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Soujdaree Diaries

for the year

1825.

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

Sir,

1. With reference to your letter, № 20, dated 25th Ultimo, I am directed by the Judges of the Court of Toujdaree Adalat 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 Acting Criminal Judge in the Zilla of Cuddapah.

2. The Judges have deemed it proper to call for the opinion of the Medical officer attached to the Zilla Court in respect to the propriety of retaining in the Jail the number of prisoners, lodged therein at present.

4th January 1825. (Signed) W. Sudleston Regr.

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

Sir,

I am directed by the Judges of the Court of Toujdaree Adalat to acknowledge the receipt of your letter, dated 29th Ultimo, stating that the number of prisoners in the Jail "has lately been very much reduced and the accommodation increased," that the jail appears to you capable of containing 200 prisoners, and that the number inside of the Jail last month was 200, the remainder prisoners under examination about 100, have been sent out of the Jail into a shed situated in the [illegible]

2. The Judges desire, that you will [illegible] before them the opinion of the Surgeon on the subject of retaining in the Jail the number of prisoners now lodged there; and that you will explain in what manner the present reduction in the number of prisoners has been effected.

4th January 1825. (Signed) W. Sudleston Regr.

№2

№4 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Toujdaree Adalat to acknowledge the receipt of your letter, dated [illegible] transmitting for their consideration and report

Hospital Diary 4th January 1825.

An Extract from the Minutes of Consultation in the Police Department, accompanied by the copy of a letter from the Superintendent of Police respecting the case of a native of India taken into custody at Chittoor for endeavouring to pass forged Bank notes.

2. The Judges direct me to state, that they have made a reference to the Regulations and Practice of this Court for the purpose of ascertaining the law applicable to the case, and that by their reply it appears that the act of knowingly uttering a forged Bank note is punishable by transportation under the Mohummadan Law.

3. The case of this offender falls within the 3rd Clause of the 10th Section of Regulation XII of 1803.

4th January 1825.

(signed) W. Hutchinson

No 3

No 5 To the Chief Secretary to Government &c.

Sir,

I am directed by the Judges of the Court of Sudder Dewanny Adawlut to transmit to you the accompanying Extract from the Proceedings of this Court, dated 5th August last, transmitting the copy of a report from the Medical Board relative to the diversity stated to subsist in the system of Male clothing and Labour, of prisoners confined in Jails; and desiring that such Queries might be obtained from the Surgeons proposed by that Board, with reference to which queries the Judges directed me to transmit to you the following observations for the information of the Board.

2 It will be seen, that the Judges are of opinion that the occasion to call for information from the Surgeons not embraced by the queries proposed by the Medical Board, and they direct

Hospital Diary 4th January 1825

Subject for the consideration of the Honorable the Governor in Council &c.

3 By the plan submitted by the Criminal Judge it appears, that the jail now limiting at this station contains two large cells, intended for male convicts, two cells intended for male convicts two cells for debtors and one cell for women, and one for boys, also a spare cell intended, as the Judge conceives, for prisoners under examination or committed for trial. The cells are surrounded by a wall twelve feet high, which includes also a space for the residence of the guard &c.

4 According to the provisions of Section XXIX Regulation X of 1816 can be but partially observed in this Jail; for although male and female convicts, debtors, and prisoners under commitment for trial, can be separately confined in cells, which open into distinct areas; yet for convicts under sentence of death, and prisoners confined by sentence of the Magistrate for petty offences separate apartments are not allotted.

5 The Surgeon attached to this station approves of the site of the Jail, but observes, that "Hospitals and Lunatic cells properly fitted up have been provided long since on a liberal scale, but in the new jail nothing has been done to a part, particularly, for those purposes"

He also, that "Sewers should be provided for

for removing the filth, and doors and windows improved to regulate the ventilation.—

In respect to this jail no observation is offered by the Judges of the Provincial Court.— It appears to the Judges of the Zillah Court, that an hospital and lunatic cells should be supplied, and that the suggestions of the Surgeon in respect to the provision of Sewers, and the improvement of the ventilation of the Jail, are deserving of attention.

In the purpose of removing filth it appears to the Superintendant Surgeon an unexplored plan are generally required in the Jails. They observe by the report of the Assistant Surgeon at Rajahmundry, that in that Jail arrangements for this purpose have been adopted, which have fully accomplished the object in view: and it may be advisable, that the same System should be adopted in other jails which are deficient in this respect. The Judges have already had occasion to state, their opinion that the removal of prisoners outside the walls of the Jail for the relief of nature is open to serious objections: this System prevails in some Zillahs, in the instances of the Jail at Rajahmundry, Chittoor and others. Where the practicability of arrangements for the purpose within the walls

the comfort, and salubrity of the prisoners.—

Masulipatam 8

At Masulipatam independently of a criminal and Civil Jail, distinct from each other, a Bomb proof in the Fort has been allotted for the confinement of felons.— In the principal Criminal Jail apparently built expressly for the purpose, there are nine wards, and four corner rooms, intended for cooking rooms, store rooms and privies.— The cells in this Jail are intended for every description of Criminals, whether tried, or not, male as well as female, and the construction of the Jail, opening into four separate areas, the whole surrounded by a wall would enable the Surgeon to separate the different descriptions of prisoners as required by the Regulation, from each other under ordinary circumstances; the jail is at present from temporary causes too crowded to admit of the intended arrangement.—

Suggestions are offered by the Surgeon in respect to the improved ventilation of the Jails, and the creation of an hospital, and lunatic cells, which appear to be required.—

Nellore 10

At Nellore a new jail is about to be erected and according to the plan transmitted to this Court, it will consist of an hospital, and two prisons surrounded by a Wall 12 feet high, extending 465 feet in length, and 155 feet in breadth.— The hospital would appear to consist of one cell without any partition or store room, and 2 Verandas. Its dimensions are 112 feet by 17.— According to the Plan the Larger prison will contain 10 cells, all 17 feet wide, 8 of them 5 7/12 feet in length, and 2 of them 4 9/12 feet long.— The smaller prison is intended to be divided, so as to open on two separate areas,

one

one intended, the Judges conclude, for Debtors; and the other for female prisoners. Each Division will contain 6 cells, two of which are small, and may be designed for persons under sentence of death, or for lunatics, - if for the latter, the Judges think it would be preferable to allot some part of the hospitals, or a spot near it for these cells.

In the construction of this jail provision is not made for Cook rooms, or for the separation of petty offenders; or different areas for atrocious criminals; and the large prison has no Well. In these respects the plan is considered by the Judges to be defective; and they are of opinion that the hospital might be divided, so as to allow of a Ward for females, and a Dispensary for Medicines &c.

Rajahmundry 12

The Jail at this Station is surrounded by a wall 12 feet high, and contains 8 felons cells, 1 debtors cell, 2 lunatic cells, and 2 hospitals cells, which are all now allotted to the confinement of Convicts, and an hospital for the sick, in consequence of there being no Zilla Court at this Station. By the representation of the Surgeon it appears, that this jail is in all respects well calculated for the purpose, for which it was intended.

Cuttack Division Chittoor 13

By the plan of the Jail at Chittoor, and the description of the cells, furnished by the Criminal Judge there appears to have originally been one prison containing 11 wards, subsequently enlarged by extending it at its entrance on the north, and adding 9 more wards to it there, and 1 in the centre area of the old building making in all

21

21 Wards, which are surrounded by a ditch and a wall, 12 feet high, having watch turrets at each corner. The Criminal Judge appears to have further increased the accommodation of his prison by building an outer wall, surrounding the original prison, and including a considerable space of ground, wherein he has constructed five buildings, - viz a terrace roofed prison, containing 11 wards and 2 guard apartments, which are now occupied as hospital, and Wards for females, and were, when built, designed for the confinement of persons of more respectable character, than the generality of those who are brought before the Criminal Judge, as a place of solitary confinement; and "to enable him to more effectually separate the Sexes conformably to Regulation X of 1810 and to avoid putting Civil Debtors "with the Convicts." - One row of buildings on the East and another on the West of the original prison, each row containing double lines of cells of 5 cells in each line, and 23 wards in the two rows - An enclosure containing 6 wards near to the terrace roofed prison and another building, containing 5 cells and two guard rooms - The plan exhibits also a design of building 3 cells for female prisoners in this enclosure. To the north of the building the Judge has extended the area of these prisons by enclosing 250 feet more in that direction, in which he proposes to build separate Cooking huts for prisoners, who have been sentenced, and who are under examination respectively. -

According

14 According to the statements furnished by the Criminal Judge, the Prisons at Chittoor are capable of sheltering and securing 2638 prisoners, allowing to each person 6 feet by 2½; and when 6 more cells now in hand, are finished they will accommodate 3[illegible] prisoners: at 6 feet by 2½ the Judge states they will be able to contain 2895 prisoners.

15. The numerous prisoners and debtors, attached to the Zilla Jail at Chittoor must, under the Judge's care to observe all the rules prescribed by the laws for separation of prisoners of different sexes, and classes but no satisfactory arrangement seems to have been adopted to effect this; and the hospitals seem to be temporary buildings.

16 According to the report of the Surgeon of the Zilla the ventilation of the original jail is capable of improvement, which the Criminal Judge observes to be his intention to carry into effect. The Surgeon also reports, that in his opinion the Jail is not capable of accommodating above 800 prisoners, allowing 6 feet in length and 2½ feet in width to each person; but he observes that he is not conversant in these calculations. The building used as the hospital he describes as sufficient, if entirely given up for that purpose; only requiring larger windows to improve the ventilation. The Surgeon objects to the location of some prisoners in the hospital bounds.

The

17 The Criminal Judge has not explained how high the outer walls of the prison are, but it is elsewhere stated that they are not high. The Criminal Judge expresses the intention "gradually to strengthen all the interior and exterior walls," adding that "in his opinion the best and "most healthy sort of jail for the natives of India would be "a large open square area, inclosed with a moderate high "wall, and inner and outer ditch, with one entrance, with "inner low walls, inclosing separate areas and rows of "buildings, similar to some building that he has construct- "ted; and which he does might be built, as these have been "by the prisoners after the fashion of their own habitations". being of such a description as could be raised at no expence to Government in situations, where Jungle timber, Palmira Topes, and long reeds growing in lieu of Tanks abound.

18 Buildings of this description appear objectionable, as being liable to destruction by fire. The unusually large dimensions of certain cells in this jail have been noticed on a late occasion, and instructions given to the Criminal Judge for their eventual subdivision.

19 The Criminal Court remark on the perishable materials, of which the buildings recently constructed in this Jail by the Criminal Judge are composed. This officer however states it to be his intention, after the monsoon, to rebuild these works of permanent and substantial ma- terials, which may render unnecessary the removal of any part of the prisoners now in confinement. Referring to

to the Plan it appears to the Judges, that the jail is calcu-
-lated to accommodate 280 prisoners, allowing a space
of 9½ feet by 2½ to each individual.—
Sept 20. The Acting Criminal Judge has not sent a
Plan of the Jail at Cuddapah, but he has furnished a des-
-cription, whereby it appears, that "there are within the area
" of the Jail nine buildings, or rather sheds generally about
" eight feet high stockades in front by strong stakes
placed at intervals of nine inches:" and that within the
area these nine sheds are divided into 35 cells, the di-
-mensions of which are not given. The extreme length of
the nine sheds is stated at 338 yards and 1 foot, or 1015
feet: their breadth, varying from 20 feet to 8 feet. There
appears to be another shed, running along the inter walls
of the Hospital, divided into three cells, and an eleventh
shed, constituting one cell is described, as running along
the extensive wall of the large Jail, formerly appropriated
to the guard room and workshops. The hospital would
appear to be 27½ yards long, or 82½ feet, and 8 yards 2
feet, or 20 feet broad. There also appear to be 10 destitu-
cells, the dimensions of which are not shewn.
25 The Surgeon, in the report called for by
the Judges represents that the area, when the prisoners are
built is too small, that the buildings are too crowded
upon each other: that the height of the surrounding wall
is objectionable; and that the low roof of the cells, scarcely
8 feet high renders ventilation very imperfect: he attri-
-buted

-buted the frequent deaths of prisoners, who are accustomed to it, sleeping in the warm weather in the open air; for which purpose not sufficient space in front of the cells should be left vacant, which is not the case at present. The Jail hospital is approved of by him, and with some trifling alterations will be rendered well adapted for its purpose. The only Lunatic cells, 5 feet square, is objected to, as not affording space for a man to be at full length. He objects to the site of the Jail, as too low, being on a level with the bed of the river, to which he ascribes the many cases of Dysentery, that occur.—
22 The Acting Criminal Judge states his opinion, that the present site of the Jail should be re-
-tained, as possessing great advantages in the ample supply of water, and he ascribes the numerous cases of Dysentery to the crowded state of the Jail rather than to its position.—
23 As far as the Court are able to judge from the papers before them the Jail of this Station con-
-sists of straggling, inconvenient, and highly objection-
-able, buildings. In the proceedings of this Court, dated 8th July 1820, the Jail of Cuddapah was re-
-presented to consist of buildings, like Choultries, with Verandas in front, and a Mud wall surrounding the whole, which was regarded as strong from being thick and covered with tiles.
The Acting Criminal Judge in his letter of 5th August last,

Augusting

requesting a removal of the Gaol to a more healthy situation. The Visitors at Cuddapah are literally confined by nothing but a ruinous mud wall. The Judges are of opinion that it is to be included a District as this is a durable solid Jail, calculated to hold 1000 prisoners allowing each 9 ft by 2½ feet but should be provided but should this be objected to they concur with Mr. Waters, that it would be desirable to employ the prisoners in enlarging the area of the Jail, and gradually removing the present insufficient buildings & constructing new ones of a suitable height and size, and on such a place as would enable the guards to have a proper command and view over the prisoners. By lowering the wall to the height of 12 feet and enlarging the area the ventilation might be improved and for the present mud wall, a wall of brick should, in the opinion of the Judges, be substituted.

Bellary. 24 At Bellary there are three separate and distinct prisons, forming into different areas; and the whole are encircled by a wall, the height of which is not mentioned. One of the prisons containing 8 cells is for debtors, another containing 6 cells is for females; and the third containing 28 wards is for male felons. In each of these prisons there are cook rooms, but neither wells, or privies, as described in the plan. The guard rooms are without the prison walls, which when prisoners are not locked up in cells is desirable, to obviate the risk of their seizing the arms, and overpowering the guards.

25. The Surgeon attached to the Zilla Court represents in his report, that the jail is insufficiently ventilated, and

but that the hospital might be improved in this respect; and he is of opinion that all the prisons are in eligible healthy situations, and that the sewers, and other means of keeping the Jails clean, are well adopted for the purpose. He states that there are no lunatic cells, and the plan does not explain, where the Hospital is situated.-

26 The Provincial Court remark, that the Jail and the whole of the arrangements for the prisoners at Bellary are very satisfactory and commendable; and the purposes of the Charge fully answered in all its particulars. The Judges of the Toujdaree Adawlut concur generally in this observation; but they think that to render the Jail more perfect and commodious Lunatic cells should be constructed; and that if the Hospital is within the felon's Jail, a separate one is desirable in a distinct enclosure, where also the lunatic cells should be situated.

Chingleput. 27. The Jail at this Station, which has been enlarged since the incorporation of the Trivatchetoor Zillah with that of Chingleput contains 13 wards, and 3 general rooms. The crowded state of this jail and its peculiar construction do not admit of separating different classes of male prisoners from each other; and although female convicts can be locked up in separate cells at night; yet in the daytime all sexes and classes mingle together in the common area.-

28 The Zilla Surgeon represents in his report, that the jail is close to the bastion of the Fort deprives it of that ventilation, which is necessary to comfort and to health; the cells

he

he considers, too small, & too crowded, in having the night the prisoners sleep as close to each other as possible. The site of the jail he considers objectionable, as confined and too close to Lord Wills. The Hospital he in general approves of, and the sewers are considered sufficient; but there are no cells for lunatics.

29 The Acting Criminal Judge subscribes to the opinion of the Surgeon, that improvement in the ventilation of the Jails is desirable and as plainly impossible as it is to apply the remedy to those cells, that run parallel with the Southern wall of the Fort. He objects to removing the site of the Jails as being of pernicious, and destroying the security from being within the Fort.

30 The Coroner and Court observe, that they have not found occasion to offer any remarks on the two Gillahs of Bellary and Chingleput, - and refer to the reports of the Judges to enable the Court to form their opinion. The Judge of the Tonyboree Court thinks that a separate area should be allotted to females, and that cells for lunatics are required. The opinion of the Superintending Surgeon might be taken as to the feasibility of improving the ventilation of the Jails.

31 At Salem there are three separate prisons; the first being the original Jail on the banks of the Salem river, is divided into two areas, one containing nine cells, & Cook room, 2 Guard rooms, 2 Wells and Shades and the other an hospital, dispensary, Guard room, Cook room and prisoners, the whole of the buildings and walls are

Tonyboree Diary 4th January 1825.

enclosed by a wall 12 feet high; the second prison, being a enclosed by a wall 12 feet high, the second prison, being a more modern building, near the Court house, contains 15 cells surrounded by a wall 10½ feet high, on the outside of which are 2 guard rooms, and nine new buildings; and the third prison forms a debtors jail.-

32 The two Criminal Jails open into one common area so that the whole of the prisoners male, and female, and whose offences are of different degrees of atrocity, must intermix, when they leave their cells, defects which appear to be susceptible of an easy remedy by forming a separate area for females, and another for petty offenders.

