21st February 1822. (Signed) W. Hudleston.
Deputy Register.

The same to Northern, Southern, and Western Divisions.—

No. 54. To The Secretary to the Medical Board.—

Sir,

With reference to an Extract from the Minutes of Consultation in the Military Department, dated 1st Instant, directing the abolition of the several Provincial Lunatic Hospitals I am directed by the Judges of the Foujdaree Adalut to transmit to you for the information of the Medical Board the annexed Copy of Circular instructions issued by them to the Courts of Circuit under this date.—

21st February 1822. (Signed) W. Hudleston.
Deputy Register.

To

No. 54 To The Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

With reference to your letter of the 21st Ultimo, I am directed by the Judges of the Foujdaree Adalut to transmit for your information and guidance the accompanying Copy of a letter, addressed by the Register of the Foujdaree Adalut to the Secretary to Government in the Judicial Department, dated the 11th and of the reply thereto, dated the 22nd Instant, and to desire that the same may be communicated to the Criminal Judge in the Zillah of Trinevelly.—

26th February 1822. (Signed) W. Hudleston.
Deputy Register.

No. 55. To The 1st Judge Residing at the 1st Quarterly Sessions of Jail Delivery for 1822 at Masulipatam.

Sir,

Para 1st I am directed by the Judges of the Foujdaree Adalut acknowledge the receipt of your letter dated 19th Instant transmitting list of prisoners ordered to be detained on requisition of security.—

2nd It being the intention of the Court of Foujdaree Adalut that the extent of the security to be required previously to the release of persons ordered by them to be detained under the provisions of Clause sixth Section II Regulation XV of 1803 should be determined by the Criminal Judge, the Judges do not deem it proper to issue any instructions regarding the prisoners in Case No. 2 whose situation should they be enable

unable to furnish the required Security may be eventually brought under the Consideration of the Judge of Circuit under the provisions of Section XI of the above Regulation.—

26th February 1822.— (Signed) W. Oliver
Register.

No. 56. To The Criminal Judge in the Zillah of Madura.—

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 19th Instant and to observe that Section XI Regulation XV of 1803 prescribes the course of proceeding to be adopted in the cases of persons Ordered to be obtained on a requisition of Security which they may be unable to furnish.—

No. 59. To The Criminal Judge in the Zillah of Madura.

Sir,

Para 1st. In your letter dated 20th Ultimo it is stated that "in the last quarter only one case was received from the Magistrate in which there were 11 Prisoners and 27 Cases from the Police officers in which there were 126 prisoners."—

2nd. As your last Quarterly report specifies 202 as the number of prisoners who reached the Zilla station within that period the Judges direct me to return the report to you for correction.—

2nd March 1822.— (Signed) W. Hudleston
Dy. Register.

No. 61. To The Criminal Judge in the Zillah of Salem.

Sir,

Para 1st. Your two last Quarterly Reports of persons apprehended in the Zillah of Salem exhibit 650, as the number that reached the Zilla station within the period which those reports conjointly embrace, from which if 15 persons who were apprehended in the preceding half year be deducted, there will remain 635.—

2nd. By the last half yearly report received from the Magistrate it appears, that 825 prisoner were within that period sent to the Criminal Judge."

3rd. As this discrepancy appears to the Judges of the Foujdaree Adalut to be greater than can be accounted for on the supposition, that the remaining prisoners were dispatched by the Magistrate and Police officers, but had not reached the Zillah station before the end of the half year, the Judges desire that you will, in communication with the Magistrate, ascertain and report whether any, and what error has been made in your respective reports.

reports of Prisoners from July to December 1821 inclusive.-
5th March 1822. (Signed) W. Hudleston
Dy. Registr.

No. 62. To The Magistrate in the zillah of Canara

Sir;

Para 1st. In your last Half yearly report of crimes and punishments, submitted under the orders of the Court of Foujdaree Adalut dated 25th June 1819, the number of persons apprehended is stated to have been 2208; and the number of persons sent to the Criminal Judge 392.-

2d. As it appears from the two last quarterly reports submitted by the Criminal Judge under the provisions of Section XXXV Regulation X of 1816, that 486 persons were apprehended and reached the Zilla station within the period embraced by those reports, the number given in the last column of the accompanying Statement must be incorrect.-

3d. The Statement is therefore returned to you for correction.-

5th March 1822.- (Signed) W. Hudleston
Dy. Registr.-

No. 66. To The Magistrate in the zillah of Bellary.

Sir;

The report furnished by you under the provisions of Section XXX Regulation IX of 1816 for the last year not being drawn up in the form contained in No. 9 of the Appendix to that Regulation, I am directed by the Judge of the Foujdaree Adalut to call your attention to the circular instructions, dated 25th May last, and to desire that a Statement in the form of that transmitted by you under date 26th Ultimo

which is herewith returned.-
8th March 1822. (Signed) W. Hudleston
Dy. Registr.

No. 67. To The Magistrate of Malabar.

Sir;

Para 1. The fourth Column of your last half yearly Statement of Crimes and punishments is erroneously headed and all its totals incorrect.-

2d. It is intended to exhibit "the number of persons "convicted by the Magistrate and by the Police officers under "his authority"; and the 3 following columns are to shew the nature of the punishments inflicted on the persons so convicted; the number inserted in Column 4 should therefore, be the total of the number given under the 3 following heads.-

3. Column 4 in your statement is made to include the Number of persons "committed by the Magistrate and Police officers" the Statement is therefore, returned to you for correction.-

8th March 1822 (Signed) W. Hudleston
Dy. Registr.

No. 68. To The Criminal Judge in the Zillah of Coimbatoor.

Sir,

Para 1st The prisoners Nos. 12, 13, and 14 in your last Quarterly Report of persons apprehended in the Zillah of Coimbatoor were charged, the first with "delivering a forged "Yakalutnamah in the Moonsiffs Cutcherree," the second with "being an accomplice" in that offence, and the third with "having committed Perjury in the Moonsiffs Cutcherree".

2d. The Case is stated to have been dismissed

it not having been brought forward by the proper officer as prescribed in Section XXIX Regulation IX of 1816.

3d. With respect to the charge against the two first prisoners, as also to that against the prisoner No. 2 of uttering a forged receipt the Judges of the Foujdaree Adawlut direct me to observe, that the Section of the Regulation cited in your Report is applicable only to charges of Perjury; and with reference to the case of the prisoner No. 14 the Judges instruct me to convey to you their opinion, that the restriction contained in Section XXIX Regulation IX of 1816 applies solely to the Zillah and Superior Civil Courts, the provisions of Section VIII Regulation III of 1802, which is cited at the conclusion of that Section being obviously limited to perjury committed before the Zillah Judges.

4th. The Judges have had under consideration the expediency of some legislative provision being made for cases of perjury before the Inferior Judicatories, and deeming it probable that the proceedings held in the case of the prisoner Deerunnurrundaumun, may afford a practical illustration of some of the inconveniences arising from the want of such provision, they desire that you will transmit an english translation of the whole of the proceedings held on his case.

5th. Soobroya Sirdar, prisoner No. 29 is stated to have been charged with having carried away

38

38 Cullums of Paddy valued at Rupees 16 annas 13 and Pice 11 belonging to Nagaswera Sastry.

6. A period of 10 months and 22 days appears to have intervened between this persons apprehension and his arrival at the Zillah station, and the only explanation given of the delay is, that it was "occasioned by the deficiency of several Police officers who had investigated the charge."

7. From the sentence of fine passed in this case it would appear, that the act imputed to the prisoner did not amount to theft.

8. The Judges desire to be furnished with a distinct explanation of the nature of this case, and that you will ascertain by a reference to the Magistrate and report to them the precise grounds of a delay so vexatious, and the period during which the prisoner, Soobroya Sastry, had been kept in custody before he was sent to the Zillah station.

8th March 1822. (Signed) W. Hudleston
Dy. Regr.

No. 69 To The Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

Para 1st With reference to the Circular instructions of the Court of Foujdaree Adawlut under date 4th Instant respecting to particulars required to be inserted in the letters which accompany trials referred for the final sentence of the Court, I am directed by the Judges to transmit the annexed Copy of a letter from a Judge of Circuit, which is drawn up in the manner considered by the Judges of

of the Foujdaree Adalut to be most agreeable to the intention of the Regulations on this subject.—

2d. The Judges desire, that your letters on the reference of trials may, as far as the circumstances of each case will admit, exhibit the same arrangement of the subject and contain the same particulars as the letter annexed, giving a clear abstract of the evidence, and a distinct opinion as the guilt and punishment of each prisoner.—

8th March 1822.— (Signed) W. Hudleston
Deputy Register

The same to the Northern and Southern Divisions.—

No. 73. To The Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

Para 1st. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 22d. Ultimo, forwarding application from the Criminal Judge in the Zillah of Tinnevelly for the appointment of a Jail Sailor.—

2d. In submitting the above application it is observed that "the Provincial Court adhere to their former "adverse opinion recorded in their proceedings under date 21st. Ultimo."

3. Your letter of 21st. January was submitted by the Judges to Government with a letter dated 11th. Copy of which was transmitted to you on 26th. Ultimo together with the answer of the Secretary to Government in the Judicial Department, dated 22d. Ultimo, conveying sanction of the Honorable

Honorable the Governor in Council to an addition of 20 Peons to the Jail Establishment at Tinnevelly.—

4. The Judges desire, that you will notify to the Criminal Judge their concurrence in your opinion, that no further addition to the Jail Establishment is necessary.

14th March 1822.— (Signed) W. Hudleston
Deputy Register.—

No. 75. To The Criminal Judge in the Zillah of Madura.—

Sir,

Para 1st. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 7th Instant, applying for the certificate prescribed by Section XX. Regulation VIII of 1802. in confirmation of the conditional pardon tendered to the prisoner Rammen as authorized by the Governor in Council on the recommendation of the Court of Foujdaree Adalut in their proceedings under date 7th January last.—

2d. On reference to the Circular Orders of the Court of Foujdaree Adalut under date 27th January 1820. you will perceive, that the confirmation of the pardon tendered to the approver depends on his testimony before the Court of Circuit, by whom his fulfilment of the conditions must be certified to the Court of Foujdaree Adalut to enable them to grant the prescribed certificate.

18th March 1822.— (Signed) W. Hudleston
Deputy Register

No. 76. (No. 7) To The Secretary to Government in the Judicial Department

Sir,

Para 1st. I am directed by the Judges of the Court of Foujdaree

Foujdaree Adalut to acknowledge the receipt of your letter, (No. 90) dated 8th Instant, referring for their opinion Copy of a letter from the Criminal Judge in the Zillas of Chicacole and the Inspector General of Civil Estimates relative to the number of prisoners the Jail at Chicacole should be calculated to contain.—

2d. Upon the calculation made by the Criminal Judge of the number of prisoners, for whom accommodation should be provided, the Judges have to observe that the number of Convicts appears to be related too high, at 260, the average number in the Jails of Ganjam and Vizagapatam conjointly for five years, from 1816 to 1820. inclusive, having been only 152.—

3d. The opinion of the Judges is, however, more especially required with regard to the arrangement projected by the Criminal Judge of removing persons convicted, who are able to bear the journey to Masulipatam.—

4th. This arrangement is suggested on the ground of economy; but when reference is had to the constant expence attending the removal of the Convict, for whose safe custody a strong escort would frequently be required, and to the obstacles which at certain seasons of the year would oppose to their removal; the expediency of the proposed reduction in the scale of the Jail appears to the Judges to be very questionable.—

5. The Judges would therefore, recommend that the Jail at Chicacole should be calculated to contain the probable

probable number of prisoners of all descriptions, estimating the convicts at 200; the Judges are not aware that there is reason to question the correctness of any other part of the Criminal Judges calculation.—

18th March 1822.— (Signed) W. Hudleston
Deputy Register.

No. 77. To The Criminal Judge in the Zillah of Chingleput.—

Sir,

Para 1st. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 13th Instant, transmitting a notice to be served on a female said to be resident in the Talook of Madras.—

2d. The Judges direct me to return to you the notice with the Report of the Nazir endorsed thereon in order that a notice may be sent containing the several particulars specified in an Extract of the Proceedings of the Foujdaree Adalut under date the 13th March 1818, to enable the Nazir to discover the party if resident at present in Madras.

18th March 1822.— (Signed) W. Hudleston
Deputy Regr.

No. 78. To The Second Judge on Circuit in the Western Division.

Sir,

Para 1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 13th Instant, requesting their orders with respect to a prisoner committed for trial, who has become deaf.—

2. The Judges, concluding that the prisoner is unable to read and write, concur with you as to the propriety

propriety of postponing his trial, which will be no bar to the trial of the other prisoners concerned in the same cases.-

3 The prisoner will of course be placed under Medical treatment and should his lunacy continue abated; it will be proper that the Criminal Judge should previously to summoning the prosecutors and witnesses to attend at the ensuing Sessions of Jail Delivery, transmit to the Court of Fouydaree Adawlut English translations of all examinations which may have been held regarding him, in order that the Court may be enabled to determine as to the propriety of putting him on his trial.

21st March 1822. (Signed) W. Huddleston
Deputy Register

No. 82. To The Second Judge on Circuit in the Centre Division.

Sir,

Your reference to the Court of Fouydaree Adawlut dated 4th Ultimo having under the provisions of Clause third Section XLe Regulation IX of 1816. been submitted for the information and orders of the Honorable the Governor in Council, the Judges have received in reply a letter from the Secretary to Government in the Judicial Department, dated 29th Ultimo, copy of which is annexed for your information and guidance.-

1st April 1822. (Signed) W. Huddleston
Deputy Register.

No. 83. To The Magistrate in the Zillah of Bellary.

