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W. Toydaree.

Diary

(5)

1824

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Tavoy Diary 8th and 12th January 1824

No. 1 To The Secretary to the Marine Board

Sir

I am directed by the Judges of the Tavoy Adalut to acknowledge the receipt of your letter dated the 3rd Instant and to inform you that the number of Convicts under sentence of transportation beyond sea whose arrival at Chingleput has been reported is seventy two.—

8th January 1824. (Signed) W. Hudleston
Register

No. 2. To The Criminal Judge in the Zillah of Bellary

Sir,

The Honorable the Governor in Council having Sanctioned the Employment of from forty to fifty Convicts on certain public works under the direction of Colonel McDowell Commanding in the ceded Districts. I am directed by the Judges of the Tavoy Adalut to desire, that you will ascertain from that Officer the precise number of Convicts required and place them at his disposal.—

2. You will of Course consider the Convicts as still under your charge.—

8th January 1824. (Signed) W. Hudleston Register

No. 4 To, The Judges of the Provincial Court in the Northern Division

Gentlemen,

1. I am directed by the Judges of the Court of Tavoy Adalut

Udalut to acknowledge the receipt of your letter, dated 2nd Instant enclosing copy of a letter from the Magistrate of Rajahmundry, stating that having at present only one Assistant he will be obliged to place the Convicts, ordered to be lodged in the Gaol at Rajahmundry, under the Charge of a native officer of police.—

2. The Magistrate is perfectly correct in his supposition, that in the present arrangement the Judges of the Foujdaree Udalut "had in view the placing the Convicts under European Superintendence which is implied in the instructions issued to him though the Court of Circuit in my letter of the 15th Ultimo, and the Judges are of opinion that if such Superintendence cannot be afforded by the Magistrate with his present establishment the circumstance will properly form the subject of a communication by him to the Honorable the Governor in Council.—

12th January 1824. (Signed) W. Hudleston.
Register

No. 7.

To
The Third Judge of the Provincial Court of 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 6th Instant, transmitting copy of a return from the Magistrate of Malabar to your precept of the 31st Ultimo, forwarding

forwarding Copies of the 17th and 18th paragraphs of the proceedings of the Foujdaree Udalut under date 22d Ultimo.—

2. The Judges desire, that you will convey to the Magistrate the expression of their entire satisfaction with his explanation of the proceeding which called for your animadversion and the Censure of the Court of Foujdaree Udalut.—

3. The Proceedings of the Court having been submitted to the Honorable the Governor in Council the Judges will lay before the Government your letter of 6th Instant.—

14th January 1824. (Signed) W. Hudleston.—Register

(No. 2.)

No. 8.

To The Secretary to Government in the
Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 6th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division and a Copy of their reply thereto, dated this day.—

14th January 1824. (Signed) W. Hudleston.—Register

(No. 3.)

No. 10.

To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to transmit to you the accompanying general abstract Statement of the Criminal trials on which sentence were passed during the last year with the request of the Judges that it may be laid before the Honorable the Governor in Council.

19th January 1824. (Signed) W. Hudleston
Register

General Statement

General Abstract of Criminal Trials on which Sentences were passed by the Foujdaree Udalut from 1st January to 31st December 1823.

Divisions	Zillahs	Number of Trials 1822	Number of Trials 1823	Total	No. of prisoners on whom sentence has been passed. 1822	1823	Total: Death	Transportation	Imprisonment	Released on security	Released	Total.
Centre Division	Chittoor	1	7	8	1	12	1	1	9	1	1	13
	Bellaree	8	4	12	16	11	5	3	16	1	2	27
	Cuddapah	10	7	17	37	12	8	4	16	13	8	49
	Chinglepute	3	7	10	11	24	1	.	4	3	27	35
Northern Division	Maselipatam	8	12	20	9	46	2	32	12	9	.	55
	Nellore	"	12	12	"	27	4	4	7	"	12	27
	Chicacole	8	11	19	80	35	4	77	4	7	23	115
Southern Division	Salem	"	15	15	"	27	10	5	6	3	3	27
	Combaconum	"	3	3	"	3	2	"	1	"	"	3
	Madura	5	4	9	41	6	1	31	9	5	1	47
Western Division	North Malabar	1	3	4	1	20	3	10	1	7	"	21
	South Malabar	20	"	20	38	"	18	4	2	14	"	38
	Malabar	"	9	9	"	23	1	7	6	7	2	23
	Canara	2	11	13	7	29	6	15	12	1	2	36
	Total	66	105	171	241	275	66	193	105	71	81	516

Foujdaree Udalut Register's Office 19th January 1824

8 Bds. (signed) W. Huddleston Register

No. 11.

(No. 4.)

To

The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter (No. 4. dated 19th January) to the Udalut to acknowledge the receipt of your letter (No. 4. dated 19th January) to the Udalut, and to transmit to you for the information of Government a Copy of a letter from the Registrar of the Foujdaree Udalut dated 31st December 1823 and 1st January 1824 with the Returns of Criminal Trials for the year 1823 which accompanied the said letter, and to request that the Returns may be laid before the Honorable the Governor in Council.

2. The Judges are of opinion that it will be advisable to direct the Registrar of the Foujdaree Udalut to address the Zillah Judges in future, and not the Magistrates, as heretofore, on the subject of the Returns of Criminal Trials, and they request that you will be pleased to move Government to issue orders to that effect.

3. The Judges are of opinion that it will be advisable to direct the Registrar of the Foujdaree Udalut to address the Zillah Judges in future, and not the Magistrates, as heretofore, on the subject of the Returns of Criminal Trials, and they request that you will be pleased to move Government to issue orders to that effect.

4. The Judges are of opinion that if, as is the case in Bengal, the Magistrates in the Southern Division of the Madras Territories were required by the Regulations to transmit to the Foujdaree Udalut Abstracts of the Criminal Trials held by them, the accumulation of Returns which would be thereby occasioned, would render it difficult for the Foujdaree Udalut to make the Returns to Government within the time prescribed by the Regulations. The Judges are of opinion that if, as is the case in Bengal, the Magistrates in the Southern Division of the Madras Territories were required by the Regulations to transmit to the Foujdaree Udalut Abstracts of the Criminal Trials held by them, the accumulation of Returns which would be thereby occasioned, would render it difficult for the Foujdaree Udalut to make the Returns to Government within the time prescribed by the Regulations.

5. The Judges beg leave to recommend that the Foujdaree Udalut be furnished with a Copy of the Regulations, which would obviate the necessity of the Registrar's constantly referring to the Regulations for the arrangements, prescribed by them, for conducting the correspondence of the Foujdaree Udalut with the Provincial Courts, and the Magistrates in the Southern Division.

6. The Judges beg leave to recommend that the Foujdaree Udalut be furnished with a Copy of the Regulations, which would obviate the necessity of the Registrar's constantly referring to the Regulations for the arrangements, prescribed by them, for conducting the correspondence of the Foujdaree Udalut with the Provincial Courts, and the Magistrates in the Southern Division.

Fort St. George 19th January 1824.

We have the honor to be, Sir, Your most obedient humble Servants

(signed) Thomas Oakes

(signed) Thomas Oakes

(signed) Thomas Oakes

Registrar

Registrar

Registrar

Endorsing

Concluding paragraph of the letter of the Assistant Criminal Judge

The Judges conclude that an early opportunity may be expected for the removal of the Convicts under sentence of transportation beyond sea.

19th January 1824.

(Signed) W. Hudleston

Register

No 12.

To The Assistant Criminal Judge in charge of the Zillah Court of Chingleput

Sir,

1. I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter, dated 5th Instant, requesting their instructions in regard to the propriety of permitting the agent of the prosecutors in a case of Gang-robbery to conduct the prosecution jointly on their behalf.

2. It appears to the Judges of the Foujdaree Udalut that the principle laid down in section XVI Regulation VII of 1802 is applicable to a case of this description and that the necessity for requiring the personal attendance of all or any of the prosecutors must mainly depend upon their ability or inability to depose to facts material to the issue. The depositions of the prosecutors, sent in to you by the Tahsildar may enable you to determine this point.

The Judges direct me to observe that on this and similar occasions wherein the head of District police may omit to forward the prosecutor or the witnesses with the prisoners as required by section XXVII Regulation XI of 1816, the Criminal Judge should immediately address the Magistrate on the subject, in order that their attendance may be obtained, or cause for their non appearance be shewn.

3. In general, where sufficient cause for the absence of the prosecutor may appear, and there may be before the Criminal Court evidence sufficient to warrant the Commitment of the accused, the Judges of the Foujdaree Udalut consider that the most proper course to be adopted is the appointment of the Vakeel of Government to conduct the prosecution on behalf of the Sirkar, and this appears to be preferable to consigning that duty to an agent ignorant of the facts of the case.

4. Referring to the Statement in the 5th paragraph of your letter, that no search was made for the stolen property, and to the reason alleged for the omission, the Judges of the Foujdaree Udalut trust, that no time was lost by you in communicating to the Magistrate this culpable negligence on the part of the Police Officers, in order that their misconduct might be punished, and if not too late, a search made for the property.

5 In answer to the query at the Conclusion of your letter, I am directed to state, that as the robberies were committed on the same night, and in the same hamlet, the several charges may from one number in the Calendar, and the prisoners may be called upon to answer to them jointly.

22d January 1824.

(Signed) W. Hudleston

Register

To

respect to persons in custody.—

23rd. January 1824. (Signed) W. Hudleston:

Register

(№ 6)

№ 14. To

The Secretary to Government in the

Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to transmit to you with reference to my letter of the 19th. Instant for the orders of the Honorable the Governor in Council the accompanying letter from the Assistant Criminal Judge in Charge of the Zillah Court of Chingleput, dated 21st. Instant, reporting an extensive robbery and requesting that an addition of 20 Peons to the Jail guard may be sanctioned.—

23d. January 1824. (Signed) W. Hudleston

Register

(№ 8)

№ 17. To The Secretary to Government in the

Judicial Department

Sir

I

With reference to your letter (№ 17) dated 26th. Ultimo, I am directed by the Judges of the Foujdaree Udalut to transmit to you for the purpose of being laid before the Honorable Governor in Council the accompanying letter dated 17th. Instant from the Criminal Judge in the Zillah of Bellaree

Referring

2. Referring to the representation contained in the 3rd. 4th. and 5th. paragraphs of the above letter the Judges direct me to state that the Jail at Bellary is capable of affording accommodation for one hundred prisoners in addition to the number at present confined there, and that a portion of the convicts at Cuddapah might without inconvenience be drafted to the Bellary Jail.—

28th. January 1824. (Signed) W. Hudleston

Register

(№ 9)

№ 18. To

The Secretary to Government in the

Judicial Department

Sir

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you, for the orders of the Honorable the Governor in Council, the accompanying letters dated the 22d. Instant from the Criminal Judge in the Zillah of Bellary with a Bill for Rupees 34— on account of translations prepared for the Court of Circuit.—

30th. January 1824 (Signed) W. Hudleston

Register

№ 19. To The Magistrate of Guntoor

Sir.

I am directed by the Judges of the Court of

Foujdaree

Foujdaree Adalut to acknowledge the receipt of your letter dated 24th Ultimo, submitting Copy of a correspondence with the Criminal Judge of Nellore and complaining of the Style of address adopted by that Officer—

2. The Judges direct me to convey to you the expression of their concern, that any misunderstanding should have arisen between two public Officers whose zealous discharge of their respective functions merits every commendation, the Judges hope, that the Cordial Cooperation of the two departments for the public service will not in consequence of this discussion be in any degree interrupted; but as it appear to them that your Comments in the first instance upon the proceedings of the Criminal Judge were irregular, they do not consider it requisite to notice to that Officer on the present occasion those expressions in his communications to you, which have induced your reference of the Correspondence—

30th January 1824. (Signed) W. Hudleston
Register

№ 20 To The Judges of the Provincial Court of Circuit for the Northern Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of a letter from the Register to the Provincial Court of Circuit, dated 29th Ultimo, forwarding at the request of the Criminal Judge in the Zillah of Chicacole Copy of a letter, addressed by him to the Court of Foujdaree Adalut dated 23rd Ultimo—

2. The Judges desire that you will convey to the Criminal Judge their opinion, that the adoption of the rules suggested by him for the verification of confessions is not advisable—

30th January 1824. (Signed) W. Hudleston
Register

№ 21 To The Magistrate in the Zillah of Madura

Sir,

I am directed by the Judges of the Foujdaree Adalut to transmit for your information and guidance the accompanying Copy of a letter, dated 30th Ultimo, from the Secretary to Government in the Judicial Department—

30th January 1824. (Signed) W. Hudleston
Register

(№ 10)

№ 22 To The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 6th Instant, referring for their consideration the draft of a Regulation for authorizing Magistrates to punish persons guilty of breaking into huts and other insecure dwellings, for providing for the punishment of prevarication

prevarication in evidence given before the Courts of Circuit and for authorizing Heads of Villages in certain cases to receive confessions.-

2. The Judges have examined the draft with the greatest attention, and it appears to them to provide fully for the several objects in view, and to contain no error whatever in the text.-

3. The marginal reference to clause first Section II would be more accurate if the words "or with stealing from such but &c." were introduced after the word "steal." and in the marginal reference to clause first Section III should be substituted for the words now following "rupees" and imprisonment for six months with further imprisonment for a like term if the fine be not paid.

30th January 1824. (Signed) W. Hudleston
Register

(№ 11)

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

Sir

I am directed by the Judges of the Fayidaree Udalut to acknowledge the receipt of your letter (№ 2) dated 2nd Instant, transmitting an Extract from the Minutes of Consultation of the same date.-

2. The Judges direct me to annex for the purpose of being laid before the Honorable the Governor in Council a copy of a circular letter, addressed by their order to the Judges of the four Provincial Courts of Circuit, accompanied by a copy of the whole of the foregoing extract from the Minutes of Consultation, with the exception of that paragraph, which has reference to the construction of Section IV Regulation XI of 1816, regarding which the Judges respectfully beg leave to submit the following observations for the consideration of the Honorable the Governor in Council.-

3. It appears to the Judges that the provisions of Section IV. Regulation XI of 1816, viewed in connection with the provisions of Regulation III of 1817 will scarcely admit of a construction under which the Fayidaree Udalut could direct the magistrates to order their police officers to comply with certain requisitions from the Criminal Judge and the Court of Circuit; but admitting it to have been the intention of the Legislature to allow such a latitude of interpretation the Judges beg permission to submit, that as the Court of Fayidaree Udalut have repeatedly ruled in their orders to the Subordinate Courts that the provisions of Section of Section IV. Regulation XI of 1816 do not allow of any direct requisition from the Criminal Judge to a police officer, the most eligible mode of giving effect to the intention

of the Honorable the Governor in Council in this respect will be the enactment of a provision, authorizing the Courts of Circuit and of quarterly Sessions, and the Criminal Judges to call upon the Heads of police for further evidence or information, in Criminal Cases under investigation.

4. A provision to this effect might in the opinion of the Judges be conveniently introduced into the Regulation referred for their consideration in your letter No (5) dated 6th Instant.

30th January 1824. (Signed) W. Hudleston.

Register

No 24. To The Judges of Four Provincial Courts of Circuit

Gentlemen,

1. I am directed by the Judges of the Court of Fouzdaree Adalut to transmit for your information and guidance an extract from the Minutes of Consultation, dated 2d Instant, and to desire that you will communicate to the Magistrates within your jurisdiction such parts thereof as concern those Officers for their respective information and guidance.

2. You will perceive, that the Honorable the Governor in Council considers, that the report of a Circuit Judge should not comprise a summary of trials, or a transcript of orders; this remark has arisen out of a practice, introduced by

by certain Judges of the Circuit, of noticing at length all or the greater part of the Cases, tried at the Sessions and entering in the body of the report Copies of orders to entering in the body of the report Copies of orders to the Criminal Judges and Magistrates respecting proceedings of the Police, and matters of a like nature.

3. You will not consider the observations contained in the accompanying minutes of consultation as superseding the Circular order of the Fouzdaree Adalut dated 4th April 1821 which directed that the Circuit reports should contain "detailed notices of any Cases exhibiting striking traits of national Character, or the effects of national opinions and usages;" nor will you hold yourselves to be any way precluded from submitting in an appendix to the report transcripts of orders, connected with observations, which you may deem it proper to offer in the report on the topics enumerated in Section XXXVII Regulation VII of 1802.

30th January 1824. (Signed) W. Hudleston

Register

No 25. To The Assistant Criminal Judge in Charge of the Zillah Court of Chinglepat

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut to acknowledge the receipt of your letters dated

dated 8th and 28th Instant, the first enclosing Copies of certain extracts of your proceedings in Cases wherein it appeared that the prisoners had suffered from acts of violence on the part of the Native Officers of Police, and the second rectifying an error in the former wherein section XLIV Regulation XI of 1816 was quoted as being Still in operation.—

2. The only part of your Communication which requires remark is the Suggestion, that the Criminal Courts Should be authorized, whenever they See cause for enquiry into Charges of oppression against Police Officers, to enter upon the investigation without any application of the Complaining party to the Magistrate being necessary; and I am directed by the Judges to State that they are not prepared to recommend any alteration of Regulation III of 1819 or of those enactments, which prevent the Criminal Judges from taking Cognizance of Original Criminal charges.—

30th January 1824. (Signed) W. Hudleston

Register

No. 26. To, The Assistant Criminal Judge in Charge of the Zillah Court of Chingleput

Sir,

1. I am directed by the Judges of the Court of Sudder Adalut to acknowledge the receipt of your letter dated 28th Instant.—

2. All Criminal charges, not made Cognizable by the inferior tribunals, must be brought before the Court of Circuit, if Sufficient proof of the facts be adduced to warrant the commetment of the party and on reference to the provisions of Clause Second Section XV Regulation VII of 1802 and Clause fourth Section IV Regulation I of 1814 you will find, that a mode of proceeding is prescribed to the Courts of Circuit in Cases of accidental homicide.—

3. You are of Course aware, that under the provisions of Section XI Regulation X of 1816 the accused party in the Case referred to in your letter may be admitted to Bail.—

30th January 1824. (Signed) W. Hudleston

Register

Fojidary Diary 7th February 1824

No 34 To the Assistant Criminal Judge
in charge of the Gilla Court of
Sligo.

Para 1 I am directed by the Judges of the Court of Enquiry to transmit for your information and guidance the accompanying copy of a letter, dated 3d Instant, from the Secretary to Government in the Judicial Department and of the letter therein referred to.-

2d Referring to your letter of the 3d Instant, the Judges direct me to convey to you their permission for your modifying, so far as may be necessary, the course of proceeding directed in my letter, dated 9th of December.-

3d It is considered by the Judges to be proper, that such part of the Sail guard, as can without inconvenience be withdrawn from the Sail under your charge, should remain with the convicts sent to Cuddalore: at this point however you can communicate with Captain Turner, and if it should appear necessary, refer to the Judges for further instructions.-

7th February 1824. Signed W. Bird Cotton
Registr

the accompanying copy of a letter, addressed to the Acting Criminal Judge in the Zilla of Cuddapa under this date.-

28th Febuary 1824.- Signed/ W. Huddleston Regr

No 59 To the Secretary to the Marine Board.-

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 23d Instant, and to inform you that since the dispatch of my letter of the 5th Ultimo the arrival of 10 convicts at Chingleput under sentence of transportation beyond Sea has been announced; the total number now at that depot being eighty eight.-

25th Febuary 1824.- Signed/ W. Huddleston Regr

No 60 To the Acting Criminal Judge in the Zilla of Chittoor.-

1st I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 11th Instant, requesting instructions relative to the disposal of Aureyan, a prisoner charged with Rape, who is of unsound mind.-

2d On a perusal of the papers which accompanied your letter the Judges do not find, that the prisoner was proved to have been in a deranged state of mind when he act charged against him was committed: and to this point they consider it proper that you should obtain evidence if procurable; and should proof thereto be adduced to your satisfaction, the Judges authorize the delivery of the prisoner into the charge of his friends, provided that the measure shall

shall appear to the Surgeon to be free from objection.-

25th Febuary 1824.- Signed/ W Huddleston Registr

No 63 To the Criminal Judge in the Zilla of Malabar.-

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 16th Instant.-

2 The precise object of the reference made by you of the correspondence which accompanied the foregoing letter, does not clearly appear.-

3 The Judges enclose, that agreeably to their order of 22d December last the 3d Judge on Circuit has communicated to you paragraphs from 87 to 90 inclusive of his Circuit report, and paragraphs 30, 31, 32 and 33 of the proceedings of the Court of Foujdaree Adawlut under that date, with reference to which it appears to be proper, that you should eventually proceed in respect to any matter of accusation which may be brought forward against the native English writer of the Zilla Court.-

28th Febuary 1824.- Signed/ W Huddleston Regr

No 64 To the Second Judge of the Provincial Court of Circuit in the Western Division.-

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 3d Instant, enclosing a copy of a letter, dated 28th Ultimo, from the Zilla Surgeon stating his opinion that Lungadoo prisoner in the case No 7 Chittoor Calendar 4th quarter of 1823, is

is in a State of confirmed Lunacy.-

2 Referring to the extract from the Minutes of consultation in the Military department, dated 7th May 1822, which was circulated under date 20th June 1822 for the information and guidance of the several Criminal Judges, I am directed by the Judges of the Court of Toogdare Adalut to desire, that you will obtain through the Acting Criminal Judge, for their information, an explanation from Mr. Surgeon Gibbon of his reasons not sending the aforesaid prisoner to the Lunatic Hospital at the presidency under the instructions from the Presidency Board, appended to the Minutes of consultation above cited.-

28th February 1824 (Signed) W. Brodeston Regr.

No 65 To the Criminal Judge in the Zilla of Chingleput

Sir,

I am directed by the Judges of the Toogdare Adalut to transmit to you the accompanying copy of a letter, dated 27th Instant, from the Secretary to Government in the Judicial Department, and to desire that you will transmit to this office by return of Post a list in the usual form of the seventy convicts sent to Madras; and report whether or not one hundred convicts have been removed to Cuddalore.-

28th February 1824. (Signed) W. Brodeston Regr.

(No. 15.)

No 69 To The Secretary to Government in the Judicial Department.-

Sir,

I am directed by the Judges of the Court of Toogdare Adalut to acknowledge the receipt of your letter dated 27th Ultimo and to transmit to you the accompanying list of seventy convicts forwarded by the Criminal Judge in the Zilla of Chingleput under sentence of transportation for the purpose of being sent to Bencoolen.-

2 Referring to the concluding paragraph of your letter the Judges direct me to state, that the arrival of one hundred convicts at Cuddalore from the Jail at Chingleput has been reported.-

2d March 1824 (Signed) W. Brodeston Regr.

No 74 To the Acting Judge late on Circuit in the Centre Division.-

Sir,

I am directed by the Judges of the Toogdare Adalut to acknowledge the receipt of your letter dated 12th Ultimo submitting certain parts of the proceedings held in case No 11 Bellary Calendar 2d Sessions 1823; & proposing a question in respect to the regularity of your having proceeded with the trial.-

2 The Judges do not consider that any reference to the Government was required in order to the trial of the prisoner in this case, as the provisions of Reg: XI of 1809 apply solely to offences committed in places out of the limits of the British provinces.-

5th March 1824.- (Signed) W. Brodeston Regr.

No 78 To the Assistant Magistrate in charge of the Zilla of Coimbatore

Sir,

I am directed by the Judges of the Court of Sudder Adalut not having been received, as required by Section XXX Regulation IX of 1816 [illegible]

be dated to day in your civil transmit the same to this office without further delay.-

9th March 1824.- (Signed) W. Huddleston Regr.

No 79 To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Toujdaree to acknowledge the receipt of your letter, (No 90) dated 24th Ultimo, transmitting for their consideration and report a copy of a letter, dated 8th Ultimo, from the Magistrate in the Zilla of Bolasy.-

2 The Judges having premised that the orders of the Court to which the Magistrate refers did not direct him to seize and confine persons, "willing" to confess and give information of crimes, but simply conveyed to that officer an exposition of his duty, under the Regulations, to place in cust[illegible] by persons appearing within by their own acknowledgments or by other evidence to have committed crimes; and that nothing contained either in the provisions of the code or in the standing orders of the Court requires, that a person regularly admitted to a conditional pardon shall be sent to Sail, and in other respects treated in the mode contemplated in the Magistrate's letter,- direct me to state, that the provisions of Section XX Regulation VIII of 1802 admit of the proceeding recommended by the Magistrate, although as observed in my letter of the 23d Ultimo recourse has not hitherto been had to it: and the Judges are of opinion that a strict observation of the rules contained in that and the following section of the Regulation is calculated to check the abuse of the Authority given to Magistrates to recommend accomplices in crimes for conditional pardon.-

3 When a Magistrate may recommend the tender of a conditional pardon to a supposed accessary to a crime who may not be in custody, it will of course be requisite, that he should satisfy the Court of Toujdaree Adawlut, that the individual is strictly speaking an accessary, and not

not a principal that his information is likely to lead to the apprehension & conviction of the principal offenders or offender, and that the ordinary means have been found ineffectual for the discovery and apprehension of the principals.-

4 It is manifest that the provisions of Section XX Regulation VIII of 1802 should be resorted to with great caution in order to prevent the escape of the principals in atrocious crimes, who if inadvertently admitted to a conditional pardon could not without great difficulty be excluded from the benefit annexed to the performance of the conditions; and that when in consequence of the evidence proposed by the Magistrate there may not exist this danger, the power should never the less be sparingly as well as circumspectly exercised, the frequent pardon of acknowledged accomplices in murder gang robbery, and other heinous crimes being obviously objectionable and repugnant to the ends of justice.-

10th March 1824. (Signed) W. Huddleston Regr.

No 80 To the Judges of the Provincial Court of Circuit in the Centre Northern and Western Divisions.-

Gentlemen,

I am directed by the Judges of the Court of Toujdaree Adawlut to call your attention to the 2d paragraph of their Circular orders dated the 21st November last, and to desire that the several half yearly statements of crimes committed and punishments inflicted required by the orders of the Toujdaree Adawlut, dated 25th June 1819 from the Magistrates within your division, may be transmitted without further delay.-

10th March 1824. (Signed) W. Huddleston Regr.

No 81 To the Criminal Judge in the Zilla of Chungepore.-

Sir,

Referring to a letter addressed by you

you to the Secretary to Government in the Judicial Department under date 20th Ultimo the Judges of the Court of Foojdaree Adaulut desire, that you will apprize the Magistrate in the Southern Division of Jhansi of the allowance requisite for the subsistence of the convicts placed at the disposal of Captain Turner, in order that it may be issued through that Department so long as the prisoners may remain at Cuddalore.-

2 A copy of this letter will be transmitted to the Magistrate for his information and guidance.-

10th March 1824.- (Signed) W Rudleston Regr

No 82 To the Magistrate in the Southern Division of Jhansi.

Sir,

I am directed by the Judges of the Court of Foojdaree Adaulut to transmit for your information and guidance the annexed Copy of a letter from the Secretary to Government in the Judicial Department dated 5th Instant and of a letter addressed under this date to the Criminal Judge in the Zilla of Chingleput.-

10th March 1824. (Signed) W. Rudleston Regr

No 83 To the Criminal Judge in the Zilla of Nellore.

Sir,

I am directed by the Judges of the Foojdaree Adaulut to acknowledge the receipt of your letter dated 20th Ultimo, which should have been addressed through the Court of Circuit, and to state that the limitation as to the amount of property stolen, which is prescribed in Clause Second Section II. Regulation VII of 1822, has reference exclusively to cases of the nature specified in Clause first of that section; and that no such limitation

limitation is provided with respect to the cases contemplated in Section III of the Regulation.-

10th March 1824. (Signed) W Rudleston Regr

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

Gentlemen

I am directed by the Judges of the Foojdaree Adaulut to transmit for your information the accompanying Copy of a letter from the Criminal Judge in the Zilla of Nellore, dated 20th Ultimo, and of the reply thereto dated this day.-

10th March 1824.- (Signed) W. Rudleston Regr

No 101 To the Judges of the Provincial Court of Circuit in the Western Division.-

Gentlemen

I am directed by the Judges of the Foojdaree Adaulut to acknowledge the receipt of a letter, dated 10th Instant from the 3d Judge, forwarding copies of certain minutes, recorded by the 2d Judge and himself respectively on a case wherein the proceedings of the Criminal Judge of Chittoor were complained against by petition, addressed to the Court of Circuit.-

2 Upon the foregoing papers the Judges deem it sufficient to observe, that under the present circumstances of the petitioner's case they do not deem it requisite to exercise the authority vested in them by Section XXV Regulation X of 1816; nor under the provisions of Section XXIV of the Regulation the proceedings of a Criminal Judge can be called

cancelled for only by two or more Judges of a Court of Circuit, forming a Court at the Civil Station 19th March 1824.- (Signed) W Budleston Regr

No. 102 To the Secretary to the Medical Board.

Sir

I am directed by the Judges of the Court of Fooydaree Adalut to transmit to you for the purpose of being laid before the Medical Board the papers noted in the Margin.-

2 Referring generally to the foregoing papers, the Judges direct me to suggest that orders should be issued to the several Zilla Surgeons explanatory of their duty in the cases of Lunatics placed under their charge; and with reference particularly to the case described in the letter dated 4th February 1822 from the Judge of Circuit in the Western Division, and to the proceedings thereon submitted in his letter of 4th March 1822 the Judges conceive it to be very desirable that some arrangement should be made for

for the permanent detention in fit custody of persons, who under the influence of a temporary privation of intellect may have committed homicide, or other acts of outrageous violence, which may justly warrant an apprehension, that their being allowed to remain at large would compromise the public safety.-

19th March 1824.- (Signed) W. Budleston Regr

No. 112 To the Judges of the Provincial Court of Circuit in the Western Division.-

Gentlemen,

I am directed by the Judges of the Court of Fooydaree Adalut to acknowledge the receipt of your letter, dated 26th Ultimo, transmitting the reports required by Section XXXV Regulation X of 1816 and the orders of the Fooydaree Adalut dated 27th September 1821 for the quarter ending 31st December 1823, together with the several papers referred to in that letter, and of your letter dated 12th Instant, connected with the proceedings.-

2. Respecting the propriety of a Criminal Judge's calling on the Magistrate for explanation in cases of extraordinary delay in sending prisoners to the Criminal Court the Judges concur entirely in the opinion expressed in the Minute of the 3d Judge dated 2d Ultimo, and they desire that it may be notified to the Criminal Judges, and Magistrates

Magistrate that explanations in such occasions are considered by the Foujdaree Adalut to be requisite and should be obtained by the Criminal Judge.

3 The Judges of the Foujdaree Adalut are of opinion that under the provisions of Section XXVII Regulation XI of 1816 a Tahsildar is not authorized to dismiss any case after the prisoner has been apprehended and evidence taken, or to admit parties to bail during the investigation.

4 The Judges continue to hold the opinion, expressed in the proceedings of the Court of Foujdaree Adalut, dated 15th August 1822, that "the Regulations should make it discretional "with the Magistrates specially to direct any "particular case or under general instructions "to direct all cases of a particular nature to "be referred to them previously to being sent to the "Criminal Judge;" and the sentiments of the Judges of the Provincial Court on this subject will again be brought under the consideration of the Honorable the Governor in Council; as the law now stands it appears to the Judges of the Foujdaree Adalut to be incompetent to the Magistrate to exercise such authority.

5 Referring to the concluding paragraph of your letter the Judges direct me to state, that the period of a prisoner's detention by the Police Officer should be calculated from the date of his being brought before such

such officer; but that when any considerable interval may occur between the date of a prisoner's apprehension and that of his appearance before the Darogah of Police, an explanation thereof should be given. The Judges concur with you in opinion that an additional Column should be inserted in the reports of Police Officers showing the date and hour of the arrival of prisoners before them and consider that it is also desirable that the time of their being dispatched from the Criminal Court should likewise be certified.

6 You will be pleased to issue the necessary instructions on the above points to the Criminal Judges and Magistrates within your jurisdiction.

27th March 1824. Signed W Hamilton Regr

No 113 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 letters, dated respectively 28th of January, and the 9th Idem, transmitting the reports prescribed by Section XXXV Regulation X of 1816, furnished by the Criminal Judges within your jurisdiction.

2 The Judges desire that these reports may in future be all sent up together with the observations and explanations required by their orders of the 24th November last.

3 In cases Nos. 4, 14, and 21, of the report furnished by the Criminal Judge in the Zillah of Chicacole considerable delay appears to have occurred in

in forwarding the prisoners to the Criminal Court, whereof an explanation should have been required.-

4 In case No 2 in the report of the Criminal Judge in the Zilla of Nellore the prisoner is stated to have been apprehended on the 29th July and to have reached the Criminal Court on 7th October 1823, and the reason alleged by the Police Officer for the delay is represented to have been, that some other persons had "been apprehended on the same charge with the prisoner "who had escaped from custody and that he had "detained the prisoner in hopes of again apprehending "them, intending to forward them altogether."-

5 This excuse for the prisoner's detention has been repeatedly denounced by the Court of Foujdaree Adawlut as inadmissible: the case should have been brought to the notice of the Magistrate and the Magistrate's reply to the Criminal Judge's communication should have been entered in the report according to the Circular orders of 5th November last.-

6 Referring to certain cases of cattle stealing included in this report wherein great delay in forwarding the prisoners is accounted for by references made to the Magistrate by the officers of Police, the Judges desire that the Magistrate of Nellore may be directed to prohibit such detention in future; the offence being punishable under clause fourth Section III Regulation VI of 1802 by two years' imprisonment, the prisoner charged therewith should always

Toughary Diary 27th March 1824

always be forwarded immediately to the Criminal Court.-

7 Referring to case No 9 of the report under consideration it is to be observed, that if no act of violence was committed by the prisoner, clause third Section V Regulation VI of 1822 rendered his commitment for trial unnecessary.-

8 In cases Nos 1, 6, 7, 11, 23, 26, and 27 in the report of the Criminal Judge of Masulipatam considerable delays occurred in forwarding the prisoners, whereof no explanation is given:- and in this report the value of the property stolen in cases of Burglary and Theft is omitted to be specified.-

9 The Judges of the Court of Foujdaree Adawlut trust, that you will in future invariably require an explanation of all irregularities appearing in the reports, as required by their order of 24th November last: and lay before them such communications as may be made on the subject.-

27th March 1824.- Signed W Dunbar Regr

No 114 To the Judges of the Provincial Court of Southern Division

Gentlemen,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of a letter from the Register to the Provincial Court, dated 11th Ultimo, transmitting the report furnished by the Criminal Judges within your jurisdiction, under the provisions of Section XXXV Regulation X of 1810.

Foujdaree Diary 27th March 1824.

No 115 To the Judges of the Provincial Court of Circuit
in the Centre Division

Gentlemen,

Referring to the report of the Criminal Judges, forwarded with your return dated 17th instant, I am directed by the Judges of the Court of Foujdaree Adawlut to observe, that on an inspection of those reports many cases appear of great delay in forwarding the prisoners to the Criminal Court, whereof an explanation should have been required by you under the Circular orders of 24th November last.

27th March 1824. (Signed) W Hudleston Regr

No 116 To the Judges of the Provincial Court of Circuit
in the Southern Division

Gentlemen,

The same to the Northern and Centre Divisions

The Judges of the Court of Foujdaree Adawlut desire that the Magistrates within your jurisdiction may be directed to instruct the Heads of Police to insert in the report prescribed by Clause fourth Section XXVII Regulation XI of 1810 an additional Column shewing the day and hour of each prisoners arrival before them, and of his being dispatched to the Criminal Court; and to furnish an explanation of the cause of any considerable lapse of time between the apprehension of a prisoner, and his appearance before the Tahseelder.

27th March 1824. (Signed) W Hudleston
Register

Foujdaree Diary 27th March 1824.

2 In the report of the Criminal Judge in the Zilla of Rhadeea the Judge observe, that "Bundy" a prisoner in cases Nos 36, 37, and 38 is stated to have been sentenced in No 37 to receive 30 stripes and to be imprisoned and kept to hard labor for six Months on a charge of house breaking and theft; and in No 38 to stand committed to take his trial before the Court of Circuit for a like offence.—

3 The Judges are of opinion, that a prisoner while under commitment for trial before the Court of Circuit cannot legally be made to undergo a sentence of punishment passed on him on a separate charge by the Criminal Judge.—

4 Referring to case No 44 in the report of the Criminal Judge in the Zilla of Salem wherein the prisoner, Palasey, is stated to have been sentenced to three months imprisonment for "affixing a false chop "on a piece of cloth," the Judges direct me to observe that under the provisions of Section XXI Regulation I of 1812 the prisoner should have been adjudged to pay a fine to government and only in the event of his refusal or omission to pay it, or of his conviction of a repetition of the offence, to imprisonment.

5 The Judges desire, that these remarks may be communicated to the officers whom they concern respectively.—

27th March 1824. (Signed) W Hudleston
Register

No 117 To The Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Toujdaree Adaulut to acknowledge the receipt of your letter dated 26th Ultimo forwarding half yearly statements of crimes committed and punishments inflicted by the Criminal Magistrates and District Police Officers within your jurisdiction.-

The 2nd Para of Circulars to Centre, Northern and Southern Divisions

2 Referring to the discussion which has taken place regarding the construction of the Circular orders of the Toujdaree Adaulut dated 24th December last, the Judges direct me to state that the half yearly statement should shew the total number of persons deprive of personal liberty; and that therefore it should include those who though not originally taken into custody by warrant may have been imprisoned- The number of persons summoned to answer trivial charges which may be dismissed on their appearance in person or by Vakeel and of persons who being so summoned may be adjudged to pay a fine and on immediate payment thereof allowed to return to their homes without having been placed in durance should not be included under the head of "number of persons apprehended".

3 The Judges direct me to return the Statements received from the Magistrates of Comaon and Malabar, in order that revised Statements may be furnished by those officers respectively with reference to the above remarks.

27th March 1824.- (Signed) W. Hudleston

Regr

No 118 To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

I am directed by the Judges of the Toujdaree Adaulut to acknowledge the receipt of your letter, dated 17th instant, forwarding the half yearly Statements of crimes and punishments, received from the Magistrates within your jurisdiction.-

2 With reference to a letter addressed to the Judges of the Court of Circuit in the Western Division under this date, whereof a copy will be sent by dispatched for your information, the Judges direct me to return the Statements above mentioned, in order that they may be modified under the explanation given in the above letter of the Circular orders of the Toujdaree Adaulut dated 24th December last.-

27th March 1824.- (Signed) W. Hudleston Regr

No 119 To The Judges of the Provincial Court of Circuit in the Centre Division

The same to the Northern and Southern Divisions

Gentlemen,

A difference of opinion having obtained in regard to the meaning of the concluding part of the circular orders of the Toujdaree Adaulut dated 24th December last, I am directed by the Judges of the Court of Toujdaree Adaulut to state for your information, and that of the Magistrates within your jurisdiction extract of a letter addressed to the Judges of the Court of Circuit in the Western Division on this subject.-

27th March 1824. (Signed) W. Hudleston

Register

To

No 120 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen,

Para 1st. I am directed by the Judges of the Court of Fouydaree Adalut to acknowledge the receipt of your letter, dated 2d Instant, forwarding the half yearly statements furnished by the Magistrates of Crimes and punishments; and to state that, concurring with you in opinion that the modification, which you have suggested of the form in which the statement should be drawn up is desirable they direct that you do instruct the Several Magistrates within your jurisdiction to observe that form in future.