33 Judge attached to the Gillah, & pronounces that the ventilation of the Jails, having undergone some improvement lately, is sufficient; that the walls of both prisons are too close to the cells, and too high that the hospital is good as to size and arrangement, but unhealthy in respect to situation and that there are no cells for lunatics. He states also his opinion, that the low situation of both of the prisons, near the banks of the river renders them extremely unhealthy.-

34 The officer in charge of the Gillah took no notice of the Surgeons' suggestions and observations; and the Provincial Court for the Southern Division remark, that his objections are chiefly, as to local situation, and as to the position of the outer walls; both of which, even if well founded, appear to be irremediable, except by the construction of a new Jail, which they are not prepared to recommend. It is also observed in their letter, that the Hindoo Judge "while Judge of Salem recorded his opinion

"opinion, that experience did not justify the apprehension that
"either the situation or constitution of the said reasonable
"mortality which had prevailed for the last 7 or 8 years, and
"that it was entirely to be attributed to the Climate of the
35

The Judges of the Toujoare Zeatah concur in
opinion with the Provincial Court that the objections of the
Surgeon are rather imaginary than real, for until late
years these jails were always as healthy, as any others in
the Country, and Mr Richmond himself states, that by a
"hasty observer, the situation of both would be pronounced
"good and not likely to be unhealthy." It has been found
necessary on several late occasions to keep prisoners from
this jail in consequence of full arrears
state: and the Judges are of opinion that much of the
Jail at Combaton be appropriated to this purpose
enlargement of the Jail will be necessary to afford a regular
accommodation to the prisoners in this quarter and keep
Loas Gillah

Madura 36

The Jail at this Station contains 23 wards of
various dimensions, 2 Guard rooms, 4 Cook rooms, 2 Privies
3 wells, all of which are inclosed by a wall, 6 feet high
Two of the wards are allotted to Debtors, 2 more to the Hospital
a fifth to the confinement of Females; and the rest of
the cells open into one common area, in consequence
which the provisions of the Regulations in regard to the
ration of different classes of prisoners cannot be observed
as ought to be done if separation were

Dectors Jail, as hospitals, and cells for lunatics, as
proposed by the Criminal Judge.-

37 The Criminal Judge represents, that in
consequence of the departure of the Surgeon lately at-
tached to the Zillah Court and the non arrival of his suc-
cessor, the opinion of a medical officer, as to the ventila-
tion, sufficiency of room, fitness of the hospitals, and
healthiness of the site of the prison could not be pro-
cured. The Criminal Judge has offered it as his opinion,
that the ventilation is deficient, that the Jail is not adapt-
ed to hold its full complement of 300 prisoners; that a
distinct hospital, and store room for medicines, and cells
for lunatics are wanting, that as the site of the prison
is low, it has not been hitherto unhealthy; that the sewers,
and outlets for filth appear fully sufficient; and that
the guard would be more advantageously situated
without than within the walls of the prison.

38 An enlargement of this jail has been
made, consequent on the abolition of the Zillah of Trichi-
nopoly to the former Zillah of Dindigum; and the
Court are of opinion that the additions to the Jail proposed
by the Criminal Judge are required - and that his recommen-
dation for removing the guard beyond the circuit of the prison
walls is judicious.

Madura 39 The Jail at this station consists of 18 wards, and
an hospital, exclusive of the Jailors apartments, Guard room,
store

stone room, Cook rooms, privies, and a paper Manufactory, surrounded by a high wall. There are 5 cells for male criminal offenders, 1 for females, 1 for debtors, and 1 for lunatics. The debtors ward is detached from the rest of the prisons, but the remaining cells all open to one common area, and are, therefore, objectionable in respect to cleanliness of them for extensive dimensions. It is evident, that the Judge can only observe the rule regarding the classification of prisoners, as it respects debtors, and females, who during the night may be confined in a separate room, but during day they must intermingle with the male prisoners.

48 The Assistant Surgeon attached to this Zillah, in his report states, that the ventilation of the Jail is defective, and not susceptible of improvement, excepting by taking off the roof and raising the walls: that the hospital is too small, dirty, and confined without any verandah, its ventilation imperfect, and roof bad, requiring frequent repairs; that there are no lunatic cells, except one apart-ment without any convenience to it; that the situation of the Jail is hot, and confined, being surrounded by a high wall and native buildings: that there are no sewers, but the low caste prisoners clean the Jails, and that the situation of the Hospitals, and want of water within renders it as very objectionable.

49 The Judge takes no notice of the observations

of the Assistant Surgeon, and the Provincial Court merely remark that provision should be made for the better accommodation of the sick at such place, as the local officers may recommend.

50 It appears to the Judges of the Foojdaree Adawlut, that the observations of the Surgeon are entitled to much consideration. They observe, that so long ago as June 1814 various objections to the hospital were offered: for so large a Zilla as that of Madura the Judges would consider, that a regular Civil and Criminal Jail, with an Hospital, Dispensary, and calls for lunatics should be provided; but should this not be considered necessary, alterations should be made in the present buildings by removing the dimensions of the cells and erecting a new Hospital, and calls for Lunatics.

Trichinopoly 51 At Trichinopoly there is a Bomb proof, built stone, Jail in the Fort, surrounded by a wall 12 feet high, in which are 12 large, and 8 small wards, 2 guard rooms, 4 Cooking rooms, 3 wells and 2 privies with drains and sewers to carry off the filth. As this building since the abolition of the Zilla Court of Trichinopoly, is entirely appropriated to the confinement of male convicts, who are chiefly offenders of one class, the separation of them, as in case of the regular Zillah Jails, is not requisite.

52 The Superintending Surgeon of the Southern Division, in his report on this Jail, states that the ventilation of the cells is imperfect in consequence of there being no opening in the central walls; that as a prisoner must only have 7 feet by 1½ if 30 persons are confined in each hot

12 large cells, they would be much too crowded, that this is good, but too small, and that a Store room for Provisions is wanting.—

45

The Judges of the Foujdaree Adaulut have considered the suggestions of the Sabyen in regard to the construction of the Gaol to be judicious & necessary, but as the Gaol is not required at Trichinopoly it being no longer the Station of a Zillah Court.—

Coimbatore.

46.

At Coimbatore the Gaol built in 1813 is surrounded by a wall 12 feet high in which are 4 large and 4 small cells 16 feet square, 3 wells, a Hospital, and a guard room.—

47

Upon Examining the Provincial Gaol at Salem, I observe, that there are only 24 prisoners at present in confinement in it, adding it may hereafter be necessary for consideration whether in case it again becomes necessary to remove any number of prisoners from Salem, and to any other Gillah a portion might not be detached to that station.

The Judges of the Foujdaree Adaulut have directed me to acquaint the Sabyen at Trichinopoly having been found sufficient accommodation for the prisoners, whose removal from Salem and Combaconum has been found necessary.—

Western Division 48

Calicut

At Calicut there is one prison surrounded by a wall the height of which is not stated; in it there are 14 rooms for prisoners, 2 guard rooms, 3 Cook rooms, 2 wells and a Sunken prison of the following description, viz. they are 7 feet square, 7 feet deep, and 4 feet wide, they are arched over, and have an opening of 1 foot square, through which the prisoners are let down, and drawn up by ropes, there are no other means of ingress or egress, including the condemned cells, available for Criminal offenders.

Foujdaree Diary 4th January 1825.

(No 1)

No 2. To

The Secretary to the Government in the Judicial Department

Sir.

1. With reference to your letter No 520, dated 21st Ultimo, 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 Acting Criminal Judge in the Zillah of Cuddapah

2. The Judges have deemed it proper to call for the opinion of the Medical Officer attached to the Zillah Court in respect to the propriety of returning in the Said the number of prisoners lodged therein at present.

4th January 1825 (Signed) W. Hudleston.—
Register

No. 3. To The Acting Criminal Judge in the Zillah of Cuddapah

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated 29th Ultimo, stating that the number of prisoners in the Jail has lately been very much reduced and the accommodation increased that

the

the Jail appears to you capable of containing 200 prisoners, and that the number in said of the Jail does not the prisoners under examination about 120, having of the Jail into a Shed situated in the Fort

2. The Judges desire that you will before them the opinion of the Surgeon retaining in the Jail the number of prisoners now lodged there, and that you will explain in what manner the great reduction in the number of prisoners has been effected.—

4th January 1825 (Signed) W. Hudleston Register

No. 4

(No. 2.)

To The Secretary to Government in the Judicial Dept.

Sir.

I am directed by the Judges of the Court of Fouzdaree Adalut to acknowledge the receipt of your letter dated 30th Ultimo, transmitting for their consideration and report an extract from the minutes of Consultation in the Public Department, accompanied by the Copy of a letter the Superintendent of Police reporting the case of a native of Madras taken into custody and for endeavouring to pass a forged Bank note.—

2. The Judges direct me to state that they have made reference to the Cazee ool Coozat and Moofties of the Court for the purpose of ascertaining the Law, as applicable to this case and that by their reply it appears that the act of knowingly uttering a forged Bank note is punishable at discretion under the Mahomedan Law.—

3. The case of this Offender falls, therefore within the scope of the provisions of Clause Seventh Section II Regulation XV of 1803.—

4th January 1825. (Signed) W. Hudleston Register

No. 3

To The Chief Secretary to Government.—

Sir

1. I am directed by the Judges of the Court of Fouzdaree Adalut to acknowledge the receipt of your letter No. 300, dated 6th August last transmitting the Copy of a report from the Medical Board relative to the diversity stated to prevail the System of diet, clothing, and labour of prisoners in different Jails, and desiring that replies might be obtained to certain queries proposed by that Board, with reference to which the Judges direct me to transmit to

Fouzdaree Diary 4th January 1825.

to you the papers noted in the Margin.

It will be seen, that the Judges

2.

availed themselves of the occasion to call for infor-
mation upon certain points not embraced by the grou
of the Medical Board and they direct me to subm
the following report on the subject for the consider
of the Honorable the Governor in Council.

3.

By the plan submitted by the Sessi-
nal Judge it appears that the Jail now building
this Station contains two large cells, intended for m
convicts two cells for debtors and one cell for women
and one for boys also a spare cell intended, as the
Judges conclude, for prisoners under examination or
committed for trial. The cells are surrounded by a
wall twelve feet high, which includes also a spacious
guard room.

4.

According to the present plan the pro-
visions of Section XXIX of 1816 can be but partially ob
in this Jail; for although male and female convicts,
debtors and prisoners under commitment for trial, ca
be separately confined in cells, which open into distinct
areas, yet for convicts under sentence of death and
prisoners confined by sentence of the Magistrate for
petty offences separate apartments are not allotted.

5.

The Surgeon to this Station approves
of the Site of the Jail, but observes, that Hospitals and
Lunatic cells properly fitted up have been proposed
long since on a liberal scale, but in the new jail no
portion has been set apart, particularly for those purposes
He remarks also, "that sewers should be provided for
removing the filth, and doors and windows improve
to regulate the ventilation."

In respect to this jail no observation

6.

Offered by the Judges of the Provincial Court. It appears to
the Judges of the Fouzdaree Adalat, that an hospital
and Lunatic cells should be supplied, and that the
suggestions of the Surgeon in respect to the Provision of
Sewers and the improvement of the ventilation of the
Jail are deserving of attention.

For the purpose of removing filth

7

it appears to the Judges that Sewers upon an approved
place are generally required in the Jails. The observe by the
report of the Assistant Surgeon at Rajahmundry that
in that Jail arrangements for this purpose have been adopted,
which have fully accomplished the object in view and it
may be advisable, that the same system should be adopted
in other jails which are deficient in this respect. The Judges

have

have already had occasion to state, their opinion the
the removal of prisoners outside the walls of the Jail
for the relief of nature is open to serious objections
this system prevails in some zillahs but the inter
of the Jail at Rajahmundry, Chittoor and others
the practicability of arrangement for the purpose
the walls consistently with the comfort and salubrity of the

Masulipatam 8 At Masulipatam independently
a Criminal and Civil Jail, distinct from one
other a Bomb proof in the Fort has been allo
for the confinement of felons. In the principal
Criminal Jail apparently built expressly for
purpose there are nine wards and four corner ce
intended for cooking rooms, store rooms and prison
The cells in this Jail are intended for every class
of Criminals, whether tried, or not, male as well
well as female, and the construction of the Jail
into four separate areas, the whole surrounded by
would enable the Judges to separate the different
tions of prisoners as required by the Regulations
other under ordinary circumstances, the Jail is
from temporary causes too crowded to admit
scribed, a

Suggestions are offered by the Surgeon

9 in respect to the improved ventilation of the Jail,
and the erection of an hospital, and lunatic cells,
which appear to be required.

Vellore 10 At Vellore a new jail is about to be
erected, and according to the plan transmitted to this Court,
it will consist of an hospital and two prisoners sur-
-rounded by a Wall 12 feet high, extending 445 feet
in length and 151/2 feet in breadth. The hospital
would appear to consist of one cell within any partition
or store room, and 2 Varandas. Its dimensions are
112 feet by 17 according to the Plan the largest prison
will contain 10 Cells, all 17 feet wide, 6 of them 57 feet
in length, and 4 of them 49 1/2 feet long. The smaller
prison is intended to be divided, so as to form in two sepa-
-rate areas, one intended, the Judges concludes, for debtors
and the other for female prisoners. Each division will
contain 6 Cells, two of which are small, and may be
designed for persons under sentence of death, or for lunatics
if for the latter, the Judges think it would be preferable to
allot some part of the hospital, or a spot near it for these
cells.

11. In the construction of this Jail provision

is

made for Cook rooms or for the separation of sick Offenders, or different areas for atrocious Criminals and the large prison has no Well. In these respects this plan is considered by the Judges to be defective; and they are of opinion that the hospital might be divided so as to allow of a Ward for females and a Dispensary for Medical Stores.—

12. The Jail at this station is surrounded by a wall 12 feet high, and contains 8 felons cells 1 debtor cell 2 lunatic cells and 2 hospital cells which are all now allotted to the confinement of Convicts, and a hospital for the sick, in consequence of there being no gillot Court at this station. By the representation of the Surgeon it appears that this Jail is in all respects well calculated for the purpose, for which it was intended.—

13. By the plan of the Jail at Chittoor and the description of the cells furnished by the Criminal Judge there appears to have originally been one prison containing 11 wards subsequently enlarged by extending it at its entrance on the and adding 9 more wards to it there, and by in the centre area of the old building making in all 21 Wards, which are surrounded by a ditch and a wall 12 feet high, having watch turrets at each corner. The criminal Judge appears to have further encreased the accommodation of his prison by building an outer wall, surrounding the original prison and including a considerable space of ground, whereon he has constructed five buildings viz a terrace roofed prison, containing 14 wards and 2 guards apartments, which are now occupied as hospitals, and Wards for females, and were, when built, designed for the confinement of persons of more respectable Character, than the generality of those who are brought before the Criminal Judge; as a place of solicitary confinement; and to enable him to more effectually separate the sexes conformably to Regulation IX of 1816 and to avoid putting Civil debtors with the Convicts.— One row of buildings on the east and another on the west of the original prison each now containing double lines of Cells of 3 Cells and two guard rooms. The plan exhibits also a design of building 3 Cells for female prisoners in this enclosure To the north of the building the Judges has extended the area of these prisoners by closing 250 feet more in that direction, in which he proposes to build separate Cooking huts for prisoners, who have been Sentenced, and who are under examination respectively.—

14. According to the Statement furnished by the Criminal Judge the Prisons at Chittoor are now capable of

of Sheltering and Penning 2928 prisoners, allowing
each person 6 feet by 2½ and when 6 more cells
in hand, are finished they will accommodate
prisoners at 6 feet by 2½ the Judge states they
be able to contain 2895 prisoners.

15. The numerous prisons and
attached to the Zillah Jail at Chittoor must
the Judge with care to observe all the rules pres
by the law for the separation of prisoners of differ
sexes, and classes but he satisfactory arrangem
seems to have been completed to effect this end
16. According to the report of the Surg
the Zillah the ventilation of the Original Jail
susceptible of improvement, which the Criminal
Judge observes is to be his intention to carry into
The Surgeon further reports, that in his opinion the
Jail is not capable of accommodating above 800
prisoners, allowing 7 feet length and 2½ feet width
to each person, but he observes that he is not convinced
in these calculations The building used as hospital
he describes as sufficient, if entirely given up for that purpose,
only requiring larger windows to improve the ventilation The
Surgeon objects to the position of some furnish near-

17. The Criminal Judge has not explained
how high the aughter walls of the prisons are, but it is
elsewhere stated that they are not high – The Criminal
Judge expresses the intention gradually to strengthen
all the interior and exterior walls," adding that in his
opinion the best and most healthy sort of Jail for the
natives of India would be a large open square area,
inclosed with a moderate high wall, and inner and outer
ditch, with one entrance, with inner lower walls, enclosing
separate areas and rows of buildings similar to same
buildings that he has constructed, and which he adds
might be built, as these have been by the prisoners after
the fashion of their own habitations," being of such
a description as could be raised no expence to Government
in situations, where Jungle timber, Palmira Topes, and long
reeds growing in beds of Tanks abound –

18. Buildings of this description appear
objectionable, as being liable to destruction by fire
The unusually large dimensions of certain cells
in this Jail have been noticed on a late occasion,
and instructions given to the Criminal Judge for
their eventual Subdivision –

19. The Provincial Court remarks on
the furnishable Materials, of which the buildings
recently

recently constructed in this Jail by the Criminal Judge
are composed. This Officer however states it to be his
intention, after the Monsoon to rebuild these wards
permanent and substantial materials, which may
render necessary the removal of any part of the prisons
now in confinement. Referring to the Plan it appears
to the Judges, that the Jail is calculated to accom-
-modate 2800 prisoners, allowing a space of 6½
feet by 2½ each individual.—

20 The acting Criminal Judge has not
sent a Plan of the Jail at Bedalapah, but he
furnished a description, whereby it appears, that
there are within the area of the Jail nine buildings,
or rather sheds generally about eight feet high
Stockaded in front by strong stakes placed at
intervals of some inches; and that within the area
these nine sheds are divided into 35 Cells, the dimen-
-sions of which are not given. The extreme length of
the nine sheds is stated at 338 yards and 1 foot, or 10
or 15 feet there breadth, ranging from 20 feet to 5 feet
There appears to be another shed, running along the
outer walls of the Hospital, divided into three cells,
and an eleventh shed, constituting one cell is described
as running along the extensive wall of the large Jail
formerly

formerly appropriated to the guard room and workshops
The hospital would appear to be 27½ yards long;
or 82½ feet and 8 yards 2 feet, or 26 feet broad. There
also appear to be 10 debtors cells, the dimensions of which
are not shewn.—

21 The Surgeon, in the report called for
by the Judges represents that the area, where the prisons
are built is too small; that the buildings are too
crowded upon each other: that the height of the surrounding
wall is objectionable; and that the low roof of the
cells, scarcely 7 feet high renders ventilation very
imperfect. He approves of prisoners, who are accustomed
to it sleeping in the warm weather in the open air,
for which purpose sufficient space in front of the
Cells should be left vacant which is not the case at
present. The Jail hospital is approved of by him, and
with some trifling alterations will be rendered well
adapted for its purpose.— The only Lunatic cell, 5 feet
Square, is objected to, as not affording space for a
man to be at full length. The objects to the site of
the Jail, as too low, being on a level with the bed
of the river, to which he ascribes the many cases of
Dysentery, that occur.—

22 The acting Criminal Judge states
his

his opinion that the present Site of the Jail should be retained, as possessing great advantages in the ample supply of Water, and he ascribes the numerous Cases of dysentery to the crowded State of the Jail rather than to its position.—

23. As far as the Court are able to judge from the papers before them the Jail of this Station consists of straggling inconvenient, and highly objectionable buildings. In the proceedings of this Court, dated 8th July 1816, the Jail of Cuddapah was represented to consist of buildings, like Cheultries, with Palisadoes in front, and a mud wall surrounding the whole, which was regarded as strong from being Thick and Covered with tiles. The Acting Criminal Judge in his letter of 5th August last requesting a removal of 300 Convicts, represented that the prisoners at Cuddapah are literally confined by nothing but a ruinous mud wall. The Judges are of opinion, that in so turbulent a District as this a durable Jail Calculated to hold 1000 prisoners allowing each 6½ by 2½ feet should be provided but should this be objected to they concur with Mr Waters that it would be desirable to unfilay the prisoners in enlarging the area of the Jail and gradually removing the present insufficient buildings to construct new ones of a suitable height and Size, and on such a place as would enable the guards to have a proper command and view over the prisoners. By lowering the wall to the height of 12 feet and enlarging the area the ventilation might be improved and for the present mud wall, a wall of brick should, in the opinion of the Judges be substituted.