Sir,

I am directed by the Judges of the Court of Fouydaree Adawlut to transmit for your information and guidance the annexed Copy of a letter from the Secretary to Government in the Judicial Department dated 29th Ultimo communicating the sentiments of the Honorable the Governor in Council regarding two precepts issued to you by the 2nd Judge on Circuit and your returns thereto which were referred for the information and Orders of Government under the provisions of Clause third Section XLe Regulation IX of 1816.-

1st April 1822. (Signed) W. Huddleston
Deputy Register

No. 84. To The Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

Para 1. The english translations of the records of proceedings held in the cases noted in the margin, which were referred to the Court of Foujdaree Udalut at the 2nd Sessions of Jail delivery for the Zilla of Canara in the year 1810, having been transmitted to the office of the Secretary to Government in the Judicial Department, are reported to the Judges to be lost.-

2. It becomes necessary, therefore, that transcripts should be furnished from the records of the Provincial Court of Circuit, for the preparation of which you will entertain such additional writers as may be required, and the Judges having immediate occasion to refer to the Record of Case No. 42 of the Calendar, desire that a certified Copy of the English translation of that record may be prepared and transmitted to this office with as little delay as possible.-

1st April 1822.- (Signed) W. Hudleston
Deputy Register.

No. 87. To The Judges of the Provincial Court of Circuit

Gentlemen, in the Western Division.

The recovery of the several Criminal records specified in my letter dated 1st Instant having been announced to the Judges of the Court of Foujdaree Udalut the transcripts therein called for are not required.-

3rd April 1822.- (Signed) W. Hudleston
Deputy Register.

No. 93. To The Criminal Judge in the Zillah of Nellore

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter, dated 26th Ultimo, and to convey to you their opinion that it is not the intention of the Regulations, that District Police officers should be called before the Criminal Judge to explain irregularities or defects in their proceedings.-

2. Whenever the proceedings of the Police officers in cases referred to the Zilla Criminal Court may be defective or irregular, an immediate communication should be made on the subject to the Magistrate, in order that he may take the necessary measures to supply any defect and to prevent the recurrence of any irregularity in the proceedings of the officers under his authority.-

13th April 1822. (Signed) W. Hudleston
Deputy Register.

No. 95. To The Magistrate in the Zillah of Canara.

Sir

I am directed by the Judges of the Court of Foujdaree Udalut to call your attention to my letter dated the 5th Ultimo and to desire that the corrected statement therein required may be transmitted without further delay.-

17th April 1822.- (Signed) W. Hudleston
Dy. Register.

No. 12.

No. 106 To The Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 22nd Ultimo, transmitting a letter from the Magistrate of Bellary who represents the difficulty and occasional impracticability of carrying into effect the Circular orders of the Court, dated 6th September last respecting the attestation of confessions and intimating the desire of the Honorable the Governor in Council, that the Judges would reconsider the sentiments expressed in their proceedings of 5th November last on the subject.—

2. In consideration of the circumstances stated by the Magistrate of Bellary and of a similar representation from the Magistrate in the Zillah of Masulipatam the Judges have modified their Circular orders of 6th September, as far as they applied to all officers belonging to the existing Police establishments excepting Peons of Police, to whose credit as immediately employed in the seizure of offenders a general objection is taken under the Mahommedan Law, when their testimony is unsupported by other direct or circumstantial evidence; and whose attestation of confessions delivered before the Magistrates or Criminal Judges was by Orders issued on the same date prohibited with reference to the provisions of that Law.—

3. The extension of the rule in cases of confession

confession before a Police officer to all descriptions of persons connected with the Police was suggested by the Courts experience of the undue means frequently resorted to for the purpose of obtaining confessions, the prevention of which might in a great degree be accomplished by requiring the presence of persons wholly independent of the Police officers on such occasions.—

4 Although the Judges must admit that the public servants, who are now charged with the detection of crime and the apprehension of Criminals, have not the same motives that may be supposed to have induced former Police officers to resort to persuasion and violence in order to obtain confessions of guilt from those, whom they might apprehend on suspicion, yet the proceedings of the Courts of Circuit still evince the occasional existence of such practices, for which a motive may be traced in the failing, which all the endeavours of the Court have failed to repress, that a prisoners confession relieves the Police officer from the duty of searching for other evidence against him.—

5. The instances of atrocious cruelty practised for this purpose, which were cited in the proceedings of the Foujdaree Adalut under date 5th November last, occurred four years after the establishment of the existing Police system.—

6. In the Calendar of prisoners tried at the 1st Quarterly Sessions for the present year at Masulipatam it is stated to have been proved in two cases, that the declarations of the prisoners before the Police officer had

been excited by compulsion.—

7. The Report of the 1st Judge of the Court of Circuit in the Centre Division on the 1st Quarterly Sessions for this year at Chittoor notices the ill treatment received by certain prisoners on a like occasion for which he intimates that the circular orders of the 6th September are calculated to apply remedy.—

8. Instances have also been brought before the Court of the extortion of confessions in cases on the Calendars of prisoners tried at the 1st Sessions for this Year at Nellore and Chingleput.—

9. And a most remarkable proof of the disposition of one of the highest native officers of Police to use violence for this purpose is to be found recorded in a trial, referred by the late Acting Judge on Circuit in the Centre Division from Bellary at the 2d Sessions for the last year, wherein the Tahsildar in reply to a requisition for further evidence against the prisoner, who was under examination by the Criminal Judge, recommended the application of stripes for the purpose of eliciting a confession.—

10. The Judges do not, however, consider that the practice of resorting to violence for the purpose of extorting confessions from prisoners is generally prevalent among the officers of Police and their experience satisfies them that zealous exertions have been made by the Judges of Circuit, the Criminal Judges and the Magistrates to check it; but with these facts before them, added to the numerous

instances irregularity of the officers of Police in the detention of prisoners, as shewn by the Quarterly reports made to the Court, and the general remissness of these officers in searching for Collateral evidence, it is impossible for the Judges of the Foujdaree Adalut to view without distrust confessions alleged to have been freely and voluntarily delivered before them; or to think any pains superfluous which may tend to check a practice so subversive of the pure administration of Criminal justice.—

11. The Judges will continue to use their best endeavours for this purpose, and regret that the success of the expedient attempted to be introduced by their orders of 6th September last should have been opposed by insurmountable difficulty.—

29th April 1822.— (Signed) W. Oliver
Register.

No. 107. To The Judge & Criminal Judge in the Zillah of Combaconum.

Sir,

I am directed by the Judges of the Sudr and Foujdaree Adalut to transmit to you the annexed extract of a letter to the late Acting Judge and Criminal Judge in the Zilla of Trichinopoly, and to desire that you will immediately report what number of prisoners can be accommodated in the Jail under your charge in addition to those already confined there.—

29th April 1822.— (Signed) W. Hudleston
Dy Regr.

No. 110 To The Criminal Judge in the Zillah of Nellore.

Sir;

Para 1. The prisoners in Case No. 1 in your last Quarterly report of persons apprehended in the Zilla of Nellore are stated to have been "imprisoned for 2 months and fined 100 rupees each" and the prisoners in Case No. 3 to have been "imprisoned for 2 months and fined 200 rupees" on charges of "Forestalling and engrossing":-

2. The Judges of the Court of Foujdaree Adalut direct, that you will submit for their consideration the proceedings held in the above cases, together with an explanation of the grounds, on which you have considered yourself authorized to take cognizance of such a charge.

3. Certain of the prisoners named in the report are described to have been punished on charges of "purchasing stolen cattle," "selling stolen cattle," "possessing Do.!; and possessing or purchasing stolen property.-

4 The gist of the charge in all cases of this nature lies in the knowledge of the party; that the goods were stolen, and without an affirmation to this effect the charge involves no criminality.-

5. The prisoners in Case No. 17 are charged with instigating with a promise of bribes to give false evidence; they are stated to have reached the Zilla station on 24th January; and the case is reported as "not examined" at the date of the report, 31st March.-

6. The Judges desire, that you will explain

whether any false evidence was proved to have been given at the instigation of the prisoners, and the cause of your delay in disposing of the case.-

7. In Case No. 14 the prisoners were charged with burglary and larceny to the amount of 35 rupees" and the sentences are recorded as follows, on the two first "imprisoned with hard labor in irons for 6 months and 30 lashes each and with alternative of 6 months imprisonment," on the third Do. "Do. for 3 Do. Do. and 18 Do. with alternative of 3 months Do., "and on the 4th Do. Do. for 6 Dos. Do. and 30 Do. and with "alternative of 6 months Do.-

8. The crime of Burglary according to the legal definition of that offence is not considered by the Judges to be cognizable by a Criminal Judge, the offender being liable under the Regulations to 7 years imprisonment, and the Judges direct me to observe that sentences awarding stripes with "alternative" of imprisonment are wholly unauthorized by the Regulations.-

9. In No. 39 charges of "Gang robbery," Burglary." Possessing stolen property" receiving a bribe" intending to purchase stolen property, and "purchasing stolen property" are blended together.-

10. Referring to this irregularity and to the gross negligence exhibited in the wording of parts of the report, in which some of the charges, such as "concerning in the "robbery," setting fire," stabbing with a chisel as to render "the death," are not English, the Judges have directed me to-

to return the report; in order that it may be drawn out in the mode prescribed in Regulation X of 1816:- and they direct that you will transmit a revised report together with the proceedings held in the cases mentioned in the first paragraph of this letter without delay:-

11. The Judges of the Foujdaree Adalut direct me to add, that as the "intending to purchase stolen property" supposing such a charge to be susceptible of proof, would not be punishable under the Regulation it will be proper that you should bring to the notice of the Magistrate the irregularity of the Police officer in forwarding the prisoner to the Criminal Court; and referring to the remark in Case No. 29, that the dates of the apprehension of some of the prisoners were not stated by the Police offier in his report, the Judges direct me to state that on all such occasions a communication should immediately be made to the Magistrate, and the omission supplied before the transmission of the report.-

12. In your report exhibiting the mode, in which the cases not decided in the former quarter were subsequently disposed of the attention of the Judges has been attracted by Case No. 4, in which the prisoner, charged with "defrauding the customs" is stated to have been sentenced to be "imprisoned with hard labor in irons for 6 Months and fined with 40 Rupees and with alternative of 3 months "imprisonment and hard labor in irons".-

13. Section XXI Regulation I of 1812 defines the punishment, which it is competent to a Criminal Judge to inflict in cases of this description. On reference to this section you will perceive, that your authority extended only to the imposition of a fine, unless the prisoner was convicted of repeated frauds, and that in the event of his omission or refusal to pay the fine, or his conviction of a repetition of the offences described in clause first of the section he was liable only to a sentence of imprisonment and hard labor "for a term not exceeding three months- and it is further declared, that in these cases persons only "of notorious bad characters, who may be found to be incorrigible by other means" are intended to be punished with hard labor on the public works.-

14. The sentence, which you have passed in the case being illegal, under any circumstances, the Judges direct that the prisoner be forthwith discharged, should he have already suffered 3 months imprisonment, and in calling upon you to explain whether the circumstances of aggravation mentioned in clause second Section XXI Regulation I of 1812. existed in the case of the prisoner Purchantcherry Cristnah, the Judges instruct me to observe, that your illegal assumption of authority in this case manifest a disregard of the admonition conveyed to you in the proceedings of the Court of Foujdaree Adalut, under date 23d February 1821 on a similar occasion.-

2d May 1822. (Signed) W. Hudleston
Dy. Register.

No. 111. To The Criminal Judge in the Zilla of Bellary

Sir;

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 24th Ultimo: and to convey to you their opinion that any documents required to be transmitted by a Police officer under section XXVIII Regulation XI of 1816, which may not be so transmitted should be called for through the Magistrate of the zilla.-

2nd May 1822.- (Signed) W. Hudleston.
Dy. Register.

No. 119. To The Secretary to the Government in the Judicial Department. No. 13)

Sir;

1. Conformably with the orders conveyed in the 7th paragraph of your letter, dated the 8th May 1819, I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council, the accompanying statement, shewing the number of persons apprehended, released and punished together with the nature of all punishments inflicted by the several Magistrates, Criminal Judges and Courts of Circuit and by the Foujdaree Adalut from 1st July to 31st December 1821.-

2. The transmission of the statement has been delayed until now in consequence of its having been found necessary to return the reports of certain of the Criminal Judges and Magistrates for correction.-

3. The difference between the number of persons reported

reported by the Magistrates to have been sent and by the Criminal Judges to have been received in the Zillahs of Canara and South Malabar shows, that there must still be some error in the returns of one or other of those officers, to which their attention will be called, the Judges have however determined not to postpone the transmission of the general statement for the purpose of obtaining correction of the errors in these two cases.-

13th May 1822.- (Signed) W. Oliver
Register.

No. 130. To The Secretary to Government in the Judicial Department. No. 14

Sir;

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the consideration and orders of the Honorable the Governor in Council the accompanying letter, dated 1st Instant, from the Provincial Court of Circuit in the Southern Division together with its enclosures.-

2nd. By a letter from the Criminal Judge in the zillah of Combaconum, received on the 10th Instant, the Judges are informed that the Jail at that station will afford accommodation for fifty persons only in addition to those now confined there.-

3. Adverting to the public utility of the works on which the convicts at Trichinopoly are employed, the Judges of the Foujdaree Adalut are led to concur in the recommendation of the Provincial Court, that they may be retained at that station under the superintendence of the Magistrate

Magistrate, or such other officer as the Honorable the Governor in Council, may be pleased to nominate, on arrangement, similar to that sanctioned by the orders of the Government under date 31st December last, at the suggestion of the Magistrate of Coimbatore.

13th May 1822.