2d The Judges desire also that all explanations furnished by the Magistrates to the Provincial Court in reference to these half yearly returns may be laid before them.-

3d You will instruct the Magistrates to submit the Statements prescribed by Section XXX Regulation IX of 1810, in future, through the Provincial Court of Circuit.-

27th March 1824. (Signed) W. Budleston Regr

To

No 121 To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

1 I am directed by the Judges of the Fouydaree Adalut to desire that you will instruct the several Magistrates within your jurisdiction to observe the accompanying form in framing their half yearly returns of crimes and punishments.-

2 The Judges desire also that the Magistrates may be instructed to submit in future through the Court of Circuit the Statement prescribed by Section XXX Regulation IX of 1810.-

27th March 1824. (Signed) W. Budleston

Registr

The same to the Judges of the Northern and Centre Divisions

Abstract.-

Toujdaree Diary 27th March 1824.

No 122 To the Magistrate in the Zilla of Bellary.

Sir,

I am directed by the Judges of the Toujdaree Adaulut to return to you the accompanying Statement, in order that a revised Statement may be furnished, drawn up in strict conformity with the form given in No 9 of the Appendix to Regulation IX of 1816.

27th March 1824. Signed/ W. Budleston Regr

No 123 To the Magistrate of Ganjam

Sir,

Referring to the statement transmitted by you under date 11th Ultimo under the provisions of Section XXX Regulation IX of 1816, I am directed by the Judges of the Court of Toujdaree Adaulut to desire, that you will report to them what you consider to have been the cause of the small proportion of offenders, whose apprehension has been effected by the Police.

27th March 1824. Signed/ W. Budleston Regr

No 124 To the 3d Judge of the Provincial Court of Circuit in the Western Division

Sir

With reference to an extract of the proceedings of the Court of Toujdaree Adaulut dated 22d December last, I am directed by the Judges to transmit to you the accompanying copy of a letter, dated 19th Instant, from the Secretary to Government in the Judicial Department for your information and guidance, and to desire that the necessary communications may be made to the Criminal Judge and the Magistrate of Malabar

27th March 1824. Signed/ W. Budleston Registrar

Toogabbie Diary 1st & 8th April 1824

No 134 To the Criminal Judge in the Zilla of Wellington

Sir,

I am directed by the Judges of the Court of Toogabbie Dcatut to acknowledge the receipt of your letter of the 24th Ultimo and to return you the Notice with the report which has been indorsed thereon by the Bazin of this Court.

1st April 1824 (Signed) W. Huddleston Regr

No 20

No 139 To the Secretary to Government in the Judicial Department

Sir

1 I am directed by the Judges of the Toogabbie Dcatut to transmit to you for the orders of the Honorable the Governor in Council the accompanying letter dated 3d Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, desiring instructions as to the proper officer to perform the ensuing Circuit.

2 It has been the practice under similar circumstances for the order of rotation to be maintained, under which this duty would devolve on Mr Campbell, the 3d Judge, but as the Regulations do not distinctly provide for cases of this description, and the determination of the point would appear with reference to the spirit of the rule laid down in Section II Regulation VI of 1808 to rest with the Honorable the Governor in Council, the Judges have not considered it proper to issue the instructions, solicited in the accompanying letter.

8th April 1824 (Signed) W. Huddleston

Registr

To

Toogabbie Diary 10th & 19th April 1824.

No 141 To the Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen,

With reference to a letter from the 1st Judge, dated 31st Ultimo, I am directed by the Judges of the Court of Toogabbie Dcatut to state, that the duty of performing the ensuing Circuit would devolve on Mr Campbell, the 3d Judge whom you will be pleased to furnish with a copy of this letter.

10th April 1824. (Signed) W. Huddleston Regr

No 144 To the Assistant Magistrate in charge in the Zilla of Bellary.

Sir,

I am directed by the Judges of the Court of Toogabbie Dcatut to transmit to you the accompanying Statement, received from the Cutcherry Magistrate, and to desire that in lieu thereof a Statement may be furnished comprising only the 12 designations of crime specified in the form in Sy of the Appendix to Regulation IX of 1816, having the additional Column required by the order of the Toogabbie Dcatut, dated 15th August 1822.

19th April 1824. (Signed) W. Huddleston Regr

No 145 To the Magistrate in the Zilla of Bellary

Sir,

Referring to your letter dated 1st Instant, and to the Statement therewith transmitted, I am directed by the Judges of the Court of Toogabbie Dcatut to annex for your information copy of a

a letter, addressed to the Assistant Magistrate, whereby you will perceive, that their Orders of 15th August 1822 have not been superseded by any subsequent instructions; and that the error in the statement consisted in its containing several specifications of crime not included in the form, prescribed in Section XXX Regulation IX of 1816; an error which was pointed out to you in my letter dated 8th March 1822 returning the Statement furnished by you for the year 1821.-

12th April 1824 (Signed) W. Rudleston Regr.

No 1/20 To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Fouydaree Adawlut to acknowledge the receipt of a letter dated 5th Instant from the Register to the Provincial Court together with the several papers therewith transmitted and to return the incorrect half yearly statement from the Magistrate of Salem forwarded on the 2d Instant, for which the revised statement since furnished by that officer has been substituted.-

12th April 1824.- (Signed) W. Rudleston Regr.

(No 21)

To the Secretary to Government in the Judicial Department.

Sir,

1 With reference to an Extract of the proceedings of the Court of Fouydaree Adawlut dated 22d December last and to the report of the 3d Judge of the Court of Circuit in the Western Division therewith submitted, I am directed by the Judges to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying return, dated 28th Ultimo, from the 3d Judge to the Court's precept, directing him to communicate certain parts of those proceedings to the Criminal Judge, and the Magistrate of Midnapore.-

2 The Judges abstain from any comment upon the 3d Judges "reply to the observations of "the Criminal Judge", which it is to be observed has not been seen by that Officer, nor does it appear to them that any further agitation of the subject at this time would be likely to lead to a satisfactory issue.-

3 The 3d Judges concluding remark in respect to the "confidential nature of the reports furnished under the provisions of Section XXXVII Regulation VII of 1802 is not clearly intelligible to the Judges of the Fouydaree Adawlut.-

12th April 1824.- (Signed) W. Rudleston Regr.

48 To the Criminal Judge in the Zilla of Chittagong

Sir,

I am directed by the Judges of the Court of Fouydaree Adawlut to acknowledge the receipt of your letter of the 5th Instant and to return you the letter with the report which has been entered thereon by the Judges of this Court.-

12th April 1824. (Signed) W. Rudleston Regr.

No 149 To the Criminal Judge in the Zilla of Chinglepat

Sir,

I am directed by the Judges of the Sudr Toujdarie Adawlut to acknowledge the receipt of your letter of the 7th Instant and to return you the notice which has been only served.-

17th April 1824.- (Signed) W. Huddleston Regr

No 155 To the Criminal Judge in the Zilla of Chinglepat

Sir,

I am directed by the Judges of the Sudr Toujdarie Adawlut to transmit to you the accompanying copy of a letter dated 13th Instant from the Secretary to Government in the Judicial Department, and to desire that in compliance with the instructions therein given fifty convicts may be sent to Cuddalore without delay.-

15th April 1824.- (Signed) W. Huddleston Regr

(No 22)

No 157 To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Sudr Toujdarie Adawlut to acknowledge the receipt of your letter dated the 20th Ultimo transmitting copy of a letter to your address from the Criminal Judge in the Zilla of Nellore regarding the employment of convicts by Collectors, and of the reply thereto.-

2 The Judges consider it incumbent upon them to submit to the Honorable the Governor in Council their sentiments upon the proposition of the Judge of Nellore and

and to state their reasons for thinking that the measure suggested by that Officer is not calculated to answer any beneficial purpose; but on the contrary that its adoption would be productive of considerable inconvenience and disadvantage.-

3 The Regulations by which the Criminal tribunals were established and others subsequently enacted, fully recognize the importance of a strict management of the Jails; they prescribe rules for the internal Superintendence of them, the health and cleanliness of the prisoners, the separation of particular descriptions of them, the payment to them of subsistence money and humanely provide for their good treatment consistently with their proper discipline; in addition to which it has been found expedient in order to render the imprisonment to which culprits are sentenced, efficient for its intended purposes, constantly to issue particular instructions on the several points connected with it. The duty which thus devolves upon the Criminal Judge is by no means easy or inconsiderable; and though the establishment is subject to his immediate inspection, it is sometimes difficult to prevent irregularities in its internal economy and in the conduct of the prisoners when working abroad.-

4 The importance of a proper jail discipline in preventing crime cannot be denied; the subject has accordingly

No 154 To the Criminal Judge in the Zilla of Chinglepud

Sir,

I am directed by the Judges of the Toujdaree Adawlut to acknowledge the receipt of your letter of the 7th Instant and to return you the notice which has been duly served.-

15th April 1824.- (Signed) W. Huddleston Regr

No 155 To the Criminal Judge in the Zilla of Chinglepud

Sir,

I am directed by the Judges of the Toujdaree Adawlut to transmit to you the accompanying copy of a letter dated 13th Instant from the Secretary to Government in the Judicial Department, and to desire that in compliance with the instructions therein given fifty convicts may be sent to Cuddalore without delay.-

15th April 1824.- (Signed) W. Huddleston Regr

No 156 To the Secretary to Government in the (No 22) Judicial Department.

Sir,

I am directed by the Judges of the Toujdaree Adawlut to acknowledge the receipt of your letter dated the 20th Ultimo transmitting copy of a letter to your address from the Criminal Judge in the Zilla of Nellore regarding the employment of convicts by Collectors, and of the reply thereto.-

2 The Judges consider it incumbent upon them to submit to the Honorable the Governor in Council their sentiments upon the proposition of the Judge of Nellore, and

and to state their reasons for thinking that the measure suggested by that Officer is not calculated to answer any beneficial purpose; but on the contrary that its adoption would be productive of considerable inconvenience and disadvantage.-

3 The Regulations by which the Criminal tribunals were established and others subsequently enacted, fully recognize the importance of a strict management of the Jails; they prescribe rules for the active Superintendence of them, the health and cleanliness of the prisoners, the separation of particular descriptions of them, the payment to them of subsistence Money and humanely provide for their good treatment consistently with their proper discipline; in addition to which it has been found expedient in order to render the imprisonment to which culprits are sentenced, efficient for its intended purposes, constantly to issue particular instructions on the several points connected with it. The duty which thus devolves upon the Criminal Judge is by no means easy or inconsiderable; and though the establishment is subject to his immediate inspection, it is sometimes difficult to prevent irregularities in its internal economy and in the conduct of the prisoners when working abroad.-

4 The importance of a proper jail discipline in preventing crime cannot be denied; the Subject has accordingly

accordingly much occupied the notice of the Court of Foujdaree Adawlut and been by them enforced upon the attention of the inferior Judicial authorities. The management of the prisoners under this presidency has in consequence now arrived at great excellence, and the Judges are inclined to think that they would bear a comparison with similar institutions of any country in the world; but it is to be apprehended that the present state of things could not long continue to exist if the charge of them were transferred from the Judicial to the Revenue authorities. If placed under the orders of the Collector for the purpose of working in different parts of the districts, the prisoners would be constantly subject to a change of superintendence which would involve a change in their general treatment, especially in regard to the quantity of work required from them, respecting which a difficulty is even now experienced in finding inferior officers free from favoritism and corruption to carry the standing orders into execution. The erratic life they would lead would divest their situation of its terrors; it would be scarcely impossible to keep them separate from their wives and connexions, to prevent their being furnished with money and other things improper for them to be possessed of, and to maintain any regular discipline whatever.

5 The Judges beg to point out that the advantages to be derived from the adoption of the Zilla Judges proposition are totally disproportionate to

to the evils which would necessarily attend the measure. The work of all sorts, which a prisoner in irons is capable of performing, may be estimated at about half that which a common cooly can effect; and therefore in the instance of Nellore if the whole of the prisoners according to the Judges statement of their numbers were made over to the Collector, the operative labor of only 70 Coolies would by that means be placed at his disposal; and this moreover in the most inconvenient form; when necessary for them to move, it would be done with pain to themselves and with great slowness; at every halting place accommodation must be provided for them, and when arrived at their destination, as the Judge observes, "they would be first employed in shifting themselves" an operation which would consume much of that time which ought to be more usefully employed, involve considerable expence, and when finished probably be ill calculated to preserve their health or decency their persons.

6 Prisoners in irons can without hardship walk five Miles to their working place and return in the evening, and the Judge feel some what surprized that within so large a range comprising a populous town and neighbourhood, the Zilla Judge of Nellore should have found any difficulty in profitably employing the prisoners under his charge. The Zilla Judge observes that "in the generality of Banks of

or that of the public roads they would be valuable where as at a Zilla station their labours must be almost useless. From this it might be inferred that within a circuit of five miles round the Jail at Nellore there were no banks of Tanks or public works whatever, or at least none that needed improvement; even if this were the case, which can hardly be thought possible, there are other modes of employing the prisoners by which they might make a return for the expense incurred in their support, namely in the manufacture of Coarse cloths, cumblies, paper for the use of the several establishments &c. but these occupations though followed with advantage in some of the best regulated Jails by the aged and infirm prisoners, the Judges of the Foujdaree Adalut do not consider so good for the purposes of punishment and example as those works upon which they are more generally employed.

7 The number of prisoners under the charge of the Judge of Nellore, owing to some having been removed to Masulipatam, is smaller than that in any Zillah under the Presidency except Seringapatam, but no inconvenience similar to that of which he complains has been brought to the notice of the Foujdaree Adalut by any other Criminal Judge. On the contrary the Judges have reason to believe that at all the stations the convicts are fully and usefully employed

employed for the advantage of the Government and the Public. At some stations works of the first magnitude and importance bear testimony to the value and proper application of their services; and in all, the benefit of their labour is conspicuous, and gratefully acknowledged by the inhabitants; and as the Zilla station is generally the most considerable town in the district for its trade and population there is no other spot where the good effected by the prisoners could have a more extensive operation.

8 In places such as Tuckmopoly, Rajahmundry, and all others where jails have been and still are in existence, it is well, and indeed sometimes necessary for the want of room elsewhere, that the prisoners should remain in, and be from time to time removed to them; in such instances their treatment would continue the same, and the management of the establishment would undergo no alteration except in its being entrusted to the Collector and Magistrate instead of to the Criminal Judge.

9 In cases also similar to that which has lately occurred at Cuddalore, when the Collector or any other public officer may require the services of the prisoners for any specific work to be carried on at a place where there is proper accommodation for them, it may be advisable that they should be employed accordingly

accordingly; but even then it is expedient that they should not be entirely removed from the authority of the Criminal Judge or from the immediate guard of those persons who have been accustomed to jail discipline.-

10. The Judge of Nellore has expressed his belief "that the whole of the Jails throughout the Country are at present crowded to excess" I am directed by the Judges of the Foujdaree Adawlut to state that this supposition is erroneous. The Criminal Judges were recently called upon to report the number of persons which their respective Jails were capable of containing, upon an estimate of the space which they might consider proper for each prisoner; this estimate of course in some instances varied, but very inconsiderably, and in all cases the Jails except those of Masulipatam and Nellore were thought capable of containing more prisoners than were then in confinement.-

11. The Judges have been furnished by the Provincial Court for the Northern Division with copy of a letter from the Judge of Nellore to Government under date 21st July 1823, representing the necessity of enlarging the Jail at that Station - From the subsequent letter from the same officer, which has now been taken into consideration, the Judges presume that the Government did not think proper to pass any orders on his former communication, and they beg therefore very respectfully to recommend, as a commencement of those improvements which appear necessary in the establishment at Nellore, that the Zilla Judge may be directed in communication with the Superintending Engineer

Engineer for the Northern Division to prepare and submit for the sanction of the Honorable the Governor in Council a plan for the enlargement and alteration of the jail at that Station.-

21st April 1824.- (Signed) W Dudleston Regr

(No 23)

No 170 To the Secretary to Government in the Judicial Department.-

Sir,

With reference to your letter No 139 dated 19th Ultimo I am directed by the Judges of the Foujdaree Adawlut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 19th Instant, from the 3d Judge late on Circuit in the Western Division with its enclosures, from which it would appear that in the case noticed in the 3d paragraph of the 3d Judges late Circuit report an inquiry was held by the Assistant Magistrate according to the 3d Judges orders, a fact which would properly have been communicated by the Magistrate in his letter of explanation, dated 5th, submitted to Government with my letter of 14th January last.-

27th April 1824.- (Signed) W. Dudleston Regr

No 189 To the 3d Judge late on Circuit in the Western Division

Sir,

With reference to your letter of the 19th ultimo I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you the accompanying copy of a letter dated the 4th Instant from the Secretary to Government in the Judicial Department and to desire that you will communicate the same for the information of the Dewgs state of Malabar.-

10th May 1824.- (Signed) W Rudleston Regr

No 190 To the Criminal Judge in the Zilla of Bellary.

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 4th Instant transmitting a bill for expences incurred in hanging four prisoners, and suspending their bodies in chains.-

2 This charge having been incurred under the orders of the Court will properly be submitted for sanction in the annual Statement of Contingent Charges of the Zilla Court.-

10th May 1824.- (Signed) W. Rudleston Regr

No 191 To the Criminal Judge in the Zilla of Nellore.-

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 27th Ultimo, requesting permission to transfer 103 Convicts to the Charge of the Rajahmundry and to inform you, that the removal of convicts from the custody of the Criminal Judge, and a suspension however partial, of the established System of prison discipline cannot be considered by them to

be seriously objectionable, their sentiments on the subject have been laid before the Government, whose concurrence therein has been intimated to you in a letter, dated 4th Instant from the Secretary to Government in the Judicial Department.-

10th May 1824.- (Signed) W. Rudleston Regr

No 193 To the Judges of the Provincial Court of Appeal and Circuit in the Northern Division

Gentlemen,

I am directed by the Judges of the Sudr and Foujdaree Adawlut to acknowledge the receipt of your letter dated 26th ultimo requesting instructions as to the mode of proceeding to be adopted upon a complaint, whereof a copy and English translation accompany your letter, brought by the Nazir of the Zilla Court of Masulipatam against the Registr and Assistant Criminal Judge.-

The Judges on a perusal of the representation made by the Nazir, find that it involves an accusation against the Registr of certain oppressive and irregular acts, injurious to the Nazir, and a complaint against the Assistant Criminal Judge for irregular proceedings against the Nazir in that capacity, and for excluding his case from the Calendar of persons committed to take their trials at the 2d quarterly Sessions of Jail delivery for the present year.-

2

3 It does not appear to the Judges, that the allegations of the Nazir fall within the scope of the rescinded Regulations III of 1809 and II of 1810: the charge against the Registr involves misconduct of the native

Continued.-

contemplated in Section XIII Regulation XII of 1803, and the Judges are therefore of opinion that it belongs to the province of the Zilla Judge to dispose of it with reference to that Section.-

And under the provisions of Section XXIV Regulation X of 1810 it will be the duty of the Judges of the Provincial Court of Circuit to dispose of the Complaint, brought against the late Assistant Criminal Judge in Charge.-

13th May 1824.- (Signed) W Hudleston Regr

No 190 To the 4 Provincial Courts of Circuit.-

Transmitting extract of a letter to the Secretary to Government and desiring them to communicate the same to the several Magistrates for their information and guidance in cases where they may consider it proper to recommend the remission of additional pardon under Regulation VIII of 1802 to a person not in custody.-

13th May 1824.- (Signed) W Hudleston Regr
(Sent usual letter)
(No 24)

No 202 To the Secretary to Government in the Judicial Dept

Sir,

With reference to your letter No 172 dated 13th Instno, I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying letter, dated 10th Instant from the Magistrate of Tirhoot, submitting statements of contingent charges incurred in the Jail Department for July 1823 on account of Batta to prisoners confined in the Jail from 1st July 1822 to 30th June 1823 for

for the sanction of the Honorable the Governor in Council.-

17th May 1824.- (Signed) W Hudleston Regr

No 203 To the Criminal Judge in the Zilla of Malabar.-

Sir,

The Criminal Judge in the Zilla of Chingleput having sent a report to the Court of Foujdaree Adalut of the non arrival of certain convicts forwarded by you, together with a copy of your communication to that officer of the 5th March last, conveying the information of their dispatch by sea.- I am directed to call your attention to the orders of the Court of Foujdaree Adalut to the Provincial Courts of Circuit for the Western Division under date the 19th September last- a copy of which the Judges conclude has been furnished for your guidance.- In those orders it was enjoined, that "on such occasions a report of the dispatch of the convicts with a Calendar shewing their crimes and sentences should be transmitted to this office."- The Judges desire therefore that the report and Calendar required, be furnished without delay, and that their instruction in this head be carefully attended to in future.

17th May 1824.- (Signed) J F Thomas Dy Regr

No 204 To the Judge of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 23d Instno in which you request the Court to submit and recommend your application to the Honorable the Governor in Council for sanction to a contingent allowance

English

"English Writers and an additional Persian Moonshee"

2 The Judges having instituted a comparison both as respects the quantity of work performed and the extent of their respective Establishments, between the Provincial Court of Circuit for the Northern Division and the same Court for the Centre Division, find that the average number of trials referred yearly by the Court of Circuit in the Centre Division has hitherto exceeded the number referred from the Northern Division - The establishment of Eng. Cl. writers in the former Court, consists of five at a monthly expense of 282 Rupees whilst it would appear from Statements in the office of the Register of this Court that six English writers are entertained in the Northern Provincial Court at an expense of 288 Rupees monthly - The Judges are disposed therefore to impress upon the Judges of the Court of Circuit the necessity of a more vigilant superintendence of the officers of their Establishment, rather than to recommend any increase in their number which will then probably be found unnecessary -

17th May 1824 (Signed) J. F. Thomas Dy Regr

No. 205 To the Criminal Judge in the Zilla of Bellary -

Sir,

1 I am directed by the Judges of the Toungoo Court to acknowledge the receipt of your letter dated 3d Instant transmitting Statement of expence incurred by the Assistant Criminal Judge in attending the execution of four Convicts hung in Chains

2 This Charge having been incurred under the rules of the Court will properly be submitted for sanction in the annual Statement of contingent charges of the Zilla Court.

17th May 1824 - Signed J. Ruddleston Regr

(True Copy)

No. 210 To the Secretary to Government in the Judicial Department -

Sir,

1 I am directed by the Judges of the Court of Toungoo to acknowledge the receipt of your letter, dated 30th Ultimo, transmitting an Extract from the Minutes of Consultation under that date on the subject of certain suggestions, contained in the report of the late 3d Judge of the Provincial Court of Circuit in the Centre Division on the 2d quarterly Sessions of Jail delivery for 1823 at Chittoo -

2 The Judges have given to the several important Modifications of the Criminal Law, contemplated in the above extract from the minutes of consultation, the most mature consideration; and they beg leave respectfully to submit their sentiments thereupon to the Honorable the Governor in Council -

3 Referring to the first point brought into discussion, namely the expediency of "facilitating the proof of the crime of receiving Stolen goods," the Judges have to observe, that it does not appear from the Calendars of persons brought to trial before the Courts of Circuit for this offence since the promulgation of Regulation XI of 1822, that difficulty has generally been experienced in procuring sufficient evidence to warrant a petwa of conviction under the Mahomedan Law, when the proof adduced on the trial sufficed, in the opinion of the Judge of Circuit to bring home guilt to the accused - The provisions of the existing Regulations render it incumbent upon the

Judge

Judge in these as well as in other cases wherein he may not concur in the future, to refer the trials to the Court of Foujdaree Adaulut; and the Judges see no reason to believe that those provisions have been on any occasion infringed by the late 3d Judge of the Court of Circuit in the Centre Division although such an inference might be deduced from certain expressions in his report: it is manifest that on the supposition of an implicit observance of the law in this respect no offender can escape merely from the want of a confession, or of such evidence as may satisfy the scruples of the Mahomedan Law; and accordingly in the particular cases which are cited by the late 3d Judge, and which were referred by him for the final judgment of the Foujdaree Adaulut, the prisoners were convicted and punished.—

4 The Judges do not think, that a sufficient case has been made out to call for the enactment of special provisions in regard to trials for this offence, and it remains to be considered how far on the general ground of convenience it may be expedient to extend to the Courts of Circuit, in cases punishable by them on conviction under the existing Regulations, the power now vested exclusively in the hands of two or more Judges of the Court of Foujdaree Adaulut of over ruling any future of acquittal, appearing to them to be contrary to the evidence, and notwithstanding such future passing sentence on the prisoner.—

5 Provisions to this effect, which would do away with the necessity of reference to the Foujdaree Adaulut

Adaulut excepting in cases involving a sentence of perpetual imprisonment, or death, would certainly lighten to a great degree the labors of the Courts of Circuit, and tend to the more speedy punishment of offenders: but they would in so far defeat one of the principal objects intended by the establishment of the Court of Foujdaree Adaulut, declared in the preamble of Regulation VIII of 1802 to be, in order that an uniformity of decision may be preserved throughout the several Courts of Circuit; and would deprive the accused of most important advantages guaranteed to him by the existing Law.—

6 At present the concurrent opinion of three Judges is necessary in order to the condemnation of a prisoner, whose guilt may not be established under the rules of evidence prescribed by the Mahomedan Law: and intending no disrespect whatever to any of the individuals employed in the higher judicial situations the Judges of the Foujdaree Adaulut must remark, that coming into the line unprepared by a previous course of application for its particular duties, and having in some instances but little practical acquaintance with the Judicial Office, were the Judges of Circuit invested with absolute and unrestricted authority in the adjudication of the heavy penalties of the Law, with only the nominal aid of an Apeer in the Mahomedan Law Officer, and without the concurrence now enjoined of a deliberative body the decisions of which from their character would be much more than counterbalance

any

any advantage accruing from the diminution of labor and prevention of delay in the administration of Criminal Justice.-

7 Even in cases of conviction by the fatwah of the Law Officer, having the concurrence of the Judge who presided on the trial, there has sometimes appeared ample reason to question both the correctness of the fatwah, and the grounds on which the presiding Judge has recorded his concurrence in the conviction; and the reference to the Superior Court has occasioned the release of prisoners, who would otherwise have been erroneously condemned and punished.-

8 The Judges of the Zoujdaree Adalut observe, that it is provided by Section V Regulation XVII of 1817 in the Bengal code, that "if the evidence of a witness on a "Criminal trial before a Court of Circuit be declared by "the Mahomedan Law Officer inadmissible on the ground "of the witness being a police Officer, or an officer of Govern- "ment of any description; or on any other ground of excep- "tion in the Mohammedan rules of evidence, which may "appear to the Judge of Circuit unreasonable and inexp- "pedient, the Judge shall cause the examination of "the witness to be taken notwithstanding the exception "stated by the law officer; and shall require the latter "on completion of the trial to declare in his fatwah the "sentence to which the prisoner would have been liable, if "the evidence of the witness or witnesses objected to had been "admissible under the provisions of the Mahomedan Law. "In such cases however if the conviction of the prisoner "depend exclusively or principally upon the evidence "of the witness or witnesses objected to by the Law Officer

"the Judge of Circuit shall not pass any sentence but shall "refer the trial to the Nizamut Adawlut."

9 The qualified power, which is given by the above provision to the Judges of Circuit, to over-rule ob- jections taken under the Mahomedan rules of evidence would seem to be considered by the Authorities in Bengal where the existing system of Criminal administration has been so much longer in operation than in these Terri- tories, to embrace all that can safely be committed to the discretion of individual judgment as no further au- thority has in that respect been since given to a Judge of Circuit: and the Judges are of opinion, that the introduction of the same provision into the Madras code, as applicable generally to all trials before the Court of Circuit, would obviate the necessity for the spe- cial enactment proposed for cases of knowingly receiving stolen property, and place in the hands of the Judges of Circuit the fullest discretionary authority with which it is expedient to invest them.-

10 The Judges have circulated the opinion, lately submitted by them to Government, regarding the lega- lity of a conditional offer of pardon to persons not in confinement. It appears to them, that special provision will be requisite to legalize the offer of a pardon to an accomplice; consequently this conviction, a measure however, which though calculated to promote the ends of justice under the administration of the English Criminal Law, appears to them of questionable expediency in this Country. The opinion of the late 3d Judge, as stated in paragraph 21 of his report would seem to be that the "information" only of such persons

persons and not their testimony as witnesses should be taken; and in this opinion the Judges concur.-

11 In respect to the proposed enactment for rendering the property of persons, who may be convicted of theft, robbery or burglary, or of other crimes to which the punishment of death or of transportation is annexed, or who may abscond when charged with any of those offences, answerable in the first instance for the prosecutor's loss and for the expense of the prosecution, and liable further in more heinous cases to confiscation on account of Government, the Judges of the Fonjdaree Beauteah are of opinion, that it might be advantageous to empower the Judges of Circuit to deliver over to the prosecutor such money, as might be found on the person or in the house of a convicted felon, and that other valuables, should any be found, might be sold for the prosecutor's benefit, provided they should not be identified as the property of other individuals; any surplus proceeds after reimbursement of the prosecutor's loss and expenses being carried to the account of Government.-

12 Such a provision might tend to diminish the general reluctance to prosecute before the Criminal Courts; but the Judges apprehend that its operation would be extremely limited, the persons concerned in crimes of this nature being seldom possessed of any property:- and it may also deserve consideration whether it might not encourage the institution of false accusations against persons of substance.-

13 But the provision for levying the amount of the depredations in cases, where the property of a person convicted of theft, robbery or burglary, or who may abscond when

charged with any of these crimes, may fall short of the amount of the prosecutor's loss and expences, by an apportionment on the Talook, where he resided, appears to the Judges of the Fonjdaree Beauteah to be open to serious objections, as offering a temptation to perjury not likely to be resisted by the natives of this Country, and as calculated to induce systematic attempts on the part of the indigent and profligate to deceive the Courts, and pervert the administration of Criminal justice to the purposes of fraud and imposture.-

14 The provisions of the English Law which suggested the Judges recommendation on this subject, render the Hundred, in which a robbery may be committed liable for the prosecutor's loss, if the robber be not taken within a certain period after proclamation: the object of this law is to stimulate all persons to exert themselves for the apprehension of Criminals; and false allegations in respect to the amount of the loss sustained are guarded against by making the liability of the Hundred to depend upon the issue of a special action on the case. To make the inhabitants of a Talook accountable without distinction for the misdeeds of one another might be regarded as an intolerable hardship; and the rule might have the effect of inducing the inhabitants of a village to aid in the concealment of a robber, or in the prosecution of a groundless charge of robbery, with a view to share with the real or pretended sufferer in the fine levied on the district.

15 This particular objection might be obviated by confining the proposed assessment to the village, to which the offender might belong; but even this would in the opinio

of the Judges tend, though in a minor degree, to the fabrication of charges, unsupported by perjury; while its efficacy in respect to the prevention of crimes appears to be very problematical.—

24th May 1824.— (Signed) W. Rudleston Regr.

№ 211 To the Magistrate in the Zilla of Cuddapah.

Sir

1 I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 15th Instant, requesting authority for offering a reward to the extent of 300 Rupees for the apprehension of two persons, concerned in a case of Burglary.—

2 Referring to the provisions of Section XXI Regulation IX of 1816, the Judges conclude from the amount of the reward which has been already offered for the apprehension of the individuals in question, that they were principals in the robbery; and under this impression, they authorize you to offer a reward of one hundred and fifty Rupees for the apprehension of each of those persons payable, should they be proclaimed by name agreeably to the provisions of Section VI Regulation I of 1818, on their being delivered to you, or to the Magistrate in whose jurisdiction they may be apprehended, or if their names are not known payable on their conviction before the Court of Circuit.—

3 It is probably owing to have been your intention

intention to desire authority for the offer of a reward of three hundred Rupees for the apprehension of each of the persons referred to, the Judges, in order to prevent the delay of a further reference, direct me to convey to you eventual sanction for the offer of rewards to that extent.—

24th May 1824.— (Signed) W. Rudleston Regr.

(№ 27)

№ 215 To the Secretary to Government in the Judicial Department.—

Sir,

I am directed by the Judges of the Court of Foujdary Adawlut to transmit to you for the consideration and orders of the Honorable the Governor in Council the accompanying letter dated 21st Instant from the Magistrate of Vizagapatam recommending the offer of certain rewards for the apprehension of the persons concerned in a murder.—

31st May 1824. (Signed) W. Rudleston Regr.

№219. To the Secretary to Government (№28) in the Judicial Department

Sir,

With reference to the latter part of your letter (№197) dated 4th ultimo, 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 22d ultimo, from the 3d Judge of the Court of Circuit in the Western Division forwarding copy of a correspondence with the Magistrate of Malabar, who points out that in delegating to his Assistant the investigation of the case in question he acted in conformity with the orders of the 3d Judge.

(Signed) W. Hudleston, Register

2d June 1824.

№220. To the Secretary to Government (№29) in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter (№228) dated 28th Ultimo, referring for their consideration and report the copy of a letter dated 18th Ultimo from the Magistrate of Malabar, reporting for the orders of the Honorable the Governor in Council under the provisions of Regulation XI of 1809 the apprehension of a party of smugglers who have confessed, "that some sandal wood found in their possession was plundered by them from the Forests belonging to His Highness the Rajah of Mysoor."

2. The provisions of Regulation XI of 1809 being declared in the preamble to apply to "crimes or misdemeanors" committed by Native Subjects of the British Government, must in the opinion of the Judges be taken to include all cases of theft or robbery, under the designation of certain offences given in Clause first Section III of the Regulation.

(Signed) W. Hudleston, Register

2d June 1824.

№221. 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 acknowledge the receipt of your letter dated 26th April last, referring by desire of the late Magistrate in the Zilla of Bellary copy of a correspondence with that officer regarding the legality of taking criminal cognizance of certain acts.

2. The Judges of the Foujdaree Adalut entirely concur with you in opinion that a reference to the provisions of the Mohummedan Criminal Law forms no part of the duty of a Magistrate. In cases which may appear to him to be criminally cognizable, and for which there may be no provision made in the Regulations enacted for his guidance, the Judges consider it to be the duty of the Magistrate to send the accused to the Criminal Judge to be dealt with according to the provisions of the general Regulations.

(Signed) W. Hudleston Register

2d June 1824.

№225. To the 3d Judge late on Circuit in the Western Division

Sir,

With reference to your letter of the 28th March last, I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you the accompanying copy of a letter from the Secretary to Government in the Judicial Department dated the 28th Ultimo, and to desire that such part thereof as concerns the Criminal Judge of Malabar may be communicated to him for his information and guidance.

(Signed) W. Hudleston Register

7th June 1824

№226. To the Criminal Judge in the Zilla of Chingleput

Sir,

I am directed by the Judges of the Court

Court of Fouydaree Adalut to acknowledge the receipt of your letter of 10th Instant, and to state that they authorize the removal to Trichinopoly of such further number of convicts not exceeding one hundred as that Jail may be capable of accommodating.-

2. You will communicate with the Magistrate of Trichinopoly in order to the arrangement now sanctioned, and report to the Judges the number of convicts eventually removed from the Jail under your charge.

17th June 1824. /Signed/ W. Hudleston Register

No 252 To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Court of Fouydaree Adalut to acknowledge the receipt of a letter from the Register to the Provincial Court, dated 11th Instant, and in reference to the minutes therewith transmitted to convey to you their opinion, in accordance with that of the 3d Judge, that in cases brought before a Magistrate under the provisions of Section XXIV Regulation IX of 1816 that officer is bound to hold a personal investigation, and that the references of such cases to be disposed of by an officer of police is wholly unwarranted by the Regulations.-

22d June 1824. /Signed/ W. Hudleston Register

No 253 To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Fouydaree Adalut to acknowledge the receipt of a letter, dated 15th

15th Instant, from the Register to the Provincial Court, transmitting reports furnished by the Criminal Judges within your Jurisdiction under the provisions of Section XXXV Regulation X of 1816.-

2. Referring to the observation of the Criminal Judge in the Zilla of Combaconum, in his letter dated 5th Instant, that no cause was assigned for the delay in forwarding certain prisoners, sent up by the Assistants to the Magistrates of Tanjore and Trichinopoly, the Judges desire that you will instruct the Criminal Judge to apply in such cases to the Magistrate for an explanation, when the delay may be considerable.-

3 In case No 18 of the report from the Criminal Judge in the Zilla of Salem two prisoners received sentences of imprisonment in addition to the imprisonment adjudged against them in the preceding case.-

4. The Judges are of opinion that a prisoner who brought before a Criminal Judge charged with two or more offences cannot regularly receive more than one sentence. It is not necessary to disturb the judgment passed against the individuals here referred to, as the imprisonment adjudged against them falls short of that adjudicable by the Criminal Judge under the provisions of clause fourth section III Regulation VII of 1822.-

5. In case No 45 of the report from the Criminal Judge in the Zilla of Salem the prisoners who were charged with "Burglary and stealing from the prosecutrix's house "different coins to the amount of 145 Rupees and 7 annas", are stated to have been sentenced to receive 18 stripes and to be imprisoned with hard labor for two years.-

6. The Judges direct me to observe, that the Criminal Judge with reference to the provisions of clause

Court of Foujdare Udalut to acknowledge the receipt of your letter of 10th Instant, and to state that they authorize the removal to Trichinopoly of such further number of convicts not exceeding one hundred as that Jail may be capable of accommodating.

2. You will communicate with the Magistrate of Trichinopoly in order to the arrangement now sanctioned, and report to the Judges the number of convicts eventually removed from the Jail under your charge.

17th June 1824. (Signed) W. Hudleston Registr

No. 252 To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Court of Foujdare Udalut to acknowledge the receipt of a letter from the Register to the Provincial Court, dated 11th Instant, and in reference to the minutes therewith transmitted to convey to you their opinion, in accordance with that of the 3d Judge, that in cases brought before a Magistrate under the provisions of Section XXIV Regulation IX of 1816 that officer is bound to hold a personal investigation, and that the references of such cases to be disposed of by an officer of police is wholly unwarranted by the Regulations.