24. At Bellary there are three Separate and distincts prisons opining into different areas and the whole are encircled by a wall the eight of which is not mentioned. One of the prisoners containing 8 Cells is for debtors another containing 6 cells is for females, and the third containing [illegible] wards is for male felons. In each of these prisoners there are Cook rooms, but neither Wells, or privies, are described in the plan. The guard rooms are without the prison walls, which when prisoners are not locked up in cells is desirable, to obviate the risk of their seizing the arms, and overpowering the guards.—

25. The Surgeon attached to the Gillock. Court represents in his report, that the Jail is sufficiently ventilation but that the hospital might be improved in this respect, and he is of opinion that all the prisoners are in eligible healthy Situations, and that the Fevers and

and other means of keeping the Jail clean, are well adopted for the purpose. He states that there are no Lunatic cells, and the plan does not explain, where the Hospital is situated.—

26. The Provincial Court remark, that the Jail and the whole of the arrangements for the prisoners at Bellary are very satisfactory and commendable, and the purposes of the Charge fully answered in all its particulars. The Judges of the Foujdaree Adalat concur generally in this observation, but they think that to render the Jail more perfect and commodious Lunatic cells should be constructed, and that if the hospital is within the felons Jail, a separate one is desirable in a distinct enclosure, where also the lunatic cells should be situated.—

Chinglepet 27. The Jail at this Station, which has been enlarged since the incorporation of the Verdachellum zillah with that of Chinglepet contains 13 wards, and 3 guard rooms. The crowded state of this Jail and its peculiar Construction does not admit of separating different classes of male prisoners from each other; and although female convicts can be locked up in separate cells at night, yet in the day time all sexes and classes mingle together in the common area.—

28. The zillah Surgeon represents in his report, that

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that the fewness of the windows, and the confined situation of the Criminal Jail, which is close to the bastion of the Fort deprives it of that ventilation, which is necessary to Comfort and to health; the cells, he considers too small, or too crowded, as during the night the prisoners sleep as close to each other as possible. The site of the jail he considers objectionable as confined and too close to the Fort Walls. The Hospital he in general approves of and the Sewers are considered sufficient; but there are no cells for Lunatics.—

29. The Acting Criminal Judge Subscribes to the opinion of the Surgeon, that improvement in the ventilation of the Jail is desirable and explains how nearly impossible it is to apply the remedy to those cells, that run parrellel with the Southern wall of the Fort. He objects to removing the Sites of the Jail as being expensive; and depriving it of its present security from being within the Fort.—

30. The Provincial Court observe that they have not found occasion to offer any remarks on the two Zillahs of Bellary and Chinglepet; and refer to the reports of the Judges to enable this Court to form their own opinion. It appears to the Judges of the Foujdaree Adalat that a separate area should be allotted to females, and that cells for lunatics are required. The opinion of the Superintending Engineer might be taken, as to

the

the feasibility of improving the ventilation of the Jail.—

Southern Division Salem

31. At Salem there are three separate prisons the first being the original Jail on the banks of the Salem rever, is devided into two areas, one containing nine cells, 4 Cook rooms, 2 Guard rooms, 2 Wells and Privies and the other an hospital, Dispensary, Guard room Cook room and privy, the whole of these buildings and areas are encircled by a wall 12 feet high, the second prison, being a more modern building, near the Court house, contains 15 cells surrounded by a wall 10½ feet high on the outside of which are 2 guard rooms, and nine new buildings, and the third prison forms a debtors jail.—

32. The two Criminal Jails open into one Common area so that the whole of the prisoners, male and female, and whose offences are of different degrees of atrocity, must intermix, when they leave their cells, defects which appear to be susceptible of an easy remedy by forming a separate area for females, and another for petty offenders.—

33. The Surgeon attached to the zillah represents that the ventilation of the Jails, having undergone some improvement lately, is sufficient: that the walls of both prisons are too close to the cells, and too high that the hospital is good as to size and arrangement, but unhealthy in respect to situation and that there are no cells for lunatics. The States also

also his opinion, that the low situation of both of the prisons, near the banks of the river renders them exstremely unhealthy.

34. The Officer in charge of the zillah took notice of the Surgeon's suggestions and observations, and the Provincial Court for the Southern Division remark, that his objections are chiefly, as to local situation, and as to the position of the outer walls, both of which even if well founded, appear to be irremediable, except by the Construction of a new Jail, which they are not prepared to recommend. It is also observed in their letter, that the third Judge while Judge of Salem recorded his opinion, that experience did not justify the assertion that either the situation or Construction of the Jails occasioned the Mortality which had prevailed for the last 7 or 8 years, and that it was entirely to be attributed to the Climate of Salem.—

35. The Judges of the Tooljdaree Adalut Concur in opinion with the Provincial Court that the objections of the Surgeon are rather imaginary than real, for until late years these jails were always as healthy, as any others in the Country, and Mr. Richmond himself States, that by a hasty observer, the situation of both would be pronounced good & not likely to be unhealthy. "It has been found necessary on several late occasions to draft prisoners from this Jail in Consequence of its crowded State, and the Judges are of opinion that

that unless the Sail at Coimbatoor be appropriated to this purpose the enlargement of the Sail will be necessary to afford adequate accommodation to the prisoners in this exctensive and populous Zillahs.—

Coimbatoor 36 The Sail at this Station contains 23 wards of various dimensions, 2 Guard rooms, 4 Cook rooms, 2 privies and 3 wells, all of which are inscribed by a wall, 15 feet high Two of the wards are allotted to Debtors, 2 more to the Hospital, and a fifth to the Confinement of females. but the doors of all the cells openinto one common area, inconsequence of which the provisions of the Regulations in respect to the Separation of different Classes of prisoners cannot be observed, as might be done, if sanction were given for a separate Debtor's Sail, an hospital, and cells for Lunatics, as proposed by the Criminal Judge—

37. The Criminal Judge represents, that inconsequence of the departure of the Surgeon lately attached to the Zillah Court and the arrival of his Successor, the opinion of a medical offer, as to the ventilation, sufficiency of room, fitness of the hospital and healthiness of the site of the prison could not be furnished The Criminal Judge has offered it as his opinion, that the ventilation is deficient, that the Sail is not adapted to hold its full complement of 300 prisoners, that

that a distinct hospital, and store room for medicines, and cells for Lunatics are wanting, that altho the site of the prison is low, it has not been hitherto unhealthy, that the sewers, and outlets for filth appear fully sufficient;— and that the guard rooms would be more advantageously situated without than within the walls of the prison.—

38. No enlargement of this Sail has been made, consequent on the addition of the Zillah of Tricinopoly to the former Zillah of Combaconum; and the Court are of opinion that the additions to the Sail proposed by the Criminal Judge are required— and that his recommendation for removing the guard rooms outside of the prison walls is judicious—

Madura 39. The Sail at this Station consists of 8 wards, and an hospital, exclusive of a Sailor's apartment, Guard room, Store room, Cook room, privies, and a paper manufactory, surrounded by a high wall of these 5 Cells are for male Criminal Offenders, 1 for females, 1 for debtors & 1 for lunatics— The debtors, ward is distinct from the rest of the prisons, but the remaining cells all open to one common area, and are therefore objectionable independantly of their too extensive dimensions— It is evident, that the Judge cannot any observe the rule regarding the classification of prisoners,

as

as it respects debtors, and females, who during the night may be confined in a separate room, but during day they must mingle with the male prisoners:

40. The Assistant Surgeon attached to this zillah, in his report states that the ventilation of the Jail is defective, and not susceptible of improvement; excepting by taking off the roof and raising the walls that the Hospital is too small but, and confined, without any varandah, its ventilation imperfect, and roof bad, requiring frequent repairs, that there are no lunatic cells, except one apartment without any window to it that the situation of the Jail is hot and confined, being surrounded by a high wall and native buildings that there are no sewers, but the low cast prisoners clean the Jail, and that the situation of the Hospital, and want of store room render it as very objectionable.—

41. The Judges takes no notice of the observations of the Assistant Surgeon, and the Grand Court merely remark that provision should be made "for the better accommodation of the sick at such place, "as the local officers may recommend"

42. It appears to the Judges of the Sessions Adalut that the observation of the Surgeon are entitled to much consideration. They observe, that so long ago as June 1814 serious objections to the Hospital were offered for so large a zillah as that of Madura the Judges would consider, that a regular Civil and Criminal Jail, with an Hospital, Dispensary, and cells for lunatics should be provided, but should this not be considered necessary, alterations should be made in the present buildings by removing the deminicous of the cells and erecting a new Hospital, and cells Lunatics.—

Trichinopaly 43. At Trichinopaly there is a Bamboo proof, built strong. Jail in the Fort, surrounded by a wall 12 feet high, in which are 12 large, and 8 small wards, 2 guard rooms, 4 Cooking rooms, 3 wells and 2 privies with drains and sewers to carry off the filth— as this building since the abolition of the zillah Court of Trichinopaly, is entirely appropriated to the Confinement of male Convicts, who are Chiefly offenders of one class, the separation of them, as in Code of the regular zillah Jails, is not requisite—

44. The Superintending Surgeon of the Southern Division, in his report on this Jail, states that the ventilation of the cells is imperfect in consequence of there being no openings in the central walls, that as a prisoner

would.

would only have 7 feet by 1½ if 30 persons are confined in each of the 12 large cells, they would be much too crowded; that the hospital is good, but too small, and that a store room for medicines appears wanting—

45. The Judges of the Foujdaree Adalut consider the suggestions of the Surgeon in respect to the ventilation of the Jail to be judicious: accommodation for Lunatics is not required at Trichinopoly, it being no longer the Station of a Zillah Court—

Coimbatore 46 At Coimbatore there is a strong compact Jail, built in 1813, surrounded by a wall 12 feet high, within which are 18 large and 4 small cells, 11 Cooking places, 3 wells, one hospital &c &c

47. Upon this building the Provincial Court observe, that there are only 244 prisoners at present in confinement in it, adding it may hereafter be worthy of consideration whether in case it again become necessary to remove any number of prisoners from Salem or from any other Zillah a portion might be sent to that Station The Judges of the Foujdaree Adalut approve of this suggestion the Jail at Trichinopoly having been found not to afford sufficient accommodation for the prisoners, whose removal from Salem and Combaconum has been found necessary—

Western Division Calicut— 48. At Calicut there is one prison surrounded by a wall the height of which is not not stated, in it there are 16 wards for prisoners, 2 guard rooms, 3 Cook rooms, 2 wells and a tank for privy Of these cells 2 are occupied by debtors, 1 by females 1 for working implements, leaving 10, including the Condemned Cell, available for Criminal

offenders— The crowded state of this jail and the construction of the building itself do not enable the Judge to separate Male from female prisoners; and it is totally out of his power to classify the Male convicts by confining them in separate cells, according to their respective degrees of atrocity:—

49 The 16 cells available for the security of Criminal Male prisoners are calculated to contain 522 prisoners allowing 6 feet by 2, or 12 Square feet each Man, and if 6½ feet by 2½ or 16¼ Square feet be allowed they will not contain more than 404 prisoners—

50 The Assistant Surgeon attached to the Zillah, in his report, represents that the cells of the prison are not sufficiently ventilated, and proposes enlarging the doors and windows, and opening other doors; he states that in his opinion 50 persons are too many to be confined in a ward 45 feet long, and 24 feet broad; that the hospital is good, capacious, and airy, that the situation of the Jail is salubrious, and eligible; and that lunatic cells might be appropriated from a building in the Hospital enclosure—

57 The Acting Judge of Malabar offered no remarks upon the Medical Officers observations on the ventilation, and insufficiency of accommodation in the Jail. The Provincial Court state, that the Jail of this station "is unquestionably the most healthy and best constructed in point of security and internal convenience in this Division", but they add, that the increase of prisoners has rendered it totally inadequate for their healthful accommodation", and propose that those who cannot be conveniently accommodated, should be removed to Tellicherry, where they could be usefully employed in the roads or on the public works

"cooks; and" when the spacious apartments under the Fort house
"which were fitted up and used as a jail before the abolition
"of the Zilla of North Malabar might be allotted for their accom-
"-modation."

52 The Judges agree with the Provincial Court
that some relief is necessary for the Jail at Calicut; and that
the removal of a portion of the convicts to Tellicherry is expe-
-dient.

Mangalore 53 The Government having on 7th September
last resolved to construct a new jail at Mangalore, it does
not appear necessary to offer any observations on the defects
of the present Jail. The Judges would, however, recommend
that in the new building separate Areas for different sexes
and different classes of Prisoners should be made; that
proper attention be paid to Ventilation; and that the
buildings allotted to Male convicts, be calculated to hold
300, or 1000 Criminal prisoners.

Seringapatam 54 At Seringapatam there is one jail sur-
-rounded by a wall the height of which is not described:
within the wall are 2 wards for Male prisoners, a guard
room, a Shop, 2 Cook rooms, a privy, and 2 wells. There is
also within the same wall a separate enclosed building
containing a Hall, which communicates with 5 ap-
-partments one of which is allotted for females, a second
for Debtors, and prisoners sentenced by the Magistrate
"without Labour," a third for prisoners committed to be
tried for Murder, a fourth for an hospital, and a
fifth for stores. The whole of the buildings within the

Mysore Diary 4th January 1825.

the prison walls open into one common area, so that
they could indiscriminately mix with each other, when
they leave their wards: and the Criminal Judge is
consequently unable to separate the different classes
and sexes, as prescribed by the legislature.

55 The Assistant Surgeon, attached
to the Zillah, in his report represents that the cells
are well ventilated, that the present state of the Jail
affords sufficient room for the prisoners in it; that
there is no building particularly made for an
hospital, but the present apartment allotted thereto
is quite sufficient; that the room occasionally ap-
-propriated for securing lunatics is sufficient;
that the jail is built in the most salubrious part of
the Island, and that the drains and ditches keep the
Jail clean at all times.

Cannanore 56 At Cannanore, where convicts are
sent to labor at public works, roads &c., they are
confined in Bomb proofs, divided into three cells; a fourth
being used as an hospital.

57 The Garrison Surgeon of Cannanore in his
report represents, that the ventilation of the cells is suffici-
-ent; that they can easily accommodate 300 prisoners, that
the hospital is good, that the site of the Jail is healthy,
but one part damp in the monsoon, and the channels
for cleaning the Jail are adequate to the purpose.

58 The Assistant Magistrate represents the
insufficiency of the Cooking apartments for 300 prisoners,
and

and recommends additions being made, if that accommodation is deemed requisite at Cannanore; and he proposes that in consequence of the dampness of one of the cells the convicts at Cannanore should not exceed 250, whose services would appear altogether superfluous, in his opinion, judging by the work performed by them while at work

59

The Provincial Court concurs in the propriety of not exceeding the number of 300 Convicts at Cannanore which it may be deemed advisable to retain there for making an addition to the Public Works

60.

The Surgeon of the Zemindary Hospital at Tellicherry submitting that a post mortem examination of the bodies of persons who may die in the Hospital should be ordered, as to which the opinion of the Medical Board should be obtained, it is to observe that a space of 6 feet by 2 be allowed for each prisoner at night without endangering health, and also in respect to the number of prisoners to be placed in each cell

61

Sundry Returns, which have been called for by the Superintending Surgeon, the Medical Board, the Surgeon of the Zemindary Hospital at Tellicherry, and the Superintendant of Police, have been received, and it is considered that any other returns will be called for from them

62

A Statement of Mr. Sherwood's submitting, shewing the number of prisoners which each Jail can accommodate, allowing to each prisoner 6 feet by 2 and allowing 5½ feet by 2½, and giving an abstract of other particulars, of which a report was in the papers herewith submitted.