(Signed) W. Oliver
Register

No. 127. To The Criminal Judge in the zillah of Nellore.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 8th Instant, transmitting a report of prisoners confined under sentence to 31st December last.-

2. On examining the above report the Judges observe, that it is in every respect the same as that which was returned to you on the 5th February last, excepting an alteration in the date.-

3. The Judges are surprised, that you should have overlooked the obvious intent and meaning of Section XXXII Regulation X of 1816, after it had been intimated to you, that your report did not "contain the particulars prescribed by the Regulations" the report is intended to include the persons sentenced at the Sessions of Jail Delivery immediately preceding its date, and as the report which you have forwarded contains no mention of those prisoners, the Judges direct that another report in the form prescribed in No. II of the Appendix to Regulation X of 1816 be furnished by you within one week from the date of the receipt of this letter.-

17th May 1822.

(Signed) G. Hudleston
Dy. Regr.

No. 128. To The Criminal Judge in the Zilla of Nellore.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 14th Instant transmitting revised report of persons apprehended in the zilla of Nellore during the 1st Quarter of the present year.-

2. Your letter was accompanied by the original proceedings, recorded in Teloogoo, in the cases referred to in my letter, dated 2nd instant.-

3. It being necessary, that you should furnish authenticated translations in english of the proceedings in question, the Judges direct me to return them to you for that purpose; and they direct that the translations under your official Seal and signature be transmitted within fifteen days from the date of the receipt of this letter.-

4. The former report furnished by you was returned with instructions for the preparation of a revised report to be "drawn out in the mode prescribed in Regulation X of 1816".-

5. The Judges are concerned to observe, that the report now before them exhibits inaccuracies similar to those noticed in paragraphs 4 and 10 of my letter dated 2nd Instant, and that you have not conformed to the rule given in a note appended to form No. 5 of the Appendix to the Regulation that the names of persons not examined should be inserted in

in an additional Column.-

17th May 1822.- (Signed) W. Hudleston.
Dy. Register.

No. 131. To The Criminal Judge in the Zillah of Canara.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 9th transmitting report of prisoners confined under Sentence to the 8th Instant.-

2. The prisoner "Francis", No. 1 in the report, is stated to have been sentenced to imprisonment "for 14 years from 13th January 1808".-

3. The Judges desire, that you will inform them whether the above entry in the report is correct, and if so by what authority the prisoner has been detained in confinement since 13th January last.-

20th May 1822.- (Signed) W. Hudleston.
Dy. Register.-

No. 132. To The Second Judge on Circuit in the Western Division.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 14th Instant, suggesting in consideration of the number of cases for trial at the Sessions of Gaol Delivery for the zillas of South Malabar, that certain proceedings should be held on Fridays "without the presence of the Law officer who cannot on those days give his attendance"

2. The Judges direct me to state, that with

reference to the provisions of Clause first Section XV Regulation VII of 1802 the presence of the Mahummedan Law Officer "during the whole of the trial" cannot be dispensed with, but that although it is usual to grant an exemption from all official duties to persons of the Mahummedan persuasion on Fridays, they are liable to be called upon to perform their ordinary avocations on that day excepting at the hours of prayer, or from 1 to 3 P. M.-

3. It will, therefore, be competent to you to direct the Mahommedan Law officer to attend the Sessions of the Court of Circuit on Fridays excepting during the above two hours.-

20th May 1822.- (Signed) W. Hudleston.
Deputy Register.-

No. 135. To The Third Judge late on Circuit in the Western Division.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th Instant, returning the final Sentence passed in Case No. 8. South Malabar Calendar 2d Sessions A. D. 1821. in consequence of observing that the name of the 2d prisoner was erroneously written "Caripoyil Ally" instead of "Caripoyil Cheikoo".-

2. The mistake of the copyist having been rectified the sentence is herewith retransmitted to you for the purpose of being carried into execution and the Judges direct me

me to convey to you their entire concurrence in the propriety of your having withheld the issue of the warrant, and returned the sentence for revision.-

23d. May 1822.- (Signed) W. Hudleston.
Dy. Register.

No. 137. To The Judges of the Provincial Court of Circuit
in the Southern Division.

Gentlemen,

The Sanction of the Honorable the Governor in Council having been received for the detention at Trichinopoly of such number of convicts, as the Foujdaree Adalut may think proper, under charge of the Magistrate, I am directed by the Judges to desire, that you will ascertain and report for what number of prisoners the Jail affords the means of accommodation in strict accordance with the provisions of Section XXIX Regulation X of 1816.-

27th. May 1822.- (Signed) W. Hudleston.
Deputy Register.

To

No. 147 To The Criminal Judge in the Zilla of
North Malabar.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 21st. Ultimo, transmitting report of prisoners confined under sentence to that date.-

2. The Judges desire to be informed by what authority the prisoner "Poathas Cwarain," stated to have been sentenced to 5 years imprisonment under date 29th. July 1812 is detained in confinement.-

5th. June 1822.- (Signed) W. Hudleston.
Dy. Register.

No. 148. To The Acting Criminal Judge in the Zilla of
Masulipatam.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 23d. Ultimo, and to convey to you their opinion, that the provision contained in Section V Regulation VI of 1821 is intended to exclude from the cognizance of the established Criminal Courts the cases, therein declared to be cognizable by Court Martial; and that the provisions of that Section can be enforced only "within the limits of Garrisons, Cantonments, and Stations, plans of which shall have been first sanctioned and confirmed by Government;" agreeably to the provisions of Section III of the Regulation.-

5th. June 1822.- (Signed) W. Hudleston.
Dy. Regr.

3. The Judges desire, that you will apprize the Criminal Judge that this charge, having been made under the orders of the Court, will properly be submitted for sanction in the annual Statement of Contingent charges as is the practice in other Zillas.-

13th June 1822.

(Signed) W. Hudleston
Dy. Regr.

No. 157. To The Secretary to Government in the (No. 16) Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 11th Instt. and to report that the number of convicts, at present under sentence of transportation to such place or places beyond the Seas as the Governor in Council shall appoint, is 38, of whom have arrived at Chingleput.

13th June 1822.

(Signed) W. Oliver
Register.

No. 166. To The Secretary to Government in the (No. 18) Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 30th April last, transmitting a letter from the Magistrate of Vizagapatam dated 11th of April last with its enclosures, and copies of letters addressed to that Officer under date 29th March last and 30th April. I am also directed to acknowledge the receipt of your letter, dated 10th Ultimo, transmitting with reference to the above letter copy of a letter from the Magistrate of Vizagapatam, dated 29th April and of the reply thereto dated 10th Ultimo.-

2. In the 2nd paragraph of the former of the above letters the desire of the Honorable the Governor in Council is expressed, "that the provisions and the administration of the Mahommedan Law in those respects in which they are noticed by the Magistrate of Vizagapatam should be taken into the consideration of the Foujdaree Adawlut."-

3. The Judges conclude, that the observations contained in paragraphs 3 and 4 of the Magistrate's letter, dated 11th Ultimo, are specially referred to in the above paragraph of your letter. In the third paragraph of his letter the Magistrate attributes the frequency of Gang robberies in the Zillahs to the difficulty of bringing sufficient proof against the offenders "to satisfy the Circuit Judge." The observes, that "a native when plundered" will gladly compromise with the thief, on receiving back a part of the stolen goods:- that the first examination before the Police, or the Magistrate, "is generally the most correct in point of evidence;" that "when arrived at the residence of the Criminal Judge, the previous examination is set aside, and evidence again taken;" that the distance of that Court from their homes, the delay in calling for their evidence; and the expence and loss thus produced, are favorable for the accused, who by means of their friends and threats of vengeance "too often succeed in sinking the evidence against them;" that "if they fail on that occasion they rearly do so, when the last examination

examination is taken before the Circuit Judges" that "here again "the depositions before the Police, the Magistrate, and the "Criminal Judge are disregarded, and the trial begins a "fresh;" that the prosecutors and witnesses are by this "time impatient to return home, they have probably — "expended their little means or have run into debt; prevari- "cation and even perjury, are rarely considered other than "venial crimes, and in this state of mind they are easily — "persuaded to say as the prisoners or their friends desire.—

4. The foregoing observations of the Magistrate appear to be applicable rather to the rules prescribed by the Regulations for the conduct of Criminal trials, than to any provisions of the Mahommedan Law.—

5. Supposing the prevalence of that disposition on the part of the sufferers to compromise with the — plunderers of their property, which is asserted by the Magistrate, it must no doubt tend to the impunity of robbers, as their testimony against the offenders would in many cases be most material and often indispensable to their conviction; but while in the opinion of the Judges of the Foujdaree Adalut an active and vigilant police would greatly check the ill effects of such indefference, they think it at the same time desirable that the Magistrate should be invited to offer any suggestions calculated in his opinion to remove the causes of the prevailing disposition to compromise — with robbery.—

6. The observations of the Magistrate, that when

Foujdaree Diary 20th June 1822.

when the parties are brought before the Criminal Judge the previous examinations "are set aside", and that on the trial before the Court of Circuit "the depositions before the Police, the Magistrate and the Criminal Judge are disregarded," are incorrect.—

7. In cases cognizable exclusively by the Criminal Judge and the Court of Circuit, respectively, the trial of the prisoner does not commence until his appearance before one or other of those tribunals; and on the trial particular reference is had to the recorded testimony and the confession of a prisoner before a district police officer of properly attested is received by the Court of Circuit in evidence against him.—

8. The Magistrate has not cited any instances in proof of that success in "sinking the evidence against them" to which prisoners are represented so constantly to owe their acquittal; and as it is the prescribed duty of the Courts of Circuit under the provisions of Clause sixth Section XVIII Regulation VII of 1802 to notice "any material difference "between the depositions of the same witnesses as given before "them and the Magistrate," and under the provisions of Section VI Regulation VI of 1811 to order any witness appearing to be guilty of wilful perjury to be brought to trial, to the Judges of the Foujdaree Adalut, not finding from the proceedings of the Judges of Circuit in the Northern Division, on from the trials referred to themselves for final adjudication, that the — retraction or contradiction before the Court of Circuit is prevalent in

in the province of Vizagapatam, are disposed to question the
authority of the Magistrate's representation on this subject.
9. The facts assumed by the Magistrate being
open to dispute, it may not be necessary to notice the
mode in which he accounts for their existence. The Judges
do not, however, recognize in the inconvenience and distress
sustained by witnesses in gaining their attendance before
the Court of Circuit any obvious means of inducing a state
of mind favorable to the prisoners whose crime has produced
effects so injurious. The 3rd Judge of the Court of Circuit in
the Western Division in his Circuit report submitted to
Government, under date 27th November 1820, [illegible] the
unfavorable bias produced on the mind of a witness by his
attendance, being "detrimental to him," an inference which
appears to the Judges to be more logical.
10. The rules established by the Regulations of
the Government for the conduct of trials are essential to the
personal security of the subject, and the judicial investigation
of Criminal charges. They are founded rather on the principles
of English jurisprudence, than on the provisions of the
Mahommedan Law to which modified as it is by the
Regulations it does not appear to the Judges, that any
difficulty in the conviction of offenders is attributable.
11 The observations of the Magistrate in the
4th paragraph of this letter were written before the promul-
gation of Regulations I. and II. of 1822, which modified the
Law

Foujdaree Diary 20th June 1822.

Law on the points therein referred to.
12. With reference to the 8th paragraph of the
letter the Judges conclude, that the Magistrate will have made over to the Criminal Judge such articles of Mr. Luter's property as having been found in the possession of any individual prisoner would be required to be produced on the trial in evidence against him.
13. The letter of the Magistrate, dated 29th April, reports the seizure of a Gang of robbers who were pursued by the Inhabitants immediately after accomplishing two daring robberies traced to a Hill, and the stolen property found upon them.
14. The Magistrate states his opinion, that were the Gang sent to the Criminal Judge they would perhaps be acquitted. That "the defence usually set up and which rarely fails to favor them is, that certain notorious Gang robbers whose names they mention, passing through the villages the prisoners inhabit, or were in at the time, prefsed them as coolies, and thus they became the unwilling companions of the Gang, when the robbery was committed, this they can always establish if in good circumstances by means of hired Counsel, and of perjured witnesses who are well known at the Zilla Court.
15. To the Judges of the Foujdaree Adawlut the grounds on which the Magistrate was led to adopt the conclusion that a Gang of robbers followed up on a hue and cry and taken with the stolen property upon them would perhaps be

be all acquitted" if sent to the Criminal Judge, are not immediately apparent.-

16. The sort of defence, represented by the Magistrate to be "usually set up" in such cases is, almost unknown to the Records of the Court, and that it could be successful in a case of this nature is scarcely credible.-

17. The Magistrate has not cited any instance of acquittal upon such a plea and in the absence of all proof of the fact, the Judges must distrust the accuracy of his information.-

18. In the Magistrates' eulogy of the Argee appended to his letter from the Zemindar of Sallore the Judges are unable to concur. The most prominent suggestion contains is, that all suspicious Hill people should be apprehended and imprisoned for life.-

19. Greater vigilance and activity on the part of the police in investigating Criminal Cases and searching for evidence, followed by the uniform punishment of persons convicted of Gang robbery with death, or transportation for life appear to the Judges to constitute the best means of checking the prevalence of that crime.-

20. With reference to the 4th paragraph of your letter to the Magistrate, dated 10th Ultimo, I am directed by the Judges of the Fouydaree Adalut to intimate their opinion, that the detention by the Magistrate in criminal Judge of a prisoner ordered by the Court of Circuit to be released without

without security would be irregular, and at variance with the principle of the provisions contained in clause Second Section III and clause third Section IV Regulation II of 1822.-

(Signed) W. Oliver.
Register.

20th June 1822.-

No. 167. To The Judges of the Provincial Court of Circuit for the Centre Division.-

Gentlemen,

I am directed by the Judges of the Court of Fouydaree Adalut to transmit to you the annexed copy of an Extract from the Minutes of Consultation in the Military Department under date 3/4th Ultimo; and to desire that the same may be immediately communicated to the several Criminal Judges within your jurisdiction for their information and guidance.-

(Signed) W. Hudleston.
Deputy Register.