22d June 1824. (Signed) W. Hudleston Register

No. 253 To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Foujdare Udalut to acknowledge the receipt of a letter, dated 15th

15th Instant, from the Register to the Provincial Court, transmitting reports furnished by the Criminal Judges within your Jurisdiction under the provisions of Section XXXV Regulation X of 1816.

2. Referring to the observation of the Criminal Judge in the Zilla of Combaconum, in his letter dated 5th Instant, that no cause was assigned for the delay in forwarding certain prisoners, sent up by the Assistants to the Magistrates of Tanjore and Trichinopoly, the Judges desire that you will instruct the Criminal Judge to apply in such cases to the Magistrate for an explanation, when the delay may be considerable:-

3 In case No. 18 of the report from the Criminal Judge in the Zilla of Salem two prisoners received sentences of imprisonment in addition to the imprisonment adjudged against them in the preceding cases.

4. The Judges are of opinion that a prisoner on brought before a Criminal Judge charged with two or more offences cannot regularly receive more than one sentence. It is not necessary to disturb the judgment passed against the individuals here referred to, as the imprisonment adjudged against them falls short of that adjudicable by the Criminal Judge under the provisions of Clause fourth Section III Regulation VII of 1822.

5. In case No. 45 of the report from the Criminal Judge in the Zilla of Salem the prisoners who were charged with "Burglary and stealing from the prosecutrix's house "different coins to the amount of 145 Rupees and 7 annas" are stated to have been sentenced to receive 18 stripes and to be imprisoned with hard labor for two years.

6. The Judges direct me to observe, that the Criminal Judge with reference to the provisions of Clause Secon

second Section II Regulation VII of 1822 was not competent to pass sentence on the prisoners in this case; if the charge were fully substantiated against them; and they desire that the Criminal Judge may be called upon to explain whether or not the fact of house breaking was proved, as well as the computed value of the property stolen.-

(signed) W. Hudleston Register

22d June 1824.

No. 254. To the Criminal Judge in the Zilla of Chicacole

Sir,

1. The Criminal Judge of Chingleput has reported the arrival at that station of three convicts under sentence of transportation, forwarded to him by you on the 29th of March; and has transmitted a letter addressed by you to the Magistrates of Ongagpatam, Rajahmundry, Masulipatam, Guntoor, and Nellore on the subject of relieving the guard which accompanied the prisoners. From the four last stations no Medical certificate appears to have been furnished as prescribed in the proceedings of this Court under date the 18th of June 1814. The Judges of the Foujdary Adalut direct that you will report with as little delay as possible whether the party visited all the above stations and if so why the necessary medical certificate was not obtained.-

2. Your paper of instructions to the Peon in charge, direct him whenever he arrived at the station of a Magistrate to report his arrival and obtain a certificate from the Surgeon; it ought to have specified the stations at which he was to stop for this purpose.-

(signed) W. Hudleston Register

22d June 1824.

No. 255 To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

1. I am directed by the Judges of the Court

Court of Foujdary Adalut to acknowledge the receipt of a letter from the Register to the Provincial Court, referring for their determination the following question, proponded by the Assistant Criminal Judge in the Zilla of Malabar Viz. "whether prosecutors or witnesses in Criminal cases "can be convicted of perjury who shall falsely swear "on their oaths in Criminal Courts that in the depositions they gave in the talook they did not depose to "the effect which appears on the record of their de-"positions."

2. As the Judges of the Foujdary Adalut do not see how a deposition before the Criminal Court of the nature described in the reference of the Assistant Criminal Judge could be material to the issue of a Judicial proceeding, they direct me to convey to you their opinion, that a prosecutor or witness, who might swear falsely to the effect therein stated would not thereby incur the penalties of perjury.-

24th June 1824.

(signed) W. Hudleston Register

No. 259. To the Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen,

1. I am directed by the Judges of the Foujdary Adalut to acknowledge the receipt of your letter, dated 18th Instant, transmitting the reports furnished by the Criminal Judges within your Jurisdiction under the provisions of section XXXV Regulation X of 1816 for the first quarter of the present year.-

2. In the report of persons apprehended in the Zilla of Chittoor the Judges observe several instances of delay, explained by the Police Officers to have been occasioned by references to the Magistrate for instructions.-

Referring

3. Referring to these cases the Judges direct me to observe, that where the offence may clearly come within the scope of the provisions of clause first section XXVII Regulation XI of 1816 it is imperative on the head of Police to send the accused to the Criminal Judge immediately on the completion of his investigation, and that intermediate references to the Magistrate are unauthorized and form an excuse for a detention of prisons in custody, which is on many accounts strongly objectionable. Where doubts may occur to an officer of police as to the proper mode of proceeding in any particular case, he should nevertheless forward the prisoner to the Criminal Judge as required by the Regulations, and apply to the Magistrate for instructions for his future guidance.

4. The prisoners from 238 to 241 inclusive are stated to have been apprehended on 7th February, to have left the Talook on the 19th March, and reached the Criminal Court on the 22d March. and it appears from the report of the police officer "that the apprehension of the prisoners was effected on the 7th of February "by Cavilgars and on the 19th of the month they were "delivered in the Cutcherry; that from that time to "the 17th March his attention was taken up in the investigation of the case, and from that time to 18th "by completing the case. That from that time till 18th "of the month the witnesses were indisposed, that in "consequence he was prevented from transmitting the case "till the 19th of the month."

5. The Judges desire that an explanation may be obtained through the Magistrate of the detention of the prisoners here referred to "by the Cavilgars" for a period of 22 days. They deem it requisite also that an explanation should be given of the Police Officers having occupied 11 days in "the investigation" of this case; and of what is meant by "completing" the case, which is stated to have occupied 5 days after the close of the investigation. And with respect to the further detention of the prisoners for 3 days on account of the indisposition of the witnesses the Judges direct me to observe that this reason for delay has been repeatedly denounced by the Foujdaree Adalut as inadmissible; and that consequently, under the standing orders of the Court the Criminal Judge should have immediately brought the circumstance to the notice of the Magistrate, and have given in his report that officers' statement of the measures taken by him to prevent a repetition of the irregularity.

6. In the report under consideration the Judges observe several cases, in which a delay of more than 14 days occurred in sending up the prisoners, of whereof no explanation is given. It being directed by the circular orders of the Court dated 12th August 1822 that when a delay of 14 days or more may occur a statement of the cause thereof shall be given the Judges desire that you will instruct the Criminal Judge to apply to the Magistrate for the requisite information, whenever it may not be furnished by the Police Officer.

7. The prisoners from 247 to 250 inclusive are

are stated to have been apprehended respectively on the 5th 10th and 22d February and to have left the Talook on the 16th March: and among other reasons assigned for the delay by the Talook Sarishtadar, who was acting as head of District Police, it is stated that he was engaged in the preparation of certain accounts called for by the Magistrate.-

8. It appears to the Judges of the Foujdaree Adalut, that this avowed postponement of police for revenue duty demands the serious reprobation of the Magistrate: and that it will be his duty to impress on his native officers the paramount importance of discharging with promptitude and regularity their functions as officers of police.-

9. The observations contained in the second and third paragraphs of this letter are applicable to several cases in the report of persons apprehended in the Zilla of Bellary.-

10. Referring to case No. 46 of this report wherein the prisoner was apprehended on 7th and discharged the talook on 28th February: it is obvious to remark that the Amildar's explanation of the delay, as having occurred "in consequence of the Reddy and Curnum having detained the prisoner from the 7th to the 11th leaves altogether unnoticed the subsequent detention of the prisoner by himself for 17 days, whereof an explanation ought to have been given.-

11. Certain of the prisoners from 57 to 61 inclusive who were implicated in the same charge and are stated to have all quitted the talook on the 29th January arrived at the Criminal Court on the 3d and certain of them

them on the 23d February. A detention of this sort on the route from the talook should always be explained: the Judges can imagine no satisfactory cause for it but the illness of the prisoners.-

12. The Judges conclude that the explanation which you have called for from the Magistrate of Bellary has reference to cases No. 73, and from 79 to 97 inclusive, and they desire that the explanation when furnished may be laid before them.-

13. In the report furnished by the Criminal Judge in the Zilla of Chingleput under the orders of the Foujdaree Adalut, dated 8th October 1823, the Judges observe that two prisoners received judgment of one years imprisonment and hard labor in two separate cases of house breaking: referring to this proceeding the Judges desire that you will convey to the Criminal Judge their opinion that the same individual cannot legally be sentenced at one time to specific terms of imprisonment under separate charges brought against him.-

14. Referring to certain cases in this report wherein a delay of one day occurred in forwarding the prisoners to the Criminal Court, for which it is stated that an explanation was required from the Magistrate according to the orders of the Foujdaree Adalut stated 19th August 1822, the Judges direct me to observe that in reference to clause fourth section XXVII Regulation XI of 1816 it does not appear necessary to call for explanation of a prisoners detention, where it may not exceed forty eight hours.-

15. In case No. 14 of the report of persons apprehended in the Zilla of Cuddapah it is stated, that the prisoner was released on the ground of insanity

insanity. This proceeding is at variance with the standing orders of the Foujdaree Udalut in respect to such cases. The date of this prisoners apprehension is stated to be "not known." When the police officer may omit to certify the date of apprehension it is the duty of the Criminal Judge to have the omission supplied by application to the Magistrate. The same remark applies to cases wherein the date of transmission from the talook may not be reported.-

16. The observations contained in paragraph 6 of this letter apply to several cases in this report.-

17. In several cases is inserted the "date of talook deposition" instead of the date of apprehension. This is an irregularity to which the Judges desire that the attention of the Acting Judge may be immediately called.-

18. Referring to certain cases in which the prisoners are reported to have reached the Criminal Court in the month of January; and it is stated that the date of apprehension, which the Police Officer has omitted, has been "called for," the Judges desire that the Magistrate may be called upon to explain his omission to furnish the required information.-

19. The Judges observe that the Acting Criminal Judge has entered in the body of this report cases of persons apprehended in the preceding quarter instead of furnishing a separate report thereof, as required by their orders of 8th October 1823.-

20. In the cases numbered 72 and 73 the date of apprehension given is 23d and the date of arrival at the Criminal Court the 15th September 1823.-

21. The Judges desire that you will communicate to

to the Criminal Judges in the Zillas of Chittoor, Bellary, and Chingleput and to the Acting Criminal Judge in the Zilla of Cuddapah such parts of the foregoing observations as concern those officers respectively for their information and guidance.-

(Signed) W. Middleton
Register

28th June 1824.-

№260. To the Judges of the Provincial Court of Circuit for the Southern Division

Gentlemen,

1. A difference in the mode of drawing out the reports prescribed in №5 of the Appendix to Regulation X of 1816 constantly occurring in the different Zillas, I am directed by the Judges of the Foujdary Udalut to transmit to you a form, which you will desire the Criminal Judges in your Division invariably to observe in framing the said Reports.-

2. The Report directed to be furnished by the Circular orders of this Court under date the 27th of September 1821 is to be in a precisely similar form, and is to be headed "Report of persons apprehended in the Zillah of — and delivered to the Criminal Judge, and regarding whom no final order had been passed at the date of the last Quarterly Report."-

To the Northern Division only.

3. In the last Quarterly Reports from the Zilla of Chicacole in the 6th column of Appendix №9 under the head of "When returned," no dates were inserted. This omission appears to have escaped your attention as you did not bring it to the notice of the Criminal Judges.

(Signed) C. H. Thompson
Dy Register

28th June 1824.

The same to the Judges of the Provincial Courts of Circuit, in the Western, Centre, and Northern Divisions.-

To

№261. 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 16th Instant transmitting an extract of the proceedings of the Provincial Court, containing instructions to the Zueral Magistrates, which you doubt your authority to issue to them.

2. The Judges direct me to state, that the object of the arrangement recently established, under which the half yearly statements of the Magistrates are required to be transmitted through the Provincial Courts, is that such instructions may be issued and explanations called for by them as may be found necessary on perusal of the statements, the same being communicated for the information of the Foujdaree Adalut; and they desire therefore that the orders contained in your proceedings of 18th Instant may be communicated to the officers concerned.

3. Referring to the first para of the foregoing letter the Judges direct me to convey to you their opinion, that uniformity of practice will perhaps be best attained by the communication to the Magistrates of such instructions as may from time to time appear to you to be requisite; and with reference to the observations contained in the second paragraph of the letter the Judges direct me to state, that the Foujdaree Adalut have ruled that under the provisions of Section XXVII Regulation XI of 1816 heads of Police are not authorized to release persons whom they may have apprehended, but that apprehension should not take place until by the previous investigation prescribed in clause first of that section the Police Officer may be satisfied that credit is due to the accusation.

/Signed/ W. Hudleston
Register

28th June 1824.

Foujdary Diary 28th June 1824

№262. To the Magistrate 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, and to acquaint you that the prescribed process for the apprehension of the individual therein named has been issued.

2. The Judges find that a warrant of the nature of that forwarded by you, namely for apprehending and bringing an individual before another authority is not illegal; but they direct me to convey to you their opinion that it would be more regular to adhere strictly to the form of warrant prescribed in the Regulations.

/Signed/ W. Hudleston
Register

28th June 1824.

No 268. To the Chief Secretary to Government

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter dated 29th Ultimo with its enclosures, and to state that in their opinion there is no informality or impropriety in the communication, addressed by the Criminal Judge in the Zilla of Chingleput to the Magistrate under date the 11th Ultimo, and submitted by the latter officer to the Government in his letter of 15th Ultimo.

/Signed/ W. Hudleston. Register

6th July 1824.

No 269. To the Criminal Judge in the Zilla of Chingleput

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you the annexed copy of a letter dated 5th instant, from the Chief Secretary to the Government and to desire that you will forward the convicts at Chingleput under sentence of transportation to the Police Office by the 13th instant.-

2. You will transmit to this office on the 11th instant a Calendar in the usual form of the convicts forwarded on this occasion.-

/Signed/ W. Hudleston. Register

6th July 1824

No 270. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter dated 23d Ultimo, and to convey to you their opinion that a Magistrate is not authorized to take cognizance of neglect of duty on the part of private servants.-

/Signed/ W. Hudleston. Register

6th July 1824.-

No 273 (235) To the Chief Secretary to Government.

Sir,

I am directed by the Judges of the Foujdaree Udalut 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 Provincial Court of Circuit in the Northern Division, recommending that sanction may be given for the establishment proposed by the Acting Magistrate for the Jail at Rajahmundry; in which recommendation the Judges of the Sudr Court beg leave to state their concurrence.-

/Signed/ W. Hudleston. Register

10th July 1824.

No 274. To the Chief Secretary to Government

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated 5th Instant, and to transmit to you the accompanying list of Thirty eight convicts forwarded by the Criminal Judge in the Zilla of Chingleput under sentence of transportation.-

/Signed/ W. Hudleston Register

13th July 1824

List

List of Convicts arrived at Chingleput under Sentence of transportation.

No.	Name	Period of final arrival at Chingleput	From	Crime	Sentence	Date of Sentence	Remarks
1.	Rammen Ramasha	31st October 1823.	Masulipatam	For plundering property from the house of the Prosecutor & putting to death Malogunty Ramsetty.	To be imprisoned and transported to such place or place beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.	15th July 1823	
2	Catticoka Veraiash	9th January 1824.	Masulipatam	For having plundered property from the house of the Prosecutor and burnt his boy and his wife with Torches.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively.	23rd October 1823.	
3	Cullaboya Somanah						
4	Paroomalla Atchanah						
5.	Kookala Veerapah						
6.	Roodraiazee Ramaraujee	9th January 1824.	Masulipatam	For Plundering property from the Prosecutor and beating her.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.	30th October 1823	
7.	Canthan	17th Feby 1824.	Madura	Affrault and Highway robbery.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively.	20th Decr 1823.	
8.	Chodalamoottoo						
9.	Manden						
10.	Curpen	17th Feby 1824.	Madura	Affrault & Highway robbery.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.	22nd Decr 1823.	

2 Bengal Dairy 19th July 1824.

2 Bengal Dairy 19th July 1824.

Bycullah Quay 19th July 1824.

No.	Name	Period of arrival at Ringhpot	From	Crime	Sentence	Date of Sentence	Remarks.
11	Calecarumtumby				To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.-		
12	Marah Lenay	18th Feby 1824.	Salem.	Highway Robbery.		20th December 1823.	
13	Nadar						
14	Bhagavaun	25th Feby 1824.	Nellore	For having plundered property from the Contractors	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.-	4th Dec. 1823.	
15	Chundah						
16.	Rama Vencaipa	1st March 1824.	Chica-cole.	For having plundered from the House of the Contractors	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.-	1st Dec. 1823	

Bycullah Quay 19th July 1824.

No.	Name	Period of arrival at Ringhpot	From	Crime	Sentence	Date of Sentence	Remarks.
17	Ramnum	5th April 1824	Chittoor	For Plundering Jewels and other property	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.	5th March 1824.	
18	Cavaka Ramdoo						
19	Seeasela Vencaipa	7th April 1824.	Chica-cole.	For Plundering from the House of the Contractor.	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.-	22d Dec. 1823.	
20	Mundala Veerapah						
21	Vury Crooshnam	4th June 1824	Chicacole	For plundering property from the House of the Contractor.	To be imprisoned Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life.-	9th Feb 1824.	

Foujdaree Adawlut 12th July 1824.

No	Name	Period of arrival at Chingleput.	Sex	Crime.	Sentence.	Date of Sentence	Remarks.
22	Sanaipaty Venkiah	4th June 1824.	Chinaman.	For plundering Jewels and other property from the House of the Prosecutor.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	24th July 1824.	
23	Jenepatoola Chanoolos						
24	Sheodaumany	18th June 1824.	Madras	For having plundered the Prosecutors House & beaten his Prosecutor himself.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life.	15th March 1824.	
25	Annoy	18th June 1824.	Madras	For having broken into the House of the Prosecutor & stolen Jewels and other property and wounded the prosecutor	To be imprisoned & transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life.	29th March 1824.	
26	Mangunte Padegandoo	5th July 1824.	Malabar.	For having put to death Gamdy Venkapa nephew of the prosecutor.	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	26th April 1824.	
27	Mangunte Condiah						
28	Alagum	9th July 1824.	Coromandel.	Gang Robbery.	To be imprisoned and Transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	30th April 1824.	
29	Ramasamy alias Rammen						
30	Vellen						
31	Augausen						
32	Cupen						
33	Alagappen						
34	Padekivengee						
35	Mootteo Cupen						
36	Caukien alias Caukiappen						
37	Mannika maly						
38	Callapirl						

Foujdaree Adawlut
Register's Office
15th July 1824.

Signed J. H. Hudleston
Register

No 275. To the Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 3d Instant, and to desire that you will intimate to the Criminal Judge in the Zilla of Salem their opinion that in cases of house breaking if the Prosecutor swear, that the value of the property stolen exceeded 100 Rupees, the prisoners should be brought to trial before the Court of Circuit.

12th July 1824.

(signed) W. Rudleston. Register

No 276. To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 30th Ultimo, and to desire that you will communicate to the 3d Judge on Circuit their instructions to require the Mahummedan Law Officers of the several Zilla Courts in the Centre Division to perform the duties of the Law Officer of the Court of Circuit during the ensuing Jail deliveries at the several Zilla stations in that division.

2. The 3d Judge will administer to the Law Officers of the Zilla Courts the Oath prescribed by section IX Regulation VII of 1802, previously to their entering upon the discharge of the functions of Law Officer of the Court of Circuit.

12th July 1824.

(signed) W. Rudleston Register

No 277. To the Criminal Judge in the Zilla of Chittoor.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated the 3d Instant, with its Enclosures.

2. It being the opinion of the Judges that any

matter of complaint which a Judge may have to represent in regard to the conduct of the Medical Officer of the station should be submitted through the Secretary to Government in the Judicial Department for the consideration of the Honorable the Governor in Council, they direct me to return your letter in order that you may adopt that course, should you deem it expedient.

12th July 1824.

(signed) W. Rudleston Register

No 290 To the Third Judge of the Provincial Court of Circuit in the Southern Division

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 6th Instant together with copy of the letter from the Criminal Judge in the Zilla of Salem therein referred to and to state that the orders of the Court dated 14th July 1809 have been superseded in practice since the enactment of section XVI Regulation IV of 1811, and that in cases of the nature therein contemplated it has been usual to transmit the final sentences of the Foujdaree Adalut to the Provincial Court of Circuit for execution.

2. The Judges concur with the Criminal Judge in considering the warrants, stated to have been signed by the Register by order of the 5th Judge to be invalid; and they direct that in the event of the 5th Judge's inability through continued indisposition to sign fresh warrants himself, such warrants be issued by order of the Provincial Court of Circuit, or eventually by your order as single Judge officiating, for the execution of the sentences passed by the Court of Foujdaree Adalut in Cases Nos 6, 7, 8, 26 and 27 Salem Calendar 1st Sessions A.D. 1824.

15th July 1824.

(signed) W. Rudleston Register

No 292. To the First 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 7th Instant transmitting English translations of the proceedings held on the trial of Ramoo Rozario for murder

who has been acquitted on the ground of insanity.-

2. The Judges desire that the prisoner may be delivered over to the charge of his friends with strict injunctions to watch over his conduct in future.-

17th July 1824.- /signed/ W. Hudleston, Register.

№293. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 16th Instant and to transmit for your information copy of a letter addressed to the Secretary to Government in the Public Department under date 7th July 1824 in answer to a reference on this subject, the arrangement directed therein being considered by the Judges to have the sanction of the Honorable the Governor in Council.-

20th July 1824.- /signed/ W. Hudleston, Register

№294. To the Third Judge of the Provincial Court of Circuit in the Southern Division

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of a letter from the Register to the Provincial Court, requesting their orders on an application from the Criminal Judge in the Zilla of Salem for permission to transfer to another station fifty of the convicts under his charge.-

2. Should the Jail at Trichinopoly after the arrival of the fifty convicts recently sent thither from Combaconum afford accommodation for a like number more, the Judges desire that you will issue the requisite instructions for the transfer of fifty convicts from Salem to Trichinopoly.

20th July 1824. /signed/ W. Hudleston, Register

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

Transmitting copy of a letter from Government sanctioning

sanctioning the Jail establishment at Rajahmundry.-

22d July 1824.-

№296. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput.

Circular

Sir,

I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying copy of a letter dated 20th Instant from the Chief Secretary to Government, and to desire that in compliance with the instructions therein given fifty more convicts may be sent to Cuddalore without delay.-

/signed/ W. Hudleston, Register

22d July 1824.-

№304. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput

Sir,

Referring to your letter of 17th Instant requesting permission to retain 10 of the additional peons temporarily allowed by Government under date 3d February last, I am directed by the Judges of the Court of Foujdaree Adalut to desire that you will report whether the necessity for their services will continue after the removal of the 50 convicts ordered to be sent to Cuddalore on the 22d Instant.-

26th July 1824.- /signed/ W. Hudleston, Register

№305. To the Third Judge on Circuit in the Centre Division

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 17th Instant, and to convey to you their opinion, that the circumstance of your having filled the office of Magistrate in the Zilla of Ballary at the period of the apprehension of certain prisoners committed for trial at the ensuing Sessions of Jail Delivery for that station does not of itself constitute any bar to your trying them: but that previously to your proceeding to the trial of any of persons, who may have been summoned by you as Magistrate to the Criminal Judge it will be proper that

who has been acquitted on the ground of insanity.-

2. The Judges desire that the prisoner may be delivered over to the charge of his friends with strict injunctions to watch over his conduct in future.-

17th July 1824.-

/signed/ W. Hudleston, Register.

№293. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 16th Instant and to transmit for your information copy of a letter addressed to the Secretary to Government in the Revenue Department under date 7th July 1824 in answer to a reference on this subject, the arrangement directed therein being considered by the Judges to have the sanction of the Honorable the Governor in Council.-

20th July 1824.-

/signed/ W. Hudleston, Register

№294. To the Third Judge of the Provincial Court of Circuit in the Southern Division

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of a letter from the Register to the Provincial Court, requesting their orders on an application from the Criminal Judge in the Zilla of Salem for permission to transfer to another station fifty of the convicts under his charge.-

2. Should the Jail at Trichinopoly after the arrival of the fifty convicts recently sent thither from Combaconum afford accommodation for a like number more, the Judges desire that you will issue the requisite instructions for the transfer of fifty convicts from Salem to Trichinopoly.

20th July 1824.

/signed/ W. Hudleston, Register

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

Transmitting Copy of a letter from Government sanctioning the Jail establishment at Rajahmundry.-

22d July 1824.-

№296. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput.

Sir,

Circular letter.

I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying copy of a letter dated 20th Instant from the Chief Secretary to Government, and to desire that in compliance with the instructions therein given fifty more convicts may be sent to Cuddalore without delay.-

/signed/ W. Hudleston, Register

22d July 1824.-

№304. To the Assistant Criminal Judge in charge of the Zilla Court of Chingleput

Sir,

Referring to your letter of 17th Instant requesting permission to retain 8 of the additional peons temporarily allowed by Government under date 3d February last, I am directed by the Judges of the Court of Foujdaree Adalut to desire that you will report whether the necessity for their services will continue after the removal of the 50 Convicts ordered to be sent to Cuddalore on the 22d Instant.-

/signed/ W. Hudleston, Register

26th July 1824.-

№305. To the Third Judge on Circuit in the Centre Division

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 17th Instant, and to convey to you their opinion, that the circumstance of your having filled the office of Magistrate in the Zilla of Ballary at the period of the apprehension of certain prisoners committed for trial at the ensuing Sessions of Jail Delivery for that station does not of itself constitute any bar to your trying them: but that previously to your proceeding to the trial of any of persons, who may have been committed by you as Magistrate to the Criminal Judge it will be proper that

that they should be respectively interrogated as to their willingness to be tried by you, and in the event of their objecting that their trials should be postponed.-

2d In order to prevent the needless detention of the prosecutors and witnesses in the cases here referred to the Judges desire that you will on opening the Sessions at Bellary ascertain from the prisoners whether or not they are willing to take their trial before you, and in the latter event notify the postponement of the trials until the next Sessions.-

3d In respect to your proposal to carry on to Bellary the Mohummedan Law Officer of the Zilla Court of Cuddapah the Judges direct me to state, that they would be averse to alter excepting for very cogent reasons the arrangement directed in my letter of 12th Instant, which will have been communicated to you by the Judges of the Provincial Court of Circuit.-

26th July 1824. /Signed/ W. Hudleston Register

N°306. To the Judges of the 4 Provincial Courts of Circuit.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you the accompanying Extract of a letter, dated 6th Instant, from the Chief Secretary to the Government and to desire that your sentiments thereupon may be submitted with as little delay as possible.-

28th July 1824. /Signed/ W. Hudleston Register

N°307. To the Judges of the 4 Provincial Courts of Circuit.

Gentlemen,

1. The Judges of the Court of Foujdaree Adalut observe that a want of uniformity subsists in respect to the mode of address by the several Criminal Judges to the Magistrates

Magistrates, some using the form of a simple letter; while it is the practice of others to transmit to the Magistrates Extracts of their proceedings.-

2. The former mode of address being considered to be the most proper, as best calculated to promote that "full and free communication," between the departments which it is the intention of the Legislature to maintain, the Judges of the Foujdaree Adalut desire that you will instruct the several Criminal Judges within your Jurisdiction to adhere thereto in future.-

28th July 1824. /Signed/ W. Hudleston Register

N°308. To the Chief Secretary to Government. (No 37)

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, N°283, dated 16th Instant, and to state for the information of the Honorable the Governor in Council that circular orders have been issued by them enjoying the Criminal Judges to adopt the form of a simple letter in all communications with the Magistrates.-

28th July 1824. /Signed/ W. Hudleston Register

N°309. To the Chief Secretary to Government (N°38)

Sir,

With reference to the latter part of the 2d paragraph of your letter N°65 dated 3d February last I am directed by the Judges of the Foujdaree Adalut to transmit to you for the consideration and orders of the Honorable the Governor in Council the papers noted in the Margin.-

31st July 1824 /Signed/ W. Hudleston Register

N°313 To the Third Judge on Circuit in the Centre Division

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 23d Instant.

2. It appears to the Judges, that it would have been more strictly accurate had the word "modified stood at the termination of clause first section V Regulation

XI

VI of 1822 instead of the word "rescinded" as they entirely concur with you in thinking that it was not the intention of the Legislature to revise the provisions of Section XXII Regulation VIII of 1802 but the difficulty which in ordinary cases would arise from an oversight of this description with reference to the rule laid down in Section XXI Regulation I of 1802 appears in this instance to be obviated by the virtual rescindment of the provisions of Section XXII Regulation VIII of 1802, which prescribe transportation beyond sea for a limited period, under the general declaratory provision contained in clause second Section VIII. Regulation XV of 1803 that "transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life."

3. With reference to the 4th paragraph of your letter the Judges are of opinion that cases, wherein the degree of violence contemplated in clause fourth Section V Regulation VII of 1822 may not clearly appear from the preliminary investigation to have attended an escape or attempt to escape, should be sent back to the Criminal Judge for determination; and that when the trial before the Court of Circuit may proceed, and issue in the prisoner's acquittal of the violence charged; it will still be open to the Criminal Judge to punish him for the escape: and thus the Judges concur with you in considering to be the most regular mode of proceeding.

4. The provisions of Regulation I of 1822 being applicable to "all cases of conviction of robbery by open violence, as defined in clause first Section III Regulation XV of 1803," have superseded the orders of the Court of Fouidaree Adalut, dated 23d November 1820.

31st July 1824.

(Signed) W. Hudleston, Register

No 315. To the Chief Secretary to Government (No 40)

Sir,

I am directed by the Judges of the Court of Fouidaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter dated 31st Ultimo from the second Judge on Circuit in the Northern Division requesting permission to visit Madras in order to avail himself of a sea conveyance in proceeding to the Northward.

(Signed) W. Hudleston, Register

2d August 1824.

No 316. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen

1. I am directed by the Judges of the Court of Fouidaree Adalut to acknowledge the receipt of a letter, dated 25th June last, from the Register to the Provincial Court of Circuit, submitting copy of a correspondence between the Assistant Criminal Judge in charge, Zilla Malabar, the Provincial Court of Circuit and the Principal Collector and Magistrate, and of Minutes recorded by the 2d and 3d Judges of the Provincial Court in respect to the legality of a prosecution in the Criminal Court at the instance of the Sub Collector in charge of the Southern Division against a Gomastah of the Land Custom Department under the provisions of Section XXI Regulation I of 1812 upon two charges of having made "fraudulent entry "into certain public accounts or records in regard to the "receipt of certain public Monies."

2. The Assistant Criminal Judge in his letter addressed to the Principal Collector and Magistrate under date 17th June last conceives his doubts as to "whether clause "1st Sections XVII and XVIII Regulation IX of 1822 can be construed to impose [allow] an alternative of courses to be "pursued by Collectors so that their provisions may at any "time supersede the application of the summary process in "fact the primary cognizance, which Collectors are authorized "by preceding Sections to take and make against persons charged

therein

VI of 1822 instead of the word "rescinded" as they entirely concur with you in thinking that it was not the intention of the Legislature to revise the provisions of Section XXII Regulation VIII of 1802. but the difficulty which in ordinary cases would arise from an oversight of this description with reference to the rule laid down in Section XXI Regulation I of 1802 appears in this instance to be obviated by the virtual rescindment of the provisions of Section XXII Regulation VIII of 1802, which prescribe transportation beyond sea for a limited period, under the general declaratory provision contained in clause second Section VIII. Regulation XV of 1803 that "transportation beyond sea "shall be hereafter restricted to convicts who may be sen- "tenced to confinement for life."-

3. With reference to the 4th paragraph of your letter the Judges are of opinion that cases, wherein the degree of violence contemplated in clause fourth Section V Regulation VI of 1822 may not clearly appear from the preliminary investigation to have attended an escape or attempt to escape, should be sent back to the Criminal Judge for determination; and that when the trial before the Court of Circuit may proceed, and if on the prisoner's acquittal of the violence charged; it will still be open to the Criminal Judge to punish him for the escape: and this the Judges concur with you in considering to be the most regular mode of proceeding.-

4. The provisions of Regulation I of 1822 being applicable to "all cases of conviction of robbery by "open violence, as defined in clause first Section III Regu- "lation XV of 1803," have superseded the orders of the Court of Foujdaree Adalut, dated 23d November 1820.-

31st July 1824.

(signed) W. Hudleston, Register

No 405

No 315. To the Chief Secretary to Government

Sir,

I am directed by the Judges of the Court of Fou- jdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter dated 31st Ultimo from the Second Judge of Circuit in the Northern Division, requesting permission to visit Madras in order to avail himself of a sea conveyance in proceeding to the Northward.-

(signed) W. Hudleston, Register

2d August 1824.

No 316. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of a letter, dated 25th June last, from the Register to the Provincial Court of Circuit, submitting copy of a correspondence between the Assistant Criminal Judge in charge, Zilla Malabar, the Provincial Court of Circuit and the Principal Collector and Magistrate, and of Minutes recorded by the 2d and 3d Judges of the Provincial Court in respect to the legality of a prosecution in the Criminal Court at the instance of the Sub Collector in charge of the Southern Division against a Gomastah of the Land Custom Department under the provisions of Section XXI Regulation I of 1812 upon two charges of having made "fraudulent entry "into certain public accounts or records in regard to the "receipt of certain public Monies."-

2. The Assistant Criminal Judge in his letter addressed to the Principal Collector and Magistrate under date 17th June last conjectures his doubts as to "whether clause "1st Sections XVII and XVIII Regulation IX of 1822 can be con- "strued to impose [allow] an alternative of courses to be "pursued by Collectors so that their provisions may at any "time supersede the application of the summary process, in "fact the primary cognizance, which Collectors are authorized "by preceding Sections to take and make against persons of

"the

"therein specified for crimes therein claped;" a question which is not touched upon in the minutes of the Second and Third Judges accompanying the above letter, but which being incidentally disposed of in the papers accompanying the reference under date 5th Ultimo regarding the construction of other parts of Regulation IX of 1822, the Judges of the Court of Foujdaree Udalut direct me to take the present opportunity of replying to that reference also.

3. The opinion of the Third Judge is that the case abovementioned was regularly cognizable by the Assistant Criminal Judge under the provisions of section XXV Regulation I of 1812, & that "the Court of the Criminal "Judge is the only tribunal wherein the prisoner could be "prosecuted, because Regulation I of 1812 specially pres- "cribes penalties for frauds in the customs and malver- "sation by native officers employed in the Custom Department" and in the concluding part of his minute the 3d Judge states an opinion, that Regulation IX of 1822 does not apply to cases of fraud or malversation in that depart- -ment.

4. The Second Judge on the other hand has declared his opinion, that Regulation IX of 1822 is "meant "to apply indiscriminately to any department which may "be under the Collectors' Superintendence, whether land "Revenue, Customs, Post office, or stamps;" and that provi- -ded that construction be correct, the Gomashtah in the case under consideration can only be prosecuted under the new Enactment, "which makes provision for the par- "ticular offence charged against him;" which is specified in the 4th class of offences declared cognizable by the Collector in Clause second section II of that Regulation.

5. And the Second Judge in support of his opinion, that the provisions of Regulation IX of 1822 apply to the department of customs, as well as to other departments

departments under the Collectors superintendence, observes that with reference to the rescindment of Regulation XXXIII of 1809, that "if the new Regulation of 1822 be intended to apply "exclusively to Revenue officers connected with the Collection "of the Land Revenue, and not also to Native Officers employ- "ed in the said Custom Department, who may be guilty of the "offences specified in section XXV Regulation I of 1812, the "latter are untangible by any existing Law for those "two specific offences."

6. The Judges of the Foujdaree Udalut concur in the view taken by the Second Judge of the scope and effect of the provisions of Regulation IX of 1822, it appearing to them manifest, that clause third section II of the Regulation applies without reserve to all the Rev- -enue servants of the several public establishments, which at the period of its promulgation were under the Collectors superintendence; and it being also in their opinion the intention of the Legislature to provide in section II for the punishment of the particular offences, specified in sec- -tion XXV Regulation I of 1812, which under the rule laid down in section XX Regulation I of 1809 must be taken to be virtually repealed by section XIX Regulation IX of 1822.

7. And with respect to the further question raised by the Assistant Criminal Judge, which is included among the points referred for the decision of the Judges in the letter from the Register to the Provincial Court dated 5th Ultimo, I am directed to state that they entirely concur in the opinion, which has been conveyed to that officer by the Provincial Court, that it is optional with the Collector "to hear and determine offences cognizable (by him) under Regulation IX of 1822, or to bring the perpetrators of them before the Criminal Court;" and that "it is to be understood that persons accused under "section XVII have not been proceeded against under either of"

"therein specified for crimes therein classed;" a question which is not touched upon in the minutes of the Second and Third Judges accompanying the above letter, but which being incidentally disposed of in the papers accompanying the reference under date 5th Ultimo regarding the construction of other parts of Regulation IX of 1822, the Judges of the Court of Foujdaree Udalut direct me to take the present opportunity of replying to that reference also.

3. The opinion of the Third Judge is that the case above mentioned was regularly cognizable by the Assistant Criminal Judge under the provisions of Section XXV Regulation I of 1812, & that "the Court of the Criminal "Judge is the only tribunal wherein the prisoner could be "prosecuted, because Regulation I of 1812 specially pres- "cribes penalties for frauds in the customs and malver- "sation by native officers employed in the Custom Department." and in the concluding part of his minute the 3d Judge states an opinion, that Regulation IX of 1822 does not apply to cases of fraud or malversation in that depart- -ment.

4. The Second Judge on the other hand has declared his opinion, that Regulation IX of 1822 is "meant "to apply indiscriminately to any department which may "be under the Collectors Superintendence, whether land "Revenue, Customs, Post office, or Stamps;" and that provi- -ded that construction be correct, the Gomashtah in the case under consideration can only be prosecuted under the new Enactment, "which makes provision for the par- "ticular offence charged against him;" which is specified in the 4th class of offences declared cognizable by the Collector in Clause second Section II of that Regulation.

5. And the Second Judge in support of his opinion, that the provisions of Regulation IX of 1822 apply to the departments of customs, as well as to other departments

departments under the Collectors superintendence; observes with reference to the rescindment of Regulation XXXIII of 1802, that "if the new Regulation of 1822 be intended to apply "exclusively to Revenue officers connected with the Collection "of the Land Revenue, and not also to Native Officers employ- "ed in the Land Custom Department, who may be guilty of the "offences specified in Section XXV Regulation I of 1812, "the "latter are untangible by any existing Law for those "two specific offences."

6. The Judges of the Foujdaree Udalut concur in the view taken by the Second Judge of the scope and effect of the provisions of Regulation IX of 1822, it appear- -ing to them manifest, that clause third Section II of the Regulation applies without reserve to all the Na- -tive servants of the several public establishments, which at the period of its promulgation were under the Collectors superintendence; and it being also in their opinion the in- intention of the Legislature to provide in Section II for the punnishment of the particular offences specified in Sec- -tion XXV Regulation I of 1812, which under the rule laid down in Section XX Regulation I of 1802 must be taken to be virtually repealed by Section XIX Regulation IX of 1822.