4th January 1825.

(signed) H. Burkitt

Register

Foxjdare Diary 4th January 1825.

A Statement of the Number of Prisoners which each Jail can accommodate, allowing to each Prisoner 6 feet by 2 and allowing 5½ feet by 2½, and giving an abstract of other particulars, of which a report was in the papers herewith submitted.

| Where situated | No. of Jails | Number of Prisoners | Number of Cells | Number of Prisoners which each Cell can accommodate | Number of Prisoners which each Jail can accommodate | Number of Prisoners which each Jail can accommodate allowing 5½ feet by 2½ | Number of Prisoners which each Cell can accommodate allowing 5½ feet by 2½

Jails	No. of cells	Allotment	No. of prisoners capable of being decently allowing allowing at the rate of 40 2/3 cubic feet for each person	No. of prisoners now in the cells allowing at the rate of 40 2/3 cubic feet for each person	Clothing allowed to each prisoner	Bedding allowed to each prisoner	Daily diet allowed to each prisoner	Hours of daily labor for the convicts	Remarks.
Nellore	10 Felons 0 Females 0 Debtors 1 Hospitals	681 160 160 164	536 120 120 114	173	In the same Manner as at the Jail and in the Common Assembly	Straw Each Prisoner makes his own at their leave.	Rice 7 oz per day to those who Cook for themselves	7 to 12 A.M. and 2 to 5 P.M.	The accommodation here described is that of the new Jail: the plan of which does not appear to provide for sufficient supply of water.—
Rapalemaug	8 Felons 1 Debtors 2 Lunatics	201 12 2	158 12 2	—	Annually a Cotton Mat	66 Rupees weight of rice and 2 lb each for Condiments	7 to 12 A.M. 1 to 5 P.M.		Exclusive of the 11 cells here mentioned there are for Hospitals - 1 for a Cook room and 1 for Prisoners sick in the Jail. There are good Courts and the Jail is very healthy and seems very complete.—
Chittoor	1 Jail 9 additions 5 Prison B 10 Prison C 10 Prison D 6 Prison E 11 Prison F	180 330 170 710 710 460 114	124 204 114 630 630 414 64	117	1 Annually 1 Coat each 4th 1 Lungoty & 1 Chunnam or Pad every six Months	A Bamboo Mat 6 feet by 2.—	1 Measure or 70 Rupees weights grain and 2 lb each for condiments and firewood.—	From 8 to 12 A.M. and 1 to 5 P.M.	The 39 cells Marked O would appear to be the only solid Masonry buildings at Chittoor and they are calculated to confine 1480 persons allowing each 9 feet by 2, or 1052 when are sheds built of mud with cadjan roofs intended to be rebuilt of Burnt bricks and Tiles.— The prison F is meant for females and debtors and high caste prisoners, and at present is made use of for an hospitals — There are 7 yards & apartments about these prisons — A tank and 3 wells within the walls or compound and six privies — 3 rooms are designed in addition for females. The compound wall is not strong or high enough — It extends 814 3/4 feet from east to west at the north end, 408 ft at south end — An hospitals & lunatic cells appear wanting.
Cuddapah	35 Cells in Jail 3 Hospitals & prison 1 Objection station 1 Hospitals 10 Debtors.—	13 1/2 150 132 109 —	1080 112 100 132 —	190	One coarse cloth Annually and a private cloth when they pay for it.—	A Mat	One seer of Jonalvo and one dalRice for Condiments.—	From 8 to 12 A.M. and 1 to 5 P.M.	The Jail here is a most satisfactory building. It consists first of a ruinous mud wall of great height which obstructs ventilation — Within this walls are 9 sheds divided into 35 cells — These sheds are represented as having a wall at each end, and one running lengthways the opposite line to the east having palisades some inches apart which let in rain, wind and dust — In these cells are the cooking apartments: there being no others — It is proposed that the present cells be knocked down and regular ones built and that the wall should be 12 feet high of brick and Chunam.—

Tyrlaue Quay Fort St. George 30th January 1807.

Prisons Civil & Criminal 1870.

Jails	No. of cells	allotment of cells	No. of prisoners capable of being decently lodged allowing allowing at the rate of 54 feet of Airspace by 9 feet by the height of each room	No. of prisoners tried on an average of 5 years	Clothing allowed to each prisoner.	Bedding allowed to each prisoner.	Daily subsistence to each prisoner	Hours of daily labor for the convicts.	Remarks
Bellary	21 Felons 2 Females 3 Debtors	333 24 112	370 72 90	153	One comfly and 2 Pairs of trousers yearly and 1 Cloth when necessary.	Mat & Blanket	One pound of rice cooked and a pound of Curry stuff and a Rupee per month for fuel and condiments	From 8 A.M. to 12 and from 1 to 3 P.M.	Within the prisons of which there are 3, are 5 Cook rooms but no wells laid down in the Plan. Guard rooms are without the prison walls. An Hospital and Lunatic cells separate from the Jail are wanted & when this Jail very complete. The present hospitals requires improved ventilation
Vizagapatam	13 Felons 3 Hospitals	300 35	292 20	37	2 Pairs of Cloth each & Blankets long & Lungotties and Patcha annually.	A Mat & Mat.	70 Rupees weight of rice & Curries & Rupees to these and conditions to the number of Cooks	From 7 to 12 A.M. and from 1 to 4 P.M.	Exclusive of these 16 cells there are 3 apartments in the two Felons Jails for the Jailer and guards. The outer walls of the cells form the prison walls. There are cisterns for water but no wells. Besides these prisons a building called the Rajahmahal is allotted for debtors but its extent is not explained. It is considered that this Jail should be enlarged & separate prisons for debtors and females are wanted, as also lunatic cells.
Salem	9 old jail felons 15 new jail felons 1 Hospital 1 Debtors.	154 345 35 52	132 253 80 40	170	10 Cloth 6 Cubits by 2¼ every 6 months and a Comfly when requisite.	None	85 Rupees weight of Jowary or Ratchenny 6 days and on Sundays fleur rice and ¾ pice cash for condiments	From 7¾ to 12 A.M. and from 1 to 4 P.M.	There is no separate area here for females and for petty offenders exclusive of the cells here enumerated there are 4 Cook rooms - 2 guard rooms - 2 wells and privies within the walls of the original prison - a dispensary - Guard room, Cook room and privy within the walls of the Hospital, a Barrack and a paper manufactory. Outside the walls of the new Jail are 2 guard rooms and a new building intended & is supposed for stores. - In the debtors prison are 2 guard rooms a Godown, 14 Cook rooms and a large tank Lunatic cells. Enlargement of the Jail and improved ventilation required. -
Combaconum	18 Felons 1 Females 2 Hospital 2 Debtors	284 26 40 40	145 10 32 32	110	One comfly Comfly -	a gup meat	1 Rupee per annum	From 7 to 12 A.M. and from 1 to 4 P.M.	Exclusive of the 23 wards in this Jail, surrounded by a wall 15 feet high, there are 2 guard rooms - 4 Cook rooms, 3 wells and 2 privies within the walls - A separate debtors Jail is desirable and an hospital, Lunatic cells are required - The guard rooms should be outside of the walls and if these additions and alterations are made the Jail will be fitted to confine 210, or 285, males, and 20 or 10 females. -
Salem	9 old jail felons 15 new jail felons 1 Hospital 1 Debtors.	154 345 35 52	132 253 80 40	170	10 Cloth 6 Cubits by 2¼ every 6 months and a Comfly when requisite.	None	85 Rupees weight of Jowary or Ratchenny 6 days and on Sundays fleur rice and ¾ pice cash for condiments	From 7¾ to 12 A.M. and from 1 to 4 P.M.	There is no separate area here for females and for petty offenders exclusive of the cells here enumerated there are 4 Cook rooms - 2 guard rooms - 2 wells and privies within the walls of the original prison - a dispensary - Guard room, Cook room and privy within the walls of the Hospital, a Barrack and a paper manufactory. Outside the walls of the new Jail are 2 guard rooms and a new building intended & is supposed for stores. - In the debtors prison are 2 guard rooms a Godown, 14 Cook rooms and a large tank Lunatic cells. Enlargement of the Jail and improved ventilation required. -

Friday Dec. 31st January 1825.

Collected { 92 Sheep 402 944 / Lambs 10 12 } — Returned { Ewes 90 / Lambs 12 } Barn

Collected { 10 Calves 322 404 / Sheep 12 10 / Geese 12 24 } 330 Returned 4 Bran / Sharps / Flour / Oats.

Barley { 3 Calves 472 920 / Sheep 11 3 / Lambs 17 20 } 22 Returned 2 Barley / Oats

Collected 20 Sheep 824 92 — Returned Barley

Friday Dec. 31st January 1825.

Duplicate Duty Returns of Jails &c. for January 1834.

Jails	No of Jails	Allotment of Cells	No of prisoners capable of being decently allowed at the rate of 42 feet each prisoner	No of prisoners allowed at the rate of 84 feet each prisoner	No of persons yearly sick in a average of 5 years.	Cloathing allowed to each prisoner	Bedding allowed to each prisoner	Daily subsistence to each prisoner	Hours of daily labor for the convicts	Remarks
Bangalore	12	Felons	375	325	173	Annually 2 Cloths annually.	A Mat	Rice and Ragi or Ragi for condiment	From 6 to 11 A.M. and from 1 to 5 P.M.	A new Jail is about to be built here
	1	Females	30	20						
	2	Debtors	31	18						
Seringapatam	8	Felons	132	82	14	6 Cubits of coarse cloth annually	A Mat	Rice and 20 Cash for condiments	From 7 to 12 A.M. & from 1 to 4 P.M.	This Jail is surrounded by a wall the height of which is not described, it extends from North to south 332 feet and from east to west and the North end 164 feet, and at the South end 115 feet. Inclusive of the 12 cells here enumerated, there are within the prison walls 2 Cook rooms, 1 Guard room, 1 Shed, 1 Store room, 2 wells and a privy. Outside of the Jail is a Sepoys guard room. No alterations or additions seem required at this Jail.
	1	Condemned	20	15						
	1	Females	20	10						
	1	Hospital	20	15						
	1	Debtors	32	20						
Cannore	3	Felons	400	352	—	1 Annually 2 Cloths & 2 Rattegunny	A Mat	1 Seer of rice and 1 Ragi (3 to a rupee) for condiments	From 7 to 12 A.M. and from 1 to 4 P.M.	The prisons here are confined in Bomb proofs of the Fort: part of the buildings are not available from being low and damp, and if 300 prisoners are confined there, more cook rooms will be requisite: 250 is proposed to be the greatest number in future.
	1	Hospital	70	50						

Signed J. W. Braddon Register

Duplicate Duty Returns of Jails &c. for January 1834.

No. 9

From the Acting Register to Government in the Judicial Department

Dated 10th February 1834.

Sir,

I am directed by the Judges of the Court of Sessions to request that you will be pleased to lay before the Honorable the Board of Revenue for the orders of the Honorable the Board to transmit to you, for the orders of Government, the accompanying Jail Returns for January 1834.

I am directed to acknowledge the receipt of your letter dated 7th instant, with its enclosure, from the Acting Criminal Judge in the Zilla of Bellary, forwarding a Civil Suit for Rupees 229 13 on account of transportation for the Court of Circuit.

Signed W. Braddon Register

No. 10

From the Criminal Judge in the Zilla of Chingleput.

Dated 6th January 1834.

Sir,

I am directed to acknowledge the receipt of your letter of the 31st ultimo, requesting information as to the mode of keeping the attendance of witnesses residing at Madras.

In answer to a similar reference from your Office in the year 1828 the Judges stated that they were of opinion that the Register should be directed to furnish the Criminal Judge with a list of the witnesses required from Madras, specifying the attendance of each witness, and the date on which their attendance will be required.

2. In addition to the above mode of procedure to be observed in all cases, the Judges think that the Criminal Judge should be authorized to grant certificates to witnesses, who may be given for the time they have attended on the Court of Circuit to Cannanore or Seringapatam, specifying the number of days they have been detained.

Signed W. Braddon Register

No. 11

From the Acting Register to Government in the Judicial Department

Dated 10th February 1834.

Sir,

I am directed by the Judges of the Court of Sessions to transmit to you, for the orders of the Honorable the Board of Revenue, a Statement of the Expenditure incurred in the Zilla of Bellary for the Establishment of Peons attached to the Criminal Judge's Court during the year 1833, amounting to Rupees 1,025 as per Estimate XXX of 1832.

Signed W. Braddon Register

No. 12

From the Acting Criminal Judge in the Zilla of Bellary.

Dated 30th January 1834.

Sir,

I have the honor to transmit herewith a Letter from Cannanore Circuit dated 25th instant, with its enclosure, a Petition from Ramen Nair and two others, complaining of the conduct of the Peishcar of Cherikul in the Zilla of Malabar, and praying that the Petitioners may be permitted to prosecute their complaint before the Court of Circuit.

2. As the Petitioners have not complied with the Rules of Court, I have not thought it necessary to forward the Petition to the Court of Circuit.

3. I have the honor to request that you will be pleased to lay the Petition before the Court of Sessions, and to solicit their orders thereon.

Signed J. Thackeray Criminal Judge

Bellary 30th January 1834.

№19. To the First Judge on Circuit in the Central Division.

Sir,

1. I am directed by the Judges of the Court of Tanjore Udalut to acknowledge the receipt of your letter, dated 5th Instant, suggesting that in trials to be referred to the Court at the present Cuddapa sessions the original of the proceedings before the Police Officer and the Criminal Judge be forwarded, instead of translations with the usual proceedings in the Court of Circuit, in cases "where the bulk of the papers received from the Criminal Court be unusually enlarged, and the nature of the case, as arising from the late unexampled distress of the County might claim an early decision and be in other respects free from any marks of peculiar atrocity or heinous crime."

2. Referring to the state of business at the present Cuddapa sessions the Judges of the Tanjore Udalut resolve to dispense with the reference of the police proceedings, excepting where they may appear to you to be material to a clear elucidation of the evidence; the record of preliminary proceedings being thus limited to the documents specified in section XX Regulation X of 1816: copies of any confessions before the Head of Police must of course be furnished.

3. As the Judges will require translations of the preliminary proceedings, which if not sent by you must be prepared in the mode pointed out in the 11th para of my letter to the Secretary to Government in the Judicial Department dated 20th Ultimo it appears to them, that in order to the early determination of the trials to be referred all such translations, as can be prepared on the spot should be made, for which purpose you will direct the Acting Criminal Judge to employ any competent persons, required in aid of his establishment, to be remunerated at the prescribed rate.

4. The transmission of the original papers for translation at the Presidency, being calculated materially to delay the trials, the Judges of the Tanjore Udalut hope, that under the circumstances

circumstances stated in your letter it will not be requisite to resort to that measures.

12th January 1825. (Signed) W Thackeray Register

№20. 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 Tanjore Udalut to acknowledge the receipt of your letter, dated 7th Instant, with the statements therein mentioned, received from the Registar of Tanjore.-

2. The two first columns of statement A are, as you observe, intended to exhibit the number of crimes, ascertained to have been committed within the period which the statement embraces, and the number of persons supposed to have been concerned in those crimes; and the third column is intended to shew the number of persons actually apprehended within that period; not including those "brought before the Magistrate and his subordinate Officers," who may be forthwith discharged, as explained in the first paragraph of my letter, dated 11th October last. The numbers in the fourth and succeeding columns of the Magistrates' additional statement C should as you observe, be included in the third and succeeding columns of the statement A.

3. The Judges do not require the particular information, intended to be given by the Magistrates statement C.

4. The second column of statement B is, as you observe, intended to shew the number of persons actually brought under the cognizance of the Police within the period embraced by the A statement, and the numbers inserted in the second and succeeding columns of the Magistrates statement D should be included in the second and succeeding columns of statement B. Referring to the four statements furnished by the Magistrate of Tanjore the Judges direct me to state that statements in the forms A and B are not required for any period antecedent to the 1st July 1824 and with respect to the statements B and D the Judges remark,

that

№ 19. To the First Judge on Circuit in the Central Division.

Sir,

1. I am directed by the Judges of the Court of Tanjore Udalut to acknowledge the receipt of your letter, dated 5th Instant, suggesting that in trials to be referred to the Court at the present Cuddapa Sessions the original of the proceedings before the Police Officer and the Criminal Judge be forwarded, instead of translations with the usual proceedings in the Court of Circuit; in cases where the bulk of the papers received from the Criminal Court be unusually enlarged, and the nature of the case, as arising from the late unexampled distress of the County might claim an early decision and be in other respects free from any marks of peculiar atrocity or heinous crime.-

2. Referring to the state of business at the present Cuddapa Sessions the Judges of the Tanjore Udalut resolve to dispense with the reference of the Police proceedings, excepting where they may appear to you to be material to a clear elucidation of the evidence; the record of preliminary proceedings being thus limited to the documents specified in Section XX Regulation X of 1816: copies of any confessions before the Head of Police must of course be furnished.-

3. As the Judges will require translations of the preliminary proceedings, which if not sent by you must be prepared in the mode pointed out in the 11th para of my letter to the Secretary to Government in the Judicial Department dated 20th Ultimo it appears to them, that in order to the early determination of the trials to be referred all such translations, as can be prepared on the spot should be made, for which purpose you will direct the Acting Criminal Judge to employ any competent persons, required in aid of his establishment, to be remunerated at the prescribed rate.-

4. The transmission of the original papers for translation at the Residency being calculated materially to delay the trials, the Judges of the Tanjore Udalut hope, that under the circumstances

circumstances stated in your letter it will not be requisite to resort to that measure.-

12th January 1825. (Signed) W Thackeray Register

№ 20. 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 Tanjore Udalut to acknowledge the receipt of your letter, dated 7th Instant, with the statements therein mentioned, received from the Magistrate of Tanjore.-

2. The two first columns of statement A, are, as you observe, intended to exhibit the number of crimes, ascertained to have been committed within the period which the statement embraces, and the number of persons supposed to have been concerned in those crimes; and the third column is intended to shew the number of persons actually apprehended within that period; not including those "brought before the Magistrate "and his subordinate Officers," who may be forthwith discharged, as explained in the first paragraph of my letter, dated 11th October last. The numbers in the fourth and succeeding columns of the Magistrates' additional statement C should as you observe, be included in the third and succeeding columns of the statement A.