20th June 1822.-

The same to the Northern Southern and Western Divisions.-

No. 168. To The 1st and 2d Judges of the Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Fouydaree Adalut to acknowledge the receipt of your letters dated 14th Instant, desiring to be informed whether the duties of the ensuing Circuit are to be performed by the first or Second Judge.-

2. Section II Regulation VI of 1808 prescribes, that the Senior Judge of each division shall proceed in rotation on the Circuit for the purpose of holding the half yearly Jail deliveries at the several stations within the

the Jurisdiction of the Court, to which he is attached, in common with the other Judges of that Court; the 2d Judge of the Court of Circuit in the Northern Division held the 2d Sessions of 1821, and in the absence of the 3d Judge an Acting Judge was appointed to perform the duties of the 1st Circuit of this year.-

3. Under these circumstances the Judges of the Foujdaree Adalut are utterly at a loss to account for your reference to them, the 1st Judge being distinctly enjoined by the above provision of the Regulations to proceed on the ensuing Circuit.-

21st June 1822.- (Signed) W. Hudleston
Deputy Regr.

No. 177. To The Criminal Judge in the Zillah of North Malabar.

Sir;

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 14th Instant from which it appears that the prisoner "Poothea Kwarain" whose name is included in your report of prisoners "confined" under sentence to 21st May 1822," made his escape on 21st April 1813" and "has not as yet been apprehended."

2. The Judges direct me to point out to you the manifest inaccuracy of inserting in a return of prisoners in confinement the name of a person, who had been at large for a period of more than 9 years.-

28th June 1822.- (Signed) W. Hudleston.
Dy. Regr.

(No. 21)

No. 182. To The Secretary to Government in the Judicial Department.

Sir;

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter from the Provincial Court of Circuit in the Southern Division dated 24th Ultimo, forwarding application from the Criminal Judge in the Zillah of Salem for permission to entertain 20 additional Jail Peons.-

2. In consideration of the augmentation which has taken place in the number of prisoners confined in the Zillah Jail, which on 14th September last amounted to 350 and on 19th Ultimo to 500, the Judges are of opinion that the proposed addition to the guard is necessary.-

3. It will appear from the letter of the Provincial Court of Circuit, that for a like augmentation to the Jail Establishments, inadvertently ordered by that Court in the months of July and September last the sanction of the Honorable the Governor in Council is required.-

8th July 1822.- (Signed) W. Oliver
Register.

No. 183. To The Magistrate in the Zillah of Chittoor.

Sir;

Para 1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 29th Ultimo, requesting the assistance of one of the Peons of the Court to aid the bearer thereof in executing a warrant for the apprehension of one Goroovenpah Naick.-

The

2d

The warrant in question being informal, the Judges direct me to return it to you in order that a warrant in the form No 3 of the Appendix to Regulation IX of 1816 may be transmitted, which with reference to the latter part of Clause CXIII of the 53d Geo: III Cap. 155 promulgated in Section II Regulation II of 1820, should have underwritten, or endorsed thereon, or otherwise annexed thereto a translation thereof in English.—

3.

Three persons named Sheik Hyder, Shell Woofsyn and Ponnapah stated to belong to your establishment have attended with the enclosed warrant, it will be proper that their several names should be entered in the revised warrant now called for, which will be delivered to them when received.— They have been directed to remain for that purpose in attendance at this Court.—

9th July 1822.— (Signed) W. Hudleston.

Dy. Register.

No 188 (No 24)

To The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated 9th Instant from the 1st Judge on Circuit in the Northern Division transmitting a Medical certificate and applying for six months leave of absence to visit the Presidency.—

15th July 1822.— (Signed) W. Oliver

Register.

No 193. To The Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 31st Ultimo, and to desire that you will convey to the Magistrate in the Zilla of Bellary their opinion that it is not competent to a Magistrate to direct persons committed by him to Jail, "under Section III Regulation II of 1822" to be kept to hard labor.—

2. The observation by the Foujdaree Adalut in their proceedings of 7th February 1820, that the confinement of Convicts without labour if generally adopted would tend rather to encourage than to suppress crime, is not considered by the Judges to have any relevancy to the cases of persons committed to custody by the Magistrates under the provisions of the above Regulation.—

18th July 1822.— (Signed) W. Hudleston

Deputy Register

No 195. To The Judge and Criminal Judge in the Zilla of Madura.—

Sir,

I am directed by the Judges of the Sudr and Foujdaree Adalut to transmit to you the annexed extract of a letter to the Judge and Criminal Judge in the Zillah of Tinnevelly and to desire that you will immediately report what number of prisoners can be accommodated in the Jail under your charge in addition to those already confined there.—

18th July 1822.— (Signed) W. Hudleston

Dy. Regr.

No. 196. To The Magistrate in the Zillah of Tinnevelly.

Sir,

The Honorable the Governor in Council having under date 16th Instant resolved to consolidate the Zillas of Tinnevelly with that of Madura, the Judges of the Court of Foujdaree Adalut desire, that you will adopt the necessary measures for giving publicity to that arrangement, and for placing the Heads of District Police in communication with the Criminal Judge in the Zilla of Madura.—

18th July 1822. (Signed) W. Hudleston
Dy. Register.

No. 203. To (No. 26)
The Secretary to Government in the
Judicial Department.

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 18th Ultimo, transmitting Copy of a letter, dated 28th May last, from the Magistrate of Vizagapatam; and desiring that they should report whether the present mode of preliminary proceeding in Criminal Cases "seems to them to require amendment "either as concerning the enactments of the Regulations, their "own standing orders; or the practice of the offices in the "provinces."

2nd. In the 3rd paragraph of his letter the Magistrate cites the provision, contained in Section XXIV Regulation IX of 1816, which declares that it shall not be necessary for the Magistrate in his preliminary investigation of criminal cases to go further into the examination than to satisfy his own

mind, that there is ground to believe the prisoner guilty of the crime charged against him. The Magistrate proceeds to quote the rule laid down in clause fourth Section XXVIII Regulation XI of 1816, that the investigations held by the Heads of Police in heinous cases shall be completed in twenty four (forty eight) hours if possible; and the circular orders of the Foujdaree Adalut, under date 24th January and 29th April last, commenting upon grounds frequently assigned by the Native officers of Police for the detention of prisoners in their custody: And the Magistrate concludes the paragraph in the following words. "Under such circumstances the acquittal of guilty men for "want of evidence cannot well be charged to Magistrates "and the officers under them, and they will perhaps be "considered as exceeding their authority, if they retain criminals "in their charge, until all the evidence which can be obtained "is produced to effect their conviction."

3. The Judges of the Court of Foujdaree Adalut have no reason to believe, that it is a prevalent idea with the Magistrates that they are not bound to exert themselves in procuring the best evidence for the conviction of prisoners sent by them to the Criminal Judges. The records of the Court do not shew that such a construction has ever before been put upon the provision contained in the latter part of clause second Section XXIV Regulation IX of 1816, which merely relieves the Magistrates from the

the prevention of abuses, on the part of the Native officers of Police.-

22d July 1822.- (Signed) W: Oliver
Register.-

No. 204 To The 3d Judge late on Circuit in the Western Division.-

Sir;

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 12th Instant, transmitting the arrants issued by you for the execution of the sentences passed by the Court in cases No. 2, 30, 50, on the Calendar, and No. 1 on the supplemental Calendar Zilla South Malabar Second Sessions of 1821.-

2. The Judges direct me to point your attention to a deviation observable in the above warrants, from the form of warrant circulated by order of the Foujdaree Adalut under date 25th July 1821, their being no specification of the charges on which the prisoners were convicted.-

22d July 1822.- (Signed) W: Hudleston
Dy. Register.

No. 205. To The 1st Judge of the Court of Circuit in the Centre Division.-

Sir;

I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information and guidance the accompanying extract from their Proceedings, dated the 27th May last.-

22d July 1822.- (Signed) W: Hudleston
Deputy Register.

To

No. 212. To The Criminal Judge in the Zilla of Bellary.

Sir;

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 6th Instant, and to state, that under the provisions of Clause first Section XIX Regulation XI of 1816, it is competent to a Criminal Judge to sentence a village watcher convicted of robbery "to be deprived of his office".-

2. A communication of such sentence should always be made to the Magistrate with reference to the provisions of Clause Second of the above section.-

27th July 1822.- (Signed) W: Hudleston.
Deputy Register.

No. 213. To The Criminal Judge in the Zilla of Bellaree.

Sir;

1. Your "report of sentences of the Foujdaree Adalut received in the 1st (2d) Quarter ending the 30th June 1822" contains the number of 18 persons, the numbers of the cases being given as "182", upon whom no sentence has been passed by the Court of Foujdaree Adalut, the trials not having been referred under the Regulations by the Court of Circuit, or called up by Special orders of the Foujdaree Adalut.-

2. The report is herewith returned to you for correction.-

27th July 1822.- (Signed) W: Hudleston
Deputy Register.

To

Foujdaree Diary 31st July 1822.

No. 219 To

No. 27

The Secretary to Government in the

Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adaulut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 2d Instant from the Criminal Judge in the Zillah of Bellary, requesting authority to appoint a Jailor on a salary of 10 Pagodas per month and to erect a dwelling house for the Native Doctor inside the Jail Compound.-

2. The Judges beg leave to recommend both of the arrangements suggested by the Criminal Judge to the favorable consideration of the Government

31st July 1822.-

(Signed) W. Oliver

Register.

Foujdaree Diary 3d August 1822.

(No. 28)

No. 221 To The Secretary to Government in the

Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adaulut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter, dated 24th Ultimo, from the 2d Judge late on Circuit in the Western Division.-

2. The Judges beg leave to recommend, that sanction may be given for the employment of an additional English writer and a Persian Moonshee by the 2d Judge, for the purpose of preparing the trials to be referred to the Court of Foujdaree Adaulut.-

3. Under the provisions of Section XXXVI Regulation VII of 1802 the Courts of Circuit are authorized, in all cases of emergency, to employ persons properly qualified to prepare english translations of the proceedings held in cases referrible to the Foujdaree Adaulut; and the Judges adverting to the considerable delay, which attends the transmission of the trials, whenever there happen to be a large number refferrible from the same station, deem it proper to recommend, that the Judges of the Courts of Circuit may be empowered generally to entertain an additional number of writers in cases of necessity, in the same manner as they are authorized to employ translators under the provisions of Section XXXVI Regulation VII of 1802.-

3d August 1822.-

(Signed) W. Oliver

Register.

No 222. To The Criminal Judge in the Zilla of Madura.

Sir;

1. I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letters, dated respectively 22nd and 27th Ultimo, reporting the number of prisoners, for whom the Jail under your charge offers accommodation in addition to those already confined there and transmitting a descriptive list of the prisoners confined in the Jail at Tinnevelly.-

2. By the former letter it appears, that the apartments of the Jail at Madura allotted to Criminal prisoners are capable of affording accommodation for about 70 persons more; and that "if the apartment allotted to the "Revenue defaulters (who are at present only 5 in number) were "given up, the Jail would accommodate a further number "of about 50 persons".-

3. Of the 250 prisoners confined in the Jail at Tinnevelly the cases of 6 are stated to be under reference to the Foujdaree Adaulut; upon two of these prisoners sentence of Transportation for life was passed under date 29th Ultimo, and ordered to be released.-

4. It is considered to be necessary, that the following prisoners should be transferred to the Jail at Madura.- Viz.

Those confined on a requisition of Security	11.
Under sentence of the late Criminal Judge	74.
Under examination	26.
Committed for trial	44.
The Civil Debtors and	5.
	127.

The

5. The Judges of the Court of Foujdaree Adaulut are fully impressed with the cogent reasons existing, on grounds both of policy and humanity, against subjecting persons who have the misfortune to be confined, either as ordinary Civil Debtors or as Revenue defaulters, to immediate intercourse with criminal prisoners.-

6. As however, the terms of imprisonment, to which 41 of the above persons have been sentenced, must shortly expire; and it is not improbable that a considerable proportion of those under examination may be discharged, the Judges are of opinion that it will be in your power temporarily to arrange for the reception of the 127 persons here mentioned without materially inconveniencing the 12 Civil prisoners.-

7. The Judges direct, that the remaining 117 prisoners, stated to be confined under sentences of the Court of Circuit be removed to the Jail in the Zilla of Chittoor.-

8. You will take the necessary measures for carrying the foregoing instructions into effect with the least possible delay.-

3rd August 1822.- (Signed) W. Hudleston. Deputy Register.

No 223. To The Criminal Judge in the Zilla of Chittoor

Sir;

1. I am directed by the Judges of the Court of Foujdaree Adaulut to apprize you, that orders have this day been dispatched to the Criminal Judge in the Zillah of Madura to transfer to your charge 117 convicts from the Jail at

Foujdaree Deary 3d. 10th & 12th August 1822.

1. Immediately.

2. With reference to your letter, dated 11th Ultimo, advising the Judges of the annexation of the Lunatic Hospital to the Jail at Chittoor; I am directed to desire that you will immediately report the number of persons at present in confinement in the Jail at Chittoor, and the total number for whom it will afford accommodation.

3. To the number already in confinement you will add those, for whose removal to Chittoor orders have been issued, but who may not yet have arrived.

3d. August 1822. (Signed) W. Hudleston.
Dy. Register.

No. 226. To
The Criminal Judge in the Zillah of
Chingleput.

Sir,

1. Under the instructions conveyed to you in a letter from the Secretary to Government, dated 9th Instant, the Judges of the Court of Foujdaree Adawlut conclude, that you will have dispatched to the Presidency all the convicts under your charge sentenced to transportation beyond sea.—

2. The Judges desire, that you will transmit by return of post a descriptive list, in the usual form, of the convicts in question.

19th August 1822.— (Signed) W. Hudleston.
(No. 29) Dy. Regr.