7. And with respect to the further question raised by the Assistant Criminal Judge, which is included among the points referred for the decision of the Judges in the letter from the Register to the Provincial Court dated 5th Ultimo, I am directed to state that they entirely concur in the opinion, which has been conveyed to that officer by the Provincial Court, that it is optional with the Collector "to hear and determine offences cognizable (by him) under Regulation IX of 1822, or to bring the perpetrators of them before the Criminal Court;" and that "it" is to be understood that persons accused under "Section XVII have not been proceeded against under either of

"of the clauses of Section V by the Collector."

III. 6. With reference to paragraph 6 of the letter last cited the only remaining point to be decided upon by the Judges of the Foujdaree Adalut is whether or not "persons on whom judgment has been passed under clause fourth Section V are to be confined in the common Gail," and the Judges concur with the Provincial Court in deciding that question in the affirmative. care being of course taken in such cases to separate these persons from prisoners convicted of heinous offences agreeably to the rule in that report laid down in Section XXIX Regulation X of 1816.-

2d August 1824 (Signed) W. Hudleston, Register

No 317. To the Magistrate in the Zilla of Cuddapa.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 24th Ultimo, requesting "authority to offer two several "rewards of five hundred rupees be should the Court approve of it one thousand rupees each for the discovery "and apprehension of the offenders in two atrocious cases "of robbery."-

2. Referring to the provisions of Section XXI Regulation IX of 1816 the Judges are of opinion that applications of this nature should be specific in regard to the description of offenders for whose apprehension the offer of rewards is recommended; and should be accompanied by a particular statement of the circumstances of the case and the means which have been resorted to for the purpose of apprehending the parties concerned, without which the Court cannot form an opinion in respect to the sufficiency, or otherwise of the rewards proposed.-

3. And as the orders of Government will be necessary to authorize the eventual offer of any single reward exceeding 500 Rupees, the Judges desire that you will

will report the circumstances of aggravation attending the two cases mentioned in your letter, and state whether any rewards have been offered by you for the apprehension of the offenders, and what amount you propose should be offered for the apprehension of each leader, and of each of the inferior offenders concerned in the robberies in question.-

2d August 1824.- (Signed) W. Hudleston, Register

No 318. To the Judges of the Court of Circuit in the Centre Division

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to call your attention to my letter of the 27th March last, and to desire that the half yearly statements of crimes and punishments, which were returned for correction, may be forwarded to this Court without further delay.-

2d August 1824.- (Signed) W. Hudleston, Register.

No 321. To the Second Judge on Circuit in the Northern Division

Transmitting Copy of a letter from the Chief Secretary to Government permitting him to visit Madras with a view of procuring sea Conveyance to the Northward.

4th August 1824.- sent usual letter.-

No 324. To the Assistant Criminal Judge in charge of the Zilla Court of Seringapatam

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 30th June last; forwarding a confirmed Lunatic to be "placed in the Lunatic Asylum at Madras."-

2. Under the orders of the Court, dated 20th June 1822 instructions from the Medical Board were communicated to you for transferring "to the Presidency "Asylum" confirmed Lunatics; you should therefore have instructed the people in charge of this person to convey him to the Lunatic Asylum and have furnished them with a letter to the Medical Officer in charge of that establishment, instead of sending him to the Zilla Court.-

3. The people, who brought the Lunatic have represented to the Judges that they had no money to provide for their support on their return to Seringapatam, have

received an advance of 10/- Rupees, which sum you will
t to this office.-
5th August 1824.- Signed W. Hudleston Register

No328. To the Third Judge on Circuit in the Centre Division

Sir,

I am directed by the Judges of the Court of Fuydaree Adalut to acknowledge the receipt of your letter, dated 5th Instant suggesting with reference to the state of the business before the Court of Circuit that authority be given for your proceeding with trials during the occasional absence of the Mohummedan Law Officer.-

It is incompetent to the Judges to give authority for a departure from the rule in this respect prescribed in clause first Section XV Regulation VII of 1802, but they direct me to state that although it is usual to grant an exemption from all official duties to persons of the Mohummedan persuasion on Friday, they are liable to be, and on all occasions of emergency should be required to perform their ordinary avocations on that day, excepting at the hours of prayer viz. from 1 to 3 P.M.

Exemption from attendance on any other days than Fridays can be allowed only as an indulgence proper on ordinary cases, but altogether out of the question when it may interfere with important duties of the public service.-

6th August 1824.- Signed C.A. Thompson By Regr

No329. To the Acting Criminal Judge in the Zilla of Cuddapah

Sir,

1. I am directed by the Judges of the Court of Fuydaree Adalut to acknowledge the receipt of your letter, dated 5th Instant, and to convey to you authority to send 300 of the convicts under your charge to Chittoor.-

2. In view to the eventual contingency of there not being in the Jail at Chittoor adequate accommodation for this number in addition to the persons already in confinement, the Judges desire that you will immediately communicate with the Criminal Judge of that Zilla on

on this subject in order that he may if necessary apply to the Fuydaree Adalut for permission to adopt some subsidiary arrangement.-

3. Your letter will be laid before the Government without delay.-

6th August 1824.- Signed W. Hudleston Register

[No42]

No330. To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Fuydaree Adalut to transmit to you for the consideration and orders of the Honorable the Governor in Council the accompanying letter dated 5th Instant from the Acting Criminal Judge in the Zilla of Cuddapah with its enclosure.-

2. Instructions have been given to the Acting Criminal Judge for the removal of 300 Convicts from the Jail agreeably to his suggestion; and it is proposed to remove 100 more so soon as an answer shall have been received from the Criminal Judge of Nellore to a communication, which has been made to him on the subject.-

3. The Judges beg leave respectfully to recommend, that the augmentation of the Jail guard adopted by the Acting Criminal Judge may be sanctioned for such period as it may be found necessary.-

4. Referring to the observation of the Acting Criminal Judge in the 6th paragraph of his letter that he has been "obliged" to give Batta to certain witnesses in attendance upon the Criminal Court, the Judges direct me to state that they consider the adoption of this measure in cases of necessity to have received the sanction of the Honorable the Governor in Council, no intimation to the contrary having been given in answer to their letter dated 7th July 1823, from the Register to the Fuydaree Adalut on the subject, and that they propose to furnish the

the several Criminal Judges with the necessary information on this point by a circular order.

5. And under the peculiar circumstances represented in the accompanying letter the Judges beg leave to offer their opinion that the temporary augmentation of the Ministerial establishment attached to the Zilla Court, which is recommended in the 10th paragraph, is desirable.

9th August 1824. (Signed) W. Hudleston Register

№331. To the Criminal Judge in the Zilla of Nellore

Sir,

It being in contemplation to remove a portion of the convicts at Cuddapa to Nellore the Judges of the Court of Foujdaree Adalut desire, that you will report by return of post what number can be accommodated in the Jail under your charge in addition to those now confined there.

9th August 1824. (Signed) W. Hudleston Register

№332. To the Judges of the 4 Provincial Courts of Circuit

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you the annexed copy of a letter dated 7th July 1824, addressed to the Secretary to Government in the Judicial Department and to desire that it may be communicated to the several Criminal Judges within your Jurisdiction for their information and guidance, the arrangement therein mentioned being understood to have received the sanction of the Honorable the Governor in Council.

9th August 1824. (Signed) W. Hudleston Register

(№43)

№333. 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 2d Instant from the Criminal Judge in the Zilla of

of Canara, forwarding by desire of the 3d Judge on Circuit a Medical certificate of his ill health and representing that "from the continuance of his indisposition there is a probability of his being unable to resume his duties for some time."

2. Adverting to the pressure of business usual on the Western Circuit, which the Judges have reason to believe is greater than ordinary at the present Sessions, it may perhaps be deemed expedient that special provision should be made for the delivery of the Jails of Canara, Malabar, and Seringapatam, in the event of a further continuance of Mr. Baber's indisposition.

9th August 1824. (Signed) W. Hudleston Register

№336. To the Criminal Judge in the Zilla of Chingleput

Transmitting Copy of a letter from the Chief Secretary to Government authorizing him to retain 10 of the 20 Jail Peons temporarily sanctioned on the 3d February last for six months longer.

12th August 1824. (№44.) Sent usual letter.

№337. 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 27th Ultimo, from the Judges of the Provincial Court of Circuit in the Western Division together with the papers therein mentioned.

2. In reference to the arrear of criminal business on hand at the date of the quarterly report furnished by the Assistant Criminal Judge in charge in the Zilla of Malabar it is to be observed, that during the period of its accumulation the duties which six months ago were performed by three persons devolved upon one individual

individually, and in respect to the cause assigned for the increase of the criminal business in the 7th paragraph of the letter, the Judges beg leave to remark, that the correspondence, which preceded the late appointment of an additional Register and Assistant Criminal Judge to the Zilla Court tends to shew, that previously to the instructions of the Foujdaree Adalut therein cited the criminal business was so heavy as to occasion an application for extraordinary European aid.

3. The Judges beg leave to recommend, that authority may be given for the addition of 2 Gomashtahs at 5 Pagodas each to the Establishment of the Criminal Court, as suggested in the 6th paragraph of the letter from the Provincial Court, in support of which recommendation they beg leave to represent that the present establishment of the Court does not appear to former returns of the establishments of the Zilla Courts of North and South Malabar to have been increased since the incorporation of the two Zillahs to which conjointly had been previously attached double the number of servants now entertained.

4. In the passage quoted in the 7th paragraph of the above letter from the Letter, which accompanied it from the Assistant Criminal Judge, it is observed that prior to the communication of the construction put by the Court of Foujdaree Adalut upon the provisions of Section XXVII Regulation XI of 1816 it had been "the invariable practice of Tahseeldars to acquit prisoners "against whom the proof did not appear to be conclu= "sive"

5. The sentiments of the Foujdaree Adalut upon the impolicy as well as the illegality of this practice were laid before the Government in the extract of the Courts

Courts proceedings under date 5th instant which accompanied the late Circuit report of the 2nd Judge and referring to the circumstance mentioned in the latter part of the 8th paragraph of the above letter namely that "out of 495 prisoners sent to the Zilla Court whose cases were disposed of 102 contained in 19 cases were allowed to Razee (compromise) the complaints against them" the Judges have to remark generally, that no case wherein with reference to the provisions of Section XXVII Regulation IX of 1816 a private compromise is allowable, should be sent to the Criminal Judge. To these cases the provisions of Section XXVI Regulation XI of 1816 will be found commonly applicable, and they are clearly not of the description specified in clause first Section XXVII Regulation XI of 1816, which includes all the cases referible under the Police Regulation to the Criminal Judge.

6. In paragraph 9 allusion is made to a proposition by the Assistant Criminal Judge, that the duty of noticing the irregularities of Police Officers and determining the sufficiency of their explanations for delaying the transmission of accused persons to the Zilla Court should be placed under the cognizance of the Magistrate &c.

7. The practice stated to obtain in Malabar of immediately sending to the Magistrate transcripts of the reports forwarded by the Heads of Police to the Criminal Judge under the provisions of Clause fourth Section XXVII Regulation XI of 1816 is not specifically prescribed in the Regulations although the report required by Section XXI Regulation XI of 1816 ought to contain the necessary information, and the Judges do not believe it to be generally prevalent.

8. Should the suggestions offered on this head in the accompanying communication be deemed by the Honorable the Governor in Council to be worthy of adoption and to the Judges of the Foujdaree Adalut there does not at present

forecast occur any material objection to them, the Judges will be prepared to issue the necessary instructions for that purpose to the several Criminal Judges and Magistrates for their information and future guidance.-

12th August 1824. /signed/ W. Hudleston. Registr.

№338 To the Assistant Criminal Judge in charge of the Zilla Court of Seringapatam

Sir,

1. The Judges of the Court of Foujdaree Adalaut do direct me to rectify an error in the instructions conveyed to you in my letter of 5th Instant regarding the disposal of Lunatics, transferred to the Asylum at the Presidency.-

2. By the orders of the Honorable the Governor in Council, dated 8th September 1823 it is directed that "persons sent to the Presidency under the imputation of Insanity shall in the first instance be delivered over to the "Superintendant of Police," to which Officer, therefore, you should have sent the Lunatic recently forwarded by you to Madras.-

3. The Judges desire that you will report on what date the above orders of the Government on this subject were furnished to the Criminal Judge of Seringapatam by the Provincial Court of Circuit.-

12th August 1824.- /signed/ W. Hudleston. Registr.

№339 To the Assistant Criminal Judge in the Zilla of Seringapatam.

Sir,

Referring to your last report of prisoners in confinement the Judges of the Foujdaree Adalaut direct me to state that they conclude, that you are aware that Chowry Mootoo, described as having been ordered under date 16th October 1822 to be released on procuring security for his good behaviour "for two years", will in the event of his fulfilling that term in confinement be entitled to an unconditional release.-

12th August 1824. /signed/ W. Hudleston. Registr.

№340 To the Secretary to the Government in the Judicial Department [№45]

Sir,

With reference to my letter №43, dated 9th Instant I am directed by the Judges of the Foujdaree Adalaut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 6th Instant, and received this day from the 3d Judge on Circuit in the Western Division forwarding a sick certificate and requesting permission to proceed to sea by the first opportunity.-

13th August 1824.- /signed/ W. Hudleston. Registr.

№341 To the Secretary to Government in the Judicial Department [№46]

Sir,

1. I am directed by the Judges of the Foujdaree Adalaut 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 Criminal Judge in the Zilla of Chicacole reporting the apprehension of a person named Goottah Appanah Dorah, charged with having returned from transportation without permission.-

2. Goottah Appanah was the 3d prisoner in case №6, tried before the Special Commission for the Northern Division in June 1809 for "Murder and Rebellion," and was adjudged by the Court of Foujdaree Adalaut under date 13th September 1809 to suffer death, which sentence was under the provisions of Regulation XX of 1802 commuted by the Governor in Council to transportation for life to Prince of Wales's Island, as notified to the Court of Foujdaree Adalaut in a letter from the Secretary to Government in the Judicial Department, dated 20th March 1811.-

3 Goottah Appanah was in pursuance of this sentence forwarded under date 26th August 1811 by the Magistrate of Chingleput to the Presidency for the purpose of being embarked for Penang.

4. It will be necessary in order to this

forward

persons' conviction, in the event of his denying the charge preferred against him that proof should be adduced of his having arrived at Prince of Wales' Island under sentences of transportation, the Judges of the Foujdaree Adalut request that a certified copy of such document as may have been transmitted to the Government by the authorities at that place in proof of the convicts arrival, as also of any report which may have been received of his escape, may be furnished to the Court of Foujdaree Adalut for the purpose of being adduced in evidence on the trial of Goottah Appanah under the provisions of section IX Regulation XV of 1803.-

5. And the Judges of the Foujdaree Adalut would beg leave respectfully to suggest the expediency of their being supplied in future with certified copies of the communications received by the Government, shewing whether or not convicts shipped for transportation to Bencoolen, or elsewhere, under sentences of the Court have reached their destination.-

13th August 1824. (signed) W. Hudleston, Register

No 342. 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 2d Instant from the Criminal Judge in the Zilla of Chicacole, suggesting certain alterations in the Jail building at that Station.-

2. The Judges concur with the Criminal Judge in the several suggestions offered in his letter with the exception of the third, it appearing to them that walls for necessaries within the Jail are desirable.-

13th August 1824. (signed) W. Hudleston, Register

No 343. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 28th ultimo forwarding reports furnished under the provisions of section XXXV. Regulation X of 1816, and under the orders of the Court dated 27th September 1824, by the Criminal Judge in the Zilla of Canara and the Assistant Criminal Judge in charge of the Zillah Court of Seringapatam.-

2. Referring to the reports from Canara the Judges have to remark, that the practice of admitting to Bail persons charged with offences declared not to be bailable prevails among the Heads of Police in that Zilla. The Judges desire, that strict injunctions may be issued, prohibitory of this irregularity.-

3. The Judges observe that the prisoner No 120 in this report described as having been before punished for theft was sentenced to 3 months imprisonment for Cattle Stealing: a penalty which with reference to the character of the prisoner and to the provisions of the Regulations in respect to this particular offence appears to them to be manifestly inadequate.-

4. The Judges are of the same opinion in respect to the sentences passed upon the prisoners Nos 123 and 124 on similar charges.-

5. Referring to the prisoners from 143 to 147 inclusive whose detention by the Dishcar is attributed to his "doubt as to the propriety of forwarding the case to the Criminal Court," the Judges desire to be informed of the grounds on which such a doubt could be entertained in a case of theft of property valued at Rupees 302½.-

6. The prisoners Nos 14, 15, and 16 in the report furnished by the Criminal Judge in the Zilla of Canara under the Courts' orders of 27th September 1824 are stated to have been fined each 30 Rupees for clandestinely cutting down Sandal trees the property of Government.-

7. The Judges desire to be informed of the legal provisions which were considered to authorize this sentence.-

In

8. In case No 3 of the report of persons apprehended in the Zilla of Seringapatam the prisoner Emam Sahib is stated to have been fined 20 Rupees for receiving stolen goods. This sentence is at variance with the provisions of Clause fourth Section IV Regulation VI of 1822.-

9. The sentences passed by the Assistant Criminal Judge in cases Nos 10 and 11 of the report are considered by the Judges of the Poydarre Adalut to have been very inadequate to the guilt of the prisoners respectively.-

13th August 1824.- (Signed) W. Henderson Register

2344 To the Chief Secretary to Government

Sir,

Para 1st I am directed by the Judges of the Poydarre Adalut to acknowledge the receipt of your letter, No 305, dated 6th Instant, referring for their consideration and report a letter, dated 26th Ultimo, from the Magistrate of Chingleput, submitting an extract of a precept from the 2d Judge late on Circuit in the Centre Division and copy of his reply thereto, and of the letters addressed by him in consequence to the Head Assistant Magistrate and to the Collector of Madras.-

2. In the precept of the 2d Judge it is stated to be his opinion, "that in section VIII Regulation V No 2 "1821 it is only enacted that the powers vested in Ma- "gistrates by section XXI Regulation I of 1812 shall be "considered vested in the Magistrates, but that those "words leave another limitation, declared in section "XLIV Regulation IX of 1816 referred to in the said clause "unaltered; namely the restriction of the provisions of "section XVII Regulation III of 1812 to the Criminal Judge of "the Zilla. And the 2d Judge proceeds to observe that "it was on these grounds that notice was attracted "in the last half of the year 1823 to punishments inflicted "in regard to offences committed against the Tobacco Revenue at

"at Madras, and the rules for licensing the storing of Tobacco "within twenty Miles of the Madras Methis".-

3. The Judges concur as observed in the 4th paragraph of my letter, dated 28th Ultimo, in the opinion declared by the 2d Judge that the penalties provided by section XVII Regulation III of 1812 are exclusively adjudicable by the Criminal Judge of Chingleput, and that the same restriction applies to the cases specified in the latter part of Clause third section IV Regulation III of 1820.-

4. It is to the cases last mentioned that the letter now under consideration from the Magistrate of Chingleput more particularly refers: and upon an attentive consideration of the existing provisions of the Regulations which bear upon the subject it appears to the Judges, that even supposing that the modification of section XLIV Regulation IX of 1816, made by section VIII Regulation V of 1821, had been specifically extended to section XVII Regulation III of 1812, still that the special exception made by section VIII Regulation V of 1821 could not unless by a very forced construction be taken to vest the Magistrate of Chingleput with authority to dispose of the cases mentioned in clause third section IV Regulation III of 1820.-

5. But as either from an intended or inadvertent omission the limitation prescribed by section XLIV Regulation IX of 1816 in respect to the exercise of the powers given by section XVII Regulation III of 1812 remains in full force, it appears to the Judges that a special enactment of the Legislature will unquestionably be requisite to authorize the Magistrate of Chingleput to enforce the penalties in question.-

6. I have the honor to return the original papers which accompanied your letter of 6th Instant.-

16th August 1824. (Signed) W. Henderson Register

No 345 To The Judges of the 4 Provincial Courts of Circuit

Gentlemen,

I am directed by the Judges of the Court of Toydaree Adalut to transmit to you the accompanying copy of a letter, dated 6th Instant from the Chief Secretary to Government with copy of the letter from the Medical Board therein referred to.

2 The Judges desire that these papers may be immediately communicated to the several Criminal Judges within your jurisdiction* and that the answers of those officers respectively to the several queries proposed by the Medical Board may be obtained.

*N.D. and to the Magistrate of Rajahmundry
†S.D. and to the Magistrate of Trichinopoly & Combatore
*W.D. and to the Magistrate in charge of the Coul at Cannanore.

3 It has occurred to the Judges that the present is a fit opportunity for calling for information upon the following particulars respecting the several Jails and they desire that the replies of the officers abovementioned to the specific questions of the Medical Board may be accompanied by a separate Memorandum shewing 1st the number and dimensions of the Cells in each Jail 2 The usual number of persons confined in each Cell: 3 Whether there be a prison for debtors separate and distinct from the Felons Jail, or both open into a common area and are surrounded by the same wall.

4 The Judges desire that to the Memorandum may be annexed a ground plan of each Jail; and that the opinions of the Jail Surgeons may be submitted therewith 1st as to the sufficiency of ventilation in the cells: ends of the space allotted to each person at night when the Jail contains its full complement of prisoners 2 The fitness of the Jail Hospital in respect to size, healthiness of site, and mode of construction 3 The competency of the Lunatic cells, 4 The salubrity of the site of the Jail & The provision made by sewers or other means for carrying off filth and also upon any other point which may suggest itself connected with the duties of their profession.

5 The Judges hope that it will be in your power to obtain and forward to this office the information hereby required accompanied by your sentiments upon any parts of the returns which may appear to you to require observation within one month from the date of the receipt of this letter.

16th August 1824.

Signed W. Braddon
Regr

No 346 To the Third Judge on Circuit in the Western Division

Transmitting copy of a letter from the Chief Secretary to Government granting six months leave of absence to him on Sick certificate and that Mr A Wilson has been appointed to act for him.

Sent usual letter.

16th August 1824.

No 348 To the Magistrate in the Zilla of Chingleput

Sir,

1. I am directed by the Judges of the Toydaree Adalut to call your attention to their circular orders of the 24th November last which prescribe that the half yearly statements of crimes committed and punishments inflicted are to be submitted through the Provincial Courts of Circuit.

2. The statement which accompanied your letter of the 29th ultimo is herewith returned in order that it may be forwarded through the proper channel.

18th August 1824. Signed C. A. Thompson Dy Regr

No 349 To the Judges of the Provincial Court of Circuit for the Centre Division

Gentlemen,

1. I am directed by the Judges of the Toydaree Adalut to acknowledge the receipt of your letter of the 6th Instant transmitting extract from your proceedings of that date, as also the amended statements of crimes committed and punishments inflicted from the 1st of July to the 31st of December 1823.

2. The statement from the Zilla of Cuddapah exhibits the same discrepancies that were noticed in the 4th paragraph of the extract of your proceedings under date the 16th of June last. In its present form it is perfectly useless, for in framing a general report no regard could be paid to such a faulty document. It is accordingly herewith returned in order that the Magistrate may give it the necessary corrections. It displays errors besides such as might arise from the defective returns of the inferior police officers, for instance, under the head of "Number of persons

persons committed" the total of 687 and 192 is inserted as 782.-

3. In consequence of the delay which has taken place in forwarding the necessary statements from your Division the Court of Tuydaree Adalut have hitherto been prevented from submitting to Government the General Criminal Report for the half year ending in December last; it is necessary therefore that the corrected statement above called for, should be sent in immediately.-

4. The statements of crimes and punishments for the half year ending in June last not having been yet received, I am directed by the Judges of the Tuydaree Adalut to desire that the same may be forwarded to this Court without delay, in order if possible that they may be submitted to Government at the same time as those for the preceding six months.-

18th August 1824. /signed/ C. A. Thompson Dy Regr

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

Gentlemen,

The half yearly statements of crimes and punishments of the several Magistrates within your Jurisdiction not having yet been received, I am directed by the Judges of the Tuydaree Adalut to desire you will forward the same to this Court without further delay.-

18th August 1824. /signed/ C. A. Thompson Dy Regr

The same to the Northern Division.

№351. To the Acting Criminal Judge in the Zilla of Cuddapah

Sir,

1. With reference to my letter, dated the 5th, in reply to your letter of the 5th Instant, I am directed by the Judges of the Court of Tuydaree Adalut to apprize you, that a report has been received from the Criminal Judge in the Zilla of Nellore, that the Jail at that station does not offer accommodation for any prisoners in addition to those at present confined there.

The

2. The statement furnished under the circular orders of the Court dated 24th November 1823 of the capacity of the Jail at Cuddapah shewed that it was capable of containing one thousand persons, allowing to each individual at night 6 feet by 4½. The width allowed in the other jails to each person does not exceed 2 feet and in the Jail of Nellore is only 1¼ foot.-

3. It would seem, therefore, that on an emergency like the present 2000 prisoners can be housed in the Cuddapa Jail. On this point, however, your opinion and that of the Surgeon should be submitted: and the Judges desire that you will at the same time report whether or not the removal of 100 more convicts appear to be necessary.-

4. The Judges direct me in conclusion to remark that the number of persons /400/ whose removal is suggested in your letter of the 5th Instant exceeds by more than 100 the number given in the last report, furnished under the provisions of Section XXXVII Regulation X of 1816, of persons confined under sentence in the Jail under your charge; a circumstance on which they desire that explanation may be furnished.-

18th August 1824. /signed/ W. Sudleston Register

№352. To the Assistant Criminal Judge in charge of the Zilla Court of Seringapatam

Acknowledging the receipt of Rupees 10/2 being the amount advanced to the Peon of the Zilla Court who brought a Lunatic to Madras.-

18th August 1824. sent usual letter

№353. To the Secretary to the Marine Board

Sir,

1. I am directed by the Judges of the Court of Tuydaree Adalut to acknowledge the receipt of your letter, dated 20th Instant, and to inform you that it is calculated that by the Middle of the next month there will be at Chingleput seventeen convicts under sentence of transportation beyond sea for life.-

strictly to conform.-

3. The statement furnished by the Magistrate of Nellore exhibits 1109 as the total number of persons apprehended whereas the total number of persons acquitted convicted and sent to the Criminal Judge is 1427. of this the Judges desire that you will immediately obtain an explanation.-

4. The Judges observe that the statement received from the Magistrate of Ganjam shews the whole number of persons supposed to have been concerned in crimes of every description, to have been apprehended by the Police.-

5. This circumstance induces the Judges to suppose that all crimes ascertained to have been committed may not be reported to the Magistrate of Ganjam, whose attention should be called to the subject.-

6. The Judges observe, that of 1858 persons apprehended in the district of Vizagapatam 1090 were acquitted a proportion which forces upon them the conclusion that many must have been apprehended on insufficient grounds. In conveying to you the instructions of the Judges to impress upon the Magistrates the importance of avoiding the needless privation of personal liberty, I am directed to observe that the object in view in their standing orders, which require that these periodical returns shall be submitted through the Provincial Court, is that such explanations as they may appear to require may be called for by you and submitted with the statements to the Foujdaree Adalut.-

31st August 1824.- (Signed) W. Hudleston Register

1368. To the Magistrate of Coimbatoor

Sir,

Referring to your letter dated 10th Instant, transmitting two detailed statements of disbursements of the C.P. establishment together with the batta to the prisoners and

"and Cochin and Travancore, which your request may be submitted for "sanction, the Judges of the Court of Foujdaree Adalut desire, that you will report the number of prisoners now in confinement in the Gaol under your charge.-

(Signed) W. Hudleston, Register

31st August 1824.

strictly to conform.-

3. The statement furnished by the Magistrate of Nellore exhibits 1109 as the total number of persons apprehended whereas the total number of persons acquitted convicted and sent to the Criminal Judge is 1427. of this the Judges desire that you will immediately obtain an explanation.-

4. The Judges observe that the statement received from the Magistrate of Ganjam shews the whole number of persons supposed to have been concerned in crimes of every description, to have been apprehended by the Police.-

5. This circumstance induces the Judges to suppose that all crimes ascertained to have been committed may not be reported to the Magistrate of Ganjam, whose attention should be called to the subject.-

6. The Judges observe, that of 1858 persons apprehended in the district of Vizagapatam 1090 were acquitted, a proportion which forces upon them the conclusion that many must have been apprehended on insufficient grounds. In conveying to you the instructions of the Judges to impress upon the Magistrate the importance of avoiding the needless privation of personal liberty, I am directed to observe that the object in view in their standing orders, which require that these periodical returns shall be submitted through the Provincial Court, is that such explanations as they may appear to require may be called for by you and submitted with the statements to the Foujdaree Adalut.-

31st August 1824.- (Signed) W. Hudleston Register

No 368. To the Magistrate of Coimbatoor

Sir,

Referring to your letter dated 19th Instant, transmitting two detailed statements of disbursements of the Police Establishment together with the latter to the prisoners and

"and thereunto said Vizt" which your request may be submitted for "sanction, the Judges of the Court of Foujdaree Adalut desire, that you will report the number of prisoners now in confinement in the Jail under your charge.-

(Signed) W. Hudleston, Register

31st August 1824.

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

Gentlemen,

1. The Judges of the Court of Poojdaree Adalut have had under consideration the statements of crimes and punishments, furnished by the Magistrates within your jurisdiction for the half year, ending on 30th June last.

2. It appears from your letter, that the explanations which certain parts of the statements received from the Magistrates of Salem and Tinnevelly were considered to require have been called for; but inasmuch as it will not be in the power of the Judges of the Poojdaree Adalut to submit the prescribed general abstract statement to the Government until those explanations are before them, they direct me to observe that no advantage attends the transmission of the half yearly statements to this office, antecedently to the communication of the explanations, which refer to them.

3. The Magistrate of Trichinopoly in answer to your letter of the 11th Ultimo desiring him to furnish an explanation of the cause to which the great disproportion between the number of persons apprehended and the number committed and forwarded to the Criminal Judge is to be ascribed, states in his letter dated 17th Ultimo that "it originates entirely from the frivolous litigious and groundless complaints that are brought forward and which supported by Oath as they are, the Police are obliged to take notice of."

4. Upon the foregoing explanation of the Magistrate the Judges of the Poojdaree Adalut have first to observe that no part of the Regulations gives to the Native Officers of police authority to take depositions upon Oath; and they direct that instructions may be given for the discontinuance of the practice.

5. The Judges at the same time see reason to believe, that sufficient attention is not paid in this as well as in the other Zillas by the Magistrates and their Heads

Heads of Police to those humane provisions of the Regulations, which have been enacted with a view to prevent the unnecessary privation of personal liberty.

6. In respect to the most heinous offences it is prescribed by clause first Section XXVII Regulation XI of 1816 that upon complaint being made, the Tahseldar "shall make such enquiries as may be necessary to ascertain whether any credit be due to the accusation", and it is only where "it shall appear to be worthy of credit, that he" is required to make every exertion to apprehend "the person or persons who may be accused, or to whom "suspicion may attach of having committed the offence".

7. In cases of bailable offence or misdemeanor provision is made by Section XXXI Regulation XI of 1816 for the requisition of security "for the appearance of the party "accused together with the accuser and witnesses on a date "day before the Magistrate," to whom the Tahseldar is "required immediately to report the case and transmit the depositions which he may have taken.

8. In the cases last mentioned the Judges of the Poojdaree Adalut consider, that the principle of the rule contained in Section XIV Regulation IX of 1816 should be applied: and that if on perusal of the depositions forwarded by the Tahseldar it appear to the Magistrate that the accusation is groundless, he should direct the complaint to be dismissed, and the bail discharged.

9. The Judges however, as above intimated are by no means satisfied that the provisions of the Law which have been here cited are generally observed, that in cases not bailable sufficient pains are taken to ascertain whether the accusation be entitled to credit before process is issued by the Heads of Police for the apprehension of the persons accused, or that persons are not frequently apprehended in bailable cases in opposition to the intention of

to whom they apply.-
2d September 1824.-

Signed W. Sudlerston. Register

No 373 To The Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Court of Toopdaree Mulcutt to acknowledge the receipt of your letter, dated 27th July last, forwarding the statements of crimes and punishments furnished by the Magistrates within your Jurisdiction for the half year ending 30th June last and of your letter dated 7th Ultimo transmitting a statement subsequently received from the Magistrate of Malabar, containing additional particulars called for by you-

2. In the former of the above letters it is remarked that the orders of the Judges of the Toopdaree Mulcutt dated 27th March last "have been construed differently by the Magistrates in Malabar and Canara, the statement of the former Zilla excluding all trivial charges, as well from the columns of apprehensions as from those of punishments and acquittals while that for the latter district includes under the head of persons fined all cases whether trivial or otherwise The Magistrate of Malabar in furnishing another statement as required by you, shewing the number of persons fined by himself and the District Police Officers, has, as observed in the latter letter, not confined himself to furnishing merely a return of the number of persons fined by himself and the District Police officers, but has added to the statement including the number of persons apprehended which alteration [illegible] makes the total of persons

persons apprehended correspond with the total of acquittals punishments and of persons sent to the Criminal Judge which was not the case with the statement furnished by the Assistant Magistrate in charge of Canara

3 In the extract from the proceedings of the Provincial Court of Circuit dated 21st July last, it is observed of the statement from Canara that the numbers which at exhibited of persons acquitted, convicted, and sent to the Criminal Judge exceeded by 590 the total stated to have been apprehended which discrepancy was accounted for by the Assistant Magistrate in his explanation, that no persons were included under the head of persons apprehended except such as had been actually deprived of personal liberty; while with respect to the number of persons punished all cases whether trivial or otherwise were included and "as it generally happens" observed the Assistant Magistrate that few of the parties fined have been under personal restraint the difference between the total apprehensions and the total acquittals, punishments &c. is readily accounted for.

4. The Magistrate of Malabar in his letter explaining the statement originally furnished by him states that the persons fined by the District Police Officers not having been placed in durance have not been included under the head of number of persons apprehended and consequently not under that of number of persons fined by the Police Officers; and that the number of persons entered as having been fined by the Magistrate are those who have

furnished is at variance with the circular orders of the 27th March last, inasmuch as it includes under the head of number of persons apprehended individuals, who were not placed in durance.

8 The different constructions which these officers have put upon the orders of the Judges of the Court of Foujdaree Adaulut respecting the mode in which these half yearly returns should be drawn up, were easily to be accounted for to the Magistrate of Malabar as it appeared that the exclusion from the Statement of the numbers fined by the Police Officers, and of those who immediate payment of the fines assigned by the Magistrate procured for them an immediate discharge, followed as a necessary consequence of their being excluded from the column of apprehensions while the Assistant Magistrate in charge of Canara drew up the Statement upon the principle of modifying the entries no further than was expressly enjoined by the prohibition to include under the head of persons apprehended those summoned and fined but not placed in durance.

9 It is obvious that the Statement so drawn, though in strict conformity with the instructions of the Foujdaree Adaulut must bear the appearance of inaccuracy as the numbers of persons quitted, furnished, and sent to the Criminal Judge will never correspond with the number of persons apprehended this is of itself in the opinion of the Judges of the Court of Foujdaree Adaulut an objection to the mode now prescribed of framing the Statement and on further reasons for not framing

been placed in confinement, the amount fines adjudged not having been paid forthwith.

5 On the orders of the Foujdaree Adaulut dated 27th March last it was explained that the half yearly Statement should show the total number of persons fined of persons deprived of liberty and that therefore it should include those who though not originally taken into custody by warrant may have been imprisoned and that the number of persons summoned to answer trivial charges which may be dismissed on their appearance in person or by Vakeel, and of persons who being so summoned may be adjudged to pay a fine and on immediate payment thereof be allowed to return to their homes without having been placed in durance should not be included under the head of number of persons apprehended.

6 The Statement furnished by the Assistant Magistrate in charge of Canara appears to have been drawn up in accordance with these instructions and as the form of the Statement requires, that the number of persons fined by the Officers of Police and by the Magistrate should be stated the discrepancy which has been noticed in that Statement was unavoidable.

7 The Statements originally furnished by the Magistrate of Malabar did not accord with the form prescribed in as much as it did not include any of the persons fined by the Officers of Police or any of those who on immediate payment of the fine imposed by them were allowed to return to their homes without being placed in durance and the Statement subsequently furnished

modifying their instructions on this head presents itself in the additional perspicuity which may be attained by excluding entirely from the half yearly Statement now required the cases of all persons fined by the Officers of Police, and of all who may have appeared by vakeel before the Magistrate, or have been summoned on trivial charges and been immediately discharged on payment of a fine assigned by that Officer, and requiring a separate half yearly return, shewing the numbers so furnished by the Officers of police and the Magistrate.

10. The requisition of the last mentioned return appears to the Judges to be proper, in order that the extent, to which the power vested in the Officers of Police by Clause first Section V Regulation IX of 1821 is exercised may come under review, but to the Judges of the Court of Foujdaree Adawlut it appears extremely questionable whether the cases proposed to be reported in this return ought ever to have been included in the half yearly Statement required by the Circular orders of 25th June 1819 under the instructions of the Right Honorable the Governor in Council.-

11. In a letter from the Secretary to Government in the Judicial Department dated 8th May 1819 the Judges were informed that the Governor in Council considered it to be desirable that he should be furnished with half yearly returns of crimes committed, of persons apprehended, tried, acquitted or convicted and of the punishments inflicted in the Criminal Branch of the administration of Justice the cases in which the Officers of police are empowered to fine are described in Clause first Section X Regulation XI of 1816 namely abusive

abusive language and inconsiderable assaults or affrays, and those which under Section XXXII Regulation IX of 1816 are so summarily cognizable by the Magistrate are of the like nature strictly speaking "petty offences," and light misdemeanors rather than "crimes".-

12. The Judges intend upon the present occasion to make a reference to the Government by whose especial orders the returns have been prescribed in respect to the particulars which they should contain and when they shall be in possession of the sentiments of the Honorable the Governor in Council on the subject, the mode in which they are hereafter to be framed will be regulated by a circular order.-

3d September 1824. (Signed) W. Macleod Register

(No. 50)

No. 374

To The Secretary to Government in the Judicial Department

Sir,

With reference to letters from the Secretary to Government in the Judicial Department, dated 8th May 1819 and 30th December 1823 (Rec. 4th) I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the papers noted in the Margin.-

Letters from the Road Court of Circuit in the Western Division dated respectively 27th July and 7th August 1824.-
Copy of Letters to the Judges of the Road Court of Circuit in the Western Division dated respectively 27th March and 3d September 1824.-

2 Discrepancies of the same description with those pointed out in the half yearly returns furnished by the Magistrates of Malabar and Canara are observable in the returns which have been received from the Magistrates in

modifying their instructions on this head presents itself in the additional perspicuity which may be attained by excluding entirely from the half yearly Statement now required the cases of all persons fined by the Officers of Police, and of all who may have appeared by vakeel before the Magistrate, or have been summoned on trivial charges and been immediately discharged on payment of a fine adjudged by that Officer, and requiring a separate half yearly return, shewing the numbers so punished by the Officers of police and the Magistrate.