3. The Judges do not require the particular information, intended to be given by the Magistrates statement C.-

4. The second column of statement B is, as you observe, intended to shew the number of persons actually brought under the cognizance of the Police within the period embraced by the A statement, and the numbers inserted in the second and succeeding columns of the Magistrates statement D should be included in the second and succeeding columns of statement B.- Referring to the four statements furnished by the Magistrate of Tanjore the Judges direct me to state that statements in the forms A and B are not required for any period antecedent to the 1st July 1824. and with respect to the statements B and D the Judges remark,

that

№19. To the First Judge on Circuit in the Centre Division.

Sir,

1. I am directed by the Judges of the Court of Poydarey Udalut to acknowledge the receipt of your letter, dated 5th instant, suggesting that in trials to be referred to the Court at the present Cuddapa sessions the original of the proceedings before the Police Officer and the Criminal Judge be forwarded, instead of translations with the usual proceedings in the Court of Circuit, in cases "where the bulk of the papers received from the Criminal Court be unusually enlarged, and the nature of the case, as arising from the late unsettled disturbs of the County, might claim an early decision and be in other respects free from any marks of peculiar atrocity or heinous crime."-

2. Referring to the state of business at the present Cuddapa sessions the Judges of the Poydarey Udalut resolve to dispense with the reference of the police proceedings, excepting where they may appear to you to be material to a clear elucidation of the evidence; the record of preliminary proceedings being thus limited to the documents specified in section XX Regulation X of 1816: copies of any confessions before the Head of Police must of course be furnished.-

3. As the Judges will require translations of the preliminary proceedings, which if not sent by you must be prepared in the mode pointed out in the 11th para of my letter to the Secretary to Government in the Judicial Department dated 20th Ultimo it appears to them, that in order to the early determination of the trials to be referred all such translations, as can be prepared on the spot should be made, for which purpose you will direct the Acting Criminal Judge to employ any competent persons, required in aid of his establishment, to be remunerated at the prescribed rate.

4. The transmission of the original papers for translation at the Presidency being calculated materially to delay the trials, the Judges of the Poydarey Udalut hope, that under the circumstances

circumstances stated in your letter it will not be requisite to revert to that measures.-

12th January 1825. (Signed) W Thackeray Register.

№20. 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 Poydarey Udalut to acknowledge the receipt of your letter, dated 7th instant, with the statements therein mentioned, received from the Magistrate of Tanjore.-

2. The two first columns of statement A are, as you observe, intended to exhibit the number of crimes ascertained to have been committed within the period which the statements embraces, and the number of persons supposed to have been concerned in those crimes; and the third column is intended to shew the number of persons actually apprehended within that period; not including those "brought before the Magistrate "and his subordinate Officers," who may be forthwith discharged, as explained in the first paragraph of my letter, dated 11th October last. The numbers in the fourth and succeeding columns of the Magistrates' additional statement C should as you observe, be included in the third and succeeding columns of the statement A.

3. The Judges do not require the particular information intended to be given by the Magistrates statement C.-

4. The second column of statement B is, as you observe, intended to shew the number of persons actually brought under the cognizance of the Police within the period embraced by the A statement, and the numbers inserted in the second and succeeding columns of the Magistrates statement D should be included in the second and succeeding columns of statement B.- Referring to the four statements furnished by the Magistrate of Tanjore the Judges direct me to state that statements in the forms A and B are not required for any period antecedent to the 1st July 1824 and with respect to the statements B and D the Judges remark,

that

that they do not accord with their circular instructions of 11th October, inasmuch as they include persons "imprisoned" for non payment of fines, who should appear only in statement A.-

5. It is observed in the 6th paragraph of your letter that "crimes and petty offences committed within the period "embraced by the statements respectively may often be brought "to the notice of the Magistrate and his subordinate officers "after the statements have been prepared;" the Judges deem it a matter deserving of consideration whether this might not be avoided by enforcing regularity and punctuality in the returns made to the Magistrates. It appears to the Judges, that generally speaking full returns of offences committed up to the expiration of the half year might be obtained in fifteen days after that period, and it does not appear necessary, that the half yearly statements should be prepared before the materials for giving it all attainable accuracy are found. Should it, however be found that considerable delay will necessarily arise from postponing the preparation of the statement until the receipt of all returns from the Officers of the Judges will be prepared to give effect to your suggestion that cases omitted in one statement be inserted in the corresponding statement for the succeeding half year.-

6. As the 3rd column of statement A should include the total number of persons apprehended, the Judges conceive that the discrepancies between the numbers apprehended and numbers punished, in each half year, which must necessarily arise from there remaining some cases not disposed of, should be explained in an additional column of remarks.- They do not intend that persons apprehended, and not punished, or pardoned to the Criminal Judge, at the end of the half year, should be excluded from the 3rd column.-

15th January 1825.

/signed W. Hudleston. Regr

№25 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 a letter, dated 31st Ultimo, from the 2d and 3d Judges of the Provincial Court, together with the papers therewith transmitted.-

2. In the concluding paragraph of the above letter it is stated, that the 1st Judge has recorded two minutes, one on each of the Nazirs' complaints, in which he has expressed sentiments considerably at variance with those of the 2d and 3d Judges.-

3. The Judges of the Court of Foujdaree Adalut, deeming it to be requisite, that the sentiments recorded by the 1st Judge on this case, should be laid before them, direct that copies of the Minutes above mentioned be submitted with as little delay as possible.-

/signed W. Hudleston. Regr

15th January 1825.

№26. To the Acting Criminal Judge 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 11th Instant, forwarding the opinion called for in my letter of the 4th Instant from the Zilla Surgeon in respect to the propriety of retaining in the Jail the number of prisoners now lodged there.-

2. The Judges observe, that the Surgeon, speaking of the state of the Jail on the 9th Instant, declares most decidedly his opinion, that it is highly desirable, if possible, to diminish the number of prisoners in the Jail.-

3. Under these circumstances the Judges are of opinion, that in neglecting to avail yourself of the permission of the Government, communicated to you on the 21st Ultimo, to make arrangements in communication with the Collector and the Officer Commanding at Cuddapa for the accommodation of a portion of the prisoners elsewhere, you have incurred a most serious responsibility.-

4. The Judges direct that you do forthwith make such arrangements, as are alluded to in the letter from the Secretary to Government in the Judicial Department of date

Fouzdaree Diary 13th & 15th January 1825

that they do not accord with their circular instructions of 11th October, inasmuch as they include persons "imprisoned" for non payment of fine, who should appear only in statement A.-

5. It is observed in the 6th paragraph of your letter that "crimes and petty offences committed within the period "embraced by the statements respectively, may often be brought "to the notice of the Magistrate and his subordinate officers "after the statements have been prepared;" the Judges deem it deserving of consideration whether this might not be avoided by enforcing regularity and punctuality in the returns made to the Magistrates. It appears to the Judges, that generally speaking, full returns of offences committed up to the expiration of the half year might be obtained in fifteen days after that period, and it does not appear necessary, that the half yearly statements should be prepared before the materials for giving it all attainable accuracy are found. Should it, however be found that considerable delay must necessarily arise from postponing the preparation of the statement until the receipt of all returns from the Officers of the Thanas, the Judges will be prepared to give effect to your suggestion that cases omitted in one statement be inserted in the corresponding statement for the succeeding half year.-

6. As the 3d column of statement A should include the total number of persons apprehended, the Judges observe that the discrepancies between the numbers apprehended and numbers punished, in each half year, which must necessarily arise from there remaining some cases not disposed of, should be explained in an additional column of remarks.- They do not intend that persons apprehended, and not punished, or pending to the Criminal Judge, at the end of the half year, should be excluded from the 3d column.-

15th January 1825.

/signed W. Hudleston. Regr

No 25 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 Fouzdaree Adalut to acknowledge the receipt of a letter, dated 31st Ultimo, from the 2d and 3d Judges of the Provincial Court, together with the papers therewith transmitted.-

2. In the concluding paragraph of the above letter it is stated, that the 1st Judge has recorded two minutes, one on each of the Nazirs' complaints, in which he has expressed sentiments "considerably at variance" with those of the 2d and 3d Judges.-

3. The Judges of the Court of Fouzdaree Adalut, deeming it to be requisite, that the sentiments recorded by the 1st Judge on this case, should be laid before them, direct that copies of the Minutes above mentioned be submitted with as little delay as possible.-

/signed W. Hudleston. Regr

15th January 1825.

No 26 To the Acting Criminal Judge in the Zilla of Cuddapa.

Sir,

1. I am directed by the Judges of the Court of Fouzdaree Adalut to acknowledge the receipt of your letter, dated 11th Instant, forwarding the opinion called for in my letter of the 4th Instant from the Zilla Surgeon in respect to the propriety of retaining in the Jail the number of prisoners now lodged there.-

2. The Judges observe, that the Surgeon, speaking of the state of the Jail on the 9th Instant, declares most decidedly his opinion, that it is highly desirable, if possible, to diminish the number of prisoners in the Jail.-

3. Under these circumstances the Judges are of opinion, that in neglecting to avail yourself of the permission of the Government, communicated to you on the 24th Ultimo, to make arrangements in communication with the Collector and the Officer Commanding at Cuddapa for the accommodation of a portion of the prisoners elsewhere, you have incurred a most serious responsibility.-

4. The Judges direct that you do forthwith make such arrangements, as are alluded to in the letter from the Secretary to Government in the Judicial Department of date

dated 21st Ultimo, for removing from the Jail so many of the prisoners, as the Surgeon may recommend.-

5. You will with as little delay as possible report what has been done by you under these instructions forwarding the reply which the Surgeon may make to your reference for his opinion, in respect to the number of prisoners to be removed from the Jail.-

15th January 1825.

No 27. To the Secretary to Government in the Judicial Department.

No 6 / Signed W. Hudleston. Register

Sir,

With reference to my letter No 1 dated 11th Instant, I am directed by the Judges of the Court of Zoujdaree Adalut to transmit to you the accompanying letter, dated 11th Instant, from the Acting Criminal Judge in the Zilla of Cuddapah together with a copy of the reply thereto, dated this day.-

2. The further report, called for from the Acting Criminal Judge, will when received be submitted to the Government.-

15th January 1825.

No 28. To the Secretary to Government in the Judicial Department.

No 7 / Signed W. Hudleston. Register

Sir,

I am directed by the Judges of the Court of Zoujdaree Adalut, 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 2d Judge of the Court of Circuit in the Centre Division; and with reference to the circumstances therein detailed, to offer their recommendation, that authority may be given for the tender of a conditional pardon to Nullummy, a person implicated in a case of robbery, under the provisions of Section XX Regulation VIII of 1802.-

15th January 1825.

No 29. To the Judges of the Provincial Court of Circuit in the Northern Division

Signed W. Hudleston Register

Gentlemen,

I am directed by the Judges of the Court of Zoujdaree Adalut to acknowledge the receipt of your letter, dated 27th Ultimo, transmitting the communications received from the Criminal Judge in reply to the observations of the Judges on the reports, submitted under the provisions of Section XXXI Regulation X of 1816 for the second quarter of the present year.-

2. Upon the statement of the Criminal Judge in the Zilla of Nellore, in respect to what information the column of remarks should contain the Judges deem unnecessary to make particular observation, as their present standing orders define this matter with sufficient precision. They are however of opinion, that the Criminal Judge would have acted judiciously in appending to the police officer's explanation in the case in question any elucidation of the circumstances, which the information in his possession, on originally forwarding the Report, placed in his power.-

3. Upon the observations of the Judges of the Court of Zoujdaree Adalut in case No 75 the Criminal Judge has commented in a style, bordering on disrespect, of which the Judges hope, that no future instance will occurs.-

4. The Criminal Judge explains, that the prisoner "was not in confinement for one hour" on the charge entered against his name in that number, and points out that he is the same individual, who in the preceding case was convicted of cattle stealing, and sentenced to two months' imprisonment.-

5. Such being the fact, the entry of his apprehension, under date 21st May 1824, on a charge of "leaving the village "after the head inhabitants had told him to remain, on "suspecting him of having committed a robbery", was manifestly inaccurate; and it is almost unnecessary to point out, that the entry of his release, "being charged with no crime" was equally so.-

6. The mere identity of name is manifestly insufficient to shew identity of person; and the inconsistent entries in the report regarding the disposal of this individual were certainly not calculated to put the Judges in possession of the fact, that C. Naugiah, sentenced to imprisonment in No 74, was C. Naugiah "released" in No 75.-

7. You will be pleased to instruct the Criminal Judge invariably

dated 21st Ultimo, for removing from the Jail so many of the prisoners, as the Surgeon may recommend.-

5. You will with as little delay as possible report what has been done by you under these instructions forwarding the reply which the Surgeon may make to your reference for his opinion, in respect to the number of prisoners to be removed from the Jail.-

15th January 1825.

No 27. To the Secretary to Government in the Judicial Department.

Sir, No 6 / signed W. Hudleston. Registr.

1. With reference to my letter No 1 dated 4th Instant, I am directed by the Judges of the Court of Toujdaree Adalut to transmit to you the accompanying letter, dated 11th Instant, from the Acting Criminal Judge in the Zilla of Cuddapah together with a copy of the reply thereto, dated this day.-

2. The further report, called for from the Acting Criminal Judge, will when received be submitted to the Government.-

15th January 1825.

No 28 To the Secretary to Government in the Judicial Department.

Sir, No 7 / signed W. Hudleston. Registr.

I am directed by the Judges of the Court of Toujdaree Adalut, 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 2d Judge of the Court of Circuit in the Centre Division; and with reference to the circumstances therein detailed, to offer their recommendation, that authority may be given for the tender of a conditional pardon to Nallummy, a person implicated in a case of robbery, under the provisions of Section XX Regulation VIII of 1802.-

15th January 1825.

No 29. To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen, Signed W. Hudleston Registr

I am directed by the Judges of the Court of Toujdaree Adalut to acknowledge the receipt of your letter, dated 27th Ultimo, transmitting the communications received from the Criminal Judge in reply to the observations of the Judges on the reports, submitted under the provisions of Section XXXV Regulation X of 1816 for the second quarter of the present year.-

2. Upon the statement of the Criminal Judge in the Zilla of Nellore, in respect to what information the column of remarks should contain the Judges deem unnecessary to make particular observation, as their present standing orders define this matter with sufficient precision. They are however of opinion, that the Criminal Judge would have acted judiciously in appending to the police officer's explanation in the case in question any elucidation of the circumstances, which the information in his possession, or originally forwarding the Report, placed in his power.-

3. Upon the observations of the Judges of the Court of Toujdaree Adalut in case No 75 the Criminal Judge has commented in a style, bordering on disrespect, of which the Judges hope, that no future instance will occur.-

4. The Criminal Judge explains, that the prisoner in "was not in confinement for one hour" on the charge entered against his name in that number, and points out that he is the same individual, who in the preceding case was committed of cattle stealing, and sentenced to two months' imprisonment.-

5. Such being the fact, the entry of his apprehension, under date 26th May 1824, on a charge of "leaving the village "after the head inhabitants had told him to remain, suspecting him of having committed a robbery", was manifestly inaccurate; and it is almost unnecessary to point out, that the entry of his release, "being charged with no crime" was equally so.-

6. The mere identity of name is manifestly insufficient to shew identity of person; and the inconsistent entries in the report regarding the disposal of this individual were certainly not calculated to put the Judges in possession of the fact, that C. Nangiah, sentenced to imprisonment in No 74, was C. Nangiah "released" in No 75.-

7. You will be pleased to instruct the Criminal Judge invariably

invariably to specify by a note in red ink, when one
=vidual appears in more than one number of the reg
In a case of this sort the entry of release in manjuttee
it should have been stated, that the charge was dismi
but the person detained under confination in another ca

2. The instructions, reported by the Assistant Magist
of Vizagapatam to have been given to the Zemindars "
"apprehend and send to the Magistrate or to the heads of th
"all disturbers of the peace" appear to the Judges to be
they desire that you will obtain from the Magistrate a co
and translation of the orders referred to, in order that
Judges may be enabled to determine, whether or not, they
due in accordance with the provisions of the Regulations.
15th January 1825.

/ signed / W. Hudleston. Regr

No 30. To the Acting Criminal Judge in the Zilla of Billaro
Transmitting Copy of a letter from Sir
=ment containing the Bill forwarded by him on absco
of charges incurred for translations performed for the Court
of Circuit for 1st Sessions 1824.
19th January 1825.