No. 227. To
The Secretary to Government in the
Judicial Department.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of even date, and to transmit to you the accompanying list of 36 convicts forwarded by the Criminal Judge in the Zilla of Chingleput under the orders of Government of that date for the purpose of being sent on the ship Perseverance to Bencoolen.—

2. With reference to paragraph 3d. of my letter (No. 14) dated 16th April 1821, stating the intention of the Judges "to substitute in their sentences to transportation for Prince of Wales Island the words such place or places as the Governor in Council shall appoint," the Judges direct me to observe, that an authenticated record of the resolution passed by the Governor in Council as to the disposal of the convicts will be required to be transmitted to Bencoolen, and to suggest that a copy of the instrument may on all occasions of transportation be furnished to the Foujdaree Adawlut.—

3. Adverting to the possible contingency of the removal of the convicts from Bencoolen, it may be desirable that the order of Government should direct their confinement at that place, until the receipt of further instructions."—

12th August 1822.— (Signed) W. Oliver
Register.

(No. 30)

No. 228. To
The Secretary to Government in the
Judicial Department.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated

dated 3rd and received on the 11th Instant, transmitting for their consideration copy of a letter from the Judge of the Zilla of Madura relative to the disposal of the prisoners in confinement at Tinnevelly.

2. The Judges direct me to annex for the information of the Honorable the Governor in Council of a letter, addressed to the Criminal Judge in the Zillah of Madura on 3rd Instant, containing instructions with regard to the disposal of the prisoners in question.-

12th August 1822.- (Signed) W. Oliver

Register.

No. 229. To The Secretary to Government in the Judicial Department.

No. 31.

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated 7th Instant from the Judge in the Zilla of Chittoor.-

2. The Judges, under date 3rd Instant, directed the removal of 117 prisoners from the Jail at Tinnevelly to Chittoor; and in cases of prisoners sentenced to banishment under the provisions of Clause third Section VIII Regulation XV of 1803, the Jail at Chittoor is frequently selected for their confinement, as affording the best accommodation.-

3. The Judges beg leave to recommend, that authority may be given to the Criminal Judge for the employment

employment of an additional guard of 1 Havildar, 1 Naik and 2 Peons for every 200 prisoners transferred to his custody.-

12th August 1822.- (Signed) W. Oliver

Register.

No. 230. To The Second Judge late on Circuit in the Western Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 24th Ultimo, and to transmit to you the annexed copy of a letter from the Secretary to Government in the Judicial Department, conveying the sanction of the Honorable the Governor in Council for the employment of an additional english writer, and Persian Moonshee for the purpose stated in your application.-

12th August 1822.- (Signed) W. Hudleston

Deputy Register.

No. 231. To The Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information and future guidance the accompanying extracts of a letter to the Secretary to Government in the Judicial Department, dated 3rd and of the reply thereto, dated 9th Instant.-

2. The Judges desire that a copy of these papers may be furnished to the Judge on Circuit.-

12th August 1822.- (Signed) W. Hudleston

Dy. Register.

The same to the Northern Western & Southern Divisions.-

To

dated 2nd and received on the 11th Instant, transmitting for their consideration copy of a letter from the Judge of the Zilla of Madura relative to the disposal of the prisoners in confinement at Tinnevelly.

2. The Judges direct me to annex for the information of the Honorable the Governor in Council of a letter, addressed to the Criminal Judge in the Zillah of Madura on 3rd Instant, containing instructions with regard to the disposal of the prisoners in question.-

12th August 1822.- (Signed) W. Oliver
Register.

No. 229. To The Secretary to Government in the Judicial Department.

No. 31.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated 7th Instant from the Judge in the Zilla of Chittoor.-

2. The Judges, under date 3rd Instant, directed the removal of 117 prisoners from the Jail at Tinnevelly to Chittoor; and in cases of prisoners sentenced to banishment under the provisions of Clause third Section VIII Regulation XV of 1803, the Jail at Chittoor is frequently selected for their confinement, as affording the best accommodation.-

3. The Judges beg leave to recommend, that authority may be given to the Criminal Judge for the employment

employment of an additional guard of 1 Havildar, 1 Naik and 2 Peons for every 200 prisoners transferred to his custody.-

12th August 1822.- (Signed) W. Oliver
Register.

No. 230. To The Second Judge late on Circuit in the Western Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 24th Ultimo, and to transmit to you the annexed copy of a letter from the Secretary to Government in the Judicial Department, conveying the sanction of the Honorable the Governor in Council for the employment of an additional english writer, and Persian Moonshee for the purpose stated in your application.-

12th August 1822.- (Signed) W. Hudleston
Deputy Register.

No. 231. To The Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information and future guidance the accompanying extracts of a letter to the Secretary to Government in the Judicial Department, dated 3rd and of the reply thereto, dated 9th Instant.-

2. The Judges desire that a Copy of these papers may be furnished to the Judge on Circuit.-

12th August 1822.- (Signed) W. Hudleston
Dy. Register.

The same to the Northern Western & Southern Divisions.-

To

dated 3d and received on the 11th Instant, transmitting for their consideration copy of a letter from the Judge of the Zilla of Madura relative to the disposal of the prisoners in confinement at Tinnevelly.-

2. The Judges direct me to annex for the information of the Honorable the Governor in Council of a letter, addressed to the Criminal Judge in the Zillah of Madura on 3d Instant, containing instructions with regard to the disposal of the prisoners in question.-

12th August 1822.- (Signed) W. Oliver
Register.

No. 229. To The Secretary to Government in the
Judicial Department.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated 7th Instant from the Judge in the Zilla of Chittoor.

2. The Judges, under date 3d Instant, directed the removal of 117 prisoners from the Jail at Tinnevelly to Chittoor; and in cases of prisoners sentenced to banishment under the provisions of Clause third Section VIII Regulation XV of 1803, the Jail at Chittoor is frequently selected for their confinement, as affording the best accommodation.-

3. The Judges beg leave to recommend, that authority may be given to the Criminal Judge for the employment

No. 31.

employment of an additional guard of 1 Havildar, 1 Naik and 2 Peons for every 200 prisoners transferred to his custody.-

12th August 1822.- (Signed) W. Oliver
Register.

No. 230. To The Second Judge late on Circuit in the
Western Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 24th Ultimo, and to transmit to you the annexed copy of a letter from the Secretary to Government in the Judicial Department, conveying the sanction of the Honorable the Governor in Council for the employment of an additional english writer, and Persian Moonshee for the purpose stated in your application.-

12th August 1822.- (Signed) W. Hudleston
Deputy Register.

No. 231. To The Judges of the Provincial Court of Circuit
in the Centre Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information and future guidance the accompanying extracts of a letter to the Secretary to Government in the Judicial Department, dated 3d and of the reply thereto, dated 9th Instant.-

2. The Judges desire that a copy of these papers may be furnished to the Judge on Circuit.-

12th August 1822.- (Signed) W. Hudleston
Dy. Register.

The same to the Northern Western & Southern Divisions.-

To

No. 232. To The Judges of the Court of Circuit in the Centre Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you the accompanying extract of the proceedings of the Court of Foujdaree Adalut under date 27th May last, together with copy of a letter from the Secretary to Government in the Judicial Department in reply thereto.—

2. The Judges desire, that in communicating the foregoing papers to the several Criminal Judges and Magistrates within your jurisdiction, you will advise the latter officers of the importance of enforcing a regular course of proceeding in the cases of offenders made over to the Civil power by the Military authorities; and that you will intimate to both of those officers the opinion of the Judges, that all communications regarding Criminal cases between the established Courts and the Commanding Officers of Military stations, should take place through the office of the Magistrate.—

12th August 1822. (Signed) W. Hudleston.
Deputy Registr.

No. 233. To The Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. The Judges of the Court of Foujdaree Adalt, deeming it to be important, that in all cases of unavoidable delay on the part of the Heads of District Police in forwarding to the Criminal Judges persons apprehended under the

the provisions of Section XXVII Regulation XI. of 1816, the explanation given of such delay should be stated the report No. 5 of the Appendix to Regulation X. of 1816; desire that you will instruct the several Criminal Judges within your jurisdiction to enter in an additional column on that report a statement of the cause, assigned for the delay under the provisions of Clause fourth Section XXVII Regulation XI of 1816; whenever the prisoner may have been detained in custody for 14 days or more by the Police officer.—

2. In all cases of detention for a less period, without satisfactory explanation, it will be the duty of the Criminal Judges to make a communication on the subject to the Magistrate.—

12th August 1822. (Signed) W. Hudleston.
Dy. Register.

The same to the Northern, Southern, & western Divisions.—

No. 235. To The Criminal Judge in the Zilla of Combaconum.

Sir,

1. The prisoners from No. 3 to No. 13 inclusive in your last Quarterly Report of persons apprehended in the Zillah of Combaconum, are stated to have been apprehended on 26th December 1821. on a charge of Gang robbery, and to have reached the Zilla station on 3rd April 1822.—

2. The delay in forwarding these prisoners was stated in the Report of the Police officer "to have been occasioned partly by his having gone to some villages in order to estimate the produce of the Aumany lands, and partly

"partly by the case having been sent to the Assistant
"Magistrate in the Myaneram Division and returned by
"him for transmission to the Court."

3. The prisoner No. 95, charged with stealing property from a dwelling house valued at 1 Rupee, is stated to have been apprehended on 2nd January, and to have reached the Zilla Station on 1st June 1822.

4 The delay in forwarding this prisoner was stated the report of the police officer "to have been occasioned by the absence of the prosecutor, and by the per-
"deputed with a warrant to apprehend some persons
"concerned in the theft having delayed in returning to
"the Cutcherry."

5. The former of the abovementioned persons was detained 3 Months and seven days, and the latter 5 Months by the Police officer.—

6 The reason assigned in the former case, namely that the Head of the District Police had proceeded, after the prisoners apprehension it is presumed, upon Revenue business, exhibits an instance of the postponement of Police to revenue duties, which merits the severe reprehension of the Magistrate. Adverting indeed to the number of additional officers, who have been vested with the power of conducting preliminary investigations in this Zilla, under the provisions of Section III Regulation IV of 1821, the Judges deem it necessary to require from the Magistrate some

some further explanation of the extraordinary detention of this prisoner. And it is to be observed, that the second ground for delay assigned by the Police officer evinces an utter disregard of the provisions of Clause fourth Section XXVII Regulation XI of 1816, and of the frequently reiterated orders of the Foujdaree Adalut on the subject.—

7. The reason assigned in the latter case for detaining a prisoner 5 months before he was forwarded to the Criminal Judge is not only frivolous in the extreme, but has been repeatedly denounced by the orders of the Foujdaree Adalut as affording no justification for the detention of persons in Custody. In their proceedings under date 24th January last the attention of the several Magistrates was particularly called to this subject, and the Judges consider it incumbent upon them to impress upon the Magistrate in the Zillah of Combaconum the importance of using every endeavour to carry those instructions into the Criminal Court.—

12th August 1822. (Signed) W. Hudleston
Dy. Register.

No. 238. To The Criminal Judge in the Zillah of Chittoor

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 10th Instant, transmitting Copy of opinion of the medical officer of the station regarding the state of mind of Boyanna a prisoner ordered by the Foujdaree Adalut under date 27th January 1817.

1817 to be detained in custody on the ground of insanity should his relations and friends be unable or unwilling to receive charge of him.

2. It appearing from Mr. Surgeon Macaday's communication, dated 10th Instant, that "the prisoner" Bagaia has evinced no symptom of Insanity "during the four years for which he has been in medical charge of the Jail, the Judges deem it proper to direct his discharge from custody.

15th August 1822. (Signed) W. Hudleston
Deputy Register.

No. 239. To The Secretary to Government in the (No. 32) Judicial Department.

Sir,

I am directed by the Judges of the Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter, dated 9th Instant, from the Criminal Judge in the Zillah of Madura reporting his having commenced the preparation of accommodations for the prisoners to be transferred from Tinnevelly; and other buildings at that place.

15th August 1822. (Signed) W. Oliver
(No. 35) Register

No. 246. To The Secretary to Government in the Judicial Department.

Sir,

With reference to the provisions of Section XV Regulation VII of 1802, I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying letter, dated 12th Instant, from the 2d Judge of the Provincial Court of

Circuit in the Northern Division, and to solicit the orders of the Honorable the Governor in Council regarding the provision to be made for the completion of the 3d Quarterly Sessions of Gaol Delivery at Masulipatam in the event of the continued illness of the 2d Judge.

20th August 1822. (Signed) W. Oliver
Register.

No. 248. To The Criminal Judge in the Zillah of Madura.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 14th Instant, and to convey their permission for your detaining at Madura certain of the prisoners ordered to be removed from Tinnevelly to Suttoor for the purpose of instructing the Convicts in the manufacture of

2. In detaining the number of prisoners to be detained, reference should be had to the increasing accumulation of prisoners at Madura, consequent upon the late accession of Jurisdiction to that Zillah.

20th August 1822. (Signed) W. Hudleston
Dy. Register.

No. 253. To The Acting Judge on Circuit in the Northern Division.

Sir,

With reference to a letter addressed to you by the Secretary to Government in the Judicial Department under date 27th Instant the Judges of the Foujdaree Adalut desire that you will on your arrival at Masulipatam complete

complete the Jail Delivery at that station should Mr. Lord be prevented by illness from performing that duty.—

30th August 1822. (Signed) W. Hudleston
Deputy Register.

No. 254. To The 2d Judge of the Provincial Court of Circuit in the Northern Division.

Sir,

With reference to your letter dated 12th Instant I am directed by the Judges of the Court of Fouydaree Adalut to transmit to you the annexed copy of a letter addressed to Mr. Money Acting Judge on Circuit in the Northern Division under this date.—

30th August 1822. (Signed) W. Hudleston
Deputy Register.

To

No. 257. To (No. 36)

The Secretary to Government in the Judicial Department.