10. The requisition of the last mentioned return appears to the Judges to be proper, in order that the extent, to which the power vested in the Officers of Police by Clause first Section V Regulation IX of 1821 is exercised may come under review, but to the Judges of the Court of Foujdaree Adawlut it appears extremely questionable whether the cases proposed to be reported in this return ought ever to have been included in the half yearly Statement required by the Circular order of 25th June 1819 under the instructions of the Right Honorable the Governor in Council.-

11. In a letter from the Secretary to Government in the Judicial Department dated 8th May 1819 the Judges were informed that the Governor in Council considered it to be desirable that he should be furnished with half yearly returns of crimes committed of persons apprehended tried, acquitted or convicted and of all punishments inflicted in the Criminal Branch of the administration of Justice the cases in which the Officers of Police are empowered to fine are described in Clause first Section X Regulation XI of 1816 namely abusive

abusive language and inconsiderable affrays, and those which under Section XXXII Regulation IX of 1816 are so punishable by the Magistrate are of the like nature strictly speaking "petty offences," and light misdemeanors rather than "crimes".-

12. The Judges intend upon the present occasion to make a reference to the Government by whose especial orders the returns have been prescribed in respect to the particulars which they should contain and when they shall be in possession of the sentiments of the Honorable the Governor in Council on the subject the mode in which they are hereafter to be framed will be notified by a circular order.-

3d September 1824 (Signed) W. Macleod Regr

(No. 50)

No. 374

To The Secretary to Government in the Judicial Department &c

Sir,

With reference to letters from the Secretary to Government in the Judicial Department dated 8th May 1819 and 30th December 1823 (No. 424) I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the papers noted in the Margin.-

Letters from the Provl Court of Circuit in the Western Division dated respectively 27th July and 7th August 1824.- Copy of Letters to the Judges of the Provl Court of Circuit in the Western Division dated respectively 27th March and 3d September 1824.-

2 Discrepancies of the same description with those pointed out in the half yearly returns furnished by the Magistrates of Malabar and Canara are observable in the returns which have been received from the Magistrates in

No 377 To the Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

1. I am directed by the Judges of the Fujdaree Adalut to acknowledge the receipt of your letter dated the 18th Ultimo transmitting the reports furnished by the Criminal Judges within your Jurisdiction under the provisions of Section XXXV Regulation X of 1816 for the second quarter of the present year.-

2. The attention of the Judges has been particularly attracted to the numerous cases of cattle stealing which appear in the Madura and Salem Reports and to the very trifling punishments which have in every instance of conviction been awarded to the offenders.-

3. It is manifest that crimes of this description if not vigorously restrained are calculated to amount to an evil of very important magnitude; but the Criminal Judges do not appear to regard them in the serious light that they deserve, or to pay due attention to the provisions of clause 4th Section III Regulation VII of 1822 which provides a severe punishment for them; in apportioning which, regard ought to be paid not solely to the actual value of the property stolen but to the difficulty of its preserving and the facility of stealing it. The Judges are likewise of opinion that every case of cattle stealing whatever the amount of the property may be ought to be forwarded to the Criminal Courts.-

4. In all the reports of persons apprehended in the Zillas within your Jurisdiction, the Judges observe several instances of delay, explained by the Police Officers to have been occasioned by references to the Magistrate for instructions.-

5. Referring to these cases the Judges desire me to observe, that where the offence may clearly come within

within the scope of the provisions of clause first section XXVII Regulation XI of 1816, it is imperative on the head of police to send the accused to the Criminal Judge immediately on the completion of his investigation; and that intermediate references to the Magistrate are unauthorized and form no excuse for a detention of persons in custody, which is on many accounts seriously objectionable. Where a doubt may occur to an Officer of Police as to the proper mode of proceeding in any particular case, he should nevertheless forward the prisoner to the Criminal Judge as required by the Regulations, and apply to the Magistrate for instructions for his future guidance.-

6. In case No 2 of the Report of persons apprehended in the Zilla of Madura, it is stated that the sentence passed by the Criminal Judge on the 13th prisoner was revised, and that he was committed by order of the Court of Circuit to take his trial for an attempt to break Jail; the Judges desire to be informed what was the sentence thus revised and under what circumstances the order was passed by the Circuit Court. One of the prisoners in this case against whom the crime is said not to be proved, appears in No 17 to be committed for trial on the very same charge; some explanation is necessary upon this point.-

7. No 36 is a case of Burglary and the prisoners were sentenced to receive each 30 stripes and to be imprisoned and kept to hard labor for the period of six months, this trifling punishment is not in accordance with the spirit of the law.-

8. The observations contained in paragraph 5 of this letter apply particularly to No 39 of the Report which is a case of rape.-

in

9. In explanation of the delay in N°50 the police officer states that the prisoners though apprehended on the 4th 9th and 14th of June were not brought before him till the 22d of that month; the Criminal Judge ought to have brought this circumstance to the knowledge of the Magistrate inasmuch as the village police under clause 2d Section V. Regulation XI of 1816 are forbid to detain in custody any persons more than 24 hours.-

10. From the Report of the Zilla of Combaconum great delay appears to take place in forwarding the cases to the Criminal Court, the explanations of which are in general very unsatisfactory. References to the Magistrate, a search for further evidence and the sickness of witnesses are the causes generally assigned, these have constantly been denounced by this Court as insufficient. In cases 3 & 18 among other reasons assigned for the delay by the Police Officers it is stated that they were absent from their stations on revenue duties; it is incumbent on the Magistrates to prevent such causes from interfering with the business of the Police; it is satisfactory to observe that the Native Officers have been punished by the Magistrates in some cases of remissness, and it will be their duty to continue to impress on them the paramount importance of discharging with promptitude and regularity their functions as Officers of Police. In case N°47. it appears that the Magistrate fined the Prosecutor for not attending with his witnesses; unless there was some resistance of process, which is not stated to have happened, this punishment was illegal.-

11. Cases N°s 30, 35, 39, and 53 were allowed to be remissed at the wish of the prosecutors, upon this point the Judges have to remark that no case wherein with reference

reference to the provisions of Section XXVII Regulation IX of 1816 a private compromise is allowable, should be sent to the Criminal Judge. To these cases the provisions of Section XXXI Regulation XI of 1816 will be found commonly applicable, and they are clearly not of the description specified in clause first Section XXVII Regulation XI of 1816, which includes all the cases referrible under the Police Regulation to the Criminal Judge.-

12. In Cases 48-49- and 53 no explanation of the delay appears to have been asked for, or given, although it exceeded the period allowed for forwarding prisoners to the Court, you will direct the attention of the Criminal Judge and Magistrate to this omission.

13. Under the head of "Committed" in the "Report of persons apprehended" in the Zilla of Salem numbers 91-102-107 and 108 are inserted. In the "Report of Prisoners under charge of the Judge to be tried" these cases are entirely left out.-

14. In number 155 it appears that the 1st Prisoner having escaped, the 2d and 3d were detained by the Police officer, at the order of the Magistrate, till their comrade was re-apprehended; which not having been effected till the 20th of May a delay of two months and two days was occasioned in forwarding them to the Court. the above order of the Magistrate was inconsistent with the directions frequently given by this Court.

15. In reference to the instructions conveyed to you in the 4th paragraph of the letter from this Court dated the 23d of June last, the Judges direct that the sentence against Tondaumpoojaree in N°161 be remitted, he having at the same time received sentence of punishment in the preceding case.-

16. The Judges desire that you will communicate

communicate to the Criminal Judges within your Juris-
=diction such parts of the foregoing observations as con-
=cern those officers respectively for their information and
guidance.-

4th September 1824. (signed) C.D. Thompson. D.Register

No 376. To the Third Judge on Circuit in the
Centre Division

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 31st Ultimo, stating that in one of the cases before you in the Cuddapa Calendar the prisoners were sent "to the Criminal Court under a charge of two distinct "crimes; that some of them have been punished by that "tribunal for a robbery either by stripes or imprisonment, "or both - whilst they have also been committed for trial "before you for a separate burglary - and that in the event of their conviction before you of this latter crime you conclude that in passing sentence upon them you will do right to advert to the punishment already inflicted on "some of them for the other offence by the Criminal Judge."-

2. You proceed to state your opinion, "that "when parties thus come before the Criminal Courts charged "with several offences, some of which are cognizable only by "the Circuit Court, and the others by the Criminal Judge, if "that officer finds grounds to commit the prisoners for "the graver offence, he should delay passing sentence as "to the minor one, noticing the same in the Calendar".- You observe, that "if the prisoners be acquitted of the "more heinous crime by the Circuit Court, they can then be "remanded to the Criminal Court for sentence on account of "the minor crime but if convicted of the more heinous "offence by the Circuit Judge they become liable to such "an increased punishment, as seems to render their pre-"vious punishment for the minor offence unnecessary: and you

conclude with suggesting the general adoption of the rule above mentioned; as being "calculated to answer all the "ends of public Justice, and to relieve both tribunals "from any embarrassment arising from their separate "sentences on the same individuals."-

3. The Judges have given to the proposition con-
=tained in your letter mature consideration, and it "appears to them that the prescription of a rule such as you have recommended would be competent to the Court of Foujdaree Adalut, under the general controling powers over the proceedings of the lower Courts with which they are invested, inasmuch as it would not involve the infringement of any positive enactment of the Legislature, and might be considered as merely defining the mode in which the powers, vested in the Criminal Judges and in the Courts of Circuit respectively by the Regulations, should be exercised.-

4. But although the Judges are disposed to give all due weight to a suggestion calculated to exempt from attendance before the Court of Circuit per-
=sons, who according to the mode of proceeding hitherto observed on occasions such as that referred to in your letter, would be required so to attend, they consider that an individual against whom charges may be preferred and sufficient evidence adduced of the commission of two or more offences, one of which is cognizable only by a Court of Circuit, cannot regularly be tried for one offence by the Criminal Judge, and by the Court of Circuit for the other or others; but that he should be brought to trial before the same tribunal upon the several charges so preferred against him.-

5. Such appears to the Judges to be the reg-
=ular mode of proceeding with reference to the Law

as it now stands: but a Legislative enactment is at present in the contemplation of the Government for greatly enlarging the powers of the Criminal Judge, the provisions of which will probably have the effect of preventing it altogether, or rendering extremely infrequent, the occurrence of the circumstances. brought to the notice of the Judges by your letter.

6. To the cases of the prisoners particularly mentioned in your letter the orders of the Court of Foujdaree Adalut under date 27th December 1811 would, it should seem, have been applicable had they been brought to trial before the Court of Circuit for the two distinct crimes charged against them: and upon the principle on which that order was framed it will in the opinion of the Judges of the Court of Foujdaree Adalut be competent to you, in the event of their being declared by the Futwa of the Mohummedan Law Officer to be liable to the specific penalty of Kud, to deduct from the term of imprisonment prescribed in Section XXI Regulation VII of 1802 the period, for which they may already have been put to hard labor by the Criminal Judge.

7. You will be pleased to communicate to the Acting Criminal Judge such parts of this letter, as may appear necessary for his information and guidance.

4th September 1814. (Signed) W. Hudleston. Regr.

To the Criminal Judge in the Zillah of Chittoor

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 4th Instant, requesting with reference to the circular orders issued by the Court under date 2d August 1814, that you may receive their instructions as to whether the certificate

certificate of the Surgeon attached to the Court regarding any criminal sentenced to corporal punishment, merely that he the convict is in good health, be sufficient authority for the infliction of the punishment upon the offender; or whether the sentence of punishment may be carried into effect on the native doctors furnishing you with a certificate (in addition to that of the Surgeon) that the offender is in good health / that the Culprit is able to undergo the punishment."

2. By the Circular orders above cited it is directed, that "all prisoners sentenced by the Court of Foujdaree Adalut, or by the Courts of Circuit, to be punished with stripes shall be brought before the Criminal Judge immediately previous to the infliction of the corporal punishment, that he may by personal observation and reference to the Surgeon of the station satisfy himself, that the prisoner does not labour under any bodily infirmity, and that his general state of health at the time is such as to render him capable of sustaining the punishment without the probability of its endangering his life." and that "all prisoners sentenced by a Criminal Judge to corporal punishment are to be examined by the Surgeon of the station, or in the event of his absence by the Native Doctor previously to their being punished, and the punishment is to be postponed if any prisoner, whom the Surgeon, or Native Doctor, may consider in too infirm a state to receive it."

3 The Judges observe, that such part of the foregoing instructions as has reference to persons sentenced by a Criminal Judge to corporal punishment, contemplates the opinion of the Native doctor as of equal force with that of the Surgeon, should that officer be absent, they do not however deem it proper to modify the rule which requires that such prisoners shall

Toujdaree Diary 13th September 1824.

No 291 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 Adawlut to transmit to you for the purpose of being communicated to the several Criminal Judge and Magistrates within your Jurisdiction the heads noted in the margin and the reference thereto to be subjoined for your information and guidance the following instructions to which you will be careful to cause due attention to be paid by those officers respectively.

2. It will be the duty of the Magistrates to instruct the several Heads of District Police under their authority upon forwarding the parties and witnesses in every case to the Criminal Judge to transmit immediately to the Magistrate a copy of the report furnished to the Criminal Judge under the provisions of clause fourth Section XXVII Regulation XI of 1816.

3. On receiving the copy of the report of the Heads of Police if it shall appear that the prisoner or prisoners have been subjected to an detention in custody longer than forty eight hours for which no satisfactory reason may be assigned, the Magistrate will notice the irregularity in such manner as the circumstances of the case may appear to him to require, furnishing the Criminal

Toujdaree Diary 13th September 1824.

Criminal Judge with a memorandum shewing what he may have done on the occasion.

4. The Criminal Judge will continue, as at present required, to insert in an additional column on the report No. 5 to Appendix to Regulation X of 1816 a statement of the cause assigned by the Police Officer for the detention of any prisoner for fourteen days or more and will enter also in the report a memorandum of all communications made by the Magistrate under the instructions contained in the preceding paragraph but if will not be necessary for him to make the communication to the Magistrate prescribed by the order of the 5th November Board dated 5th November 1823 in cases wherein the Magistrate may have intimated his approval of the proceedings of the Police by abstaining from all animadversion upon them.

5. The Judges of the Provincial Court of Circuit upon examination of the reports furnished by the Criminal Judge under the provisions of Section XXXV Regulation X of 1816 will be careful to notice to the Magistrate any cases wherein it may appear that that officer has admitted as sufficient any reason for a prisoners detention which has been denounced by the Court of Foujdaree Adawlut as inadmissible.

13th September 1824.

(Signed) W. Bradleston

Regr

To

№392. To the Judges of the Provincial Court of Circuit in the Eastern Division

Gentlemen,

With reference to the 9th paragraph of your letter, dated 8th July last, I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you the copy of a letter, addressed to the Judges of the other three Provincial Courts of Circuit, and to desire that you will conform to the instructions therein contained.-

13th September 1824. (Signed) W. Sudleston Register

№393. To the Magistrate of Trichinopoly

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 6th Instant, forwarding for sanction a list of the Jail establishment employed by you in fasly 1232.-

2. The Judges desire, that you will report what proportion the number of persons forming the Jail guard bears to the number of prisoners under their custody.-

13th September 1824.- (Signed) W. Sudleston Register

№394. To the Chief Secretary to Government.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 25th Ultimo, transmitting two petitions with translations, from one Vadapa Moodelliar of Tholoondoor in the Talook of Combaconum and the correspondence, which has passed in reference thereto, and desiring information as to whether the application by Mr. Sinclair of certain instructions of the Court, quoted by him, in the instance in question, is considered by them to have been correct.-

2. The Judges consider, that no opinion is called for from them in respect to the regularity of the proceedings held by Mr. Sinclair, but simply as to whether or

not, the sentencing an individual to pay a fine commutable, if not paid, to imprisonment with labor, as a punishment for preferring a false complaint, or committing a breach of the peace, be in their opinion correctly to apply the instructions on this subject, contained in the proceedings of the Court of Foujdaree Adalut, dated 7th February 1820.-

3. The Judges direct me to submit for the information of the Honorable the Governor in Council an extract of the proceedings of the Court, bearing the above date, and containing the instruction referred to, and at the same time to state that they do not consider it to have been the intention of those instructions to sanction the imposition of labor in the case of an inconsiderable breach of the peace, or other slight misdemeanor; and they observe that a reservation is therein expressly made in respect to persons, whose rank or circumstances may render such a punishment improper.-

4. By Section XXXV Regulation IX of 1816 authority is given to the Magistrate, in cases wherein the complaints specified in Sections XXXII & XXXIII of that Regulation may appear to be litigious vexatious, or groundless, "to punish the complainant by fine or "imprisonment, under the limitations and restrictions "prescribed for the punishment of the offences specified "in Section XXXII."

5. As for the offences last mentioned the Judges would consider the punishment of labor improper, and at variance with the intention of the legislature, so must they consider it to be not regularly adjudicable in commutation of a fine, imposed under the provisions of Section XXXII Regulation IX of 1816.- The

6. The present reference to the Court has suggested to the Judges the expediency of intimating, by a circular order, that the instructions of the Tuljdaree Adalut under date 7th February 1820 are not intended to authorize the adjudication of the punishment of labor in cases of the nature above mentioned.-

7. I have the honor to return the several papers which were inclosed in your letter, and to report that the Judges have transmitted to the Magistrate in Tanjore a copy of the letter for the purpose of it's being communicated to Mr Sinclair.-

13th September 1824.- /signed/ W. Hudleston, Register

№395. To the Magistrate in Tanjore

Sir,

I am directed by the Judges of the Tuljdaree Adalut to transmit to you for the purpose of being communicated to the Assistant Magistrate, Mr Sinclair, the copy of a letter, dated 25th Ultimo from the Chief Secretary to Government.-

13th September 1824.- /signed/ W. Hudleston Register

№396. To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Court of Tuljdaree Adalut to acknowledge the receipt of your letter №301, dated 7th Instant, with annexed Extract of a letter from the Magistrate in Malabar, who suggests the removal of the convicts at Cochin from thence to Tellicherry.-

2. There being at present no prisoners confined in the Jail at Tellicherry, the Judges beg leave to offer their recommendation, that these convicts may be placed either in the Jail at Calicut, or in that at Cannanore, provided those Jails shall be found to afford the requisite accommodation, as a less expensive arrangement than that proposed by the Magistrate of Malabar.-

13th September 1824. /signed/ W. Hudleston Register

№397. To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Court of

Tuljdaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 15th Ultimo, from the Magistrate of Coimbatoor, submitting for sanction two detailed statements of disbursements of the Gaol establishment together with the batta to the prisoners and sadeerwar &c., also a letter from the same officer, dated 9th Instant, forwarding by desire of the Judges a return of the prisoners now in confinement under his charge.-

Vide letter entered in Diary 31st Aug. 1824

2. The Judges are not apprized of the nature of the arrangement referred to in the last mentioned letter, but they consider it proper to observe, that the Jail establishment entertained by the Magistrate appears to have been considerably larger than what could have been necessary, in as much as the number of prisoners exceeded the number of prisoners, and it is ordinarily estimated that a guard bearing the proportion of one fourth to the number of prisoners is sufficient.-

17th September 1824. /signed/ W. Hudleston, Register

№398. To the 3d Judge on Circuit in the Centre Division

Sir,

1. I am directed by the Judges of the Court of Tuljdaree Adalut to acknowledge the receipt of your letter, dated 3d Instant, together with the petition therein referred to.-

2. Upon the observations made in the 3d paragraph of your letter the Judges direct me to remark, that when cases are sent to the Criminal Judge by the Magistrate or the officers of police it is expected, that all the procurable evidence against the accused will be sent with them, or reported by those officers to be forthcoming: and that the Criminal Judge after going into such evidence as may have been produced may exercise his discretion in respect to making application for additional evidence.-

3. It may be observed, that section XXIII Regulation X of 1816 has reference to cases, which may appear to a Judge

Judge of Circuit not to have been sufficiently investigated; &
and the provisions of this section are considered to limit
the interference of the Judge to the cases contained in the Calen-
=dars submitted to him.-

4. The Judges of the Foujdaree Adalut are of opi-
=nion, that the petitioner should have applied to the
Judges of the Provincial Court of Circuit, who under the
provisions of Section XXIII Regulation X of 1816 are compe-
=tent at any time to call for and review the proceedings
of the Criminal Judge.-

5. Ordered that the Judges consider the Acting Criminal
Judge to have correctly applied their instructions of 9th
June last in the case under consideration.-

17th September 1824.- (signed) W. Hudleston. Register

No 404. To the Acting Criminal Judge in the Zillah of Cuddapa.

Sir,

I am directed by the Judges of the Foujdaree Adalut
to transmit to you the accompanying copy of a letter, &
dated 17th Instant, from the Secretary to Government in the
Judicial Department and to desire that you will transfer
to the custody of the Criminal Judge of Bellary 50 Convicts
of the Naiker Caste, should you have that number in the
Jail under sentence of imprisonment for two or more &
years.-

18th September 1824.- (signed) W. Hudleston.
Register

No 405. To the Acting Criminal Judge in the Zillah of Cuddapa

Sir,

1. I am directed by the Judges of the Court of &
Foujdaree Adalut to acknowledge the receipt of your letter,
dated 9th Instant, requesting instructions in regard to the
mode of proceeding to be observed in the preliminary investi-
=gation of cases of "gang robbery" committed by the same
people in different houses (but at the same time and in
the same village")

2. Cases of the description referred to in
the second and third paragraphs of your letter, wherein
two

two or more persons may prosecute for robberies committed
at the same time and place, may in the opinion of the Judges
of the Foujdaree Adalut be allowed to form one number
in the Calendar, the obvious objections to so blending &
different charges not attaching to the proceeding under
these particular circumstances, and the distinct acts of
criminality charged against the prisoners constituting
in point of fact circumstances in aggravation of one
and the same offence, according to the manifest intent
and meaning of the provisions in that behalf, contained
in Regulation XV of 1803.-

3. In such cases the different prosecutors
must deliver separate depositions; but the prisoners
may be examined at once touching the different matters
of charge against them; and the witnesses called by the
complainants respectively may be consecutively examined,
as to material facts within their knowledge.-

4. The mode of proceeding here described
cannot of course be adopted in respect to the cases of &
offences clearly differing in their nature, or committed
by the same individual at different times and places,
it being essential, in cases so circumstanced, to a per-
=spicuous elucidation of each transaction, that the &
charges should form the subject of distinct trials.-

5. The Judges consider it objectionable to &
dispense with the testimony of any of the complaints, who &
may be able to attend and give material evidence: and they
do not perceive any advantage in changing their designa-
=tion from that of prosecutor to that of witness: if injured
by the accused an objection will, in either case, be taken
by the Mohummudan Law Officer at the trial to their
testimony, which it will eventually be open to the Judges
of the Court of Foujdaree Adalut to overrule: it is of course
proper that the evidence of such uninterested individuals
as

as may be able to depose to material facts, should be also taken.-

6. In cases of "resistence to and attack upon the "Military" or the police the government suberal may be empowered to prosecute on behalf of the Circar; as also in cases, where the attendance of the sufferers may not be procurable, or sufficient reason may exist for their non-attendance,- provided adequate evidence be adduced before the Criminal Court for putting the accused on their trial.-

22d September 1824. (Signed) W. Middleton. Register

No 409. To the Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of the reports of the Criminal Judges of Chittore, Bellary, and Chingleput, which accompanied your return, dated the 30th Ultimo. The report from the Zilla of Cuddapah has not yet been received, but the Judges are unwilling to defer till its arrival the observations, which those from the other Zillas demand.-

2. In the report of persons apprehended in the Zilla of Chittoor, regarding whom no sentence was passed at the date of the last report, it appears, that the prisoners from 14 to 21 were detained for 6 weeks by the police officer, who states that he was engaged during the whole of that time in investigating the case; he must be either extremely inactive or incapable, or the excuse must be fictitious.- No 22 bears the same date of apprehension and of leaving the talook as the preceding one, but no explanation of the delay is either asked for, or affforded. In case No 26 to 29 two of the prisoners were detained nearly a month pending the apprehension of the others concerned; this excuse has been frequently denounced as inadmissible.- In Case No 40 to 42 the prisoners were detained for upwards

upwards of five months; the explanation of the delay is very obscurely worded, and would make it appear, that the Police Officer waited from the 19th of October to the 16th of February for an answer to a report, he had made to the Magistrate. You will call upon the Magistrate to give further explanation on this subject.-

3. In the report of persons apprehended during the last quarter in the same Zilla several cases of delay are observable similar to those which were noticed in the 3d Paragraph of this Court's letter to your address of the 28th of June last. As they must have occurred previously to the communication of that letter to the Magistrate it is sufficient upon this occasion to desire, that his attention may be called to the remarks therein contained, which are particularly applicable to cases 6 to 10, 48, 54, to 58, 70, to 72, 129 and 134 of the present report.-

4. In the separate cases Numbers 36 and 37, the prisoners are charged with precisely the same offence, (d) namely stealing gold and silver ornaments to the value of 37-3-6, one of them was punished with five rattans, and the other with two months imprisonment; excepting under circumstances of great extenuation these punishments must be considered too slight for the offence.- P.S. A.P.

5. In Case 66 to 67 a delay of two months occurred and the reasons assigned for it by the Police Officer are not only quite unsatisfactory, but such as have been frequently denounced as such by this Court. The case is one of Gang burglary, the Tahsildar did not examine it himself because he was "engaged in investigating a "case of Larceny" and the Peshcar was indisposed, they both subsequently, it does not say precisely when, (d) went away upon revenue duties, from which having returned on the 31st of March the Peshcar was examined on

from this Court to your address under date the 28th of June last, the Judges have now only to repeat their instructions that it be discontinued.-

12. The attention of the Judges has been particularly attracted to the numerous cases of cattle stealing which appear in the reports above reviewed particularly in that of the Zilla of Chingleput, and to the very trifling punishments, which have in every instance of conviction been awarded to the offenders.-

13. It is manifest, that crimes of this description if not rigorously restrained are calculated to amount to an evil of very important magnitude, but the Criminal Judges do not appear to regard them in the serious light that they deserve, or to pay due attention to the provisions of Clause 4th Section III Regulation VI of 1822, which provides a severe punishment for them; in apportioning which, regard ought to be paid not solely to the actual value of the property stolen, but to the difficulty of preserving and the facility of stealing it.

The Judges are likewise of opinion, that every case of cattle stealing whatever the amount of the property may be, ought to be forwarded to the Criminal Courts.-

14. The object which the Government and the Court of Foujdaree Adalut proposed to attain by directing that the Reports from the Criminal Judges and Magistrates should be submitted in the first instance to the Provincial Courts of Circuit has in the instances of your Division, been hitherto very imperfectly fulfilled, and the reports now forwarded by you bear no marks of having been ever subjected to your examination. It is expected, that your strict supervision hence should be extended over the proceedings of the Criminal Judges and Magistrates, that you should notice all irregularities, which may be apparent in them and

and call for explanation in every case that may require it; and in forwarding the Reports to this Court a copy of your Proceedings respecting them and transcripts of the communications made to you in consequence by the Criminal Judges and by the Magistrates should be at the same time submitted.-

22d September 1824. (Signed) C. B. Thompson, Dy Regr

No 10. 1824. 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 purpose of being laid before the Honorable the Governor in Council the accompanying letters from the Magistrate of Trichinopoly, dated respectively the 6th and the 16th Instant.-

Vide letter entered in Diary 13th Septr 1824.

2. It appears to the Judges that "Scavengers," of which description of persons four appear to be entertained by the Magistrate, are not required for the purpose of keeping clean the Jail, which should be done by the Convicts themselves.

(Signed) R. Huddleston, Register

22d September 1824.

No 435. To the Criminal Judge in the Zillah of Chittoor

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 16th Instant, forwarding "a translation of a declaration made "before the Police by Abdool Cawn, a prisoner in the Jail "at Chittoor, who was sent in to "you" by the Police with "seven other persons of suspicious character in the month "of June last, and a copy of a letter addressed by "you "to the Magistrate of Cuddapah, and sent to the Magistrates of Chittoor and Salem concerning the said persons," and to which letters you received the final answers a few days only before the transmission of your letter, "but "which do not contain any information, which can lead "to a discovery of the proceedings of the Gang."-

2. You observe, that "it will therefore become "necessary that the prisoners should be released on their furnishing

"furnishing personal security for their appearance and future
"good behaviour." But previously to taking that step you
submit a "request founded on a view of the expediency of giving
"effect to any measure appearing calculated to lead to the
"apprehension of offenders of this description" that you may
be "authorized" "to tender" "a pardon to any one or two of the
"Gang (with the exception of Abdoolla Cawn and Venkata-
"soah, who appear from the examinations before you to
"have been the leaders thereof) on the express condition of his
"or their making a full disclosure of every circumstance
"within his or their knowledge, relative to any particular
"criminality which may have been committed by the Gang."

3. It would appear, that the persons, to whom your letter refers, were sent to the Criminal Court by the Acting "Head of District Police of the talook of Goodeatum in "the Chittoor Zillah, charged with having been found by "wandering up and down the country, in possession of a "large quantity of goods, which there can be little doubt "is stolen property."

4. The first observation, which it occurs to the Judges of the Foujdaree Adalut to make in respect to this case, is, that there does not appear to have been any warrant of law for the detention of these persons in the Zilla Jail. Their apprehension would seem to have taken place under the provisions of Section III Regulation II of 1822, which requires that the commitment to the custody of the Criminal Judge shall be under a warrant from the Magistrate; and with reference to which enactment the Foujdaree Adalut have ruled in orders circulated for the information and guidance of the several Magistrates under date 28th October 1822, that such commitment cannot legally take place under the Magistrate's warrant, if issued "on the ground of a report "from the Head of Police, and that "no person should be

"lodged in Jail by order of the Magistrate," except under the
provisions of Clause first Section III Regulation II of 1822,
"without a personal examination and enquiry by that officer."

5. The Judges are of opinion, that on the arrival of these persons at the Criminal Court you should have caused them over to the Magistrate of the Zilla, in order that he might determine as to their being placed in confinement as suspicious characters; in which event an order of the Judge of Circuit, or an application from the Magistrate would have been necessary for their discharge, unless they furnished the security required by the latter officer; and that the proceeding of the Police Officer in forwarding to the Court persons, not charged with any specific offence, without any evidence against them, was altogether irregular and illegal.

6. The Judges are of opinion, that it will still be proper for you to pursue the course pointed out in the preceding paragraph, and in sending the prisoners to the Magistrate you will be pleased to furnish him with a copy of such parts of this letter, as have reference to his department.

7. The Judges on consideration of such of the circumstances of this case, as are elicited by the papers accompanying your letter, see ground for thinking that the prisoners may belong to a Gang of those desperate Murderers, commonly designated Thuggees, and the fact of their being ground for such a supposition imperiously demands, that all the energies of the Police should be put in action for the purpose of obtaining evidence regarding their late proceedings.

8. The peculiar nature of many of the Articles found in the possession of these persons must in the opinion of the Judges materially facilitate the discovery of their proper owners, if a regulate means are used to obtain their identification.

The

before any measures have been adopted by the Magistrate for ascertaining the real state of the case, and while it remains consequently uncertain, whether or not sufficient proof may be forthcoming to bring home guilt to the prisoners without having recourse to them.-

16. It is also to be observed, that the testimony of accomplices unless corroborated by collateral evidence, would not suffice for the conviction of those, whom they might accuse; and that therefore while any obvious means of procuring such evidence remain untried, the offer of a pardon might lead to the escape of atrocious criminals without furthering in any way the ends of public Justice.-

17. The Judges will be prepared eventually to take into consideration the propriety of supporting any recommendation of this nature, which you may deem it proper to offer, after the case shall have come regularly before you, and such measures as have been here pointed out shall have been taken for the purpose of discovering to whom the property belonged, and how it came into the possession of the accused.-

30th September 1824.

(signed) Wm Hudleston, Register

No 426. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Supreme Court to acknowledge the receipt of your letter of the 10th instant forwarding communications from the Criminal Judge of St Thomas and Assistant Criminal Judge of St Jago de la Vega, and to transmit herewith for your information copies of their quarterly reports of persons apprehended.-

2. The reasons assigned by the Assistant Criminal Judge for the insufficiency of the punishment in cases 10 and 11 of the report are by no means satisfactory; with respect to the former of these cases, he did not appear to regard the offence of cattle stealing in the serious light that it deserves, or to pay due attention to the provisions of clause 4th section III Regulation VI of 1822. which provides a severe punishment for it in apportioning which regard ought to be paid not solely to the actual value of the property stolen but to the difficulty of preserving and the facility of stealing it.-

3. The Assistant Criminal Judges remarks upon the case No 11 cannot be allowed to pass without animadversion. In the opinion of the Judges of this Court it is quite unnecessary to encourage relations to inspect one another before the Criminal Tribunals or to make those Tribunals a convenience to be resorted to at pleasure. When however the exercise of their authority is invoked, it is public Justice and not the private feelings of individuals, that it is necessary to satisfy; and to allow a prosecutor to have any share, by intercession or otherwise in apportioning the punishment of prisoners would be to establish a principle subversive of Criminal Justice.-

4. You will have the goodness to communicate these observations to the Assistant Criminal Judge of St Jago de la Vega.

30th September 1824.

(signed) Wm Hudleston

Register

№427 To the Acting Magistrate in the Zilla of Rajahmundry

Sir,

Para 1st. The Criminal Judge of Masulipatam has forwarded to the Judges of the Foujdary Adalut copy of a report addressed to him by you under date the 11th Instant announcing the escape of thirteen Prisoners, who were under your charge.-

2d. The above report is by no means of the description that the importance of the case demands; it merely states the fact of the escape, without any of the circumstances attending it, and far from detailing what measures have been taken for the re apprehension of the convicts it does not even intimate that any whatever have been resorted to.-

3d. The Judges desire that you will immediately report whether the escape was effected clandestinely or by overpowering the guard; whether the guard are liable to the suspicion of connivance and whether you have instituted an enquiry to ascertain this fact, whether you have supplied the Magistrates of the adjoining districts and of those whence the prisoners were sent with descriptive rolls of their persons, and in short, that you will communicate to this Court all the particulars of the transaction and what you may have done regarding it. The same information should be given to the Criminal Judge of Masulipatam and to the Provincial Court of Circuit for the Northern Division.-

30th September 1824.- (Signed) C. A. Thompson, Dy Regr

№428 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 purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 27th Instant, from the Third Judge of the Court of Circuit in the Western Division

2. In support of Mr. Baber's request, that his leave of absence may commence from the date of his embarkation from Tellicherry the Judges direct me to mention, that since he was relieved by Mr. Wilson from the duty of the Sessions he has been occupied in preparing the trials, previously completed by him, which were referrible to the Court of Foujdaree Adalut.-

3. Upon Mr. Baber's application for the special indulgence, solicited in the second paragraph of his letter it is not considered by the Judges, that it belongs to their province to offer any observation.-

30th September 1824.- (Signed) W. Hudleston Regr

№429 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, №338, dated 27th August last, communicating to them the sentiments of the Honorable the Governor in Council upon certain changes in the administration of the Criminal Laws, suggested by Mr. Warden in his late Circuit report.-

2. The Judges have called upon the Provincial Courts to submit their sentiments upon the points discussed in the 3d and 4th paragraphs of your letter, which when received they will have the honor to lay before the Government with such remarks as they may have to offer thereon.-

3. In the 5th paragraph of your letter it is stated, that "the Governor in Council" is inclined to coincide in "Mr. Warden's opinion of the expediency of empowering Zillah Judges "to release persons whom they may have taken into custody, "but against whom no proof may afterwards appear."-

4. Having received this intimation of the Honorable the Governor in Council's dissent from the opinion expressed in the proceedings of the Court of Foujdaree Adalut, dated 5th August last, on this subject, it has become the duty of the

the Judges to take again into consideration the provisions of regulation XI of 1816, which bear upon it, with a view to determine whether, or not, it would be proper to recommend the enactment of a legislative provision for giving effect to the intentions of the Government, as above declared.

5. The Judges, holding the sentiments expressed in the proceedings above cited, felt it incumbent upon them to enforce a literal observance of the rule contained in clause fourth section XXVII Regulation XI of 1816, a reason in support of which mode of construction presented itself in the check upon the needless and vexatious apprehension of individuals, which the reference of all such cases to the Criminal Judge was calculated to maintain, inasmuch as it became the duty of this officer to bring to the notice of the Magistrate every case in which it might appear that apprehension had been precipitately resorted to, and the provisions, contained in clause first of the section, intended to prevent unnecessary arrest on charges inadequately supported, had been neglected.

6. The Judges were confirmed in their opinion of the correctness of this construction by observing that the rule which they had deduced from the words of clause fourth section XXVII Regulation XI of 1816 had been explicitly laid down in the provision of the Bengal code of Regulations, cited in the 11th paragraph of the proceedings of the Court dated 5th August; and that it accorded with the rule enacted in section XXI Regulation XXXV of 1803, (rescinded in toto by section II Regulation XI of 1816,) that no person "formally committed to custody upon suspicion of offences of a heinous nature" should be released by the Police Daroghas, "except by a warrant for that purpose from the Magistrate."

7. But in the provisions of section XXVIII Regulation XI of 1816 the Judges have upon further consideration

consideration of this question discovered ground for adopting, with reference to the general principle of construction declared in section XIX Regulation I of 1802, a construction of the provisions of section XXVII different from that quoted in Mr. Wardens report, namely that it does not vest a Tahseeldar with authority "to dismiss any case after the prisoner has been once apprehended and evidence taken." Section XXVIII Regulation XI of 1816 prescribes, that "if a prisoner should in his confession made before a Tahseeldar criminate another person, the Tahseeldar shall secure such person, and provided the accusation be corroborated, by any persons who may appear or be brought by summons before the Tahseeldar, he shall forward such accused person to the Criminal Judge"

8. Inasmuch the exercise of a discretion in regard to the release of a person in custody, after investigation of the accusation brought against him, is clearly implied in the words of the section last cited, the Judges after giving to the subject the most mature consideration have arrived at the conclusion, that on the principle of construing one part of a Regulation by another it is open to them to put upon section XXVIII of the Regulation a construction, accordant with the opinion of the Honorable the Governor in Council, stated in the 5th paragraph of your letter; and that consequently effect can be given to the declared intentions of the Government on this subject without the enactment of special provisions for that purpose.