No 31 To the First Judge on Circuit in the Centre Divis
Sir,
Sent usual letter

I am directed by the Judges of the Court of Sud
=dawee Adalut to acknowledge the receipt of your letter
dated 11th Instante, in the first paragraph of which you
state, in reference to the intimation, given in your letter
of the 10th Instante, that you should consider yourself
authorized to pass sentence in certain "Burglary cases"
that you do not mean to do so without first obtaining
the concurrence of the Sudder Court: and that you have
to this time left all these cases in reserve for the sentence
of punishment until honored with the Court's reply to
your letter: from the concluding words of this paragraph
it appears, that you consider the cases in question to fall

fall within the scope of the provisions of clause fourth Section
II Regulation VI of 1822.-

2. The Judges do not distinctly perceive the grounds
of your present reference. If the cases in question fall under the
description of offences, punishable according to the Regulations
in force by the Court of Circuit, it cannot be necessary to
apprize you, that it is open to you to dispose of them: if
but if in the other hand they are of a nature, punishable
exclusively by the Court of Foujdaree Udalut, it is manifestly
incompetent to the Judges to authorize your disposing of them:
you must act in this matter according to the best of your
judgment: until the Calendar shall be laid before the Court
it will not be in the power of the Judges to determine, as to
whether, or not, the cases, which you mention are referrible
under the Regulations.-

3. The Judges deem it proper on this occasion to
point your attention to the distinction between the offences of
Robbery by open violence and Burglary, shewn in the de-
=finitions of those offences given in Sections III & V Regula-
=tion XV of 1803.-

4. Referring to the suggestions offered in the 3d para-
=graph of your letter, the Judges have only to observe, that
they are vested with no power to dispense, under any
circumstances, with a strict adherence to the provisions
of the Regulations in force.-

/ signed / W. Hudleston Register
19th January 1825.-

1858

No. 33. To the Secretary to Government in the Judicial Department

Sir,

I The Judges of the Court of Faujdaree Udalut, having with reference to your letter No. 338 dated 27th August last, called upon the Judges of the four Provincial Courts of Circuit to submit their opinions, 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 3d paragraph of that letter; and 2dly in respect to the rules, under which it might appear to them to be most proper, that the enlarged jurisdiction, proposed in the 4th paragraph to be given to the Criminal Judges, should be exercised, direct me to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letters, dated respectively 19th October, and 1st 8th and 13th Ultimo, in answer to the circular reference; as also the accompanying letters from the Judges of the Provincial Courts of Circuit in the Western, Southern, and Northern Divisions, dated 4th August, and the 6th and 15th October last, in reply to a reference, made on 28th July last under the instructions conveyed in a letter, No. 273, from the Chief Secretary to Government, dated the 6th of that month, desiring that the Judges of the Faujdaree Udalut and of the several Provincial Courts should take into consideration the practicability of abridging the business of a Circuit; on which point the sentiments of the Judges of the Provincial Court of Circuit in the Centre Division are embodied in their minutes, submitted on the 8th Ultimo.

2 The Judges of the Provincial Court of Circuit in the Northern Division state, with reference to the proposed modification of Regulation I of 1822, that being disposed for the "reasons assigned by the 2d Judge late on Circuit in the Western "Division to consider 39 stripes and imprisonment and hard "labor in irons in a distant Zillah for the term of 14 years "an adequate punishment in cases of robbery by open violence, unaccompanied

"unaccompanied by wounding, burning, maiming, or ati
"personal injury not of a trifling nature, and that the
"adjudication of such cases by the Judges on Circuit
"relieve those Courts of much of the business, with whic
"they are at present overloaded; they "are of opinion, that
"lation I of 1822 may be dispensed with, and as all cases
"robbery by open violence in which any of the aggrava
"acts above mentioned may take place, will under the
"operation of clause 2d Section IV become referrible to the
"Foujdaree Udalut, if in addition thereto, the penalty
"nounced for the description of offence, in regard to w
"it is proposed that the sentence of the Judge on Cir
"should be final, were to be rendered unalterable by the
"rescission, which "they would recommend, of so much
"Clause 5th Section IV Regulation XV of 1803, as regards the
"Court of Circuit," they conceive "that the danger of future dif
"in the punishment of the crime under consideration would
"sufficiently guarded against."

3. On this point the Judges of the Provincial Court of Circuit in the Southern Division state, that they "are also "that it will be preferable to retain Regulation I of 1822 as "together rather than subject it to modification; they also that a laxity in the punishment of Gang robbery can "by be the result" of restoring to the Court of Circuit the "power of mitigation, which they before possessed," as long as "the control at present vested in the Foujdaree Udalut can "be exercised by them;" they add that there is a manifest "inconsistency in allowing the Courts of Circuit to award "discretionary punishment in cases coming under the descrip "tion of those alluded to in Clause fourth Section II Regulation VI of 1822, and withholding the power in those of the nature "specified in clause third Section IV Regulation XV A.D. 1803. and they conclude with giving it as their opinion, that Re "lation I of 1822 should be altogether rescinded, providing only a specific punishment in lieu of that to be awarded under

"under clause third Section II Regulation VI of 1822."

4. The 1st and 2d Judges of the Provincial Court of Circuit in the Centre Division have submitted in separate minutes their opinions, in regard to the proposed modification of Regula= tion I of 1822, and the practicability of abridging the labors of the Court of Circuit.

5. Upon the former point the 1st Judge offers in the 16th paragraph of his minute an opinion, which is so worded as not to be clearly intelligible; and in the 18th paragraph he intimates, that every case of Burglary must come under the description of robbery by open violence; an opinion, which appears to the Judges of the Court of Foujdaree Udalut to be inconsistent with the definitions given of those offences res= pectively in Sections III and V Regulation XV of 1803. The mi= nute concludes with a draft of the provisions, which the 1st Judge proposes to substitute for Sections II, III, and IV of Regulation I of 1822; on which the Judges of the Foujdaree Udalut have only to observe, that as the cases of all persons, convicted of being concerned in the crime of robbery by open violence, and not liable to a sentence of death, are included in the proposed Section III, they do not perceive what are the "other cases," intended by the proposed Section IV to be disposed of by the Court of Circuit.

6. The 2d Judge in the 25th paragraph of a minute, embracing the discussion of a variety of topics, which do not appear to bear directly upon the question immedi= ately under consideration, observes, that "those cases "of robbery, wherein there can be no expectation whatever "that the Foujdaree Udalut will consent to give more "punishment, should be excluded from the inhsome con= "sequences of the work increasing ordinance;" meaning as the Judge collect from the context Regulation I

of

of 1822. The Judges do not discover in this minute any clear, and definite proposition for modifying the provisions of this Regulation.-

7. The 2d Judge of the Provincial Court of Circuit in the Western Division has submitted a Minute, and the draft of a Regulation, rescinding Regulation I of 1822, which the 1st Judge entirely approves.-

8. In the 14th paragraph of his Minute the 2d Judge observes, that the most simple made of effecting the object, which Government considers desirable, would be by rescinding Regulation I of 1822, whereby the provisions of Regulation XV of 1803 will be restored in full force: and in the following paragraphs suggests such methods, as appear to him calculated to prevent any laxity in the administration of the law.-

9. Section I, which should have been numbered II, of the Regulation, drafted by the 2d Judge, declares the rescindment of Regulation I of 1822. The further provision in this section for the rescindment of section II; and of clauses first, second, and third section III of Regulation VI of 1822, have reference to the proposed "modification of the Law" in the investigation and "determination of minor offences, heretofore exclusively "cognizable by the Courts of Circuit;" upon which the Judges of the Zoujdarie Adalut will submit their sentiments under the next head.-

10. The suggestions of the 2d Judge in the 5th and following paragraphs of his minute are tantamount to what is proposed in the latter part of the 3d paragraph of your letter of the 7th August last: and upon a full consideration of the opinions, offered by the Judges of the Provincial Courts on this subject, viewed in connection with the sentiments of the Honorable the Governor in Council, as declared in that letter, the Judges of the Court of Zoujdarie Adalut would recommend, that Regulation I of 1822 be rescinded:- it being declared that persons convicted of the offences described in clause third section II and clause second section III Regulation VI of 1822 shall be liable to the same punishments, as is prescribed in clause second section IV Regulation XV of 1803.-

11. Clause first section IX Regulation XV of 1803 being rescinded by clause first section V Regulation VI of 1822, it is unnecessary to declare, as is done in the first section of Mr. Warden's draft, that its provisions are not revived by the rescindment of Regulation I of 1822; and with reference to section XXI Regulation I of 1802 it appears also unnecessary to declare, that such parts of Regulation XV of 1803, as were rescinded by Regulation I of 1822, will be revived by the rescindment of the latter Regulation.-

12. The Judges of the Court of Zoujdarie Adalut are disposed to concur in opinion with the Judges of the Provincial Court of Circuit in the Northern Division, that it will be expedient to rescind so much of clause fifth section IV Regulation XV of 1803, as regards the Court of Circuit, providing that in cases, where the prescribed penalty shall appear to the Judge of Circuit to be too severe, he shall submit to the Court of Zoujdarie Adalut a report of the circumstances of the

case

case and of the grounds of his opinion, that a mitiga=
of punishment is proper; authority being at the same t=
given to the Court of Foujdaree Adalut to sanction the p=
=posed mitigation of punishment on such report.

13. The Judges would further recommend that in cases of the nature described in section XII Regulation VIII of 1802, as also in the like cases tried before the Court of Circuit, authority should be given to Court of Foujdaree Adalut to mitigate the sentence at discretion: in the latter cases upon receiving a report the above description from the Judge of Circuit; who at the present Regulations is required to report all trial wherein the penalty prescribed in section XXI Regulation VII of 1802 to be inflicted under a fatwa of kind may of too severe. The Judges of the Foujdaree Adalut are fully of opinion, that a similar provision might be advantag=ously enacted in modification of the latter part of Clause first section III Regulation VII of 1811.

14. The Court of Foujdaree Adalut in the 38th to 39th paragraphs of their proceedings under date 15th April 1822, offered their recommendation, that section XXI Regulation VII of 1802 should be modified, the effect of which measure in conjunction with the enactment of the other provisions here suggested would reduce by nearly one half the number of trials referrible, as the Law now stands to the Court of Foujdaree Adalut.

15. In concluding their observations in this subject the Judges of the Court of Foujdaree Adalut deem it proper to notice the remarks, offered by the 2d Judge of the Provincial Court of Circuit in the Western Division, in the 11th paragraph of his Minute upon certain judgments of acquittal, which have been passed by the Court of Foujdaree Adalut since the enactment of Regulation I of 1822. The Judges are satisfied, that nothing disrespectful to the Superior Court is intended by Mr. Warden: but in so far as he opposes his single judg=ment to the concurrent opinion of the three Mahummudan Law Officers, and three Judges of the Court of Foujdaree Adalut, as to the sufficiency, or insufficiency of the same evidence, the Judges consider him to be chargeable with presumption; while his remarks on the mischievous consequences, as he deems them, of a deliberate judgment of the Superior Court have an appearance of disrespect, which in the opinion of the Judges is not redeemed by his argument that the enforcement of an erroneous conviction, if legal, is conducive to the due administration of Justice: it is indeed obvious to remark that in the cases, to which Mr. Warden refers, the fatwa of conviction given by the Law Officer of the Court of Circuit, having been found, on according to the concurrent opinion of the Sudr and Mofussil Adalut, to be at variance with the provisions of the Mahummedan Law, such con=viction is inaccurately described as legal; and under the provisions of the Regulations, as they stood previously to the enactment of Regulation I of 1822, the sentence would have been equally open to revision by the Court of Foujdaree Adalut.

16. The present appears to the Judges of the Court of Foujdaree Adalut to be a fit occasion for no=ticing the observations, offered by the late Acting Judge in the Zilla of Cuddapa, in his letter of 23d November last referred to the Court with your letter No. 51 dated 14th February regarding the evils which he considers to arise

case and of the grounds of his opinion, that a mitiga-
of punishment is proper; authority being at the time
given to the Court of Foujdaree Adalut to sanction the
proved mitigation of punishment on such report.

13. The Judges would further recommend
that in cases of the nature described in section X
Regulation VIII of 1802, as also in the like cases tried
before the Court of Circuit, authority should be given to
Court of Foujdaree Adalut to mitigate the sentence ab-
duction: in the latter cases upon receiving a report
the above description from the Judge of Circuit, who
the present Regulations is required to register all trials
wherein the penalty prescribed in section XXI Regulation
VII of 1802 to be inflicted under a futwa of kind may be
too severe. The Judges of the Foujdaree Adalut are fur-
of opinion, that a similar provision might be assumed
of clause first section III Regulation VII of 1811.

14. The Court of Foujdaree Adalut in the 38th
39th paragraphs of their proceedings under date 15th
1822, repeat their recommendation, that section XXI
Regulation VII of 1802 should be modified, the adop-
of which measure in conjunction with the enactment
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2d Judge of the Provincial Court of Circuit in the
Western Division, in the 11th paragraph of his Minute,
upon certain judgments of acquittal, which have

been passed by the Court of Foujdaree Adalut "since the
enactment of Regulation I of 1822." The Judges are satisfied,
that nothing disrespectful to the superior Court is intended
by Mr. Warden: but in so far as he opposes his single judg-
ment to the concurrent opinion of the three Mohummudan
Law Officers, and three Judges of the Court of Foujdaree Adalut,
as to the sufficiency, or insufficiency of the same evidence,
the Judges consider him to be chargeable with presumption;
while his remarks on the mischievous consequences, as
he deems them, of a deliberate judgment of the superior
Court have an appearance of disrespect, which in the
opinion of the Judges is not redeemed by his argument
that the enforcement of an erroneous conviction, if legal,
is conducive to the due administration of Justice: it is
indeed obvious to remark that in the cases, to which
Mr. Warden refers, the futwa of conviction given by the
Law Officer of the Court of Circuit, having been found,
according to the concurrent opinion of the Calcutta Sudr
and Mofussil of the Foujdaree Adalut, to be at variance
with the provisions of the Mohummedan Law, such con-
viction is inaccurately described as legal; and under
the provisions of the Regulations, as they stood previously
to the enactment of Regulation I of 1822, the sentence
would have been equally open to revision by the Court
of Foujdaree Adalut.

16. The present appears to the Judges of the
Court of Foujdaree Adalut to be a fit occasion for no-
ticing the observations, offered by the late Acting Judge
in the Zilla of Cuddapa, in his letter of 23d November
last referred to the Court with your letter No. 517, dated
14th ditto regarding the evils which he considers to

a-ter

"arise from the comprehensive way, in which the crime of
"robbery by open violence is defined in Regulation XI of 18
17. These evils are stated by the late Acting Judge
in the 2d paragraph of his letter, to be, 1st the subjecting
"numerous individuals to excessive rigour, which is
"not necessary to, and consequently in opposition to the
"ends of Justice: 2d the inducing an unnecessary expence
"to Government of many thousands of Rupees," and 3d
"producing effects otherwise injurious to their interests by
"incarcerating for years, many of their subjects, who might
"subsequently to undergoing a mitigated punishment
"be usefully employed in advancing the agriculture,
"and manufactures of the Country" and 3d the burdening
"the Criminal Courts with an extent of duty, which is
"found to crush, and paralize every effort of Zeal and
"industry."-

18. The last evil, here mentioned, would appear
to have arisen altogether from the provisions of Regula-
tion I of 1822: the 2d can be proved to exist only
by shewing that excessive rigour does mark the
proceedings of the Courts in cases of robbery by open
violence.-

19. Of this the late Acting Judge has assumed
no proof whatever; and his opinion, however unhe-
sitatingly offered, that the judgments of his superiors
in cases, left to their discretion, have been, or are
unduly severe without instancing any one case, cor-
roborative of that opinion, cannot, as the Judges
would hope, be deemed to merit any consideration.-

20. The power of discrimination, which has
always been given in Regulation XV of 1803, and of
mitigating

mitigating to any extent the punishment of all, or any,
of the prisoners in cases of robbery by open violence,
has, the Judges trust, been always exercised judici-
-ously, and applied to every case, in which the ends
of public justice could be satisfied without inforcing
the full penalty of the law against the Criminal.-

21. The law has now been in force for a
period of more than twenty one years: and no other
judicial officer has ever discovered the objections
to it, advanced by Mr. Waters: which indeed are
apparently exclusively grounded on the assumption,
that the sentences of the Superior Courts in these cases
have been disproportioned to the offence: and as this
assumption would seem to be wholly gratuitous, the
Judges deem it unnecessary to oppose to it an elabo-
-rate refutation.-

22. In respect to the enlarged jurisdiction, to
proposed to be given to the Criminal Judge, the Judges
of the Provincial Court of Circuit in the Northern
Division state, that a considerable relief would
be afforded to the Courts of Circuit by the alteration,
recommended by them in the law regarding the
crime of robbery by open violence, and by the
measures, suggested in their letter of the 16th October
"of empowering the Circuit Judges to dispense with
"recording a part of the police proceedings in cases,
"which may be referred by them for the final sentence
"of the Foujdaree Adalut, and shortening the previous
"enquiry at present conducted by the officers of Police;"
they "should not feel anxious for the introduction
of the enlarged jurisdiction, proposed to be given

to

"to the Criminal Judges, if it were not presumed
"there are considerations, distinct from that of dis-
"the press of business on the Courts of Circuit, that
"adoption of this measure advisable." They assume
"will no doubt operate a partial reduction in
"business of the Courts of Circuit," and they anticip
"it will be attended with the further advantage
"viating the necessity for the reiterated attendance
"prosecutors and witnesses upon the Courts in the
"stages of the investigation, which is recognized as
"inconvenience to persons;" that "they are inclined to
"it may have occasionally led to the suppression of
"pleas, which the interests of Justice require should
"brought forward to public view." And they con-
with recommending that the rules under which
extended jurisdiction should be exercised, "shall
"the same as those, which obtain relatively to the
"which the Criminal Judges are at present empow-
to dispose of Cases by the submitting a Calendar of
"cases to tried, and the records thereof to the
tion of the Judge on Circuit, and the Judge pres-
at the Quarterly Sessions, whose duty it will be
"in any instance he should be of opinion, that
"prisoner has been acquitted, or committed upon
"sufficient grounds, to transmit the record for the
"consideration of the Provincial Court of Circuit"
observes, that "the regular reference of this kind for
"the final sentence of the Courts of Circuit entitles
"in the same way, as all cases of robbery by open
"violence are required to be submitted for that

"Superior Court occurs to be objectionable, as admitting the pre-
"paration of the records more to be rendered as little
"laborious as possible, it could not but be attended with
"a heavy addition to the present duties of the Criminal
"Judges, who are supposed to be already tasked to nearly
"the extent of their ability of performance; while nothing
"would be gained by the Courts of Circuit, to whom the
"passing the final sentence will give as much employment,
"as the conducting the trial in the first instance would
"have done."