Sir,

1. I am directed by the Judges of the Fouydaree Adalut to acknowledge the receipt of your letter, dated 23d Ultimo transmitting for their consideration copy of a letter from the Magistrate of Tinnevelly recommending that he may be authorized to pay batta to all prosecutors witnesses and prisoners, required to proceed to Madura.—

2. Under the provisions of Section XXXIII Regulation X of 1816. the Criminal Judges are authorized to pay a daily allowance of two annas to all prosecutors and witnesses who may actually stand in need of it; and the Judges are of opinion that the Magistrate of Tinnevelly should be authorized to advance the batta to such persons as may absolutely require it, to be repaid by the Criminal Judge and entered in his contingent charges as usual.—

3d September 1822. (Signed) W. Oliver
Register.

No. 258. To (No. 37.)

The Secretary to Government in the Judicial Department.

Sir,

1. With reference to your letter, (No. 346) dated 20th Ultimo, I am directed by the Judges of the Fouydaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter, dated 28th Ultimo, from the Criminal Judge in the Zillah of Chittoor stating

that as the prisoners have been transferred to your charge it is your province to bring to close the preliminary proceedings against them under the provisions of the ~~present~~ Regulations.-

3. Should you come to the conclusion, that a resort to the provisions of Section XX Regulation VIII of 1802 is necessary in the case, you will submit a specific recommendation on the subject.-

3d. September 1822.- (Signed) W. Hudleston.
Dy. Register.

No. 262. To The Criminal Judge in the Zilla of Bellary.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 19th. Ultimo, requesting their orders with reference to a letter from the Secretary to Government in the Judicial Department, dated 9th. Ultimo, as to whether you are "to entertain a Goomashtah under the Jailor", observing on the importance of "having a person who can write", and stating that the duties of a Naib are not provided for".-

2. The Judges have taken occasion to refer the statement furnished on 13th. December 1819, of the Jail Establishment at Bellary, when the number of prisoners in confinement appears by the Quarterly Report to have been 291; and they find that it stood as follows-

2 Surdars at Madras Rupees 21 each per month	D°	D° 10½	D°	D°	42	-
3 Jamadars at	D°	D°	D°	D°	31	8
20 Duffadas at	D°	D° 7	D°	D°	140	-
240 Peons at	D°	D° 4-1-4	D°	D°	980	-
2 Trumpeters at	D°	D° 4-1-4	D°	D°	8	2-2
2 Writers or Vakeels at	D°	D° 6-6-8	D°	D°	12	13-4
					1,214	8

Foujdaree Diary 3d. 19th. September 1822.

3. Before the Judges can submit to Government a recommendation for any addition to the establishment of the Jail under your charge, they consider it necessary that they should be furnished with a statement of the officers at present entertained.-

4. The number of prisoners in confinement was stated in the report transmitted on 6th. March last to be 237, and the Judges conclude that a reduction has been made in the number of Peons. The proportion, which the number of Peons bore to the number of prisoners in 1819 appears much too great, the general average in the other Jails being 1 Peon to 3 prisoners.-

5. The Judges conclude from the correspondence, which has recently taken place, that one of the two "Surdars" has been discontinued as well as the "3 Jamadars" the station of each of whom would seem to be analogous to that of a Naib Jailor.- The number of Duffadars in 1819 exceeded the average of the other Jail establishments in the proportion of about 9 to 1.-

6. The Judges desire an explanation of the duties assigned to the two "Trumpeters"; and adverting specially to your present application for a person who can write, they require to be informed whether "the two writers or Vakeels" have been discontinued.-

9th. September 1822.- (Signed) W. Hudleston.
Dy. Regr.

To

No. 267. To The Criminal Judge in the Zillah of Chittoor

Sir,

1. The Judges of the Court of Fouydaree Adalut have at present under consideration from the Criminal Judge and the Surgeon of the Zilla Court of Chingleput, that the allowance for the convicts, which is fixed at Sixty Rupees weight of rice per diem, should be augmented, as being insufficient for the due subsistence of the prisoners.

2. In a return, dated 23d. January 1815, from the late Criminal Judge in the Zilla of Chittoor to a circular precept of the Fouydaree Adalut, issued through the Provincial Court of Circuit in the Centre Division, the Judges observe that the allowance of the prisoners in that Jail is stated to be 60 rupees weight of rice, and they are therefore, desirous of ascertaining whether or not it has been found necessary to augment that allowance to the prisoners under your charge; as also whether it is in your opinion sufficient for persons kept to hard labour.-

11th. September 1822. (Signed) W. Hudleston.
Dy. Register

No. 268. To The Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

1. I am directed by the Judges of the Fouydaree Adalut to acknowledge the receipt of your letter, dated 23d. Ultimo, and under the sanction of the Honorable the Governor in Council to convey to you authority for the detention, at Trichinopoly, under charge of the Magistrate of such proportion of the convicts now under transit from Tinnevelly to Chittoor, as can be conveniently accommodated in the Jail at Trichinopoly.-

2. You will make the necessary communications on this subject to the Criminal Judge in the Zillas of Madura and to the Magistrate of Trichinopoly, and you will transmit a Calendar exhibiting the names, crimes and sentences of the several prisoners, who may be detained under these instructions.-

11th. September 1822.- (Signed) W. Hudleston.
Deputy Register.

No. 272. To The Criminal Judge in the Zillah of Chingleput.

Sir,

1. I am directed by the Judges of the Court of Fouydaree Adalut to transmit to you the accompanying Copy of a letter, dated 5th. Instant from the Criminal Judge in the Zillah of South Malabar.-

2. As the warrants, signed for the transportation of the Convicts referred to in the letter of the Criminal Judge in the Zilla of South Malabar, contain the several particulars required to be inscribed on their foreheads by Section XXXV Regulation VII of 1802, the Judges direct that you will on their arrival cause the inscription to be made in the mode therein prescribed.-

14th. September 1822. (Signed) W. Hudleston
Dy. Regr.

To

No. 273. To The Criminal Judge in the Zilla of South Malabar.

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter dated 5th Instant and to transmit to you the accompanying Copy of a letter, which has been addressed to the Criminal Judge in the Zilla of Chingleput on the subject.

14th September 1822. (Signed) W. Hudleston.
Deputy Registar

No. 287. To The Acting Criminal Judge in the Zilla of Salem.

Sir,

I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letter, dated 19th Instant, and to state that the provisions of Regulation VI of 1822 can be applied only to offences committed subsequently to its promulgation.

24th September 1822. (Signed) W. Hudleston.
Deputy Registar

No. 288. To The Acting Criminal Judge in the Zilla of Salem.

Sir,

I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letter, dated 18th Instant, and to state that they consider it incompetent to a Criminal Judge to delegate to his Assistant the powers vested in him by Regulation VI of 1822.

24th September 1822. (Signed) W. Hudleston.
Dy. Registar

To

No. 289. To The Criminal Judge in the Zilla of Chittoor.

Sir,

1. Appanniger, prisoner No. 89 in your last quarterly report of persons apprehended in the Zilla of Chittoor, is stated to have been charged with "receiving a bribe of 90 rupees under the promise of allowing a certain exclusion to be made in the Tonnu of the Village of Chembadoo in the Talook of Arcot at the time of information of Samabendee of it."

2. Of this charge he appears not to have been convicted; but his name appears below as charged with "receiving bribes" from the inhabitants of six different villages; and he is stated to have been sentenced to six Months imprisonments without irons and hard labor and a fine of 200 rupees or 6 Months further imprisonment.

3. The prisoner No. 97 Irroone Vaikeu is also stated to have been sentenced to "1½ Months imprisonment in irons and hard labour and a fine of 50 Rupees or 1½ Months further imprisonment" for receiving a bribe of 4 Rupees from a Talier of the Village of Shakeemullore.

4. The Judges of the Foujdaree Adaulut desire to be informed whether the two individuals here mentioned were public servants of the Government at the period of the transactions in question.

5. Vengareddy, prisoner No. 106 is stated to have been sentenced to pay a fine of 100 Rupees or 3 Months imprisonment in irons and hard labor for being concerned in the preceding case.

In

No 37.

6.

I am that case Seebaroo, a Pahoulsay, is stated to have been charged with receiving a bribe and to have been acquitted.-

7.

The Judges require an explanation of the grounds on which this prisoner was committed of being concerned in an offence, not established against the party charged with having committed it.-

8.

No 2

The prisoners Nos 90, 91, 92, 93, 94, 97, 98, 100, 101, 102, 103, 104, & 105. were respectively charged with unauthorized exactions from the inhabitants of certain Talooks inconsistent with Section VII Regulation XXX of 1803.

9.

The prisoner No 97 was sentenced to 6 months imprisonment in irons and hard labor and a fine of 50 Rupees or 1½ Months further imprisonment. The others were adjudged to pay certain fines commutable to specified periods of imprisonment and hard labor.

10.

No

Section VII Regulation XXX of 1803 declares that "proprietors or farmers of Land shall not levy any "new assessment or taxes on the Ryots under any name "or under any pretence" and that "exactions other than those consolidated in the pottah or otherwise authorized by the Government, shall upon proof subject the proprietor or farmer a penalty equall to three times the amount of such exaction."

11.

The Judges of the Court of Foujdaree Adalut are decidedly of opinion, that charges of this description are not cognizable criminally. The imprisonment of such parties is

as are prescribed in Regulation XXX of 1802, being clearly vested in the Civil Courts, and intended as a compensation to the injured party.-

12.

The Sentences passed by you in the several Cases last mentioned being considered by the Judges to be unwarranted by law, they direct that the fines thereby adjudged be repaid to the parties respectively.-

24th September 1822. (Signed) W. Hudleston.
Dy. Register.

No 291

To The Criminal Judge in the Zilla of Canara.

Sir;

1.

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 11th Instant, requesting their instructions as to commitment of Shaik Runkelaom, a person of unsound mind, for trial before the Court of Circuit.-

2.

The Judges do not consider that the prisoner can in his present situation be put on his trial, and they direct that he be detained under charge of the Zilla Surgeon, until he shall recover the right use of his reason, or be declared a fit subject for the Lunatic Asylum at the Presidency.-

27th September 1822. (Signed) W. Hudleston
Dy. Register.

No 292.

To The Criminal Judge in the Zilla of Chingleput.

Sir,

1.

I am directed by the Judges of the Foujdaree Adalut

Adult to acknowledge the receipt of your letter, dated 23d Instant, stating with reference to my letter of the 16th Instant; that as the copies of the warrants forwarded to you by the Criminal Judge in the Zillas of South Malabar do not specify that the inscription required by Section XXXV Regulation VII of 1802 should be made on their foreheads, you have delayed having it done till further orders.

2. My letter of the 14th Instant conveyed to you the orders of the Judges, that you should cause the inscription prescribed by the above section to be made on the convicts referred to, upon their arrival and as it does not appear by your letter that the warrants ifsued for their transportation do not contain the several particulars required to be inscribed, the Judges do not understand on what ground you have delayed to carry their orders on the subject into effect.

27th September 1822. (Signed) W. Hudleston
Deputy Regr

No. 293 To The Criminal Judge in the Zilla of Chittoor

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 18th Instant, transmitting copy of a letter addressed to you by the Criminal Judge in the Zilla of Madura reporting the dispatch of 93 Convicts to be placed in the Jail under your charge.

2. Since the Convicts in question were dispatched from

from Madura the permission of the Honorable the Governor in Council has been obtained for the detention of the whole, or greater part of them, at Trichinopoly.

3. The requisite orders will be sent to the Provincial Court of Circuit in the Southern Division, regarding the case of the prisoner "Gurdapen".

27th September 1822. (Signed) W. Hudleston
Deputy Register.

No. 294 To The Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

1. With reference to my letter, dated 11th Instant conveying authority for the detention of such proportion of the Convicts under transit from Tinnevelly as can be conveniently accommodated in the Jail at Trichinopoly, I am directed by the Judges of the Foujdaree to transmit to you the accompanying Copy of a letter from the Criminal Judge in the Zillah of Madura which has been forwarded by the Criminal Judge in the Zilla of Chittoor, regarding Gurdapen, one of the prisoners in question.

2. On reference to the Tinnevelly Calendar for the Second Sessions of 1819. the Judges observe, that this prisoner was sentenced by the Acting 3d Judge in Case No. 7 of the Calendar under date 4th October 1819 to 5 years imprisonment in irons and hard labor.

3 If appearing from the letter of the Criminal Judge in the Zilla of Madura, that the warrant for this prisoners imprisonment has been mislaid, the Judges desire that you will cause an authenticated Copy thereof to be made from the

administer to such prisoners such diet, as well as medicines, as he may consider necessary for their recovery.-

27th September 1822.- (Signed) W. Hudleston.
Dy. Registr

No. 296. To The Criminal Judge in the Zillah of Bellary.

Sir,

1. I am directed by the Judges of the Fouydaree Adawlut to acknowledge the receipt of your letter, dated 19th Instant, requesting instructions as to the duty of a Criminal Judge in the execution of sentences of Courts Martial under the provisions of Section XIII Regulation VII of 1821, and as to whether "a discharged Sepoy" comes under the description of persons specified in Section IV of that Regulation.-

2. By Section XIII Regulation VII of 1821 Criminal Judges are directed to carry into effect sentences of Courts Martial authenticated copies of which may be forwarded to them by Commanding officers; and the Judges of the Fouydaree Adawlut are of opinion, that it does not belong to the province of the Criminal Judge to raise questions respecting the constitution of a Court Martial, or the authority vested in the Commanding Officer over its proceedings.-

3. The Judges understand you to state, that the Commanding Officer at Bellary has declared, in effect, that his sentence on a case tried by Court Martial is the sentence of the Court and the Judges do not consider that you are entitled to call in question the correctness of the Commanding Officer's opinion on this subject.-

4. With regard to the Second question submitted by you the Judges direct me to observe, that a "discharged Sepoy"

"Sepoy" might very possibly be so situated as to come under the description of persons specified in Section IV Regulation VII of 1821, and that there is nothing in your letter to shew, that there was any reason to doubt the fact in the case of the individual referred to.-

27th September 1822.- (Signed) W. Hudleston
Dy. Register.-

№ 298. To The Second Judge late on Circuit in the Western Division

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 26th Ultimo, applying for their orders as to the disposal of Tuna, prisoner in case № 38 Canara Calendar 1st Sessions A. D. 1822, the proceedings on whose case were submitted by you on 4th March, under a requisition from the Judges, dated 13th February last.