9. The Judges propose immediately to put the subordinate Courts in possession of the opinion herein given, and of the sentiments expressed in your letter with regard to the checks under which this discretion should be exercised by the Heads of District Police.

I have &c.
(Signed) W. Dudleston Register
30th September 1824.

No 430. To the Second Judge of the Court of Circuit in the Western Division

Sir,

With reference to the 2d paragraph of your

your report, dated 23d June last, submitted under the provisions of Section XXXVII Regulation VII of 1802, I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you the annexed Extract of a letter from the Secretary to Government in the Judicial Department, in reply to the proceedings of the Court of Foujdaree Udalut, under date 5th Ultimo, and to desire that you will furnish the information thereby required.

30th September 1824. (Signed) W. Hudleston. Register

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

Gentlemen,

With reference to paragraphs 7, 8, 46, 47, and 48, of the report of the 2d Judge of the Provincial Court of Circuit, dated 23d June last, and to paragraphs 1, 2, 3, 4, 11, 12, 13, and 14, of the proceedings of the Court of Foujdaree Udalut, dated 5th Ultimo, I am directed by the Judges to transmit to you the annexed Extract of a letter, dated 27th Ultimo, from the Secretary to Government in the Judicial Department, and to desire that you will submit your opinion, 1st in respect to the modification, to which the provisions of Regulation I of 1822 should be subjected, in order to meet the cases, contemplated in the third paragraph of the letter from the Secretary to Government in the Judicial Department, dated 27th Ultimo; and 2dly in respect to the rules, under which it may appear to you to be most proper, that the enlarged jurisdiction, proposed in the 4th paragraph of the latter to be given to the Criminal Judges, should be exercised.

30th September 1824. (Signed) W. Hudleston, Register

№432. To the Judges of the Provincial Courts of Circuit in the Northern, Centre, & Southern Divisions

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you the papers noted in the margin, and with reference thereto to desire that you will submit your opinion, 1st in respect to the modification, to

to which the provisions of Regulation I of 1822 should be subjected in order to meet the cases, contemplated in the 3d paragraph of the letter from the Secretary to Government in the Judicial Department, dated 27th Ultimo; and 2dly in respect to the rules, under which it may appear to you to be most proper, that the enlarged jurisdiction proposed in the 4th paragraph of that letter to be given to the Criminal Judges should be exercised.

30th September 1824. (Signed) W. Hudleston. Register

№433. To the Judges of the Provincial Court of Circuit for the Western Division

Gentlemen,

1. The Judges of the Court of Foujdaree Udalut, during a discussion which has recently taken place in respect to the authority of a Tahseeldar "under the provisions "of Section XXVII Regulation XI of 1816 to dismiss any case "after the prisoner has been once apprehended and evidence "taken," have found reason for reconsidering the opinion recorded in the negative, which was communicated to you in my letter, dated 27th March, and repeated in the proceedings of the Court of Foujdaree Udalut, dated 5th Ultimo, upon the 2d Judge's late Circuit report.

2. The alteration in the opinion of the Judges has been produced by a more particular consideration of Section XXVIII of the Regulation above cited, which declares, that "if a prisoner should in his declaration made before "a Tahseeldar criminate another person, the Tahseeldar shall "cause such person, and provided the accusation be corro-"borated by any persons who may appear or be brought "by summons before the Tahseeldar, he shall forward such "accused persons to the Criminal Judge."

3. In the cases referred to in the last mentioned section the preliminary enquiry, which under clause first of the preceding section is prescribed before the apprehension of

will communicate to the Criminal Judges and Magis-
trates within your Jurisdiction for their respective informa-
tion and guidance.
30th September 1824.

(signed) W. Sudlerton. Register

No 436. To the Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to call your attention to my letter of the 4th Ultimo, and to desire that the explanation therein required may be transmitted to this office without further delay.

(signed) W. Sudlerton. Register

4th October 1824.

No 438. To the Magistrate of Tuchinopoly

Sir,

With reference to your letters dated 6th and 16th Ultimo, I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information and guidance the accompanying copy of a letter, addressed by their orders to the Secretary to Government in the Judicial Department under date 22d Ultimo, and of the reply thereto, dated 5th Instant.

(signed) W. Sudlerton. Register

8th October 1824.

No 439. To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter, No 356, dated 17th Ultimo, I am directed by the Judges of the Foujdaree Adalut to state, that on the 18th Ultimo instructions were sent to the Acting Criminal Judge in the Zilla of Cuddapah for the eventual transfer of 50 Convicts of the Madder Caste to the custody of the Criminal Judge in the Zillah of Bellary; and that the Acting Criminal Judge has in reply reported, that there are no prisoners of that description in confinement at Cuddapah.

(signed) W. Sudlerton. Register

8th October 1824.

No 440. To the Magistrate in the Zillah of Chittoor

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter, dated 5th Instant, and to convey to you their sanction for the offer of rewards of 500 Rupees for the apprehension of each

of Foujdaree Udalut to acknowledge the receipt of your letter, dated 2d Instant.

2. The Judges of the Court of Foujdaree Udalut do not possess authority to sanction either of the measures, proposed by you with a view to the conviction of the fourteen concerned in the robbery, reported in your letter to have occurred at the village of Pilladay in the Canvetnuggeer Zumeendaree, but adverting to the circumstances stated by you they direct me to convey to you their sanction for the offer of a reward of 500 Rupees for the apprehension of each of the leaders of the gang, and of 100 Rupees for the apprehension of each of the inferior offenders, concerned in the robbery in question.

11th October 1824. (Signed) W. Hudleston. Register

(No 447) To the Magistrate of Coimbetore

Sir,

With reference to your letters dated respectively the 19th August last, and the 9th Ultimo, I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you the accompanying Copy of a letter, dated 17th Ultimo, addressed by their order to the Secretary to Government in the Judicial Department and of the reply thereto, dated 24th Ultimo, and to desire that you will furnish the explanation called for in the latter.

11th October 1824. (Signed) W. Hudleston. Register

(No 59)

(No 448) To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying Statements, exhibiting respectively the number of persons apprehended, tolerated and punished as also the

nature of all punishments inflicted by the several Magistrates Criminal Judges and Courts of Circuit, and by the Foujdaree Udalut from 1st July to 31st December 1823 and from 1st January to the 30th June 1824.

2. In conformity with the sentiments of the Honorable the Governor in Council communicated in a letter from your predecessor (No 377) dated 27th November 1823, the Judges on the 24th of that month directed by a circular order that the several criminal Judges and Magistrates should thereafter submit through the Provincial Courts of Circuit the Quarterly returns prescribed by Section XXIV Regulation X of 1816 and the half yearly statements of crimes committed and punishments inflicted, formerly under the orders of the Right Honorable the Governor in Council dated 8th May 1819 the serious attention of the Judges of the Provincial Courts of Circuit was at the same time directed to the correction of the evil particularly pointed out in your predecessor's letter above cited, and in order thereto the Judges were instructed to obtain, when necessary and lay before the Foujdaree Udalut a full explanation of the causes for any remarkable disparity which might appear between the numbers of persons apprehended in different Zillahs and between the number in each Zillah apprehended and the number convicted.

3. The instructions contained in your letter No 355 dated 17th Ultimo, in respect to the particulars proper to be inserted in the half yearly Statements of the Magistrates will prevent the recurrence of the extensive inaccuracy observable in the general Statement for the last half year of which the

the cause was explained in the papers, which accompanied my letter to your address of No 50 dated 6th ultimo.

4. The two half yearly statements herewith submitted exhibit, when compared with the statement for the first half of the year 1823 submitted to Government under date 16th October last a great diminution in the number of persons returned as having been apprehended; this is no doubt to a certain degree attributable to the Circular order of the Toungdaree Mahalut, dated 24th December 1823, explaining that under the heads of persons apprehended was intended to be included the numbers of persons taken into custody and not of those merely summoned to answer trivial charges; with reference to which order it was explained in a Circular Letter dated 27th March last that the half yearly statement should shew the total number of persons deprived of personal liberty but the Judges of the Court of Toungdaree Mahalut do not consider that the exclusion from these returns of the number of persons summoned on trivial charges which may have been before erroneously included in that of persons apprehended, is sufficient to account for so great a discrepancy between them: the Judges apprehend, that implicit reliance cannot be placed on the accuracy of this part of the Statements generally; particular instances will be noticed on this occasion of seemingly punishable incorrectness, for which the Judges find it difficult to imagine ten excuses after the repeated injunctions which have been addressed to the Magistrates for this purpose.

5. The two half yearly Statements shewing the

the number of persons apprehended released and punished from 1st January to 30th June 1823 exhibited 4392, as the number apprehended: the accompanying statement for the last half of the year 1823 gives 2318; and that for the first half of the present year 2350, as the number apprehended within those periods respectively.

6. The Judges of the Provincial Court of Circuit in the Centre Division have reported to the Toungdaree Mahalut that the Magistrates have been called upon for explanation of the causes of the remarkable disparity observable in the Statements for the last half of the year 1823 between the numbers of persons apprehended in different Zillahs, and between the number apprehended and the number convicted. The explanations so called for have not yet been forwarded to the Toungdaree Mahalut, but the Judges do not consider it proper, on that account further to postpone the transmission of the general Statements to the government.

7. The Judges of the Provincial Court in the Northern Division, having altogether omitted to call for the explanations on the above points, which the Statements furnished by the Magistrates for the above period evidently called for, have been admonished for their neglect of the Courts orders, and directed to require from the Magistrates the necessary explanations.

8. By the Statements from the Southern Division for the last half of the year 1823 the number of persons apprehended in Tongoo, is shewn to have been more

than

than double the number apprehended in any of the other districts excepting Trichinopoly the Magistrate of which district has explained that up to the period of framing the statement the Police Officers had been in the habit of apprehending by warrant persons who ought only to have been summoned to answer to trivial charges brought against them which practice has been strictly prohibited: but although the number of persons apprehended in Tanjore be so much greater than the number apprehended in any other Zilla it is remarkable that it falls short by considerably more than one third of the number returned as apprehended in the half year immediately preceding: the number of persons returned as having been apprehended in Tanjore from 1st January to 30th June 1823 was 4328; and from 1st July to 31st December 1823, 2695-

9. The statements for the last half of the year 1823 received from the Western Division do not appear to the Judges to require any remark.

10 In the Statements received from the Magistrates in the Centre Division for the first half of the present year, considerable disparities are observable between the numbers apprehended in the different districts, and between the number returned as having been apprehended in the same district in that, and the preceding half year No explanations on the subject have been received from the Provincial Court to which attention will be called to the omission. The most extraordinary disparity is that between the number stated to have been apprehended in the Chingleput district and the number apprehended in the more extensive

extensive district of Tirdachellum, the former being 2493; the latter 396 the Judges are persuaded, that the statement, received from Mr Pyde, is incorrect; but having so long waited for the returns for this division they will not postpone this report for the purpose of obtaining the explanation called for from this officer, upon this point, and also in respect to the fact - inferrible from the omission of any return of convictions or acquittals by the officers of police, that the powers given to them by Regulation IV of 1821, are not brought into exercise.-

11. The Judges of the Provincial Court in the Northern Division having omitted to call for the explanations which the Statements furnished by the Magistrates in that division for the first half of the present year, appeared to require their attention has again been called to the subject; the disparity between the number of persons returned as apprehended in Trivagapatam and Ganjam districts of nearly the same extent, that for the former being 1858 and that for the latter 170 is irreconcilable with the supposition of their being both correct the Judges have apprized the Magistrate of Ganjam, that his Statement is not considered to be accurate the number stated to have been apprehended in this district in the last half of the year 1823 was 355, and in the six Months immediately preceding was 622-

12. The Statements furnished by the Assistant Magistrates of Trinevelly and Salem for the first half of the present year require particular notice.-

Hab

13. That received from Tinnevelly exhibited originally 3647, as the number of persons apprehended: and the Assistant Magistrate having been called upon to explain the great disproportion between that Number, and the number returned as apprehended in the preceding half year, namely 542, explained "that the "number of persons who were merely summoned to appear had "been by mistake included in the statement with the number "apprehended"; which in point of fact only amounted to 564"

14. Supposing the fact to be, as represented by the Assistant Magistrate, it would appear, that in addition to 564 persons apprehended on charges of offences not bailable 3383 were brought before the Magistrate and Heads of police by Summons, charged with trivial offences of the description specified in Section XXXII Regulation IX, and Section X Regulation XI of 1816: of whom it appears by the original Statement that 1966 were acquitted by the Police Officers, and 749 by the Magistrate.

15. Referring to the observations of the Honorable the Governor in Council, conveyed in your predecessors letter No 16 dated 6th May 1823, respecting the injury done to the country when a large proportion of its population is, on trivial grounds withdrawn from useful employment, as well as the injury to the individuals themselves, when such things happen without sufficient cause it is obvious to remark that whether persons are so brought before the inferior criminal tribunals by Summons, or under apprehension by warrant the evil is the same.

16. The Assistant Magistrate states in explanation of the extraordinary number, entered in the Statement of crimes committed, and of persons supposed to be concerned, that the numberless false complaints preferred in this district have in some degree tended to increase the number of persons suspected without a proportional increase in the number of crimes committed, the number accused on false complaints being usually larger than the number suspected in cases which have proved to be true; in confirmation of which it appears that the number of defendants in the twenty four false complaints entered in the last Calendar amounts to two hundred and fifty eight, making an average of about eleven Defendants to each offence.

17. Referring to the disparity which had been noticed by the Provincial Court between the proportions of crimes committed and persons suspected in this Zillah and the Zilla of Salem," the Assistant Magistrate observes that there are not "in many cases better sources of information as to the number supposed to be concerned than the report of the Meerasidars and Kurnums of the Village in which the crime is committed; that such information may have been in some cases exaggerated," but that he is not aware of any measures that can be taken to obviate the evil of it exists that a general order to the Meerasidars on the subject would be the means of reducing the number in their reports; but that he is doubtful that such reports would be more correct than those they send at present.

Fraser Diary 11th October 1824

The

18 The Judges will point out to the Magistrate of Tinnevelly the impropriety of including in a return of "crimes committed," cases of false complaint, in which it was found on investigation that the alleged crime had not been committed upon the representation of the Assistant Magistrate regarding the little dependance to be placed on the information furnished on this subject it appears obvious to remark that it is inconsistent with the exercise of any efficient supervision or control on the part of the district police officers over those under their authority.

19. The Provincial Court having called upon the Magistrate of Salem for explanation in regard to the disparity between the number of crimes committed and persons apprehended in the first half of the present year, and in the preceding half year, the Assistant Magistrate in charge has explained, that it is "attributable to the condition into which the lower classes of the inhabitants have been thrown by the unfortunate failure of the Monsoon and scarcity of subsistence"

20. The number apprehended in this Zilla from 1st July to 31st December 1823 was 556, and from 1st January to 30th June 1824 was 1654. The reason assigned by Mr. Dicey for this disparity appears sufficient to account for it but as the same cause has been in operation in other parts of the country, the great diminution in the total number returned as apprehended in the first half of the year, compared with the number stated to have been apprehended in the first half of the year 1823 affords the more extraordinary

Coyd aree Diary 11th October 1824

21. It will be observed that considerable disparity is exhibited by the statements between the number entered as sent to the Criminal Judge and the numbers received by that officer; in some cases the former being greater in others smaller than the latter.

22. This the Judges of the Coydaree Court consider to be generally sufficiently accounted for by the circumstance of there being at the time when the statements are made up prisoners their sent to the Criminal Court who would be included in the number sent, and not in the number received.

23. This it appears by the statements for the last half of the year 1823 that the number of persons sent by the Magistrates and Police Officers of Chingleput and Tirdachellum, exceeded by 66 the number received by the Criminal Judge while the statements for the first half of the year 1824 shew that the numbers sent in that period fell short of the number received by 53. And in the last half of the year 1823 it is shewn, that in the districts of Masulipatam and Rajahmundry 79 more were sent than were received; the statements for the first half of the year 1824 shewing that 63 more received than sent in that period; the excess in each instance being obviously attributable to the number of persons on their route to the Zillah Stations at the periods when the statements for the last half of 1823 were made up. The Judges have instructed the Provincial Courts to obtain explanations whenever the disparity here alluded to may not

not be satisfactorily accounted for.

24. The discrepancy observable in the last statement between the number of persons committed for trial, and disposed of by the Courts of Circuit, between and the number concerned in Trials referred to the Court of Toujdaree Adaulut and disposed of by that Court, arises in the former cases from the returns of commitments being brought down to the commencement of the 2nd Sessions of Gaol Delivery for this year and in the latter from their being cases of the first Sessions under trial before the Court of Toujdaree Adaulut and also cases set down in the Calendars for reference which had not reached the Court on 30th June last.

25. The only additional observations which it occurs to the Judges to offer in submitting these Statements to the Government are embodied in a letter addressed to the Judges of the Provincial Court of Circuit in the Southern Division under date 2d Ultimo, where of a copy was furnished to the Judges of the other Provincial Courts, and a copy is herewith transmitted for the purpose of being laid before the Honorable the Governor in Council.

11th October 1824.

(Signed) W. Hudleston

Register

Statement

October, 1824 —

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 Court of Circuit and by the Toujdaree Moalut from 1st July to 31st December 1823.—

	No. & number of Crimes & complaints of petty Suits	No. & number of persons apprehended by the Police	Magistrate: Number of Persons acquitted	Magistrate: Number of Persons convicted	Punishments inflicted by the District Police officers	Punishments inflicted by the Magistrate	Total number of persons sent by the District Police officers and Magistrates to the Criminal Judge
			By the Police officers	By the Magistrate	By the Police officers	By the Magistrate	
Centre Division							
Bellasee	524	676	—	175	175	122	126 248
Ringleputt	984	2372	849	327	1176	768	194 968
Terdachelleum	827	1494	—	932	932	255	252 507
Chittoor	1433	2646	848	998	1841	614	164 778
Cuddapah	920	1048	—	52	52	214	86 300
Total	4688	8524	169	2244	4417	1973	822 2795
Northern Division							
Masulipatam	373	753	—	93	93	—	549 549
Rajahmundry	470	1171	—	424	424	—	415 415
Nellore	103	306	—	4	4	—	150 150
Guntoor	523	1010	—	257	257	—	625 625
Vizagapatam	400	1071	—	388	388	—	545 545
Ganjam Chicacole	112	355	—	89	89	—	194 194
Total	1981	4666	—	1255	1255	—	2478 2478
Southern Division							
Combaconum	809	2695	249	184	433	142	554 696
Trichinopoly	515	1855	—	704	704	—	838 838
Darapooram	214	361	—	27	27	—	236 236
Salem	326	556	—	74	74	—	109 109
Madura	419	979	—	542	542	—	441 441
Tinnevelly	157	542	144	134	278	77	31 108
Total	2440	6788	393	1465	1858	150	2220 3702
Western Division							
Canara	990	1173	81	124	205	840	179 1019
Malabar	774	1945	678	153	831	474	48 522
Seringapatam	71	92	—	31	31	—	10 10
Total	1835	3210	759	308	1087	1314	237 1551
Grand Total	10894	23188	2844	5512	8356	4789	5737 10526

	Criminal Judge: Number of Persons committed	Number of persons acquitted	Number of persons convicted	Punishment inflicted by the Criminal Judge: No. of persons fined	No. of persons imprisoned	No. of persons fined & imprisoned	No. of persons executed	Number of persons committed to the Court of Circuit	Court of Circuit: Number of persons acquitted	Number of persons convicted	Punishment inflicted by the Court of Circuit: No. of persons fined	No. of persons imprisoned	No. of persons fined & imprisoned	No. of persons executed	Toujdaree Moalut: Number of persons referred to the Toujdaree Moalut	Number of persons acquitted	Number of persons convicted	Sentence: Death	Sentence: Transportation	Sentence: Imprisoned
Centre Division																				
Bellasee	248	124	58	5	53	—		68	27	31	—	31	—		19	1	12	2	2	8
Ringleputt	223	86	47	8	38	1		29	19	14	—	14	—		—	19	5	1	—	4
Terdachelleum	352	200	62	7	55	—		58	26	10	—	10	—		14	2	6	—	—	6
Chittoor	668	286	126	2	121	3		256	55	6	—	6	—		25	1	10	1	1	8
Cuddapah	1486	649	293	22	267	4		411	127	61	—	61	—		58	23	38	4	3	26
Total																				
Northern Division																				
Masulipatam	364	105	34	13	21	—		201	11	15	—	15	—		23	8	28	1	18	9
Rajahmundry	297	94	81	1	79	1		64	19	13	—	13	—		7	—	8	3	4	1
Nellore	198	64	15	1	14	—		68	44	1	—	1	—		32	30	8	1	4	3
Guntoor	859	263	130	15	114	1		333	74	29	—	29	—		62	38	44	5	26	13
Vizagapatam																				
Ganjam Chicacole																				
Total	379	186	114	20	93	1		69	22	12	—	12	—		—	—	—	—	—	—
Southern Division																				
Combaconum	455	225	192	6	185	1		53	18	6	—	6	—		10	4	7	3	4	—
Trichinopoly	378	198	73	26	46	1		106	57	13	—	13	—		6	1	5	1	4	—
Darapooram	1212	609	379	52	324	3		238	97	31	—	31	—		16	5	12	4	8	—
Salem																				
Madura																				
Tinnevelly																				
Total																				
Western Division																				
Canara	429	100	131	74	57	—		126	34	8	—	8	—		72	2	11	2	1	8
Malabar	569	336	103	14	87	2		102	41	39	—	39	—		56	15	20	2	11	7
Seringapatam	51	—	46	8	38	—		5	1	2	—	2	—		1	—	—	—	—	—
Total	1049	436	280	96	182	2		233	76	49	—	49	—		129	20	31	4	12	15
Grand Total	4606	1956	1082	185	887	10		1205	374	170	—	170	—		265	86	120	17	49	54

Abstract

By the Magistrates

Apprehended 23188

Acquitted and Released 8356
Convicted and Punished 10526
Sent to the Criminal Judge 4728
20610

By the Criminal Judge

Forwarded by the Magistrate 4728.

Acquitted and Released 1959
Convicted and Punished 1082
Committed for Trial 1205
4246

By the Court of Circuit

Committed for Trial 1205.

Acquitted and Released 374
Convicted and Punished 170
Referred to the Toujdaree Moalut 265
809

By the Toujdaree Moalut

Referred 265

Acquitted and Released 86
Convicted and Punished 120
206

Toujdaree Moalut
Registers Office
11th October 1824

E. Lyon
Signed W. Dudleston Register

Foujdaree

Statement Shewing the Number of Persons apprehended released and Magistrates Criminal Judges and Court of Circuit and by the Foujdaree Adaulut from 1st January to 30th June 1824.

	Number of persons apprehended	Number of persons acquitted	Number of persons committed	Punishments inflicted by the District Police officer	Punishments inflicted by the Magistrate	Total number of persons sent by the District Police officer & Magistrate to the Criminal Judge
	Exhibited by Police Officer	By the Magistrate	By the Magistrate	By the Police officer	By the Magistrate	
	Total	Total	Total	Total	Total	
	No. of persons	No. of persons	No. of persons	No. of persons	No. of persons	
	Acquitted	Committed	Acquitted	Punished	Punished	
Centre Division						
Bellaree	912 161 1124	– 173 173	612 131 743	464 65 83	53 65 18	208
Chingleput	1008 272 2493	552 313 865	823 316 1139	415 140 268	119 166 81	489
Verdachellum	298 66 396	– 94 94	– 179 179	– – –	8 33 138	123
Chittoor	890 186 1641	202 227 429	475 137 612	113 73 289	59 19 59	600
Cuddapah	1065 556 1902	– 57 57	310 69 379	– 71 269	– 18 81	1466
Total	4173 1241 7556	754 864 1618	2220 802 3052	992 349 879	289 301 292	2886
Northern Division						
Masulipatam	256 721 352	37 78 115	119 35 154	– 94 25	– 18 17	83
Rajahmundry	541 1558 919	204 149 353	195 207 402	1 10 184	17 111 79	164
Nellore	364 1670 1170	133 19 152	388 82 470	– 50 338	56 19 7	548
Guntoor	355 1302 617	240 28 268	138 113 251	– 101 37	14 70 29	98
Vizagapatam (Chicacole)	663 – 1858	– 1090 1090	466 55 520	116 263 87	– 16 4	248
Ganjam (Chicacole)	72 170 170	– 18 18	29 56 85	– 19 10	17 21 8	67
Total	2251 5421 5086	614 1382 1996	1334 548 1882	116 537 681	139 265 144	1208
Southern Division						
Combaconum	794 2772 2281	149 106 255	1419 334 1753	936 355 128	143 160 31	273
Trichinopoly	105 784 477	25 321 346	31 48 79	– 2 29	35 10 3	52
Darapooram	249 445 413	37 17 54	164 87 251	13 2 149	20 54 13	108
Salem	1005 1979 1654	243 123 366	566 197 763	– 118 448	26 75 96	525
Madurea	640 1761 1506	137 133 270	840 127 967	135 116 589	77 41 9	269
Tinnevelly	976 5806 564	1966 749 2715	624 171 795	547 4 73	120 38 13	137
Total	3799 13547 6895	2557 1449 4006	3644 984 4628	1601 597 1416	421 378 165	1364
Western Division						
Canara	1000 1902 1040	76 137 213	985 244 1229	446 301 138	137 77 30	288
Malabar	1240 3060 2825	520 124 644	944 233 1177	442 448 54	9 115 9	1004
Seringapatam	66 106 106	– 30 00	– 47 47	– – –	16 20 11	29
Total	2306 5068 3971	596 291 887	1829 524 2353	888 749 192	262 212 50	1321
Grand Total	12529 36453 23508	4521 3986 8507	9027 2868 11895	3627 2282 3168	1061 1156 651	6779

By the Magistrates			By the Criminal Judge	
Apprehended 23508	Acquitted and Released	8507	Acquitted to the Magistrate 6779	Acquitted and Released 3139
	Convicted and Punished	7186 5		Convicted and Punished 1621
	Sent to the Criminal Judge	6479		Committed for Trial 1489
		27781		6249

Foujdaree Adaulut
Register's Office
11th October 1824.

Diary 11th October 1824

Furnished together with the Return of all punishments inflicted by the Foujdaree Adaulut from 1st January to 30th June 1824.

Criminal Judge										Court of Circuit			Foujdaree Adaulut					
Number of persons Exhibited	Number of persons acquitted	Number of persons committed	Number of persons Punished	Punishments inflicted by the Judge	Number of persons committed from the Court of Circuit	Number of persons acquitted	Number of persons committed	Punishments inflicted by the Court of Circuit	Number of persons Punished	Number of persons acquitted	Number of persons committed	Number of persons Punished	Number of persons Sentenced to Death	Number of persons Sentenced to Transportation	Number of persons Sentenced to Imprisonment	Sentence Confirmed	Sentence Annulled	Sentence Modified
191	54	63	–	62	1	74	13	17	"	17	"	12	2	16	4	3	9	
665	340	126	16	110	–	155	83	18	"	18	"	37	"	"	"	"		
615	287	157	5	143	9	90	24	27	"	27	"	55	3	19	5	5	9	
1112	421	224	1	219	4	423	82	16	"	16	"	224	6	9	3	3	3	
2583	1102	570	22	534	14	742	202	78	"	78	"	348	11	44	12	11	21	
												177	5	38	3	2	33	
310	166	82	3	78	1	75	36	"	"	"	"							
611	292	207	4	193	10	147	10	25	"	24	1	85	20	6	"	"	6	
186	121		13	20	–	69	"	2	"	2	"	58	6	19	1	8		
1107	579		20	291	11	291	46	27	"	26	1	320	31	63	4	10		
309	197	22	6	16	–	109	67	14	"	14	"	27	"	13	1	11	1	
647	268	337	8	326	3	44	32	14	"	14	"	21	1	5	"	1	4	
389	208	61	3	58	–	119	29	1	"	1	"	12	10	6	1	2	3	
1343	673	420	17	400	3	272	128	29	"	29	"	60	11	24	2	14	8	
310	128	139	47	92	–	98	45	3	"	3	"	35	31	25	4	4	17	4
976	657	143	29	111	3	84	46	22	"	22	"	15	3	6	2	"		
29		27	7	19	1	2	2	1	"	1	"	"	"	"	"	"	"	
1375	785	309	83	222	4	184	93	26	"	26	"	80	34	31	6	4	21	
6348	3139	1621	142	1447	32	1489	469	160	"	159	1	778	87	162	24	39	99	

Abstract

By the Court of Circuit –

Committed for Trial 1489	Acquitted and Released	469	Referred 778	By the Foujdaree Adaulat – Acquitted and Released 87
	Convicted and Punished	160		Convicted and Punished 162
	Referred to the Foujdaree Adaulat	778		249
		1407		

E. E. Fa
Clynes Mr Ruthven – Registr.

Foujdaree Diary 11th October 1824.

No 449. To the Judges of the 4 Provincial Courts of Circuit.

Gentlemen,

1. We have yearly statements of crimes and punishments, furnished by the Magistrates, when framed agreeably to the Circular orders of the Court of Foujdaree Adalut dated 27th March last exhibit under the head of "persons apprehended" the number of those persons only, who have been deprived of personal liberty; but not those "summoned to answer trivial charges, which may be dismissed "on their appearance in person or by Vukeel," nor "who being "so summoned may be adjudged to pay a fine, and on immediate payment thereof be allowed to return to their homes "without having been placed in durance."

2. Under the head of persons fined by the Magistrate, and the officers of police, the form of the statement required, is that the number of persons, excluded from the column of apprehensions should appear.

3. Hence necessarily arises a discrepancy between the total number of persons, acquitted, punished and sent to the Criminal Judge, and the number of persons apprehended.

4. The Honorable the Governor in Council having, with reference to this circumstance, intimated to the Court of Foujdaree Adalut his desire, that "the column of apprehensions "may continue, as at present to show the total number of "persons deprived of personal liberty, and that the specification in the subsequent columns may be confined to "those individuals," the Judges direct, that in future the cases of all persons, fined by the police, and of all, who may have appeared before the Magistrate, in person, or by Vukeel, and been discharged on payment of a fine, adjudged by that officer, be excluded from the half yearly statement, now required.

5. The Judges desire, that the statement in question may in future be drawn up in strict conformity with the accompanying form, marked A.

Your

6. You will instruct the several Magistrates within your jurisdiction to transmit half yearly, together with the abstract statement, a separate statement of persons, fined by the Magistrate, and the officers of Police in the accompanying form marked B.

7. The Judges of the Court of Foujdary Adalut desire, that your letter forwarding these two statements may be accompanied by an abstract statement in the form marked B.

8. The Judges expect, that you will be careful to call upon the Magistrates for explanations of any remarkable disproportion, which may appear between the number of persons apprehended in different Zillas, and between the numbers apprehended and committed in the same Zilla; that you will cause the correction of any statements, which may in any respect differ from the forms herein prescribed, previously to their transmission to this office; and that whenever there may appear ground to question the accuracy of any entries in the statements, you will require explanation, and eventual revision of them.

9. The Judges of the Foujdary Adalut observe, that the statements shew in most instances a considerably larger number of persons sent to the Criminal Judge than appear by the Quarterly reports, furnished under the provisions of Section XXXV Regulation X of 1816, to have been received by this officer; and that in some instances the number, entered as sent to the Criminal Judge by the Magistrate, and the Heads of District Police, falls short of the number received by the Criminal Judge, within the period embraced by the statements.

10. Whenever the disparity here noticed may be greater than such as may be satisfactorily accounted for by the circumstance of some prisoners being in transit to the Zilla station at the time, when the half yearly and quarterly returns are made up, explanation should be called for.

11. The Judges, adverting to the large number of persons, returned as "imprisoned" by the Police Officers in

in certain Zillas, desire that the several Magistrates may be called upon to explain whether the entries in the part of the half yearly statements are limited to the cases, in which the power to adjudicate 24 hours' imprisonment is by Section XXXIII Regulation XI of 1816, given to Jahseeldars, or include cases, in which individuals may have remained for thirty days in confinement awaiting the Magistrates' orders on reports, furnished under Clause second Section IV Regulation IV of 1824, and have been released under the provisions of Clause third of the Section.

12. No cases besides those specified in the preceding paragraph can properly be included under the head of persons imprisoned by the Police Officers, when the Magistrate may issue an order for imprisonment, on the report of the Head of District Police, the case should be included under the Head of punishments, inflicted by the Magistrate.

(Signed) W. Hudleston

11th October 1824.

Register

Abstract

A

Abstract Statement of crimes committed in the Zilla of
on conviction by the Magistrate and the District Police Officers

	Number of Crimes committed	Number of persons committed	Number of persons apprehended but acquitted						
			By the Police Officer	By the Magistrate	Total	By the Police Officer	By the Magistrate	Total
Total..	1240.	3060	2825.	700	300.	1000.	520	124	644
For the 6 months ending on 31st December 1823.	1200	3000.	2700.	650.	250.	900	500	100	600.

For the Statement for the last six months of each year
see the following pages

For the 6 months ending on 31st December 1824	1250.	3070	2875.	710.	310.	1020.	530.	134.	664
For the 6 months ending on 30th June 1824	1240.	3060	2825.	700.	300.	1000.	520.	124	644
Total for 1824	2490.	6130.	5700.	1410.	610.	2020	1050.	258.	1308
Total for 1823	2400.	6000	5400.	1300	500	1800	1000	200.	1200

Foydaree Adalut
Registers Office
11th October 1824

of Persons apprehended and punished by Stripes and imprisonment
and of persons sent to the Criminal Judge from 1st January to 30th June 1824.

Numbers of persons committed.			Punishments inflicted by the Police Officer		Punishments inflicted by the Magistrate		Number of persons sent by the District Police Officers and the Magr to the Criminal Judge.
By the Police Officers	By the Magistrate	Total	Number of persons imprisoned	Number of persons flogged	Number of persons imprisoned	Number of persons flogged	
944.	233.	1177.	54.	890.	224.	9	1004.
900.	200.	1100	50.	850.	195.	5.	1000.
954.	243.	1197.	64.	890.	234.	9.	1014.
944	233	1177.	54.	890.	224.	9	1004.
1898	476.	2374.	118	1780.	458.	18.	2015.
1800	400	2200	100	1700	390	10.	2000.

/Signed/ R. Hudleston
Register

Hoydarly

Abstract Statement of Petty Offences committed in the District Police Officers from 1st January to 30th June 1824.

Number of petty offences committed.	Number of persons concerned.	Number of persons acquitted			Number of persons found committed		Number of persons fined by the Police Officer under the provisions of the V Geo IV Cap 83	Number									
		By the Police Officer	By the Magistrate	Total	By the Police Officer	By the Magistrate		Under Section XXI Regn I of 1812	Under Section XXIII Regn I of 1812	Under Section XXIV Regulation I of 1812	Under Section XXXII Regulation IX of 1816	Under Section XXXV Regulation IX of 1816	Under Section III Regn III of 1819	Under Clause 5th Section VII Regn I of 1820	Under Section IV Regn V of 1821	Under Section VIII Regn V of 1821	Under Clause 3d Section XVI Regn VI of 1821	Under Section VII Regn II of 1822	Total.
Total 2000	2650	450	950	1400	400	850	1250	400	100	80	120	90	100	40	60	50	80	60	850

Hoydarly Adalett
Register's Office
11th October 1824

Diary 11th October 1824.

B

Zilla of and of persons fined by the Magistrate and

8

of persons fined by the Magistrate.

/Signed/ W. Maddleston
Register

Foujdarie

Abstract Statement of all crimes committed in the South

imprisonment on conviction by the Magistrates and the District

30th June 1824.

	Number of crimes committed	Number of persons supposed to be concerned	Number of persons apprehended	Number of cases disposed of. By the Police Officer	By the Magistrate	Total	Number of persons acquitted. By the Police Officer	By the Magistrate	Total
Trichinopoly	135.	784.	442.	65.	70.	135.	25.	321.	346.
Tanjore	794.	2772.	1202.	430.	364.	794.	149.	106.	255.
Salem	1005.	1979.	1628.	550.	455.	1005.	243.	123.	366.
Coimbatore	249.	445.	380.	100.	149.	249.	37.	17.	54.
Madura	640.	1761.	1294.	300.	340.	640.	137.	133.	270.
Tinnevelly	976.	5806.	2980.	600.	376.	976.	1966.	749.	2715.
Total	3799.	13547.	7926.	2045.	1754.	3799.	2557.	1449.	4006.

Foujdaree Adaulut
Register's Office
11th October 1824

C.

ern Division of persons apprehended and punished by Stripes and of

Police Officers and of persons sent to the Criminal Judges from 1st January to the

Number of persons convicted			Punishments inflicted by the Police Officer		Punishments inflicted by the Magistrate		Number of persons sent by the Magistrates and District Police Officers to the Criminal Judges
By the Police Officer	By the Magistrate	Total	Number of persons imprisoned	Number of persons flogged.	Number of persons imprisoned	Number of persons flogged.	
31.	13.	44.	2.	29.	10.	3.	52.
483.	191.	674.	355.	128.	160.	31.	273.
566.	171.	737.	118.	448.	75.	96.	525.
151.	67.	218.	2.	149.	54.	13.	108.
705.	50.	755.	116.	589.	41.	9.	269.
77.	51.	128.	4.	73.	38.	13.	137.
2013.	543.	2556.	597.	1416.	378.	165.	1364.

Signed W. Huddleston
Register

Fujdaree Adalut

/No 60/

No 450. To the Secretary to Government
in the
Judicial Department

Sir,

I am directed by the Judges of the Court of Fujdaree Adalut to acknowledge the receipt of your letter dated 8th Instant, and to transmit to you the accompanying list of Twelve convicts forwarded by the Acting Criminal Judge in the Zilla of Chingleput under sentence of transportation.-

11th October 1824. /Signed/ H. Hudleston

Register

List

Fujdaree Diary 11th October 1824.

List of Convicts armed at Chingleput under sentence of Transportation.

No.	Name	Caste or Nation	Crime	Date of Sentence	Remarks
1.	Pandoba Samiah	Canarese	Robbery by Gang.	To be imprisoned and transported to such place or places beyond the Limits of this Presidency as the Governor in Council shall appoint there to be employed at hard labour in irons on the public roads or other public works for and during the term of their natural lives respectively.	
2.	Pandoba Chittumah				
3.	Comaty Chittumah alias Chinnamah				
4.	Gunnadah Ramoroo.				
5.	Chittagadoo		Robbery by Gang.	To be imprisoned and transported to such place or places beyond the Limits of this Presidency as the Governor in Council shall appoint there to be employed at hard labour in irons on the public roads or other public works for and during the term of their natural lives respectively.	
6.	Bolla Ramgadoo				
7.	Tamadala Nawagandoo.		Gang Robbery & Murder.		

No 451 To the Secretary to the Marine Board.