23. The Judges of the Provincial Court of Circuit in the Southern Division state in the 6th paragraph of their letter, dated 7th ultimo, that "in respect to the "second question" they "see so many difficulties in the "way of extending" what "they consider the ample "powers already possessed by the Criminal Judges, that" they "cannot make up their minds to recommend any "particular rules, under which the wishes of the "government can be effected," that they "do not con-"template any beneficial result from removing the "burthen from the shoulders of the Courts of Circuit, "and placing it upon those of the Criminal Judges, whose "duties are already greater than they can find time to "execute without incessant and laborious exertion;" that "the modification of the law, in this Division with "reference to the respective duties of the Courts of Circuit "and the Criminal Judges does not appear to "them to be at all required, and "that the only tenable argument "which in "their" opinion can be urged in its favour "is that it would afford a great relief to the people by "enabling the Courts to dispense with the attendance of

a considerable proportion of the Prosecutors and witnes-
"ses who are obliged to appear a second time at the Zilla sta-
"tion; and thereby partially remove one of the greatest
"hardships of which (especially since the abolition of the
"Courts) the people have cause to complain."

24. The Judges of the Provincial Court of Circuit in the Southern Division proceed to state, that viewing as they do "the measure as entirely inexpedient, dangerous "and impolitic," they "submit their opinion as to the rules "likely to ensure a beneficial application of the transfer "with considerable diffidence." But that "if it shall "ultimately be resolved to enlarge the power of the Cri-"minal Judges the plan, which appears to them most "likely to answer the object of Government, without any "trivial modification of the existing Law, is that of con-"ferring upon the Criminal Judges, as well as upon their "assistants, (upon reference of such cases to them by the "Criminal Judges) the power to try cases of every des-"cription; when the punishment awardable cannot "exceed 39 stripes with 7 years imprisonment, authorizing "them to pass sentence in those cases only; wherein the "punishment cannot exceed that which they are at present "authorized to award, and obliging them to refer without "passing sentence all others, where conviction shall in "their judgment have been the result of the trial for the "decision of the Court of Circuit collectively, to be dis-"posed of by them under the same rules, as are provided "for the guidance of the Zeylanese Adalut in cases now "referible to that Court."

25 The 1st Judge of the Provincial Court of Circuit in the Centre Division states, in the 28th paragraph of his Minute abovementioned, that he cannot give his assent to Mr. Wardens proposition "of enlarging the powers "of a Criminal Judge" that he cannot divest himself of the "reflection that considering the Criminal Judge as the "committing officer; the latitude of trial, and judgment, and "consequent punishment, with which he is invested is "already stretched as far as it humanely can be, and "something farther than it constitutionally ought to be".

In the 27th Paragraph, in allusion to Mr. Wardens proposition for "referring to the Provincial Court collect-"ively every case, in which "the Criminal Judge" may have "decided on this increased latitude, previous to its being "carried into effect," the 1st Judge observes, "that the ex-"tended power under this proviso becomes no longer that "of the Criminal Judge; but it will in fact be the decision "and become a new acquired power to be vested in the "Provincial Court: that "under such circumstances there "would be an additional labour, given both to the Cri-"minal Judge and Provincial Court, which though it "might remove so much of it from the Circuit Judge places "it, where it may operate with equal inconvenience, "without being attended with any advantage to the "system."

26. The 1st Judge proceeds in the 22d paragraph of his minute to offer a recommendation, that the limitation of amount, declared in clause second section II Regulation VII of 1822 be changed from one hundred to one thousand rupees: and in the 24th paragraph that one thousand rupees should be the limitation of the Criminal Judge's jurisdiction in cases of theft under clause

"a considerable proportion of the Prosecutors and witnes-
"ses who are obliged to appear a second time at the Gilla-sta-
"tion; and thereby partially remove one of the greatest
"hardships of which (especially since the abolition of the
"Courts) the people have cause to complain."

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25. The 1st Judge of the Provincial Court of Circuit in the Centre Division states, in the 20th paragraph of his Minute abovementioned, that he cannot give his assent to Mr. Wardens proposition "of enlarging the powers "of a Criminal Judge:" that he cannot divest himself of the "reflection that considering the Criminal Judge as the "committing officer; the latitude of trial, and judgment, and "consequent punishment, with which he is invested is "already stretched as far as it humanely can be, and "something farther than it constitutionally ought to be."

In the 21st Paragraph, in allusion to Mr. Wardens 24th proposition for "referring to the Provincial Court collect-"ively every case, in which "the Criminal Judge" may have "decided on this increased latitude, previous to its being "carried into effect," the 1st Judge observes, "that the ex-"tended power under this proviso becomes no longer that "of the Criminal Judge; but it will in fact be the decision "and become a new acquired power to be vested in the "Provincial Court: that "under such circumstances there "would be an additional labour, given both to the Cri-"minal Judge and Provincial Court, which though it "might remove so much of it from the Circuit Judge places "it, where it may operate with equal inconvenience, "without being attended with any advantage to the "system."

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-tion; and thereby partially remove one of the greatest
"hardships of which "especially since the abolition of the
"Courts/ the people have cause to complain."

24. The Judges of the Provincial Court of Circuit in the Southern Division proceed to state, that viewing as they do "the measure as entirely inexpedient, dangerous "and impolitic," they "submit their "opinion as to the rules "likely to ensure a beneficial application of the transfer "with considerable diffidence." But that "if it shall "ultimately be resolved to enlarge the power of the Cri-
-minal Judges the plan, which appears to "them" most "likely to answer the object of Government, without any ma-
-terial modification of the existing Law, is that of con-
-ferring upon the Criminal Judges, as well as upon their "Assistants, (upon reference of such cases to them by the "Criminal Judge) the power to try cases of every de-
-scription; when the punishment awardable cannot "exceed 39 stripes with 7 years imprisonment, authorizing "them to pass sentence in those cases only; wherein the "punishment cannot exceed that which they are at present "authorized to award, and obliging them to refer without "passing sentence all others, where conviction shall in "their judgment have been the result of the trial for the "decision of the Court of Circuit collectively, to be dis-
-posed of by them under the same rules, as are provided "for the guidance of the Zillah Adalut in cases now "referrible to that Court."

25 The 1st Judge of the Provincial Court of Circuit in the Centre Division states, in the 20th paragraph of his minute abovementioned, that he cannot give his assent to Mr. Wardens proposition "of enlarging the powers "of a Criminal Judge:" that he cannot divest himself of the "reflection that considering the Criminal Judge as the "committing officer; the latitude of trial, and judgment, and "consequent punishment, with which he is invested is "already stretched as far as it humanely can be, and "something farther than it constitutionally ought to be". In the 21st Paragraph, in allusion to Mr. Wardens 4th proposition for "referring to the Provincial Court collecti-
-vely every case, in which "the Criminal Judge "may have "decided on this increased latitude, previous to its being "carried into effect," the 1st Judge observes, "that the ex-
-tended power under this proviso becomes no longer that "of the Criminal Judge; but it will in fact be the decision "and become a new acquired power to be vested in the "Provincial Court:" that "under such circumstances there "would be an additional labour, given both to the Cri-
-minal Judge and Provincial Court, which though it "might remove so much of it from the Circuit Judge places "it, where it may operate with equal inconvenience, "without being attended with any advantage to the "system."

26. The 1st Judge proceeds in the 22d paragraph of his minute to offer a recommendation, that the limitation of amount, declared in clause second section II Regulation VII of 1822 be changed from one hundred to one thousand rupees: and in the 24th paragraph that one thousand rupees should be the limitation of the Criminal Judge's jurisdiction in cases of theft under clause

clause fourth section III Regulation VI of 1822.

27. Upon the former of these propositions the Judge of the Court of Zillah Malabar have to observe, that in this opinion the offences, punishable by the Criminal Judge under the provisions of section II Regulation VI of 1822 are, under the restrictions therein prescribed, of a description perhaps too serious to be adequately punished by two years' imprisonment; an opinion, which is distinctly at variance by the 2d Judge of the Provincial Court of Circuit in the Division in the 25th paragraph of his minute, and with reference to the latter proposition, the Judge observes, that by section IV Regulation IV of 1820 in the Bengal Code was provided, "in amendment of clause second section III Regulation XII 1818," corresponding with clause second section III Regulation VI of 1822 of the Madras Code, that "in cases of theft, where the amount, or value, stolen, "shall exceed the sum of three hundred rupees, the case "shall be deemed a circumstance to bring the case out "of the Magistrates' Jurisdiction as to taking cognizance "on the accused, and shall make it necessary for him "to commit the accused for trial to the Court of Circuit."

28. The extension of this provision to clause second section III Regulation VI of 1822 would, in the opinion of the Judges of the Court of Zillah Malabar, be beneficial

29. The statements of the 2d Judge of the Provincial Court of Circuit in the Centre Division would appear from his notice, in the 27th paragraph of his Minute, of the proposed extension of the Criminal Judges' Jurisdiction, to be adverse to that attention of the law. He observes, in reference to the proposition, "to extend the power of the Criminal Judge to the trial of greater burglary, or theft, in each commitment would, the 2d Judge observes, "enormously increase business," and in the latter part of the paragraph he intimates objections to the principle of the measure.

30. Under the instructions, conveyed in the 4th paragraph of your letter of 27th August last Mr. Warden has submitted, in the form of a Regulation, the rules, which he would propose for giving effect to his suggestions, in respect to the enlargement of the power of the Criminal Judges.

31. By section II of the Regulation it is declared, that Criminal Judges shall be empowered to inflict the same extent of punishments, as is adjudicable by them under Regulation VI of 1822, "on conviction of all criminal "offences, cognizable and determinable by them" under the Provisions of Regulation X of 1816.

32. In the 23d paragraph of his minute the 2d Judge states, that by limiting the operation of the extended power, granted to the Criminal Judges by the provisions of Regulation VI of 1822, "to certain definitive "crimes, several offences, deserving severer punishments "than what they are empowered to award under Regulation X of 1816, and which might be capable of disposal "under that Regulation, "but for its specific Provisions, "must now, of necessity be committed for trial before "the Courts of Circuit." and he instances an offence very common in Malabar. viz: "violent assault, attended with "stabbing, or other mischief maiming, or wounding, without any "intention to rob;" as one which might have been disposable by the Criminal Judge if his last extended powers "were not limited to certain specific crimes."

33. The extension of the enlarged powers, given to the Criminal Judge by Regulation VI of 1822, to all offences of every description was not included in the propositions originally offered by Mr. Warden, in which the

the Honorable the Governor in Council has expressed his cons=
=urrence. To the Judges of the Faydarn Adalut the measure does
not appear to be called for; and they are further of opinion
that its application to the only offence, particularly men=
=tioned in Mr. Wardens' Minute, would be improper,
two years imprisonment being generally an inadequate
punishment for an aggravated assault, accompanied by
stabbing, or otherwise maiming and wounding, especial=
in the province of Malabar, where assaults of this nature,
always involving the probability of homicide, are so prevalent
as imperiously to demand the infliction of exemplary
punishment on conviction.

34. As the Judges of the Court of Faydarn Adalut have at present no reason to suppose, that this part of the rules, suggested by Mr. Warden, will be adopted, they will make no further observation thereon, excepting that the section, as it stands, leaves the measure of punishment, adjudicable by the Criminal Judge wholly undetermined; reference being made in the former part of it to offences, for which different punishments are prescribed in Regulation VI of 1822.

35. The Clause first section III it is explained, that under the preceding section "Criminal Judges will be empowered "to pass sentence on Prisoners committed before them of "criminal offences not deserving a severer punishment than "imprisonment with hard labor in irons for a period not "exceeding two years and corporal punishment not exceeding "thirty stripes of a rattan;" and it proceeds to declare, "that they shall investigate, and refer for the ultimate "decision of the Provincial Circuit Court, at the sessions, "all cases in which they may be of opinion, that the pris=
=oners are guilty of the crimes charged against them,

and

"and for which they may be deserving of severer punish=
="ment than that, which is provided for in the preceding
"section, but not exceeding seven years imprisonment in
"banishment with hard labor in irons and corporal
"punishment, not exceeding thirty nine stripes of a rattan."

36. Clause second prescribes, that "in cases referrible
"to the Provincial Circuit Court under the preceding clause,
"the Criminal Judge shall forward his original proceedings
"in each case within seven days after the determination
"of the investigation held by him, accompanied by a letter,
"in which he shall state his opinion on the evidence
"and on the guilt, or innocence, of the several Prisoners, and
"on the punishment, which the guilty may respectively deserve."
It provides also, that all original papers, received from
the Magistrate or Police Officer, by whom the case
may have been sent to the Criminal Judge, shall be for=
=warded to the Provincial Court with a Calendar.

37. Clause third provides, that "in cases so referrible to
"the Provincial Court the Criminal Judge shall exercise
"his discretion in discharging on bail, or not, as he may
"deem just and proper, such of the accused, as he may
"not consider to be convicted."

38. Clause fourth provides, that "if from the investiga=
="tion held before the Criminal Judge, in cases so referrible
"to the Provincial Circuit Court, he should consider the
"evidence to be contradictory, and there appear a reason=
="able probability, that the Prosecutor and witnesses
"might be required to be further interrogated, or that the
"case might be ordered to be committed for trial before
"the Circuit Court, he shall detain them at the Zilla
"station until he receive the decision of the Provincial
"Circuit Court." But that "where the guilt of prisoners,

&c

the Re [illegible] "or where the guilt"
=rence. : "admit of,
not [illegible] and inflict a punishment
whatever the prosecutor and witnesses
shall be discharged."-

39. Clause fifth provides, that if, in cases wh
"may be ordered to be committed for trial before the Circuit
"Court, the prosecutor and witnesses shall have been dis
"charged under the preceding Clause, the Criminal Judge
"shall have authority to direct the Tahseeldar, or othe
"Head police Officer of the taluk or district, in which
"such prosecutor and witnesses may reside, to take
"from them the usual recognizances for giving their at
=dance to prosecute the case on trial before the Circuit Co
"which recognizances he shall forward to the Zilla Cou
"for the purpose of being incorporated in his proceedings

40. Clause sixth declares, that "the powers vest
"in the Criminal Judges by this Regulation, in cases re
=ferrible to the Provincial Circuit Court, shall not be
"exercised by their Assistants."-

41. Section IV extends the provisions of the Reg
=lation to the cases, for which provision is made in
sections VIII, and XI, Regulation VII of 1811, section IX
Regulation II of 1822, and section XVIII Regulation IX
1822.-

42. Clause first section V provides, that "the
"Judges of the Provincial Courts on receiving cases re
=ferred for their decision under the present Regulation
"shall, without any unnecessary delay, take the same
"into consideration, and pass judgment thereupon; reg
=lating their sentences on the convicted prisoners, accord
=ing to their respective degrees of criminality in the offence
"charged against them, not exceeding seven years
"imprisonment in banishment with hard labor in
irons,

"irons, and corporal punishment not exceeding thirty nine stripes
"of a Rattan."-

43. Clause second prescribes the form, in which the
judgment of the Provincial Court of Circuit, on prisoners sen=
=tenced under the preceding Clause, shall be drawn out.-

44. Clause third declares, that "no sentence shall be
"passed under the preceding Clause unless the Criminal Judge
"and Circuit Judges, shall have been unanimous in their opinion
"of the prisoners' guilt; regarding which if there be any
"difference of opinion, the case shall be returned to the Cri=
="minal Judge for trial before the Court of Circuit. But
"if the difference of opinion be confined to the measure of
"punishment to be awarded on a prisoner unanimously con=
="victed, two concurrent opinions shall determine the
"sentence; and where they may be at variance with each
"other, the medium shall be adopted of the sentences,
"which the Judges may severally consider the prisoner to be
"deserving of."

45. Section VI declares, that "the Judges at the
"Sudder station of the Provincial Courts shall possess and
"exercise a full and unlimited discretion in ordering to
"be committed for trial before the Courts of Circuit any cases,
"which may be referred to them under the present Re=
="gulation."-

46. Section VII contains rules respecting the
requisition of security from persons, for whose conviction
adequate proof may not be adduced; but who may appear
to be under strong suspicion of any act of Criminality.-

47. By section VIII the crimes of Forgery, and
Perjury, are excluded from the provisions of the Regulation.-

48. Section IX requires, that a list of persons,
sentenced under this Regulation, shall be furnished by the

the Criminal Judge to the Judge on Circuit.-

49.

Section X declares, that the present Regulation "shall apply retrospectively to all cases, which may on its "promulgation be on the Calendars of the Criminal Judges, as "which might be determinable under its provisions."

50.

The first observation, which the Judges of the Court of Poydarre Malatut have to offer upon the foregoing provisions, is that in framing them Mr. Warden would appear to have lost sight of our most important circumstance, namely that the Criminal Judge in his investigation of the cases, proposed to be referred to the Criminal Court of Circuit, must necessarily take the defence and evidence on behalf of the prisoner, as well as the evidence for the prosecution; and thus complete the trial.-

51.

In the 2d paragraph of his minute the Judge observes, that "as the proposed extension of the Criminal "Judges' Jurisdiction will not alter the nature of the "original investigation, on which the prisoners committed "to its provisions will suffer punishment, those who may "be discharged for want of proof will be returnable "on the Criminal Judges' 2d Calendar, which he submits "to the Judge on Circuit, and consequently liable to be "again brought to account in the event of evidence of their "guilt being afterwards attainable." He states, that "prisoners committed for trial, and tried before Courts of "Circuit on evidence not sufficiently conclusive for conviction, escape by an acquittal, which they are too apt "to consider as a triumph over Justice." And the Judge concludes with remarking, that "the idea that the "punishment due to their crime will always be impending "over their heads will operate as no slight check to "the commission of offences, cognizable under the new "enactment."-

52.