2. The opinion of the Medical officer appearing by those proceedings to be decisive as to the intellectual incapacity of the prisoner, and the circumstances of the case tending unavoidably to the conclusion that the fatal act of violence charged against him was committed under the influence of insanity, the Judges take it for granted that, agreeably to the circular orders of 21st February last the prisoner has been placed under the charge of the Medical officer, who has not considered him a fit subject for the Lunatic Asylums at the presidency.

3. In view to the public safety it appears to the Judges to be necessary, that the prisoner who has shewn such a disposition to violence should be detained in custody, until it be certified to them by the Medical officer and Criminal Judge that all symptoms of derangement of intellect have disappeared.

4th October 1822. (Signed) W. Hudleston.
Dy. Regr.

№ 300. To The Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter dated 28th Ultimo from the Acting Criminal Judge in the Zillah of Salem with its enclosures.

2. The Judges will correct the error of the Acting Criminal Judge in supposing that the present Magistrates are charged with the execution of the Circular Orders of the Court, issued to the late Magistrates under the direction of the Honorable the Governor in Council; conveyed in your letter of 1st July 1814; but as the establishments of the several Jails are regulated on the practicable scale with reference to the number of prisoners in confinement the Judges would suggest that authority be given to the Criminal Judges to apply to the Magistrates of their respective Zillahs for a sufficient escort of peons to accompany convicts on their march to the depot at Chingleput.

7th October 1822. (Signed) W. Oliver
Register.

№ 301. To The Criminal Judge in the Zillah of Bellary.

Sir,

1st I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th Ultimo; stating that the present Jail establishment is on

on the same scale as that of 1819, and describing the duties of the "Trumpeters" and Vakeels.

2. The Statement of the Jail establishment enclosed in your letter is as follows. Viz.

No.	Description	Salary of each.	Amount sanctioned per Mensem.	Total.
2.	Sirdars — — —	at Mr. Rupees 21 each per Mo.	42 " " "	
3	Jemidars ———	at Do. Do. 10 & 8 Rs. each Do. Do.	31 8 " "	
20.	Duffadars — —	at Do. Do. 7 each per Mo.	140 " " "	
240.	Peons — — —	at Do. Do. 4-1-4 each per Mo.	980 " " "	
2.	Trumpetors ———	at Do. Do. 4-14 each per Mo.	8 2 8 "	
2.	Writers or Vakeels ——	at Do. Do. 6-6-8. each per Mo.	12 13 4 "	1214 8 " "
			Total —	1214 8 " "

3. In your letter, dated 2nd July last it is stated, that the salary of the "Jailor" is "only 5 Pagodas per month; and that there is no naib;" and in your letter of 19th August it is observed that were a Gomashtah obtained, the duties of a Naib are not provided for."

4 As the Judges do not find among the officers belonging to the Jail establishment any one on a salary of "5 Pagodas a Month", they conclude that either the "Jail" is not included in the above list, or that a mistake was made in regard to the amount of the jailors salary in your letter of 2nd July.

5. You have not explained the nature of the duties of the "2 Sirdars," each of whom receives 6 Pagodas per

Foujdaree Diary 7th October 1822.

per Mensem, nor do the Judges find any explanation in your letter of the extraordinary number of Duffadars and peons on your Jail establishment, compared with the number entertained for any other Jail.

6. The total number of prisoners under your charge is stated to be 353; in reference to which the Judges are of opinion that the Jail establishment should be reduced to the following scale Viz.

1 Jailor — at Madras Rupees — — — 21 " "
1 Naib — — — — — — — — 17 — 8 — "
3 Jemidars at Rupees 10 8. — — — — 31 — 8 — "
4 Duffadars at Rupees 7 — — — — 28 " "
170. Peons at 4 " 1 " 4. — — — — 694 — 2 — 8.
Total — 792 — 2 — 8.

7. The Judges direct me to annex for your information Copy of the list of the Jail establishment at Chittoor when the number of prisoners was 306. you will perceive that the scale is lower than that proposed for the Jail at Bellary.

8. The Judges will postpone the recommendation of the above reduction to Government, until the receipt of any further explanation or observations, which you may desire to record on the subject.

Jail Establishment of Chittoor.

1 Jemadar — — — — — — — — 21 " "
2. Subadars at Rupees 10 As. 8 each — — — 21 " "
2. Duffadars at Rupees 8 3/4 each — — — 17 — 8 — "
94 Peons at 5 Rupees and 4 Annas each — — — 143 — 8 —
Total — — 353 " "

7th October 1822.

(Signed) W. Hudleston.
Deputy Register.

To

No. 307. To The Secretary to Government in the Judicial Department

Sir,

Conformably with the orders conveyed in the 7th Paragraph of your letter dated the 8th May 1819, I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council, the accompanying statement, shewing the number of persons apprehended, released, and punished, together with the nature of all punishments inflicted by the several Magistrates, Criminal Judges and Courts of Circuit and by the Foujdaree Adalut, from 1st January to 30th June 1822.

14th October 1822. (Signed) W. Oliver
Register

No. 310 To The Acting Criminal Judge in the Zillah of Salem.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 28th Ultimo, representing the inconvenience attending the detachment of a part of the Jail guard to escort convicts on their route to the depôt at Chingleput.

2. In consequence of your representation authority has been given by the Governor in Council to the several Criminal Judges to apply to the Magistrates for a guard of police peons, on such occasions, if necessary; of which as regular communication will be made to you and to the Magistrate through the Provincial Court of Circuit, the immediate object of this letter is to do away the erroneous impression declared in the first paragraph of your letter that all endorsements and orders required previously to the transfer of the

the Police respecting the duties of Magistrate are still in force as regards that officer with the exception only of those duties mentioned in section XLIV Regulation IX of 1816.

3. The standing orders issued by the Foujdaree Adalut to the former Magistrates being for the most part applicable to the office of the Criminal Judge and wholly foreign to the duties which appertain to the Department of Magistrate, as now constituted, the Judges are unable to account for your adoption of the above opinion; and as, since the introduction of the present system, the execution of those orders has continually devolved on yourself, the continuance of the impression is the more extraordinary.

4. The Courts' orders of 16th June 1814 regarding the transit of Convicts through the Provinces on their route to Chingleput are manifestly intended for the guidance of the Criminal Judges.

18th October 1822. (Signed) W. Hudleston
Deputy Register.

No. 311. To The Judges of the Provincial Court of Circuit for the Centre Division.

(Circular) The same to Northern & Western & Southern Division.

Gentlemen,

I am directed by the Judges of the Foujdaree Adalut to transmit to you for communication to the several Criminal Judges and Magistrates within your Jurisdiction the annexed copy of a letter from the Secretary to Government in the Judicial Department, dated 15th Instant, in answer to a letter from the Judges of the Foujdaree Adalut representing with reference to the Circular orders of the Court dated 16th June 1814, the inconvenience frequently found to attend the detachment of a part of the Zillah Jail guard for the escort of Convicts

on

on their route to Chingleput.-

18th October 1822. (Signed) W. Hudleston.
Deputy Registr.

No. 312. To

The Assistant Criminal Judge in charge of the Zillah Court at Seringapatam.

Sir,

Adverting to certain cases in your last report of persons apprehended, wherein the prisoner have been sentenced to be placed in the stocks, the Judges direct me to observe, that the Regulations do not vest the Criminal Judges with authority to inflict that punishment.-

18th October 1822.- (Signed) W. Hudleston.
Deputy Registr.

To The Magistrate of Malabar.-

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 15th Instant.-

2. Your communication having reference to instructions of the Foujdaree Adalut, conveyed to you through the channel of the 3d Judge late on Circuit, ought to have been addressed to that authority, The Judges of the Foujdaree Adalut resolve, however, on the present occasion to furnish you with their sentiments on the points, touched upon in your letter.-

3. The part of your letter, which relates to the reports submitted by you to the Court of Circuit in form No. 9 of the Appendix to Regulation IX of 1816. should have been addressed to the 3d Judge. The Judges of the Foujdaree Adalut are satisfied that exertions on your part will not be wanting to ensure the accuracy of those reports in future.-

The

3. The part of your letter, which relates to the reports submitted by you to the Court of Circuit in form No. 9 of the Appendix to Regulation IX of 1816. should have been addressed to the 3d Judge. The Judges of the Foujdaree Adalut are satisfied the accuracy of these reports in future.-

4 The 12th paragraph of your letter refers to copy of a return made by you to the 3d Judge, which did not accompany your letter.-

5. The Judges do not consider that the communication to the Magistrate of the reports furnished by the Courts of Circuit under the provisions of Section XXXVIII Regulation VII of 1803 is either requisite, or desirable.-

6. Any animadversion which those reports may contain upon the conduct of the Magistrates if referred for the explanation of those officers, whenever necessary, by order of the Foujdaree Adalut a mode of proceeding also practised in regard to notice of any material defect or impropriety in the administration of the Police.-

7. Your observations in paragraph 15 respecting to utility of furnishing the Magistrates with a report of the result of the proceedings of the Superior Courts of Criminal Jurisdiction are considered by the Judges to be deserving of attention, and may form the subject of a future circular order.-

8. With reference to paragraphs 18, 19, 20, and 21. of your letter the Judges direct me to observe that it is competent to a Magistrate, as intimated in the Note subjoined to No. 9 of the Appendix to Regulation IX of 1816, to lay before the Court of Circuit and the Foujdaree Adalut such observations as his experience, may suggest, regarding the Police administration, and that the orders of Government circulated on the abrogation of Regulation IX of 1803 render it incumbent on the Magistrates to propose, through the prescribed channel, such legislative provisions as may seem to them to be required.-

31st October 1822. (Signed) W. Hudleston.
Deputy Registr.

No. 343. To The Criminal Judge in the Zilla of North Malabar.

Sir,

No. 3 Referring to various cases in your last Quarterly report of persons apprehended in the Zilla of North Malabar, wherein fines were awarded against the prisoners, I am directed by the Judges of the Foujdaree Adalut to observe, that the entry of all such sentences should be made in the column headed "Punished and in what manner", and not in the next column, which is intended to contain notices of persons released and of those to whom a fine might be allowed in consequence of the complaint proving groundless; as is shewn in form of report given in Section XXVII Regulation VII of 1802.—

Although the form of heading has been retained in the Appendix to Regulation X of 1816, that the power of fining for instituting a groundless charge is limited to the petty cases described by Sections XXXII and XXXIII Regulation IX of 1816; and is therefore now regularly exercisable only by the Magistrates under the provision to that effect contained in Section XXXV of the above Regulation.—

4th November 1822. (Signed) W. Hudleston
Dy. Register

No. 344 To The Criminal Judge in the Zilla of Masulipatam.

Sir;

Referring to cases Nos. 1, 2, 8, 16, 18, and 32 of your last Quarterly report of persons apprehended, wherein the delay in forwarding the prisoners to the Zilla station is stated to have been occasioned by the search after persons not in custody, the prosecutors inability to proceed, the escape of one of the parties, or the return of absent witnesses, the Judges of the Foujdaree Adalut desire, that a communication

Foujdaree Diary 4th November 1822.

communication may be made to the Magistrate in view to the enforcement of the standing orders of the Court, which prohibit the detention of persons in custody under the foregoing, or similar pleas.—

4th November 1822. (Signed) W. Hudleston
Deputy Register.

No. 345. To The Criminal Judge in the Zilla of Chingleput.—

Sir

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 28th Ultimo, transmitting a list of 14 convicts transferred to your charge by the Criminal Judge in the Zilla of South Malabar under sentence of transportation, and stating that the copy of the warrant for the transportation, of those persons does not contain the crime of which they were convicted.—

2. The Judges direct me to inform you, that the several persons specified in your list were convicted of robbery by open violence.—

3. A communication will be made to the Criminal Judge of South Malabar respecting his omission to furnish you with a Calendar exhibiting the crimes for which sentence was passed on the convicts in question.—

4th November 1822.— (Signed) W. Hudleston
Deputy Register

No. 346. To The Criminal Judge in the Zillah of South Malabar.

Sir;

1. With reference to your letter dated 5th September last, I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying copy of a letter, dated 23d Ultimo

Ultimo, from the Criminal Judge in the Zillah of Chingleput, stating that the warrants forwarded by you with certain convicts under sentence of transportion did not specify the crimes of which they were respectively convicted.-

2. The Judges desire, that you will be careful to avoid a repetation of this omission.-

4th November 1822.- (Signed) W. Hudleston
Deputy Registar.

No. 359. To The Secretary to Government in the Judicial Department.

Sir;

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 5th instant, transmitting for the information and guidance of the Court Copy of a letter from the Acting Secretary to the Government at Fort William with Copies of its enclosures, regarding Kalaram, a prisoner who was ordered to be detained in custody as a state prisoner by the Supreme Government; under date 16th November 1816.-

2. The Judges direct me to represent that the records of the Court do not furnish them with information as to the place of custody assigned to this person, who they conclude has been confined, either by a special order of the Government or in pursuance of the proclamation dated 7th January 1817, a Copy of which was transmitted to the Foujdaree Adalut together with a letter of the same date from the Chief Secretary to Government.-

3. The quarterly report furnished by the Criminal Judge in the Zillah of Cuddapah under the provisions of Section XXXV Regulation X of 1816 certifies that the prisoner Kalaram was released on 5th October 1816 in pursuance of the destruce of

of the Foujdaree Adalut in case No. 19 Cuddapa Calendar 2d Sessions of 1816.-

4. With reference to the observations contained in an Extract from the proceedings of the Court of Foujdaree Adalut under date 25th October 1816, and to the terms of paragraph 3d of the abovementioned proclamation, the Judges beg leave to suggest that the necessary order for the release of Kalaram should be issued direct from the office of Government.-

11th November 1822.- (Signed) W. Hudleston
Deputy Registar.-

No. 363. To The Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 30th Ultimo enclosing a letter from the Magistrate of Masulipatam who in reference to the orders of Government dated 15th Ultimo represents that he has no peons available for the escort of convicts to Chingleput.-

2. The Judges desire that you will convey to the Magistrate their opinion that it will be proper that he should apply to the Government for permission to place his establishment on such a footing as to admit of his furnishing the escort when required.-

14th November 1822.- (Signed) W. Hudleston
Deputy Registar.-

No. 364. To The Criminal Judge in the Zillah of Bellary.