Sir,

I am directed by the Judges of the Court of Foujdary Adalut to acknowledge the receipt of your letter dated 9th Instant and to state, that under orders received from the Government on the 8th Instant instructions were sent to the acting Criminal Judge in the Zilla of Chingleput to forward the convicts at that place sentenced to transportation to Madras, and that Mr Baileau has reported their dispatch from Chingleput on the 10th Instant.

/signed/ W. Hudleston
Register

11th October 1824.

No 452 To the Criminal Judge in the Zilla of Bellary

Sir,

I am directed by the Judges of the Court of Foujdary Adalut to transmit to you the accompanying copy of a letter, dated 5th Instant, from the Secretary to Government in the Judicial Department and of its enclosure, and to desire, that you will submit these papers to the 3d Judge on Circuit with the proceedings on the case, to which they have reference.

/signed/ William Hudleston
Register

12th October 1824.

No 453 To the Magistrate in the Zilla of Chittore

Sir,

1. With reference to your letter, dated 5th and to my reply thereto, dated 8th Instant, I am directed by the Judges of the Court of Foujdary Adalut to transmit for your information the copy of a letter, addressed to the Secretary to Government in the Judicial Department under date 8th, and of the reply thereto, dated 12th Instant.

2. You will perceive the expediency of not allowing

5 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

6 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

7 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

8 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

9 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

10 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

11 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

12 Extract Proceedings of Magistrate of Chittore, dated 1st August 1824, with Report of Coroner's Inquest held on the Body of Cannoo Bungaroo. 3rd August 1824.

Foujdary Adalut Register's Office
11th October 1824.

/signed/ W. Hudleston
Register

allowing publicity to the contents of the latter communica=
=tion, until you may deem it proper to act under the au=
=thority, which it conveys.-

/signed/ W. Hudleston, Registr

13th October 1824.

D°15th To the First Judge late 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 Ultimo, forwarding translations of certain papers, connected with case No. 44 Malabar Calendar 7th Sessions A.D. 1824, and recommending that the prisoners may be discharged without trial.-

2. The Judges direct me to observe, that under the stand=
=ing orders of the Foujdaree Adalut you should have discharged the prisoners, if it appeared to you, that sufficient grounds did not exist for putting them upon their trial, reporting the proceeding and the reasons for it's adoption to the Court, instead of applying to them to dispose of a matter, falling properly within the province of the Judge presiding in the Sessions.-

3. Upon consideration of your letter and of the pa=
=pers which accompanied it, the Judges concur with you in opinion, that the prisoners in the case above mentioned should be discharged, and they desire that you will issue the necessary order for that purpose to the Acting Criminal Judge, transmitting a copy of this letter to the Acting Judge on Circuit for his information and guidance.-

4. The Judges concur with you in opinion, that the "examination of a Party in a Civil suit on Oath except "under the circumstances provided for in Section VI Regu= "=lation III of 1803 is illegal and unauthorized," and consequently that false swearing in such an examination cannot render the party liable to the penalties of Perjury.-

5. The Judges do not concur in the opinion, which you appear to entertain that for a false charge delivered on

oath under the provisions of Clause first Section XII Regu=
=lation XII of 1802 the person making the charge should not be brought to trial for Perjury, because Clause thirteenth (twelfth) of that section allows to the accused party a remedy by an action for damages, if the charge brought against him shall not be proved: it appears on the contrary, to the Judges, that the private remedy in no way bars a recourse at the instance of the Court to which the charge may be preferred to the criminal tribunals for the punishment of the crime for the ends of public justice.

6. The complex and elaborate paper, prepared by the Criminal Judge as the indictment of the prisoners is essentially at variance with the rules, prescribed by the circular orders of the Court of Foujdaree Adalut to be observed in framing the arraignment on a charge of Perjury.-

7. After the recital of diverse averments, made by the 1st Prisoner, as Plaintiff, in suit No. 93 of 1824, on oath, the indictment does not proceed with an affirmation of the truth and fact, of those averments, on proof of whereof would depend the prisoners' conviction of Perjury, but declares, that "in truth and fact" the Plaintiff in a certain deposition, taken in the Talook Cutcherry, delivered statements contradictory of them.-

8. The same departure from the standing orders on this subject, as is here pointed out, is observable in the indictments of the other three prisoners.-

9. The Judges are unable to account for the Criminal Judge's apparent misapprehension of their instructions on this subject.-

10. It is manifest, that the fact of the 1st prisoner's having given before the Tahsildar a deposition contra=
=dictory of his deposition, subsequently given before the Zilla Court, could not be adduced as evidence of his perjury in the latter deposition, which could be esta=
=blished only by proofs of facts at variance with the averments, on which the perjury was alleged.-

of-

11 If the 5th prisoner delivered a charge on Oath under the provisions of Clause first Section XII Regulation XII of 1802, and that charge appeared to be false, his indictment for perjury should have been laid on the false allegations, contained in that charge: as above intimated the Judges are clearly of opinion, that the indictment against this prisoner, independently of its' defectiveness in essential points of form, inasmuch as it is founded on a deposition irregularly taken on oath from a Party in a Civil Suit, could not be sustained.

12. The last remark does not apply to the charges preferred against the other prisoners, who were committed for perjury in depositions regularly taken on oath, but in so far as it appears that the proof of their perjury is made to depend on "discrepancies and variations in conversations "and circumstances that occurred between the Plaintiff and "other persons, particularly the prisoners, and the relation "of one is adduced as proof of the falsehood of what "the other had said and vice versa," it appears to the Judges, that independently of the flaws observable in the indictments, which have been framed against them, the charge could not be brought home to them, excepting upon evidence very different from what has formed the grounds of their commitment for trial, and that under these circumstances they ought to be discharged.

15th October 1824. (Signed) W. Hudleston. Register

№456 To J. H. Babie Esqr at Bombay.

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to transmit for your information the accompanying copy of a letter from the Secretary to Government in the Judicial Department, dated 8th Instant.

15th October 1824. (Signed) W. Hudleston Register

№457 To the Judge of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adaulut to transmit to you the accompanying copy of a letter, dated 8th Instant, from the Secretary to Government in the Judicial Department.

2. The Judges have transmitted a copy of this letter to Bombay for Mr. Babie's information; but as he may have sailed from thence, previously to its' reaching its' destination, a copy is sent to you for the purpose of being furnished to him, on his return to his station.

15th October 1824. (Signed) W. Hudleston. Register

№458 To the Magistrate in the Zilla of Chittoor

Sir,

1. I am directed by the Judges of the Sudr and Foujdaree Adaulut to transmit to you the accompanying warrant, which has been delivered at this Office by Mookoondoo Raiken, the person, to whom it is addressed.

2. The warrant not being in the form, prescribed in clause second Section XII Regulation IX of 1816 is not a "lawful process of "arrest," and cannot, therefore, be carried into execution under the provisions of Clause CXIII of the 53d of George the Third Cap. 155.

3. The person has been directed to remain in attendance until a warrant in due form shall be received from your office; and I am directed to transmit for your information and guidance the accompanying copy of an order, issued by the Sudr Court under date 4th August 1814, whereby you will perceive, that the warrant should have endorsed thereupon, or annexed thereto, a translation thereof in English, and should be enclosed in a letter, "addressed to the Register of the Court of Sudr and Foujdaree Adaulut."

15th October 1824. (Signed) W. Hudleston Register

№459 To the Secretary to the Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter of the 15th instant and to transmit to you the accompanying list of 27 convicts forwarded by the Criminal Judge of Malabar under sentence of transportation.

(Signed) W. Hudleston Register

No.	Name	Period of arrival at Chingleput.	From	Crime	Sentence.	Date of Sentence	Remarks
1.	Munddayadden alias Moondeadden Kellos						
2.	Chackeka alias Maamie Chundee a gatoo Umbaroo, or Pombara						
3.	Mavany Cocken, alias Moovany Cocken						
4.	Paddeinharavittil, alias Padignaravittil Karnen						
5.	Paddavatoo Vallapil Chandan	"					
6.	Tyen Kovacaren Uniyen or Ooneen						
7.	Pana pora karen Chavanien, or Chavanien						
8.	Paddavatoo Vallapil Ooneken alias Oneken						
9.	Anchumaiddea gatoo Coottially or Cooty ally						
10.	Vanattan Chundeen						
11.	Pallakol Kellapen	"					
12.	Komatha alias Kalladacherry Ruangaden						
13.	Mugacherry Goorkul, alias Rayamgavil pediakel Cheken Unya						
14.	Thoopil Chunhan						
15.	Vully aporakel Ramen						
16.	Kollatillatoo vogail Makoo	"					
17.	Cana Cama						
18.	Ittee						
19.	Mupsa						
20.	Wapoo Bhut						
21.	Venkatesha	"					
22.	Nicolao						
23.	Sangar allunjapah						
24.	Venkatesha						
25.	Ammia						
26.	Ramesher Karanta						
27.	Babaya	"					

Pudarea Udaiar
Register's Office
25th October 1823

No.	Name	Period of arrival at Chingleput.	From	Crime	Sentence.	Date of Sentence	Remarks
1.			Malabar	Gang Robbery and Violence.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	11th Septr 1823.	
2.			Malabar	Gang robbery with attrocity	To be imprisoned & transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life.	26th Septr 1823.	"
3.			Malabar	Gang robbery and attrocity	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	27th October 1823	"
4.			Canara	Murder.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned & kept to hard labour in Irons on the public roads or other public works for and during the period of his natural life.	18th April 1823.	"
5.			Canara	Gang robbery attended with violence.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	28th April 1823.	"
6.			Canara	Gang robbery attended with Violence.	To be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of their natural lives respectively.	19th May 1823	

/ Signed / R. Hutchinson
Register

No 403 To the Criminal Judge in the Zillah 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 instant, requesting under instructions from the 3d Judge on Circuit authority to tender a conditional pardon to one "Gowlee Varoogah", a prisoner implicated in a case of Murder, and annexing an extract of the proceedings of the Court of Circuit under date 3d May last, in which the opinion of the late Judge on Circuit is stated, that "if adequate evidence be not obtainable against all the prisoners without such aid," an application should be made by the Criminal Judge to the purpose of obtaining sanction for the offer of a conditional pardon to "the fourth prisoner"

2 The Judges direct me on this occasion to refer you to the provisions of Section XX and XXI Regulation VIII of 1802, which point out the circumstances under which applications of this nature are to be made to the Court of Foujdaree Adalut, and the information which is to be furnished by the officer making such application

3 It is impossible for the Judges to submit to the Government your present application, unaccompanied as it is by any statement of the circumstances of the case and of the means which have been taken to effect the conviction of the principal offenders, by copies of any examinations which have been held, or in short by anything, wherein they can found an expectation that the offer of a pardon to the abovenamed individual would be likely to forward the ends of public Justice—

4 With the clear intimation of the legislature in the provisions of the Regulations above cited, of the shape in which applications of this kind are to be submitted to the Foujdaree Adalut, the Judges consider the rejection of your communication to be unavoidable—

5 It will be your duty to submit a further application to the Court on this subject in sufficient time to admit of the case being disposed of by the 3d Judge presiding in Session—

25th October 1824— Signed W Rudleston Regr

No 464. To the Third Judge on 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 papers noted in the margin, with reference to which the Judges desire, that you will hold a preliminary enquiry for the purpose of determining whether or not John Dobling was born in Germany of foreign parents; and in the event of this point being decided in the affirmative, that you will instruct the Criminal Judge to hold the requisite proceedings for bringing him to trial before the Court of Circuit according to the Regulations—

25th October 1824. No 82 / Signed / W. Rudleston - Regr

No 470. 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 19th Instant, desiring that copies of all precepts "on questions of construction, which have been, or may hereafter be circulated to the inferior Courts, may be furnished for the information of the Government."

2. The object of these instructions is to put the Government in possession of the sense, in which the Regulations are understood and acted upon "in cases where doubts may have arisen," and it appears to the Judges, that in order to the complete attainment of that object a report should be made to the Government of the result of all references, made to the Sudr and Foujdaree Adalut, since its establishment, to determine the proper construction of the Regulations—

3. By far the greater part of these references

which have been very numerous, have been made by judicial officers upon the consideration of particular cases, to which they felt difficulties in applying the Regulations; and the resolution of the points, which have been propounded on such occasions, has been communicated only to the officer making the reference.

4. It appearing, however, to the Judges, that the determinations on points of construction, which have been framed on such occasions, ought for the reason above stated to be reported for the information of the Government, arrangements will be made for preparing the requisite report, which will necessarily be voluminous, and with the present establishment of this office will take up considerable time in preparation.

28th October 1824. /signed/ W. Huddleston, Register

№477 To the Judges of the Provincial Court of Circuit for the Centre Division

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 6th Instant stating that the Magistrate in the Southern Division of Arcot has again been called upon for the explanation, required by my letter of 4th ultimo.

2. Adverting to the delay, which has occurred in procuring this explanation, the Judges are inclined to think, that your mode of communication with the Magistrates cannot be in the form of precepts, returnable on a day therein fixed, which the Judges consider to be the only proper mode of conveying to those officers the orders of the Superior Courts.

3. Should you hitherto have omitted to do so, the Judges desire that you will immediately call for the information, required by my letter of 4th ultimo by a precept to the Magistrate returnable in two days; and should return not to be made agreeably to the exigence of the precept, you will call for an explanation of the delay by a further precept; and eventually proceed under the provisions of clause third Section XI. Regulation IX of 1816.

4. The Judges direct me on this occasion to call your attention to your omission to forward the requisite explanations, respecting the statements of crimes and punishments, furnished by the Magistrates for the last half of the year 1823; which it will eventually be proper, that you should obtain in the manner above pointed out.

/signed/ W. Huddleston Register

30th October 1824.

№478. To the Acting Judge of the Provincial Court of Circuit in the Centre Division

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 27th Instant, and to state, that the inscription represented to have been made on the forehead of the prisoner, Chinnee, is considered to be in conformity with the provisions of Section XXXV Regulation VII of 1802.

/signed/ W. Huddleston. Register

30th October 1824.

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

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 30th Ultimo, and to state, that, pending the existing discussion in regard to the proposed reductions in the business of the Courts of Circuit, an application to the Government for a permanent increase of the establishment of Persian writers, attached to the Provincial Court of Circuit, might be considered unreasonable.

/signed/ W. Huddleston Register

30th October 1824

No 488. To the Secretary to Government in the Judicial Department

(No 63)

Dated 7th

1st I am directed by the Judges of the Court of Adawlut to acknowledge the receipt of your letter of Toujdaree dated 15th Ultimo, transmitting the copy of a letter from the Magistrate of Tinnevelly, dated 16th September last, and desiring that the Judges will submit their sentiments on the subjects discussed in paras 5. 6. 7. and 8. of that letter.-

2d The 5th and 6th paragraphs of the Magistrate's letter contain suggestions, that persons, confined under the provisions of Section III Regulation II of 1822, should be put to labor during such confinement; and that clause first of the section should be modified, so as to authorize the Magistrate to demand in cases of this description security of the nature, exigible by the Criminal Judge of under clause first Section IV of the Regulation.-

3d The Judges observe in Section XXXIV of 1802 rescinded by Section II Regulation XI of 1816 a precedent for putting to labour persons, apprehended under circumstances of this description; by the Law of England hard labour for a limited period is imposed in such cases; and supposing that the power of commitment, vested in the Magistrates by Section III Regulation II of 1822, be in all cases exercised with sufficient caution and that proceedings be regularly held therein and recorded for the consideration of the Judge of Circuit.-

4. The Judges concur in the opinion, declared by the Magistrate, that it would be beneficial to authorize the requisition of security for future good behaviour in such cases, as are described in the 6th paragraph of his letter to prevent hardship in the application of the rule to persons belonging to a different Zilla from that in which they may be apprehended, a provision

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provision might be enacted for making such persons over to the Magistrate of the Zillah, to which they belong.-

5. In the 7th paragraph of his letter the Magistrate observes, that "the Court of Sudr Toujdaree Adalut has had frequent occasion to remark upon the want of uniform attention as well as uniform interpretation in regard to its "circular orders," that "these orders reach the Magistrates "in English and are translated into the general language "of the district for circulation," and that "it is obvious, "that from this proces twenty interpretations of the same "order must be in operation, which leaves sufficient room "for error without adverting to the different degrees of attention "or capacity exerted." And the Magistrate states his opinion, that it would conduce much to "uniformity "and a general good understanding, if all circular orders "in English were accompanied by the form of an order "in a Native language prepared in the Court from which "it issues, to be circulated to all Police Officers, and "that "if these orders were printed in sufficient number for the "use of each district much manuscript labour as well "as delay might be saved."-

6. The Judges of the Toujdaree Adalut are not aware, that diversities in the interpretation of orders issued by the Court for the guidance of the Officers of Police, have prevailed to any extent; and they are unable to follow the Magistrate to the conclusion at which he has arrived that the translation of their English orders into the languages of different districts, must occasion discordant interpretations of them.-

7. The objection here advanced by the Magistrate to the practice, which has hitherto obtained, does not appear to have occurred to the other Magistrates: to the Judges of the Toujdaree Adalut it appears, that the translation

of their orders in the Magistrates' office must be attended with the two fold advantage of greater accuracy in rendering the meaning in terms clearly intelligible to the Inhabitants of each district, than could be attained by the prepara=tion of the translations in this office, and of the immediate explanation of any part of the translations, where of the meaning might appear doubtful or be misunderstood.-

Having given to this suggestion of the Magistrate the best consideration in their power the Judges are not prepared to recommend its' adoption; but should it appear to the Honorable the Governor in Council, that the subject is deserving of more mature deliberation, they would propose to make a reference to the several Magistrates for their sentiments on the utility and expe=dience of the alteration, which he has proposed in the existing practice of the Court.

8. In the 10th paragraph of his letter the Magistrate states, that "evil disposed persons in this "district very often (and perhaps almost as often in "other districts) avail themselves of domestic accidents to "bring false charges of heinous offences either murder, or "housebreaking before the native Police Officers, or the "Magistrate, sometimes before both: and when the false=hood of the accusation is discovered, there is not," the Magistrate observes, as far as he is aware "any authority "for punishing the false accuser." The Magistrate proceeds to state his opinion, that "to allow a native Police officer "to dismiss these cases without reference to the Magistrate "might lead to serious abuse of power and could not "produce any good effect," that the suit is not likely to "be checked by the Defendants suing for damages "on account of defamation," and that it is very desirable that

provision

"that some provision should be made authorizing the Magistrate "to punish false complaints in all degrees of crime, when ith "such are brought before him and his inferior officers, both "with the view of checking such unreasonable demands upon "his time, and with the more important view of putting down "a practice very prejudicial to morals and good order."

9. For the opinion, avowed by the Magistrate, that there is "no authority for "punishing" a person, who may falsely charge another before a Magistrate with a heinous offence, the Judges are wholly unable to account: when the falsehood of such a charge may be established, the offender should invariably be brought to trial for perjury, and in the opinion of the Judges the penalties prescribed for this crime by the Regulations ought always to be inflicted upon such offenders. The punishment of fine or imprison=ment for preferring unfounded charges authorized by Section XXXVI Regulation IX of 1816 has always been limited to cases of the description referred to in Sections XXXII and XXXIII of that Regulation: and on general principles it does not appear to be expedient, that the power of ad=judicating that penalty should be extended to cases of a more serious nature, in which that measure of punishment would be obviously inadequate to the deep malignancy of the offence.-

10. As the Regulations do not authorize the Native officers of Police to receive complaints on oath, the punishment, which should follow the institution of a false charge before the Magistrate, cannot be applied in cases of false complaint preferred to those Officers for the punishment of persons preferring such false complaints the Judges of the Foydar Adalut consider that provision should be made: the Magistrates' orders for the reference of such cases to him would appear to be opposed to the provisions of Section XXVII Regulation

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XI of 1816, which moreover require that the Head of Police shall release the accused after apprehension should sufficient proof of his guilt not be adduced; and which clearly render it incumbent on such officer to dismiss the charge, if it shall appear that no credit is due to the accusation."

4th November 1824. (No 64) /signed/ W. Hudleston. Register

No 489. To the Secretary to the Government in the Judicial Department

Sir,

With reference to the 7th Paragraph of your letter dated 27th August last, 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 letter dated 29th Ultimo from the 2d Judge late on Circuit in the Western Division forwarding a report from the Magistrate of Malabar regarding the circumstances of the wounded person, recommended in his late Circuit report to the bounty of Government.

4th November 1824. /signed/ W. Hudleston. Register

(No 65)

No 490. To the Secretary to the Government in the Judicial Department

Sir,

With reference to your letter of the 24th September last, 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 letter dated 18th Ultimo, from the Magistrate of Coimbetoor explaining the reasons for the large establishment of Peons for the Jail Guard.

4th November 1824. /signed/ W. Hudleston. Register

No 491. To the Criminal Judge in the Zillah of Chicacole

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 27th Ultimo, requesting to be furnished with the original documents regarding Gootta Appanah's commitment, and of his having been sent to Ruang with any other documents of," this Court, that may be deemed necessary to be included in the record of the trial of the prisoner for the crime with which he now stands charged.

2. "The original documents" to which you refer, are included among the records of the Provincial Court of Circuit at Masulipatam, to which Court you should apply for them.

3. Certified copies of the only documents in this office, regarding Gootta Appanahs "having been sent to Ruang," were transmitted to you with my letter of 31st August last: these should be included in the record of the trial of this prisoner.

4th November 1824. /signed/ W. Hudleston. Register

No 492. To the 1st Judge on Circuit in the Southern Division

Sir,

Para 1st I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 28th Ultimo, forwarding the warrant issued by you for the execution of the 1st 2d and 3d Prisoners in case No 2 Madura Calendar 2d Sessions A.D. 1824 together with the copy of a letter from the Criminal Judge, who suggests that "warrants for the execution of criminals in the interior of the districts of Madura and Tinnevelly" be in future addressed to the Magistrates of those districts."

2. With reference to the provisions of Section XIII Regulation VIII of 1802, and Section XXXIX Regulation X of 1816, it would be requisite to enact a Regulation for the purpose of introducing the practice, recommended by the Criminal Judge, for which measure the Judges of the Foujdaree Adalut do not consider that sufficient grounds exist.

4th November 1824. /signed/ W. Hudleston. Register

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№494 To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter №486 dated 23d Ultimo, transmitting a correspondence relative to a doubt existing regarding the Jurisdiction to which Private John Dohling of His Majesty's 48th Regiment is amenable for a murder, which he is charged with having committed at Bellary in December last, I am directed by the Judges of the Toydaree Adalut to submit for the information of the Honorable the Governor in Council the accompanying copy of a letter, addressed to the 3d Judge on Circuit in the Centre Division under date 25th Ultimo on the subject, and his reply thereto, dated 1st Instant.

8th November 1824.

(Signed) W. Hudleston
Register

№495 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Toydaree Adalut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the papers noted in the Margin, and with reference thereto to submit their recommendation, that authority may be given for the tender of a conditional pardon to Goula Veeroogah under the provisions of Section XX Regulation VIII of 1802.

8th November 1824.

(Signed) W. Hudleston
Register

Letter from the Criminal Judge of the Zilla of Bellary dated 2d November 1824.

Copy of a letter to the Criminal Judge in the Zilla of Bellary dated 25th October 1824.

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

Gentlemen,

1. I am directed by the Judges of the Toydaree Adalut to acknowledge the receipt of your Return dated the 1st September last, to the precept of the Court under date the 26th August, transmitting the reports furnished by the Criminal Judges in your division under Section XXXV Regulation XVII for the second quarter of the present year, and of your letter dated the 15th September accompanied by the explanations required by you relative to certain numbers in those reports.

2. The Judges have observed that the same reasons for the illegal detention of persons apprehended, which have been so repeatedly declared insufficient continue to be assigned by the Police Officers.—

3. In Case №18 in the report furnished by the Criminal Judge of Chicacole a delay of 20 days is accounted for, as follows. "The Zemindar of Vizianagaram forwarded this prisoner on the 2d April and the prosecutor P. Boochanah did not come forward to prefer the charge against him till the 22d of that Month" and in №19 a delay of 31 days is explained in the same manner. In №s 24 to 28 inclusive the date of apprehension is stated to have been the 24th and 26th of January and the date of dispatch so long subsequent as the 10th June. These cases appear to have been also forwarded by the Zemindar of Vizianagaram to the Magistrate of Vizagapatam, by whom they were sent up to the Criminal Court. The crime with which the prisoners are charged is gang robbery, which under the provisions of Section XXVIII. Regulation XI. 1816 should have been forwarded direct to the Criminal Judge. The Judges observe to Senior what is the nature and extent of the police powers, with which under the provisions of Section XXXIX Regulation XI. 1816 the Zemindar of Vizianagaram is vested. It forms no part of the duty, but on the contrary it is expressly prohibited to

to Tahsildars to forward their proceedings with the prisoners in heinous cases to the Magistrate, and it is not easy therefore to understand, under what authority the Gumendar of Vizianagarum has been permitted to adopt a practice so obviously irregular, and which would appear to have been productive of much unnecessary hardship. The Judges direct that it be immediately discontinued.

4. In the form No 9 "report of prisoners tried and whose cases have been referred to the Fujdaree Adalut" the Criminal Judge has entered the number of cases referred as 151 whilst the report itself exhibits but 34. the number of cases referred and not the number of prisoners whose sentences may not have been received should be exhibited in the abstract. It will be the duty of the Judges of the Provincial Court of Circuit to enter in this report the date of reference whenever the Criminal Judges may have neglected or have not been able to do so. the Criminal Judge of Chicacole has omitted to make any entry under the head "When referred".

5. In No 8 of the report from the Criminal Judge of Masulipatam the reason assigned for a detention of 39 days from the 15th February to 31st March in a case of murder is that "the 1st Prisoner was not apprehended till the 23d February and that the "record of the case was sent by the Head of Police of "Pongoondah to the Magistrate's office" a proceeding directly at variance with the provisions of clause fourth section XXVII Regulation XI of 1816 which the Magistrate should be specially directed to prohibit, and to call the attention of the Assistant Magistrate and the Police officers to the Regulations enacted for their guidance.

6. The punishment awarded in Nos 18 and 35

is in the opinion of the Judges inadequate to the offence. The Criminal Judge does not appear to regard the crime of Cattle stealing in the serious light it deserves, nor to pay due attention to the provision of clause fourth section III Regulation VI 1822 which contemplates more severe punishments than that awarded in the instances under review. The delay in the first of these cases of 33 days is in no degree satisfactorily explained by the causes alleged "search made for run away persons and some of the witnesses neglecting to appear." In the form No 9 prescribed in section XXXV Regulation X of 1816 the Criminal Judge has neglected to insert the date of the trial in the column designed for that purpose and has entered in the Abstract the number of prisoners in lieu of the cases referred.

7. In the report from the Zilla of Nellore the reason given in Nos 3 and 4 for a delay of 7 days is that "the Police Officer" was out in his Talook on Revenue business when the Tahseldar may be absent from the Cutcherry station prisoners should be forwarded to him unless their arrival at the Zilla Court would be thereby delayed: and whenever this officer may leave his talook provision should be made for the discharge of the functions of his office by the appointment of an Acting Tahseldar. In explanation of a delay of 13 days in No 4 the Police officer states that the Prisoners though apprehended on the 3d March were not brought before him till the 15th The Criminal Judge ought to have brought this circumstance to the knowledge of the Magistrate, inasmuch as the Village police under clause second section V Regulation XI. 1816 are forbidden to detain any persons in custody more than 24 hours.

8. The Judges desire to know the causes which have prevented the Magistrate of Nellore furnishing the information called for by the Criminal Judge in his letter of the 11th April relative to the prisoners in

in case No 110.

9. In Nos 14, 15 and 16 the non performance of duty on the part of his subordinate, is assigned without any explanation as a reason by the Head of Police for a breach of the Regulations. These officers should be apprized that the responsibility for the due discharge of Police duties in the Talook, is not removed from them, and they should be required invariably to report the causes which have operated to prevent the completion of investigations within the period limited in the Regulations.

10. The Judges desire that it may be explained whether or not by the term "Ajustants" used in the translation of the Police Officers' explanation of the delay in case No 14 he meant an Officer appointed under the provisions of Section III Regulation IV of 1821: and that the reasons for his detaining the prisoners 11 days may be reported.

11. The explanation in No 21 which the Judge has afforded in his letter of the 20 Ultimo upon a reference made to him, should have appeared in the first instance in the column of explanation "more particularly since the Criminal Judge observes "that he was himself in possession of as much information as the Magistrate could have supplied".

12. In No 50 the charge entered against the prisoner "for subarning others to commit theft" requires an explanation which the Criminal Judge should submit. The Judges conclude that the Magistrate of Guntoor is aware, that unless the fact of the commission of the crime be established, no charge can possibly lie upon the grounds of being an accessary before the fact - these remarks may also prove to be applicable to No 25.

13. No 54 a case of theft attended apparently with

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with breaking by night is forwarded by the Police Officer to the Magistrate who entered into an examination of the case and then sent it to the Criminal Judge. The Regulations prescribe but one course of proceeding in all cases which from the Magnitude of the offence do not come within the provisions of Sections XXXII and XXXIII Regulation IX 1816 and the Heads of Police should be strictly enjoined on no account to depart from them, by submitting to the Magistrate cases which they are specially enjoined to forward to the Criminal Judge. Should any difficulties present themselves in charge before them it is their duty to dispose of the case at once and to make a report of the Proceeding to the Magistrate soliciting instructions for their future guidance.

14. The remarks in Para 6 of this letter are equally applicable to cases 63, 74, and 76 of the report of the Criminal Judge of Nellore. In Case No 75 it appears that a person was apprehended and detained in custody by the Police Officer 17 days and subsequently forwarded to the Criminal Judge upon a charge of "leaving the village after the head inhabitant had told him to remain suspecting him of having committed a robbery" constituting no offence whatever. The Judges are surprized that no reference was made upon this subject to the Magistrate and they desire that you do make the necessary communication to that officer and that he be required to caution the Police Officers against a similar illegal and unwarrantable exercise of his authority.

15. The Criminal Judges of Chicacole and of Masulipatam do not appear to have sufficiently observed the orders of the Foujdaree Adalut of the 5th November 1823.

16. In conclusion the Judges request with

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reference to their orders of 24th November 1823 directing you to transmit any explanations of the Criminal Judges and Magistrate which may appear to be required, that your own proceedings wherein the information may be called for with copies of all orders and instructions you may give may hereafter invariably accompany the Quarterly reports.

17. The Judges desire that you will communicate to the Criminal Judges such parts of the foregoing observations as concern those officers for their information and guidance.

11th November 1824. Signed D. L. Thomas Dy Register.

No. 501. To the Secretary to Government in the Judicial Department

Sir,

1. With reference to your letter No. 385, dated 24th September last I am directed by the Judges of the Court of Tellicherry dated to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter from the Acting Criminal Judge in the Zilla of Malabar, dated 7th Instant, with its enclosure from which it appears that with the assistance of a military guard, if allowed, the Magistrate will be able to provide for the safe custody of the convicts, proposed to be removed from Cochin to Tellicherry without incurring any additional expences.

2. Under the circumstances represented in the 3d Para of the Acting Criminal Judges letter, the Judges concur with him in thinking it expedient, that these convicts should be lodged in the Jail at Tellicherry.

11th November 1824. Signed W. Hudleston

No. 502 To the Criminal Judge in the Zilla of Chingleput

Sir,

1. I am directed by the Judges of the Court of Tellicherry dated to acknowledge the receipt of a letter dated 4th Instant, from the late Acting Criminal Judge, submitting an

an application for sanction to disburse Rupees 872 12 ½ for the purchase of the annual supply of clothing for the prisoners.

2. Unless any special order to the contrary has been given by the Government it appears to the Judges that the foregoing should form an item in the ordinary statement of contingent charges, in which the reason for any increase or diminution of charge on comparison with the preceding statement should be explained.

11th November 1824 Signed W. Hudleston. Register.

No. 511. To the Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

1. I am directed by the Judges of the Court of Tellicherry dated to acknowledge the receipt of your letter, dated 30th Ultimo and of the papers therewith transmitted.

2. Referring to the explanation given in the second paragraph of your letter regarding the case of the prisoner "Periacurpen", the Judges are unable to discover any material distinction between the charges recorded against him in cases No. 2 and 17 of the late quarterly report of the Criminal Judge and with respect to this prisoner as well as to Vullien the prisoner whose commitment for trial before the Court of Circuit was ordered by you, the Judges direct me to state, that nothing contained in their instructions communicated to you in my letter dated 27th March last, is intended to interfere with the Jurisdiction, which is in their opinion exclusively vested in the Criminal Judges over the cases described in clause third Sation V Regulation VI of 1822.

17th November 1824. Signed W. Hudleston

Register.

Poydaree Dcary 17th November 1824

No 512 To The Criminal Judge in the Zillah of Bellary

Sir,

With reference to your letters dated respectively the 12th Ultimo and 2nd Instant, I am directed by the Judges of the Court of Poydaree Adaulut to transmit for your information and guidance the accompanying copy of a letter addressed by them under dates to the Secretary to Government in the Judicial Department under date 8th and of the reply thereto dated 17th Instant - 17th November 1824 - Signed W. Hudleston - Register -

No 513 To The Magistrate of Coimbatore

Transmitting Copy of a letter dated the 12th Instant from the Secretary to Government in the Judicial Department stating that the Governor in Council sanctions the charge for the Jail Establishment at Guntoor from 1st July 1823 to 30th June 1824 Amounting to Rupees 2260 4 9 -

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(No 70)

No 513 To The Secretary to Government in the Judicial Department

Sir,

1 With reference to the concluding part of the 10th paragraph of my letter No 59 dated 11th Ultimo wherein it was stated that an explanation had been called for from the Magistrate in the Southern Division of arcot, "in respect to the fact, inferrible from the omission of any return of convictions or acquittals by the Officers of police, that the powers given to them by Regulation IV of 1821 are not brought into exercise" I am directed by the Judges of the Court of Poydaree Adaulut to transmit to you the accompanying letter

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letter, dated 10th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding Copy of a return from the Magistrate, dated 4th Instant, in which that officer states, "that considering he has the power of delegating what duty he pleases to the Native Officers of Police under him, the same which the Regulations authorize him to do as with regard to his European Assistants he has therefore not deemed it necessary to delegate the power to his native Officers of inflicting stripes, or fining offenders, as authorized by the Regulation, but that all the rest of the Powers of that Regulation are in force and acted upon" -

2 It appears by this return that the Magistrate considers himself at liberty to publish such parts only of the Regulations enacted by the Government for the guidance of the officers subordinate to him, as may appear to him expedient and proper -

3 It cannot be necessary for the Judges of the Poydaree Adaulut to debate upon the mischievous tendency of the practice, which this officer appears to have adopted, or its extraordinary illegality -

4 Section XVII Regulation III of 1810, which Regulation was rescinded in toto by Section II Regulation VI of 1821, prescribed certain rules to be observed by the Judges and Magistrates for the purpose of promulgating the Regulations but though the legislative provision enjoining the observance of those rules, is no longer in force, it cannot be supposed to be intended by the Government

Government, that adequate measures should not still be taken for giving full publicity to the enactments of the Legislature.-

5. The practice of issuing circular orders, containing the Magistrates interpretation of the provisions of a regulation, instead of publishing the translations of the Regulation itself, was animadverted upon the Court of Soupdaree Adawlut in their proceedings under date 28th October 1828, submitting the report of the late 3d Judge of the Court of Circuit in the Centre Division on the 2nd Sessions of 1822.

6. It is manifest, that nothing but the strict enforcement of every provision contained in the Regulations of Government can effect one object in framing the code, declared in the preamble to Regulation I of 1802, namely "that future administrations will have the means "of judging how far regulations have been productive of "the desired effect, and when necessary to modify or alter "them as from experience may be found advisable, that "thus the causes of the future decline or prosperity of these "provinces will always be traceable to their source."

7. The Magistrate has, for a period of three years and seven months, suspended the operation of the provisions of Sections IV and V Regulation IV of 1821 within the districts under his charge. By this measure not only has an opportunity been lost of observing the practical effect of those provisions in that portion of the Company's territories, but as it must be generally, if not

universally known that those provisions are contained in a Regulation, published by the Government in the mode prescribed in Regulation I of 1802, by which alone the Magistrates are bound to be guided the act of the Magistrate has been attended with the serious evil of setting an example of a disregard for the laws, and leading the subjects of the Government to suppose that public officers have a power, paramount to their authority.-

8. The Judges have directed the Magistrate forthwith to give effect to the provisions of Sections IV and V Regulation IV of 1821.

17th November, 1824.- (Signed) W. Hudleston

Register.

To

Judges.

(No. 72.)

To

No. 518 The Secretary to Government

in the

Judicial Department.

Sir,

1 I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter No. 459 dated 9th Instant, accompanied by the draft of a Regulation for extending to the Criminal Courts the rules prescribed in Section VII Regulation III of 1802 for procuring the attendance and evidence of witnesses.

2. The Judges have examined the foregoing draft, and in re-transmitting it they direct me to state that it does not appear to them to require any modification.

9th November 1824. (Signed) W. Tudleston. Registr.

No. 519. To The Magistrate of Trichinopoly

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 25th Ultimo forwarding the Statement of Contingent charges of the Jail under your charge for July 1233.

2. In explanation of the excess of expenditure in the present July you have observed that it arises from the transfer of 100 Convicts from the Zillah of Salem and 130 from the Zillah of Combaconum the Judges request to be informed of the dates of the despatch of the prisoners from there respective Zillahs.

19th November 1824. (Signed) J. F. Thomas.

Deputy Register

No. 520. To The Second Judge late on Circuit in the

Western Division.

Sir,

With reference to your letter dated 22d Ultimo,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit for your information the annexed copy of a letter dated 12th Instant, from the Secretary to Government in the Judicial Department.

19th November 1824. (Signed) W. Tudleston.

Register

No. 521. To The Criminal Judge in the Zillah of Chingleput

Fayidaree Dr. ... 1[illegible]

Fayidaree Diray 22d November 1824.

No. 523 To

The Secretary to Government in the

Judicial Department.

Sir,

I am directed by the Judges of the Court of Fayidaree Udalut to transmit to you, for the orders of the Honorable the Governor in Council, the accompanying letter dated 13th Instant. from the Criminal Judge in the Zillah of Bellary transmitting two Bills for Rupees 879 and annas 9 on account of translations for the Court of Circuit.

22nd November 1824. (Signed) W. Hudleston

Register

No. 524 To

The First Judge of Provincial Court of Circuit

in the Centre Division.

Sir,

I am directed by the Judges of the Fayidaree Udalut to acknowledge the receipt of your letters dated respectively the 12th and the 16th Instant.

2. Upon the proposition, suggested in the latter letter, the Judges will merely observe that it would involve a departure from fundamental provisions of the existing laws, to which they are wholly unprepared to give their support.