Sir;

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 29th Ultimo, and

to

to state that under the explanation thereon afforded they do not consider the present Jail Establishment to be larger than requisite.

14th November 1822.

(Signed) W. Hudleston
Deputy Registr

No. 372 To The Criminal Judge in the Zillah of Madura

Sir,

1. Referring to cases Nos. 22, 23, 24, 25, 26, 30, 43, 44 and 51 of your last Quarterly Report of persons apprehended, wherein delays from one to two moths in the transmission of the prisoners to the Zillah station are stated to have been occasioned by the Police officers having been waiting for the apprehension of some other persons concerned," by "endeavours to recover the stolen property" and by the Police officers" having been waiting till the prisoners pointed out some others concerned in the case", the Judges of the Foujdaree Adalut desire, that a communication may be made to the Magistrate in view to his adoption of such measures, as may be required to put a stop to irregularities so repeatedly denounced by the Court.—

20th November 1822.

(Signed) W. Hudleston
Deputy Register

No. 386 To The Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th Instant, reporting your having, with reference to a Circular Order of the Foujdaree Adalut dated 14th July 1809. postponed with further orders the issue of the requisite warrants for execution of the final sentences passed in Cases Nos. 11 and 28 Masulipatam Calendar 1st Quarterly Sessions A. D. 1822. forwarded to you under date 29th Ultimo.—

2. Although the rule prescribed in the Circular instructions of the Foujdaree Adalut cited in your letter has not been formally set aside, it has been in practice overruled by the Court, and was virtually abrogated by their orders of 25th July 1821. respecting the form of warrant, in as much as a Judge of Circuit absent on sick certificate will not have in his possession the official Seal of the Court of Circuit.—

Report of persons apprehended wherein the delay in forwarding the prisoners to the zillah station is stated to have been occasioned "by the Police officers having been waiting for the apprehension of some other persons concerned," by "endeavours to recover the stolen property" and by the Police officers" having been waiting till the prisoners pointed out some others concerned in the case", the Judges of the Foujdaree Adalut desire, that a communication may be made to the Magistrate in view to his adoption of such measures, as may be required to put a stop to irregularities so repeatedly denounced by the Court.—

20th November 1822.

(Signed) W. Hudleston
Deputy Register

No. 386 To The Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th Instant, reporting your having, with reference to a Circular Order of the Foujdaree Adalut dated 14th July 1809. postponed with further orders the issue of the requisite warrants for execution of the final sentences passed in Cases Nos. 11 and 28 Masulipatam Calendar 1st Quarterly Sessions A. D. 1822. forwarded to you under date 29th Ultimo.—

2. Although the rule prescribed in the Circular instructions of the Foujdaree Adalut cited in your letter has not been formally set aside, it has been in practice overruled by the Court, and was virtually abrogated by their orders of 25th July 1821. respecting the form of warrant, in as much as a Judge of Circuit absent on sick certificate will not have in his possession the official Seal of the Court of Circuit.—

The

No. 373 To The Criminal Judge in the Zillah of Tanjore

Sir,

Referring to certain cases in your last Quarterly Report

to state that under the explanation thereon afforded they do not consider the present Jail Establishment to be larger than requisite.

14th November 1822.

(Signed) W. Hudleston
Deputy Registr.

No. 372 To The Criminal Judge in the Zillah of Madura

Sir,

1. Referring to cases Nos. 22, 23, 24, 25, 26, 30, 43, 48 & 51 of your last Quarterly Report of persons apprehended, wherein delays from one to two months in the transmission of the prisoners to the Zilla station are stated to have been occasioned by the officers of Police on pleas which the Court of Foujdaree Adawlut have repeatedly declared to be inadmissible the Judges of the Foujdaree Adawlut desire, that you will furnish the Magistrate with copies of the explanations given in the several cases in question and intimate to that officer the expectation of the Court, that he will take such measures as may appear to him calculated effectually to check the irregular detention of parties in the custody of the Police.

2. With reference to case No. 50, wherein it is stated that a direct application has been made by you to the police officer for the attendance of certain witnesses, the Judges direct me to observe, that such application can only regularly be made through the office of the Magistrate.

20th November 1822.

(Signed) W. Hudleston
Deputy Registr.

No. 373 To The Criminal Judge in the Zillah of Tanjore

Sir,

Referring to certain cases in your last Quarterly Report

Report of persons apprehended wherein the delay in forwarding the prisoners to the zillah station is stated to have been occasioned "by the Police officers having been waiting for the apprehension of some other persons concerned," by "endeavours to recover the stolen property" and by "the Police officers having been waiting till the prisoners pointed out some others concerned in the case," the Judges of the Foujdaree Adawlut desire, that a communication may be made to the Magistrate in view to his adoption of such measures, as may be required to put a stop to irregularities so repeatedly denounced by the Court.

20th November 1822.

(Signed) W. Hudleston
Deputy Register.

No. 386 To The Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 16th Instant, reporting your having, with reference to a Circular Order of the Foujdaree Adawlut dated 14th July 1809. postponed with further orders the issue of the requisite warrants for execution of the final sentences passed in Cases Nos. 11 and 28 Masulipatam Calendar 1st Quarterly Sessions A. D. 1822. forwarded to you under date 29th Ultimo.

2. Although the rule prescribed in the Circular instructions of the Foujdaree Adawlut cited in your letter has not been formally set aside, it has been in practice overruled by the Court, and was virtually abrogated by their orders of 25th July 1821. respecting the form of warrant, in as much as a Judge of Circuit absent on sick certificate will not have in his possession the official seal of the Court of Circuit.

The

No. 372

No. 3

3. The rule having been very adopted by the Foujdaree Adalut as a guide for their own proceedings, having declared premously to the Establishment of Quarterly Sessions of Jail Delivery, whereby such part of it as required that in particular cases should be issued by the Judge in ceased to be applicable to trials held at the Sudr station having been for a long period overruled by the practice Court of Foujdaree Adalut. The Judges are of opinion that grounds did not exist for your suspending the execution Sentences passed in the two cases abovementioned, howeve it might have appeared to refer to them for future in on the subject.

26th November 1822. (Signed) W. Hudleston
Deputy Re

No. 389. To The 2d Judge late on Circuit in the Western Divisio

Sir,

I am directed by the Judges of the Fo to acknowledge the receipt of your letter dated 18th Instan state that as in the case to which you refer, as well as other cases referred to the Foujdaree Adalut, that Cou by the Regulations to determine on the conviction or a of the accused, as well as the measure of punishment, be necessary that a Persian Translation of the Re be furnished in order that a futwa may be taken th from the Law officers of the Foujdaree Adalut.

29th November 1822. (Signed) W. Hudleston
Deputy Regis

No. 390. To The Secretary to Government in the Judicial Department

Sir;

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council, the accompanying letter, dated 21st Ultimo, from the Provincial Court of Circuit in the Western Division recommending an increase of Salary or allowance of batta to a Gomashtah on the establishment of the Court.

2. The Judges are of opinion, that according to the usual practice in other Divisions batta in proportion to their rank and situations should be allowed to all the servants of the Court of Circuit when on Circuit, the amount of batta recommended in the accompanying letter being greater than the salary of the office filled by the Gomashtah, appears not excessive.

3d December 1822. (Signed) W. Olivier
Register

No. 393. To The Secretary to Government in the Judicial Department.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council, the accompanying letter dated 26th Ultimo, from the 3d Judge on Circuit in the Centre Division, submitting a recommendation, that certain Lumbadies, tried in Case No. 17 Bellaree Calendar 2d Sessions of 1822, should be "sent in close custody to the place whence they were received after being apprehended by the Rackore authorities"

authorities, in view to their being furnished for knowingly receiving a number of Cattle stolen from two villages in the Zilla of Bellary.

2. The prisoners in this Case, having been charged with robbery committed within the limits of the Company's territory, were brought to trial before the Court of Circuit as amenable to its Jurisdiction; but at the close of the proceedings it appearing that the fact of their having crossed the boundary of the Nizam's territory was not established; and in the opinion of the 3rd Judge their receipt of the cattle with the knowledge of their having been stolen is all that has been proved against them.—

3. Pursuant to the instructions, contained in a letter from the Chief Secretary to Government, dated 24th January 1817, the Foujdaree Adalut by a Circular order to the Courts of Circuit Cautioned them against proceeding to the trial of persons not subject to their Jurisdiction; the Judges are however, of opinion that in the present case there was sufficient prima facie evidence against the prisoners to warrant their being put on their trial for the robbery, and it remains for the Honorable the Governor in Council to determine as to the propriety of the measure suggested by the 3rd Judge in view to the prevention of predatory incursions into the Company's frontier provinces by the inhabitants of the Nizam's territories.—

6th December 1822. (Signed) W. Oliver
Register

No. 408. To The Criminal Judge in the Zillah of Chicacole

Sir,

I am directed by the Judges of the Foujdaree Adalut to

to acknowledge the receipt of your letter, dated 6th Instant transmitting lists of 11 prisoners sentenced by the Court of Circuit at the late Sessions of Jail Delivery and of 79 prisoners whose trials are under reference to the Court of Foujdaree Adalut, for whose removal to Masulipatam you request sanction, as "the places of confinement and Jail establishment of Peons" at Chicacole are inadequate to their safe custody.—

2. The Judges direct, that the 11 prisoners sentenced by the Court of Circuit be transferred to the custody of the Criminal Judge in the Zilla of Masulipatam.— They deem it proper to direct the removal of prisoners who may be eventually acquitted, and it will therefore, be necessary, that you should make such temporary addition to the Jail guard as may be necessary for their safe custody pending the reference of the trials, for which you will apply for the sanction of Government.—

(Signed) W. Rudleston
Deputy Register.

19th December 1822.—

No. 415. To The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated the 12th Instant from the Magistrate in the Zillah of Coimbatore, submitting statement of disbursements on account of the Jail establishment and prisoners at Coimbatore.—

26th December 1822. (Signed) W. Oliver
Register.

To

authorities, in answer to their being furnished for knowingly receiving a number of Cattle stolen from two villages in the Zilla of Bellary.

2. The prisoners in this Case, having been charged with robbery committed within the limits of the Company's territory, were brought to trial before the Court of Circuit as amenable to its Jurisdiction, but at the close of the proceedings it appeared that the fact of their having crossed the boundary of the Nizams territory was not established; and in the opinion of the 3d Judge the receipt of the cattle with the knowledge of their having been stolen is all that has been proved against them.-

3. Pursuant to the instructions contained in a letter from the Chief Secretary to Government dated 24th March 1817, the Foujdaree Adalut by a Circular order to the Courts of Circuit Cautioned them against proceeding to the trial of persons not subject to their Jurisdiction; the Judges are however of opinion that in the present case there was sufficient prima facie evidence against the prisoners to warrant their being put on their trial for the robbery, and it remains for the Honorable the Governor in Council to determine as to the propriety of the measure suggested by the 3d Judge in view to the prevention of future incursions into the Company's frontier provinces by the inhabitants of the Nizam's territories.-

6th December 1822. (Signed) W. Oliver
Register

No. 408. To The Criminal Judge in the Zillah of Chicacole

Sir,

I am directed by the Judges of the Foujdaree Adalut to

to acknowledge the receipt of your letter, dated 6th Instant transmitting lists of 11 prisoners sentenced by the Court of Circuit at the late Sessions of Gaol Delivery and of 79 prisoners whose trials are under reference to the Court of Foujdaree Adalut, for whose removal to Masulipatam you request sanction, as "the places of confinement and Gaol establishment of Jeons" at Chicacole are inadequate to their safe custody.-

2. The Judges direct, that the 11 prisoners sentenced by the Court of Circuit be transferred to the custody of the Criminal Judge in the Zilla of Masulipatam.- They deem it proper to direct the removal of prisoners who may be eventually acquitted, and it will therefore be necessary, that you should make such temporary addition to the Jail guard as may be necessary for their safe custody pending the reference of the trials, for which you will apply for the sanction of Government.-

19th December 1822.- (Signed) W. Hudleston
Deputy Register

No. 413. To The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated the 12th Instant from the Magistrate in the Zillah of Coimbatore, submitting statements of disbursements on account of the Jail establishment and prisoners at Coimbatore.-

26th December 1822.- (Signed) W. Oliver
Register.

To

Foujdaree Diary 30th December 1822.

No. 418. To The Magistrate in the Zillah of Chittoor

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 17th Instant transmitting Copies of correspondence respecting the release of certain vagrants by order of the 2nd Judge presiding at the late Quarterly Sessions of Jail Delivery.

2. The prompts issued by the 2nd Judge on this subject having been submitted by him to the Court of Foujdaree Adalut, circular orders have been issued prescribing the investigation to be held in such cases, and directing that the warrants for deduction and release of vagrants be addressed to the Jailor.

3. The Judges direct me to observe, that the only regular mode of bringing under their consideration the orders of the Court of Circuit is, through the channel of the officer by whom they are issued, agreeably to the principle declared in Regulation XXII of 1802.

30th December 1822. (Signed) W. Hudleston.

Deputy Register.