3. With the former letter you have transmitted Extract of a minute, recorded by you under date the 3rd Instant "with the hope of inducing the Sudr Court to recommend an alteration or modification in Regulation I and Regulation VI of 1822 such as might seem expedient to their Judgement, so as to have the publication take effect before the 1st January next, when the Sessions of 1825 will commence."

4. Upon the Extract of the minute abovementioned the Judges will merely observe on the present occasion, that the reasoning in the 18th paragraph, whereby it is attempted to be shewn that "breaking into houses constituted in itself an act of open violence" such as must render the disposal of the Case incompetent to a Court of Circuit, is at direct variance with the express provisions of Section V Regulation XV of 1803 and Section II Regulation VI of 1822.

5. Upon this occasion the Judges of the Court of Fayidaree Udalut do not deem it proper to prosecute this subject further, but they direct me in conclusion to observe that the measure of modifying, according to the sentiments of an individual Judicial Officer, a Regulation upon the modification of which it has been considered expedient to call for the opinions of the four Provincial Courts of Circuit, for the consideration of the Government, is so inconsistent a mode of proceeding that the Judges are at a loss to account for your having been induced to propose it.

22d November 1824 (Signed) W. Hudleston

Register

To

No. 540 To The Magistrate in the Southern Division of Arcot.

Sir

I am directed by the Judges of the Court of Fuydaree Udalut to acknowledge the receipt of your letter dated 17th Instant requesting that the sanction of the Government may be obtained for a charge of Rupees 14.99.10.5, incurred for subsisting the Convicts sent from Chinglepet to Cuddalore from 25th February to 30th June 1824.

2. It will be necessary that you should forward to this Office a particular account of the above Charge for the information of the Government.

29th November 1824. (Signed) W. Hudleston

Register

No. 541 To,

The Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Court of Fuydaree Udalut to acknowledge the receipt of your letter dated 20th instant, and to inform you that they authorize the removal of 50 Convicts from Salem to Trichinopoly to be selected from among those, whose Sentences of imprisonment have five years to run.

29th November 1824. (Signed) W. Hudleston

Register

No. 542 To the Criminal Judge in the Zillah of Chinglepet

Returning the four notices sent up in his letter of the 16th Instant with the Report of the Nazir.

29th November 1824. (Sent usual letter)

To.

No. 543. To The Criminal Judge in the Zillah of Chinglepet

Sir.

I am directed by the Judges of the Court of Fuydaree Udalut to acknowledge the receipt of your letter of the 15th Instant and to return you the Notices with the report which have been endorsed thereon by the Nazir of this Court

29th November 1824. (Signed) J. F. Thomas.

Dy Register

No. 544. To The Criminal Judge in the Zilla of Masulipatam

Sir,

I am directed by the Judges of the Court of Fuydaree Udalut to acknowledge the receipt of your letter dated 15th Instant, and to convey to you their instructions to transfer to the charge of the Magistrate of Rajahmundry the prisoners therein referred to with the exception of the prisoners Wooba Ramsdoo in Case No. 5 and Mooray Durmadoo in Case No. 7.

29th November 1824 (Signed) W. Hudleston

Register.

Fayidaree Diary 1st December 1824.

(№ 75)

№ 540 № 550 To The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fayidaree Udalut to transmit to you the accompanying letter dated 25th October last from the Magistrate of Tinchinapoly submitting Statement of Contingent Charges incurred in the said Department for fusly 1233 for the Sanction of the Honorable the Governor in Council.—

1st December 1824

(Signed) W. Huddleston
Register

№ 551 To The Criminal Judge in the zillah of Bellary

№ 541 Transmitting Copy of a letter dated 30th Ultimo from the Secretary to Government in the Judicial Department Sanctioning the two bills forwarded by the Criminal Judge in the zillah of Bellary for translations prepared for the Court of Circuit.

1st December 1824.

(Sent usual letter)

№ 552 To The Assistant Criminal Judge and to the Magistrate of Malabar

№ 54 Transmitting Copy of a letter dated 23d Ultimo from the Secretary to Government in the Judicial Department stating the desire of the Governor in Council that the Convicts at Cochin may be removed to Tellicherry

1st December 1824.—

(Sent usual letter)

To

№ 553 To The Criminal Judge in the zillah of Chingleput

Sir

With reference to my letter of the 22nd July last I am directed by the Judges of the Court of Fayidaree Udalut to transmit to you the accompanying Copy of a letter dated 26th Ultimo from the Secretary to Government in the Judicial Department and to desire that in compliance with instructions therein given the number of Convicts at Cuddalore may be completed to 200.

2. You will request Captain Turner to notify to you the discharge of the prisoners as their Sentences expire in order that the number may be kept up on applications from you to this Office.

1st December 1824.

(Signed) W Huddleston
Register

№ 554 To The Criminal Judge in the zillah of Chingleput

Sir.

I am directed by the Judges of the Court of Fayidaree Udalut to acknowledge the receipt of your letter of the 24th Ultimo and to return you the 23 Notices with the reports which have been endorsed thereon by the Nazer of this Court

(Signed) I. F. Thomas.
Deputy Register

1st December 1824.

To

(№ 76)

№ 560 To The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Fouzdaree Udalut to transmit to you the accompanying letter dated 22d Ultimo from the Magistrate of Malabar submitting Statement of Charges incurred on account of Convicts at Cananore and Cochin in July 1233 for the sanction of the Honorable the Governor in Council

8th December 1824. (Signed) W. Hudleston

Register

№ 561 To The acting Criminal Judge in the Zillah of Cuddapah

Sir,

1 I am directed by the Judges of the Court of Fouzdaree Udalut to acknowledge the receipt of your letter, dated the 25th Ultimo, requesting authority to release certain prisoners whose trials were postponed by the 3rd Judge on circuit, on the ground, that "their Committal ought "not to have taken place."

2. It would appear, that the preliminary proceedings in the Cases to which you refer have been under the consideration of the Judge of circuit to whom province it belonged to order the discharge of the prisoners without trial, if it appeared to him that they had been Committed for trial on insufficient grounds but that the Judge of Circuit not deeming this course to be proper ordered the postponement of the trials until the ensuing Sessions.—

3 It is also to be collected from your letter that instructions were given by the 3rd Judge, that measures should be taken to obtain further evidence against the accused, it is not however stated that such measures have been resorted to without success, nor is any information whatever afforded by your letter, on which the Judges of the Fouzdaree Udalut could found an order, modifying the instructions of the 3rd Judge in the Cases in question, which are not so much as specified by a reference to their numbers on the Calendar

4. The Judges consider your application to be quite irregular, and are of opinion, that if any sufficient grounds existed for the proceeding which you have recommended, a representation of them should have been made to the 3rd Judge.—

5. It will remain for the Judge holding the ensuing Sessions of Jail delivery to pass such orders as may appear proper on the Cases, to which you refer

8th December 1824 (Signed) W Hudleston

Register

№ 568 To The Magistrate of Trichinopoly

Transmitting Copy of a letter dated 7th Instant

№ 560. Instant from the Secretary to Government in the Judicial Department sanctioning the Contingent Charges for the Gaol at Trichinopoly in fusly 1233

11th December 1824.

№ 569. To the Criminal Judge in the Zillah of Combaconum

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated 3rd Instant requesting permission to make an offer of pardon under the provisions of Section XX Regulation VIII of 1802 to any two of the 14 persons now committed for trial in two Cases of robbery who may not appear by the information at present taken before you to be concerned principally in the robberies, and who may be willing to disclose such circumstances as shall lead to the apprehension and Conviction of the other principal offenders.

2. You general discretion which you are desirous to obtain for offering a pardon to any two of the accessaries to the robberies in question is not competent to the Judges of the Foujdaree Udalut to grant under the subsisting Regulations

3. It is only on receiving a report particularizing by name any supposed accessaries to whom it may appear expedient to make a conditional offer of pardon that the Judges of the Court of Foujdaree Udalut can submit to Government a recommendation of this nature under the provisions of Section XX Regulation VIII of 1802.

(Signed) W. Hudleston
Register

11th December 1824.

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

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter, dated 22nd Ultimo, and with reference to the opinion, that when as in the case of the robbery of grain the transmission of the stolen property to the Criminal Court would be useless from its not being available in evidence the Criminal Judge should on the determination of the case communicate with the Magistrate, in regarding to the disposal of the property instead of sending orders directly to the Officers of police.

2. You will be pleased to furnish the Criminal Judge of Nellore, and the Magistrate of Guntoor, respectively with a Copy of this letter.

(Signed) W. Hudleston
Register

11th December 1824.

№ 571 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 22d Ultimo, submitting a letter from the Magistrate of Guntoor who solicits instructions in respect to the legality of taking Cognizance of a charge preferred against one Toomalagoontah Ristnamah by the Superintendent of vaccination.

2. The case appears to be one of fraud punishable under the Mahummudan Law, and the Judges are therefore of opinion that under the general Regulations it is cognizable by the Magistrate.

11th December 1824. (Signed) W. Hudleston

Register

№ 572 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 № 493. dated 30th Ultimo, accompanied by a plan of proposed additions to the Jail at Nellore, prepared under orders from the Military Board by the Superintending Engineer in the Centre Division, in Communication with the Criminal Judge, and by the copy of a letter from the Criminal Judge dated 17th Instant last, explaining the data on which he calculates the extent of the additional accommodation which he considers necessary, from which it may be inferred that the Jail if enlarged according to the plan would be capable of accommodating 645 prisoners.

2. In reply to the 2nd paragraph of your letter the Judges direct me to state for the information of the Honorable the Governor in Council that the average number of persons formerly confined in the Jails of Guntoor and Nellore respectively appears by the records of this office to have been 250 and the Judges are therefore of opinion that the dimensions of the enlarged Jail according to the plan proposed do not exceed what may be considered to be requisite, in order to provide against the necessity for draftting prisoners to other Jails whenever from particular circumstances that average may happen to be exceeded.

3. I have the honor to return the plans which accompanied your letter.

11th December 1824. (Signed) W. Hudleston

Register

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

Gentlemen.

1 I am directed to acknowledge the receipt of your letter of the 20th November Submitting the report prescribed by Section XXXV Regulation X of 1816 of the several Criminal Judges.

№ 571. 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 Udalut to acknowledge the receipt of your letter dated 22d Ultimo, Submitting a letter from the Magistrate of Guntoor who solicits instructions in respect to the legality of taking Cognizance of a charge preferred against one Toomalagoontah Rutnamah by the Superintendent of vaccination.

2. The case appears to be one of fraud punishable under the Mahummudan Law, and the Judges are therefore of opinion that under the general Regulations it is cognizable by the Magistrate.

11th December 1824. (Signed) W. Hudleston
Register

№ 572 To The Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter № 493. dated 30th Ultimo, accompanied by a plan of proposed additions to the Jail at Nellore, prepared under orders from the Military Board by the Superintending Engineer in the Centre Division, in Communication with the Criminal Judge, and by the copy of a letter from the Criminal Judge dated 17th Instant last, explaining the data on which he calculates the extent of the additional accommodation which he considers necessary, from which it may be inferred that the Jail if enlarged according to the plan would be capable of accommodating 645 prisoners.

2. In reply to the 2nd paragraph of your letter the Judges direct me to state for the information of the Honorable the Governor in Council that the average number of persons formerly confined in the Jails of Guntoor and Nellore respectively appears by the records of this office to have been 250 and the Judges are therefore of opinion that the demensions of the enlarged Jail according to the plan proposed do not exceed what may be considered to be requisite, in order to provide against the necessity for drafting prisoners to other Jails whenever from particular circumstances that average may happen to be exceeded.

3. I have the honor to return the plan which accompanied your letter.

11th December 1824. (Signed) W. Hudleston
Register

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

Gentlemen.

1 I am directed to acknowledge the receipt of your letter of the 20th November Submitting the reports prescribed by Section XXXV Regulation X of 1816 of the several Criminal Judges.

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Judges within your Jurisdiction for the quarter ending the 30th
September last together with the correspondence relating thereto.

2. The Judges observe that in cases Nos. 220 to
328 of the report furnished by the Criminal Judge in the zillah
of Salem a difference is made in the extent of punishment inflicted
upon the persons guilty of the theft and the receivers of the stolen
property as a general rule the Judges are disposed to view the
case of both classes of offenders as deserving of like punish-
ment and without some special cause a less penalty should
never be awarded to the receiver than to the thief. The fact
in No. 222 is charged with the offence of setting fire to a
shed his own property it must be under particular circumstances
that this could constitute any offence whatever, and the suppres-
sion and protracted detention of the prisoner in the custody
of the Police Officer from the 5th May to the 29th June upon a
charge in question renders his case extremely suspicious. The
Judges desire that the Magistrate of Coimbatoor might be
called upon to report whether any notice has been taken
of this abuse of authority by the Police Officer, and he should
also be instructed particularly to point out the date of the
reference of this case to him, in order that the Judges of the
Foujdaree Adalut may be enabled to form an opinion
whether the abuse in question was wilful, or originated in
ignorance

No. 572

ignorance. This case should have been brought by the Criminal Judge under the notice of the Magistrate, that the Police Officer might have been cautioned at the time, against a repetion of the irregularity exhibited in the instance of the detention of this prisoner. The unwarranted conduct of the Police in neglecting to forward the prisoners in No. 224 and the following cases to the Criminal Court for the period of two months was brought to the notice of the Magistrate of Salem, in a letter from the Criminal Judge under date the 9th July last, and an explanation of the delay was required. The great irregularity of the proceedings of the Police officers was also pointed out, in their "sending up "depositions of the prisoners in one of the cases in which neither "the signatures marks nor names of the prisoners have been "subscribed and altho the prisoners are made to confess a "robbery in each case no particulars whatever are entered neither "the name of the person robbed nor the particular houses alleged "to have been plundered are named nor has a single witness (excepting the attesting witnesses) been sent up or ever named" When proceedings of this nature manifesting an utter disregard of the Regulations were reported to the Magistrate, the Judges of the Foujdaree Adalut would have expected that they should have attracted his immediate attention, instead of which they regret to find that the Magistrate of Salem has been so regardless

of

of his proper duty, as to allow the communication from the Criminal Judge to remain unanswered. The Judges direct that the Magistrate do without further delay submit the explanation called for by the Criminal Judge, and that he forward Copies of the instructions he may have issued to the Police Officers to prevent the recurrence of similar irregularities. In No. 243 a delay of 24 days is not accounted for it was the duty of the Criminal Judge to have required an explanation in this case, and to have entered the reasons assigned by the Police in the Column appropriated for that purpose.—

3. From the entry in No. 323 it would appear that the Magistrate of Coimbatore is in the habit of Submitting the explanations required by the Criminal Judge, through the Government Vakeel. This practice the Judges deem objectionable, in as much as it is not in accordance with the provisions II. Regulation III. of 1817, and they direct therefore that it be discontinued. In No. 371 the prisoner is stated to have been acquitted of a charge of murder it being evident that the deceased lost his life by accident and not by design. If the deceased met his death at the hands of the prisoner, it was not competent to the Criminal Judge to acquit. The Cognizance of all Cases of accidental homicide is vested specially in the Courts of Circuit, and the prisoner should therefore have been Committed to take his trial under the impression that the homicide

was.

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was accidental, it would have been proper for the Criminal Judge to have admitted the accused party to bail under the rule laid down in section XI. Regulation X of 1816.

In cases Nos. 213, 252, 297, 329, 349, 396, 407, 4.

the reason assigned by the Police Officer for the delay that the prisoners were apprehended but not brought before him for some days subsequently is insufficient, inasmuch as the village police are prohibited by clause second section V. Regulation XI 1816 from detaining any person more than 24 hours. The Judges expect with reference to the instructions contained in the 3rd para of the Circular orders of the Court of Foujdaree Udalut under date the 13th September last that the Judges of the Provincial Court of Circuit will be careful to require from the Magistrates the necessary explanations when it may appear that they have omitted to take due notice of the infraction of the Regulations on the part of any branch of the Police. The orders of the Provincial Court of Circuit in such Cases and the returns of the Magistrates should be forwarded with the quarterly reports.

5. The above remark is applicable also to Nos. 16, 17, and 44 in the report from the Zillah Judge of Madura.

6. The Judges desire that you will Communicate to the acting Criminal Judge in the Zillah of Salem to the

Criminal

Criminal Judge of Madura and to the Magistrates of Coimbatore and Salem such parts of the foregoing observations as concern those officers respectively.

14th December 1824. (Signed) I. I Thomas.

Deputy Register

No 577 To The Secretary to Government in the Judicial Department.

Sir,

Para 1st In report received on the 11th Instant from the Judges of the Provincial Court in the Centre Division under orders of the Fouzdaree Udalut founded upon the letter from the Chief Secretary to Government No 306, dated 6th August last, respecting the Jails in that Division the very crowded state of the Jail at Cuddapah, at present, is particularly noticed, and the Second Judge of the Provincial Court has offered a suggestion, "that if accommodations for the excess of prisoners "at Cuddapah, where the evil of over filling the Jail requires "expeditious correction could not be obtain in the buildings that "formerly accommodated all the revenue establishment in the Fort "of Sidhout, only twelve miles from Cuddapah, some Native Houses "might be hired at Cuddapah," and in a subsequent part of the "report it is intimated, that "as the troops have been much decreased "at Cuddapah some prisoners might be accommodated in the "Contonment, and some parts of the recent halting ground be "occupied by them, when the troops being near, a smaller number "of peons would be required for their guard."

2. It appearing from the return of the acting Criminal Judge that the temporary removal of about 500 of the persons in confinement under his charge is desirable the Judges of the Fouzdaree Udalut deem it their duty to submit the foregoing representation of the Provincial Court to the Honorable the Governor in Council to whom the adoption of one or other of the arrangements above referred to may perhaps appear to be unobjectionable.

3. The return from the several Courts on the Subject of the foregoing letter from the Chief Secretary to Government will shortly be laid before the Government.

(Signed) W. Hudleston

16th December 1824 Register.

No 578. To The Magistrate in the Zillah of Malabar

Transmitting Copy of a letter from the Government sanctioning the charges incurred by the Magistrate of Malabar in Fusly 1233 on account of the Convicts under his charge.

(Sent usual letter)

No 578 A To The Criminal Judge in the Zillah of Chingleput

Returning the Notice sent up in his letter of the

Criminal Judge of Madura and to the Magistrates of Coimbatore
and Salem such parts of the foregoing observations as concern
those officers respectively—

14th December 1824. (Signed) J. F. Thomas.
Deputy Register

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

Sir,

Para 1st In report received on the 11th Instant from
the Judges of the Provincial Court in the Centre Division
under orders of the Fouzdaree Adalut founded upon the letter
from the Chief Secretary to Government № 306, dated 6th
August last, respecting the Jails in that Division the very crowded
state of the Jail at Cuddapah, at present, is particularly noticed,
and the Second Judge of the Provincial Court has offered a
suggestion, "that if accommodations for the excess of prisoners
"at Cuddapah, where the evil of over filling the Jail requires
"expeditious correction could not be obtain in the buildings that
"formerly accommodated all the revenue establishment in the Fort
"of Sidhout, only twelve miles from Cuddapah, some Native Houses
"might be hired at Cuddapah," and in a subsequent part of the
report it is intimated, that "as the troops have been much decreased
"at Cuddapah some prisoners might be accommodated in the
Cantonment, and some parts of the recent halting ground be
"occupied

"occupied by them, when the troops being near a smaller number
"of peons would be required for their guard."—

2. It appearing from the return of the acting
Criminal Judge that the temporary removal of about 500 of
the persons in confinement under his charge is desirable the
Judges of the Fouzdaree Adalut deem it their duty to submit
the foregoing representation of the Provincial Court to the Honorable
the Governor in Council to whom the adoption of one or other
of the arrangements above referred to may perhaps appear to be
unobjectionable.—

3. The return from the several Courts on the Sub-
=ject of the foregoing letter from the Chief Secretary to Government
will shortly be laid before the Government.—

(Signed) W. Huddleston—
16th December 1824. Register.

№ 578. To The Magistrate in the Zillah of Malabar
Transmitting Copy of a letter from the
Government sanctioning the charges incurred by the Magistrate
of Malabar in Fusly 1233 on account of the Convicts under his
charge.

(Sent usual letter)

№ 578 A To The Criminal Judge in the Zillah of Chingleput
Returning the Notice sent up in his letter of
the

the 11th Instant being duly served.

18th December 1824. (Sent usual letter)

No. 590 To the Assistant Criminal Judge in charge of the Zillah Court at Chittoor.

Sir.

Para 1. I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated 11th Instant, forwarding Copy of an Extract of the proceedings of the Court of Circuit for the Centre Division, under date 9th Instant, calling upon you to hasten certain Persian translations required to be furnished, previously to the departure of the Mohammudan Law Officer on the ensuing Circuit, and directing, "that if the "Zillah establishment of Moonshees be insufficient some other "aid be forthwith called in, so that the business of the Sessions may "not suffer further delay."

2. With reference to this order of the Court of Circuit you request that the Sanction of Government may be obtained for you to employ 1 Persian translator on "a salary of 8 Pagodas per mensem and 3 writers on 4 Pagodas each per mensem." "You state that you apprehend no translator can be found at Chittoor, "and you therefore suggest that the Judges of the Foujdaree Ud- "alut should nominate a person from Madras, otherwise the business of the Sessions will, you fear be greatly retarded.

3. The Judges of the Court of Foujdaree Udalut Consider your reference to them on this occasion to be irregular. It was your duty on receiving the order in question from the Court of Circuit to take measures for obtaining the assistance required for preparing the translations therein referred to, the charge for which should be adjusted in the mode described in the latter part of section XXXVI Regulation VII of 1802.

4. The appointment of persons to the Court on fixed monthly salaries, on an occasion of this description is altogether out of the question: and your proposition, that the Judges of the Foujdaree Udalut should nominate a person from Madras to fill the office of Persian translator in the Zillah Court, must have been made without due reflection.

20th December 1824. (Signed) W. Hudleston. Register

(No. 79)

No. 591 To The Secretary to Government in the Judicial Department

Sir.

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you the accompanying letter dated 10th Instant from the Magistrate in the Southern Division of Arcot transmitting account particulars of charges incurred in subsisting the Convicts that were sent from Chingleput amounting to Madras Rupees 1499. 10. 3. for the sanction of the Honorable Governor in Council.

20th December 1824. (Signed) W. Hudleston Register

(№ 80)

№ 592 To

The Secretary to Government in the

Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter № 517, dated 14th Instant, transmitting copy of a letter dated 23d Ultimo, from the acting Criminal Judge in the Zillah of Cuddapah, upon certain parts of which the Judges propose on a future occasion to submit their sentiments to the Government, and desiring that the Judges will suggest such measures, as they may think advisable to expedite the trial and sentence of the numerous prisoners, who stand committed, and that they will adopt any arrangement, that may be practicable for the removal of a part of the Convicts from the Cuddapah Jail, which is stated to be crowded to a fatal degree —

2. On the latter point a representation was submitted by the Judges of the Foujdaree Udalut to the Government under date 16th Instant —

3. The Judges observe, that in the fourth paragraph of the acting Criminal Judges letter it is stated that about 1000 men stood committed for trial at the end of the month of October, and that previously to placing these prisoners upon their trial before the Circuit Judge the Criminal Court will have absolutely to translate at least 2000 Documents many of which comprise several sheets of a large sized paper without including much of the Police proceedings which must of necessity remain untranslated, under which circumstances it is stated in the fifth paragraph that the trial before the Court of Circuit of such prisoners as may be committed during this (November) and the next months cannot possibly take place not only because the Circuit Judge would be detained at Cuddapah to the hindrance of the Jail deliveries at other Stations but because the Criminal Court possess no means of preparing the requisite papers, thus several hundreds must remain in Jail till the delivery of July next Ycn

In the 3rd para of your letter it is stated,

4. that the acting Criminal Judge has been instructed to lay before the Foujdaree Adawlut a suggestion, which he lately submitted to the Government, that the ensuing Jail delivery at Bellary should precede that Cuddapah, on the ground that it would otherwise be impossible for him to prepare the requisite Calendars, and translations before the arrival of the Circuit Court —

This proposition appears to the Judges to be objectionable, because the last Sessions at Bellary has so recently terminated, that the object of holding the first half yearly Sessions for 1825 would not be attained, were that Sessions to be held in January; — because the acting Criminal Judge in the Zillah of Bellary could not now

now be expected to have the Cases of such persons, as may have been committed in a state of preparation by that time, and because it appears to the Judges that the postponement of the Sessions at Cuddapah would have a tendency to augment the evils pointed out by the acting Criminal Judge.

6 It is to be observed, that this Officer does not state, that the trial of the number of Individuals reported to stand committed, will be impracticable, but that such as may happen to be committed in November and December, the number of whom he assumes at "several hundreds," cannot take place at the ensuing Sessions.

7. The preparation of translations in English of the numerous documents, referred by the Criminal Judge previously to the trial of the prisoners before the Court of Circuit, is not absolutely necessary, though considered by the Judges to be generally proper, and under the peculiar circumstances of the present case might be dispensed with.

8. In such cases, as may eventually be referred to the Court of Fayidaree Adalut, these translations will be required, and the only means, that suggest themselves to the Judges of expediting the trial and sentence of the prisoners in these cases, are that additional and should be afforded for their preparation.

9. The ordinary establishment accompanying the Judge of Circuit, should in the opinion of the Judges be augmented, as far as may be thought necessary for the translation of the proceedings before that Court.

10. The acting Judge states in his letter, that he has been unable to derive any assistance from the two additional writers lately sanctioned by Government, which the Judges conclude to have arisen from their employment being limited to the term of three months.

11. Should the number of trials referrible to the Court of Fayidaree Adalut be very numerous, the Judges would propose, that a portion of the original papers should be sent to Madras, where the translations could be prepared and sent for revision to the Criminal Court. This might, however, be left to the discretion of the Judge on Circuit.

12. If it should be found that the business of the Gaol Delivery at Cuddapah cannot be completed in time to allow of a Sessions being held at Bellary, and at Chingleput, by the 1st. Judge proceeding on Circuit, the Judges would suggest the enactment of a Regulation, empowering the Governor in Council to issue a Special Commission for the trial of persons committed in any Gaol of which it may from particular circumstances happen that the Gaol delivery cannot be effected by the Judge, holding the prescribed half yearly Sessions.

20th. December 1824.

(Signed) W. Hudleston
Register

(№ 81)

№ 593. To The Secretary to Government in the

Judicial Department

Sir,

With reference to your letter № 464. dated 12th Ultimo, transmitting the copy of an opinion of the advocate General, that the offence imputed to the prisoners in case № 2 Calendar 2d Sessions A.D. 1823 was committed within the "Admiralty Jurisdiction and was not Cognizable by the Court of "Circuit" and conveying the orders of the Honorable the Governor in Council for the release of those prisoners, in giving effect to which the Judges of the Foujdaree Udalut were instructed to take means to obviate any impression on the part of those individuals, or of the Community at large, that they are not liable by which offences committed at sea are cognizable. I am directed to transmit to you for the purpose of being laid before the Honorable the Governor in Council an Extract of the proceedings of the Court of Foujdaree Udalut, under date 19th Ultimo, together with the accompanying letter from the Provincial Court of Circuit in the Western Division dated 10th Instant, forwarding the Copy of a correspondence with the Magistrate of Malabar, who wishes to be informed what distance from the shore is to be considered as the "line of demarcation for offences cognizable by His Majesty's Court of admiralty and in case of Rivers whether the Bar is to be considered as the line.

The Judges beg leave to suggest a reference to the advocate General for the determination of these questions.

(Signed) W. Hudleston
Register

20th December 1824.

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

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated 1st Instant, referring a communication from the Magistrate of Chittoor, in respect to the applicability of the provisions of Sections XVII. and XVIII. Regulation IX of 1816 to the case of a person, who has effected his escape while under transit to the Criminal Judge.

It appears to the Judges of the Court of

2.

Foujdaree Udalut, that upon the principles of sound analogy the process, which is prescribed in the case of a person who may not attend before the Magistrate pursuant to a Summons, and may abscond and conceal himself, applies a fortiori to the case of a person, who having been brought before the Magistrate shall afterwards abscond, and the Judges, therefore, concur in the view taken of this question by the second Judge, and desire that this opinion may be notified for the information and guidance

guidance of the Magistrate.—

20th December 1824. (Signed) W Hudleston
Register

No 595. To The Third Judge on Circuit in the
Western Division

Sir

1. I am directed to acknowledge the receipt of your letter, dated 23d Ultimo, stating that you entertain doubts of your being able to finish all the trials on the Calendar of the Zillah of Malabar by the Close of the present Sessions.—

2. The Judges authorize and direct you in the event of the non completion of the Jail delivery on 31st Instant to remain at Calicut until its completion after which you will hold a Sessions of Jail delivery at Seringapatam.—

3. As the services of the establishment of the Court of Circuit will be otherwise required, the Judges consider it proper that the acting Criminal Judge of Seringapatam should be instructed to place the servants of his establishment at the disposal of the Court of Circuit in Sessions.—

20th December 1824. (Signed) W. Hudleston
Register

No 596. To The Acting Criminal Judge in the Zillah of
Cuddapah

Sir,

I am directed by the Judges of the Court of
Foujdaree

Foujdaree Udalut to transmit to you the accompanying Copy of a letter addressed to the Government under date the 16th Instant and of the reply thereto dated 21st Instant, and to desire that you will in communication with the Collector and the Officer Commanding at Cuddapah make the best arrangement that may be practicable for the accommodation of the prisoners, reporting the same to the Judges of the Foujdaree Udalut for the information of the Government.—

24th December 1824. (Signed) W Hudleston
Register

No 597. To The Magistrate in the Zillah of Bellary

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated 17th Instant forwarding Copy of a letter from the Assistant Magistrate, and recommending the tender of a conditional pardon to one or more of the Supposed accessaries in a case of Gang robbery.—

2. The General discretion, which you are desirous to obtain for offering a pardon to one or more of the Supposed accessaries to the Gang robbery in question is not competent to the Judges of the Foujdaree Udalut to grant under the subsisting Regulations.

3. It is only on receiving a report particularizing by name any Supposed accessaries, to whom it may appear expedient to

to make a conditional offer of pardon, that the Judges of the Court of Trincomalee Udalut can submit to Government a recommendation of this nature, under the provisions of Section XV Regulation VIII of 1802.

24th December 1824. (Signed) W. Huddleston
Register

No. 598 To The Judges of the Provincial Court in the Centre Division.

Gentlemen,

Under date 26th April a report was called for from you regarding the augmentation of the Establishment of District Moonsiffs; on 28th July last you were desired to submit your opinion with as little delay as possible in respect to the practicability of abridging the records of Criminal trials; and on 30th of September your documents were required regarding the Modification of the provisions of Regulation I of 1822. and the enlargement of the powers of the Criminal Judge.—

2. To these several communications you have returned no answer, nor have you offered any explanation of the delay which has occurred in furnishing the information required.

590

3. The Judges of the Sudder and Trincomalee Udalut deem it necessary, therefore, to direct that you will forthwith explain for the information of the Court and of the Government the

the reasons for your delay in reply to each of the letters above mentioned.—

24th December 1824. (Signed) W. Huddleston
Register

No. 599 To The Judges of the Provincial Court of Circuit in the Western Division.—

Gentlemen, I am directed by the Judges of the Court of Trincomalee Udalut to call your attention to my letter of the 30th September last. and to request, that your opinion on the points therein mentioned may be forwarded without further delay to enable the Judges to lay before the Government the report which has been required from them thereupon.—

24th December 1824 (Signed) W. Huddleston—Register

No. 606 To the Criminal Judge in the Zillah of Chicacole

Sir I am directed by the Judges of the Trincomalee Udalut to acknowledge the receipt of your letter of the 9th Instant with the report prescribed by Section XXXVI Regulation X of 1816 Referring to the case (No 1) of the prisoner—

2. Casumcottah Moosaladoo who is stated "to be confined until he shall recover the use of his reason" and the date of whose sentence is given as 5th January 1809 The Judges desire to know why this individual has not been transferred to the Lunatic

Lunatic asylum at Madras. his case appears evidently to be one provided for in the Circular instructions of the Court of Fouzdaree Udalut under date the 21st February 1822 & 27th December 1824.

(Signed) I. F. Thomas
Dy. Register.

No. 607 To The Judges of the Provincial Court in the Southern Division

Gentlemen,

I am directed by the Judges of the Court of Fouzdaree Udalut to acknowledge the receipt of your letter dated 18th Instant forwarding a report from the Acting Criminal Judge in the Zillah of Salem that there are only 8 prisoners in the Jail whose sentences of imprisonment have five years to run, seven of whom he purposes under the permission given by the Fouzdaree Udalut to send to Trichinopoly and that with the exception of 6 other prisoners the remaining Convicts in Jail are sentenced under two years."

2. The Acting Criminal Judge in his letter to your address under date 15th Ultimo, stated the Number of prisoners Confined under sentence in the Jail upto the 17th Instant exhibits 70, as the number of prisoners of that description, of whom 47 "are persons who have been detained for periods of 10 and 11 years under a requisition of Security, which they have not been able to furnish.

3. The Judges have before them, in a letter from the late Criminal Judge dated 11th March 1820, a Statement of the reasons for the protracted detention of the persons last mentioned, which they consider sufficient to appears, however, to them that there is no longer any rational probability of there being able to produce the security required, and that under these circumstances their removal to another Zillah, if the Jail be crowded, would not be any hardship.

4. Should not any objection to this measure occur to the 3rd Judge of the Provincial Court of Circuit, to whom the circumstances of the cases of these persons must be perfectly familiar the Judges of the Fouzdaree Udalut authorize the removal of those 47 persons to Trichinopoly.

5 The Judges desire that a particular Statement of the different descriptions of prisoners now in confinement at Salem may be immediately procured from the acting Criminal Judge and laid before them.

27th December 1824. (Signed) W. Hudleston Register

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No. 609 To The Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Fouzdaree Udalut to transmit to you, for the orders of the Honorable the Governor in Council the accompanying letter dated 22d Instant from

from the acting Criminal Judge in the Bellary transmitting the Bills for Rupees 361- 3-6 on account of translations for the Court of Circuit.-

29th December 1824. (Signed) W. Hudleston
Register

No 610 To, The First Judge of the Provincial 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 a Copy of a letter addressed to the Secretary to Government in the Judicial Department under date 20th and of the reply thereto, dated 24th Instant; and with reference thereto to convey to you the following instructions.-

2. You will dispense with the preparation of the English translations of the preliminary proceedings in the Cases on the Cuddapah Calendar, previously to their Commiting or for trial.-

3. For the purpose of preparing with all practicable dispatch the translations of the Cases referrible to the Foujdaree Adalut you will make such addition, as you may find requisite to the establishment attending you on the Circuit; and you will, if necessary, suggest to the Judges the adoption of other arrangements for this purpose which may appear to you to be expedient.-

4. You will report weekly to the Judges of the Foujdaree Adalut the progress of the Sessions at Cuddapah, in order that the Judges may be enabled to determine whether or not it will be necessary to have recourse to the measure referred to in the concluding paragraph of each of the above letters for the purpose of providing for the completion of the Jail deliveries in the Centre Division.-

29th December 1824. (Signed) W. Hudleston
Register

No 621 To The Criminal Judge in the Zillah of Nellore.-

Returning the notice sent up in his letter of the 24th Instant with the report of the Nazir.-

(Sent usual letter)

31st December 1824.

No 622 To The Magistrate in the Southern Division of Arcot

Transmitting Copy of a letter from Government sanctioning the amount of Charges incurred by him in subsisting the convicts that were sent from Chingleput to Cuddalore.-

(Sent usual letter)

31st December 1824.-

To The

№ 623 To The Judges of the Provincial Court of Circuit
for the Western Division

Gentlemen,

I am directed to acknowledge the receipt of your letters of the 12th and 17th Ultimo, submitting the reports prescribed by Section XXXV Regulation X. 1816 and the supplemental report from the acting Criminal Judge of Malabar explanatory of certain cases in his quarterly report.

2. Referring to the reports from the Criminal Judge in the zillah of Canara the Judges direct me to observe, that the sentence passed in №s 30, 31, and 32, in the Statement of Cases not disposed of at the date of dispatch of the last Quarterly Report is not in their opinion commensurate with the offence they also consider the punishment adjudged in №s 53, 54. 83, 92. and 93 Cases House breaking with theft and in №s 107, 108. and 124. Cases of Cattle Stealing to be inadequate. The only information afforded of the Crime of the prisoner in № 84 is, that it was precisely the same with № 83. if such were the case, an explanation should have been submitted by the Criminal Judge of the Causes which induced him to inflict a punishment on the prisoner in № 83. of 6 weeks and in № 84 of 4 months.

3. The foregoing remarks upon the insufficiency of the punishment adjudged are applicable to the following Cases of House breaking with theft in the report from the zillah of Malabar №s 29, 96. 188, 218, 219, 389, 399, 422, 423, 480 and 576 and to №s 183. 186. Case of cattle stealing. The Criminal Judge of Canara and the Acting Criminal Judge of Malabar do not appear to view these offences in the serious light they deserve. Prior to the enactment of Regulation VII. 1822, it would have been the duty of a Criminal Judge to have committed the prisoners in these numbers, and it was certainly no part of the intention of the Legislature when rendering those offences cognizable by the Criminal Judges Court, to reduce them to the level of simple thefts, in which light it would have, they have been occasionally contemplated by the Criminal Judges.

4. An explanation is required from the Acting Criminal Judge of Malabar in № 29 and 319 pointing out the circumstances which distinguished them from cases of Highway robbery. The Judges conclude that the great irregularity of the Head of Police in admitting the 1st accused in № 113. to appear by Vakeel, which was brought under their notice in the explanation of the delay in that number, has been animadverted upon by the Judges of the Provincial Court of Circuit. The Magistrate should be strictly injoined to caution his Police officers against a similar violation of the Regulations.

The

5 The estimated value of the property stolen, is in some instances stated in fanams the Judges desire that it may be invariably entered in Rupees.

6 The Acting Criminal Judge in the Zillah of Seringapatam if not already apprized of his error by the Provincial Court of Circuit, should be informed that the case of Cattle Stealing No. 2 noticed in his report was inadequately punished, and his attention should be called to the provision of Clause fourth Section III Regulation VII 1822. The abstract of the Report from this Zillah differs from the abstracts of the Zillahs of Malabar and Canara, the Judges desire that the Acting Criminal Judge may be furnished with the form adopted in the Zillah of Malabar for his future guidance.

7 The Judges desire that the Provincial Court of Circuit will in future transmit with the Reports and explanation of the Criminal Judge, all observations and orders they may have recorded in uniformity to the instructions of the Foujdaree Adalut of the 13th September last.

31st December 1824 (Signed) J. T. Thomas

Deputy Regr