It is not quite clear what is meant by

by "the Criminal Judges' 2d Calendar" in the above paragraph. The first Calendar required by section XXIII Regulation X of 1816 to be laid by the Criminal Judge before the Courts of Circuit is to contain "a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor, charged against them"; and the second is to contain "a list of the persons, whom they have punished for crimes, or misdemeanors, cognizable by them."

53.

To this second Calendar it is obvious, that Mr. Warden does not allude: the cases mentioned by him are those, in which the accused may be discharged; and their names would seem to be more fitly included in the first Calendar, here described.-

54.

But the power, vested in the Courts of Circuit, to direct a further enquiry in regard to the cases of persons discharged, is confined to those, whose offences not being cognizable by the Criminal Judge, never have been put on their trial; but have been released under the provisions of Clause first section IX Regulation X of 1816 in consequence of its appearing, "that the crime, or misdemeanor, charged against the prisoner, was never committed, or that there is no evidence of his having been concerned in the committing of it."-

55.

That persons, so discharged on a preliminary examination of the evidence, adduced against them, without being put upon their trial should be "liable to be again brought to account in the event of evidence of their guilt being afterwards obtained," is agreable to the soundest principles of Justice, and to the judicial practice of the most enlightened states. but that a man after being regularly tried, and put on his defence, and

and acquitted, should be subject to a similar liability.
appear to the Judges of the Court of Faujdaree Adalut to be in
variance with the fundamental rules of judicial admini=
=tration.=

56. It is, however, manifest that the proceedings
=templated in clause first section V of the Regulation, pro=
=posed by Mr. Warden, must involve the completion of the
trial of the accused, on the previous investigation before
the Criminal Judge, by taking the evidence for the defen=
for it is not to be supposed, that the Judges of the Sud=
station are to pass the judgment, therein mentioned on
prisoner without hearing his defence.

57. The investigation, to be held by the Criminal J
under the provisions of clause first section III of the
Regulation, must therefore include the evidence for the
defence in addition to the evidence, taken in the ca
of persons, discharged under clause first section II
Regulation X of 1816.

58. In the latter part of the 16th paragraph
of his Minute Mr. Warden observes, that among the
cases referred to the Provincial Court of Circuit by the
Criminal Judge "there may be some which, for various
"motives, connected with the nature of the crime, or arising
"perhaps from the general detestableness of the Criminal
"Judges' investigation, or for any other in their opinion
"sufficient cause the Provincial Court may think proper
"to order to be committed for trial before the Court of C
=cuit."

59. The same observations, which have been ma
above are applicable here. In the cases here mentioned
the Criminal Judge, having satisfied himself of the
guilt of the accused, forwards his proceedings to the Judges
of the Provincial Court, who on examination thereof are
empowered to commit the prisoner, and pass judgment
on him: here of course his defence must have been taken.
It is, however, provided in Clause third section V, that
in these cases if the Criminal Judge, and Circuit Judges, shall
on consideration of these proceedings differ in opinion regard=
=ing "the prisoners' guilt," the case "shall be returned to
"the Criminal Judge to be committed for trial before the Court
"of Circuit."

60. As the course of proceeding here proposed to
be established would manifestly involve the trial of the
prisoner twice for the same offence: and as, according to
the explanation given in the latter part of the 16th para=
=graph of Mr. Wardens' Minute the "unlimited discre=
=tion," proposed to be given to the Judges at the sun
station, in respect to ordering any case referred to th
them, "to be committed for trial before the Court of C
"Circuit," is intended to sanction the addduction of
additional evidence against the prisoner, after he has
been put on his defence, (a proceeding, which is also distinct
=ly implied in that part of clause fourth section III
which refers to the further examination of the prosecutor
"and witnesses") and the putting him on his trial, under
the disadvantage of an anticipation of the evidence, ad=
=ducible on his defence, the Judges of the Court of Faujdaree
Adalut cannot but deprecate the introduction of the
proposed provisions into the Code, as being directly
opposed to those humane and equitable maxims of
the Law of England, which prohibit any such procedure.

61. The Judges of the Court of Faujdaree Adalut
would

would next observe, that supposing the objection, here ar=
=ged against the rules proposed by Mr. Warden, to be remov=
by striking out those provisions, which allow of a subsequ=
trial before the Judge on Circuit, after the proposed reference
to the Provincial Court, and the examination of evidence for
the prosecution by order of the Provincial Court after the ab=
of the defence, it will necessarily rest with the Criminal
Judge to determine, in all cases, whether the offence will,
or will not, be adequately punished by "seven years' im=
="prisonment in banishment with hard labor in irons, and
"corporal punishment not exceeding thirty nine stripes of a
"rattan" and as it is considered possible, that cases may o=
occur, in which such might not be the opinion of the Judges
of the Provincial Court of Circuit, it appears to be objectionable,
that they should be shackled, as in this case they would
be, by the determination of the inferior tribunal.-

62. The cases in which a heavier punishment
than seven years imprisonment and hard labor in irons
with 39 stripes of a rattan is prescribed by the existing
Regulations, form so small a proportion of the offences,
now cognizable exclusively by the Court of Circuit, that
the proposed measure would have the effect of transferring
from the Judge of Circuit to the Judges at the chor station
at all times by far the greater part, and occasionally,
almost the whole of the business, now appertaining to the
functions of the former; a state of things which could
not fail materially to interfere with the duties of the
Court of Appeal; and would tend directly to defeat
the object of the Circuit.-

63. Observations are offered in the 11th para=
=graph of Mr. Wardens' minute, tending to the inference,
that a Judge personally trying a prisoner may be
better able to judge of the merits of the case than a Court perus=
=ing a written record of proceedings. Be this as it may, it is evident,
that under the alterations of the Law now proposed the cases
of all persons, charged with the most numerous class of
offences, namely those for which the punishment exceeds two years,
and does not exceed seven years' imprisonment, will be disposed
of on a bare perusal of the proceedings of the Criminal Judge: the
prisoner, or the witnesses, never being brought before the Judges,
who are to pass sentence upon him.-

64. And here an objection to the proposed arrange=
=ment obviously suggests itself in its involving the determi=
=nation of all these cases, at the discretion of the Judges of the
Provincial Court of Circuit, without the concurrence of the
futwa of a Mohummedan Law Officer in the conviction of
the accused.-

65. Whatever may be thought of the expediency of
the mode of trial before the Court of Circuit, prescribed
by the existing Regulations; and in the opinion of the Judges
of the Sudder Adalut there is far more to be urged in its'
favor, than can be objected against it, the sentiments of the
Honorable the Court of Directors, as expressed in the 64th
paragraph of their letter, dated 28th April, transmitted
with your letter of 14th September last, manifest so de=
=cided a repugnance to the general exercise of a discretion
on the part of the Criminal Courts in proceeding to convic=
=tion without reference to the Mohummedan Law, as alone
appears to the Judges to constitute a serious objection to
the proposed alteration of the Law.

66 The Judges of the Sudder Adalut to observe, that
in Bengal the authority of the Magistrate, whose office is
analogous to that of the Criminal Judge here, has by recent
regulations been restricted, since the power of adjudging two
years' imprisonment was given.-

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in Bengal the authority of the Magistrate, whose office is
analogous to that of the Criminal Judge here, has by recent
regulations been restricted, since the power of adjudging two
years' imprisonment was given.-

There

67. "There are several other observations, which the Judges would offer on the particular provisions, contained in the Regulation, drafted by Mr. Warden, and the effect of the omission to provide for any supervision, or control, on the part of the Court of Foujdaree Adalut: but impressed, as they are with the conviction, that its' principles and fundamental rules are impolitic, and at variance with the established maxims of judicial administration, they consider any more particular notice of its' details to be superfluous.-

68. The suggestion of the Judges of the Provincial Court of Circuit in the Southern Division, in respect to the mode in which the enlarged jurisdiction of the Criminal Judge, the introduction of which they so strongly deprecate, should eventually be exercised, is open to the same objection, as has been above deduced from the pointed declaration of the Honorable the Court of Directors, that the power of assuming the futwah of the Mohammedan Law Officer "should be confined within the narrowest possible bounds".

69. "The Judges are of opinion, that any alteration of the law of the nature here contemplated is not called for by the necessity of the case: and that the rescindment of Regulation I of 1822 with the other provisions proposed in this letter will afford all the relief, that is required to enable the Judges of Circuit without difficulty to perform the business of the half yearly Jail Delivery.-

70. The Judges are fully sensible of the hardship, which must occasionally arise, from requiring the further attendance of prosecutors and witnesses before the Criminal Courts more especially since the great extension of the bounds of their jurisdiction: but this consideration cannot be allowed to be put in competition with the clearer entry of securing to all persons, accused of crimes, the benefit of a regular trial, conducted in conformity with those rules, which experience has shewn to be best calculated to combine the

the effectual administration of penal laws, with the protection of those, who may from mistake, or design, become the unfortunate objects of unjust accusation.-

71. It remains for the Judges of the Court of Foujdaree Adalut to notice the replies, which are herewith submitted, from the Judges of the four Provincial Courts of Circuit to the reference made to them, under the instructions conveyed in a letter No. 273, dated 6th July last, from the Chief Secretary to Government, regarding the practicability of abridging the business of the Circuit.-

72. The Judges of the Provincial Court of Circuit in the [redacted] Division, in the 4th paragraph of their letter, dated 4th August last, suggest on this head, first the rescindment of Regulation I of 1822: and secondly, that translations of the papers received from the Criminal Judge, should be dispensed with, in trials referred to the Court of Foujdaree Adalut.-

73. The Judges of the Provincial Court of Circuit in the Southern Division, in their letter, dated 6th October last, state that the experience, which they have had of the business of a Circuit does not "enable them to shew, that it is practicable under the Regulations and orders "of the Foujdaree Adalut to revise the proceedings of the Court, "so as to render them less detailed". They state, that it does "not secure to them, that "any modification of the proceedings on "a trial before the Court of Circuit can be suggested" - that "the "forms are already as simple, as they can possibly be, and as every "case is eventually referrible to the Foujdaree Adalut, the evi= "dence must be written down": that "they do not suppose, "that it would be practicable to dispense with the English "translations of the proceedings before the Police Officers, and "Criminal Judges: but believing that the proceedings on the trial "cannot be curtailed," they "do not see any other way of abridg= "ing the business of the Circuit, without altering the Law."

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

Northern Division, in their letter, dated 16th October
expess their opinion, that the records might be very
= durably shortened without detriment to public just
" or to the accused, by forbidding the present practice
" Police officers taking down the confessions of prisoners
" great length, and by vesting in the Judge of Circuit
" discretionary power of omitting to forward to the Supr
" Adalut all such papers, received from Police Officers
" Magistrates, as he may consider to be unnecessary to the
= riction, or defence, of the prisoners."

75. In the 3d para: of their letter the Judges suggest
"that the Police officers might be instructed to read to
" prisoners, brought before them, the charge or the prosecu
" or if there be no prosecutor to state to the prisoners the
" specific crime of which they are accused, and then simply
" to put the question are you guilty, or not guilty of the
" crime, recording only that the charge of the prosecutor
" had been read (or crime stated as the case might be)
" the question put with the prisoners' answer of guilty or
" not guilty." They observe, that "no further questions ought
" to be allowed to be put by a Police Officer, except
" perhaps one, or two, in regard to accomplices, and the
= ler property."

76. "In order to prevent the possibility of any
" mischief arising from an ill judged exercise of the pro
= posed discretionary power, the Judges suggest further,
" that "the Circuit Judge might be required to state upon
" the face of the Record, the title, or nature, of the pa
= pers, the translations of which he considered to be un
= necessary."

77. The 1st Judge of the Provincial Court of
Circuit in the Centre Division has submitted his sentiments at great length, in his minute on this subject,
wherein he proposes to modify, or rescind, the following
provisions of the existing Regulations; viz; Clauses second,
third, fourth, and fifth section XXVII XXVIII, and XXX,
and

and Clause second section XXXII Regulation XI of 1816; Clause
first section XII, section XIII, Clauses first, and second section
XXIV, sections XXV and XXVI Regulation IX of 1816; Clauses
first and second section IX, and sections XX, and XXI,
Regulation X of 1816.

78. Mr Browns' suggestions may be stated generally
to be, 1st that all written examinations by the Officers of
Police be discontinued; 2dly that the examinations to be held
by the Criminal Judge, in cases to be tried before the Court
of Circuit, be oral, and without Oath; 3dly that prosecutors,
instead of being examined on the trial before the Court of
Circuit, be merely called upon to state, whether, or not,
their declarations previously given be correct; and 4th,
that in like manner no written examinations be taken
by the Magistrates in heinous cases.

79. To go into a particular examination of the
General propositions, suggested in this minute, does not
appear to the Judges of the Court of Sudder Adalut to
be at present necessary. They will on this occasion only
observe, that they consider each of the modifications of the
provisions of the Regulations above cited, which the 1st Judge
has suggested, to be open to grave, and insuperable
objections.

80. In the Course of his minute the 1st Judge suggests
a modification of section XXV Regulation VIII of 1802, which
has as above stated been on a former occasion recommended
to the Government by the Judges of the Court of Sudder Adalut,
and in the 30th paragraph he recommends the revival of
the provisions contained in section XIII Regulation VII of 1802,
which prescribes, that the Senior Judge of each division shall
always remain at the Sudr station.

81. On this latter suggestion the Judges of the Court of
Sudder Adalut do not deem it necessary to offer any remark-

82. The 2d Judge of the Provincial Court of Circuit in
the Centre Division, in the 6th and following paragraphs of his
minute, expresses his disapprobation of the abandonment of

police

"police records, recommended by the Tr. Judge. He proceeds
to offer various observations, in respect to the state of
crime, and the police administration, which do not immedi
=ately relate to the subject under consideration; and in
36th paragraph suggests, that part of the translates in c
referred to the Court of Toujdaree Adalut, be relinquished
originals; a suggestion renewed at the conclusion of the
minute.-

83. The Judges of the Court of Toujdaree Adalut have
given attentive consideration to all the suggestions, whi
have been offered on this head. They concur with the
Judges of the Provincial Court of Circuit in the Northern
Division in their remarks, regarding the examination
prisoners by the officers of police; and are disposed to co
=cur in the opinion, offered by them, that the Judge of
Circuit may be vested with a "discretionary power of
"omitting to forward to the Toujdaree Adalut all such
"papers, received from Police Officers, and Magistrates
"he may consider to be unnecessary to the conviction or
"defence of the prisoner; stating "on the face of the record
"the title or nature, of the papers the translation of which
"he considers to be unnecessary: and to this suggestion the
propose to give effect by a circular orders.

84. English translations of such of the recorded
proceedings in Criminal trials, referred to the Toujdaree
Adalut, as are essential to a clear development of the
case, and an accurate appreciation of the evidence, are
indispensable; and among these the Judges of the Court
Toujdaree Adalut include the proceedings of the Criminal
Judge.-

85. The Judges of the Provincial Court of Circuit
in the Western Division observe, that "the Judges on
"Circuit are required by the Regulation to notice in their
"proceedings any material difference between the depositions
"of the same witnesses as given before them; and the Re
=gisters / Criminal Judges / and are to question the witness
thereupon

"thereupon, and record their answers: "and they think",
that nothing more is necessary; suggesting at the same
time, that "if the Judges of the Toujdaree Adalut should
"wish to refer to the depositions themselves, which are given
"before the Criminal Judge, or the Police officers," the Per
=sian translations will be at hand for that purpose"
and the "Toujdaree Adalut may also have sent to them
"the original depositions themselves in the language,
"in which they were taken to be referred to in the event
"of the Persian translations being obscure, or unintel
"ligible".-

88 The Judges of the Court of Toujdaree
Adalut consider the perusal of the depositions delivered
on the preliminary investigation before the Criminal
Judge to be indispensably necessary to the clear ap
=prehension of the testimony, given on the trials, and which
depends the correct and satisfactory discharge of the
solemn duty, devolving on them as Judges in the last
resort, of disposing of the lives and liberty of men. Their
experience abundantly proves, that it is not sufficient
for this purpose to depend upon the notice, which the
law requires to be taken by the Circuit Judge of discre
=pancies, which may appear in the testimony, given by
the same persons before the Criminal Judge, and before
the Court of Circuit. The Persian translations, which,
the accuracy is proposed by the Judges of the Provincial
Court

Courts in the Western Division to be certified by the Criminal Judge, would be by no means an adequate substitute for translations in English: and a reference to the original depositions in not fewer than seven different dialects would be utterly nugatory, unless Judges could be found familiar with all of them.

87 In conclusion the Judges of the Court of Toujdaree Adawlut would observe, that the difficulty which has been found in getting through the business of the Circuit within the prescribed period, appears to have been mainly attributable to the provisions of Regulation I of 1822; of which the rescindment is proposed: and they see no reason to doubt that this measure in conjunction with those which have been proposed, and with that recommended by the Judges of the Provincial Courts of Circuit in the Southern Division, which they have resolved to adopt, will afford to the Criminal Courts all the relief, which is required in this branch of their duty.—

19th January 1825. (Signed) W. Rudsdston Regr

№ 36 To the Acting Criminal Judge in the Zilla of Canara

Sir

I am directed by the Judges of the Court of Toujdaree Adawlut to acknowledge the receipt of your letter, dated 13th instant, and to state, that upon a full consideration of the circumstances of the case of the prisoner Narrainpah Hegade, and of the certificate of the Surgeon regarding his state of mind, he

Judges deem it proper to direct, that he be delivered into the charge of his friends, if he has any able and willing to take charge of him, who should be admonished of the necessity of taking proper precaution to prevent his committing any mischievous act.—

22d January 1825. (Signed) W. Rudsdston Regr

№ 37 To the Magistrate in the Zilla of Bellary.—

Transmitting copy of a letter to Government dated the 10th and reply thereto dated the 18th instant sanctioning the tenor of a conditional pardon to Chinna Narrayah a supposed accessary in a case of robbery.—

22d Jan 1825. (Sent in usual letter)

№ 38. 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 Toujdaree Adawlut to acknowledge the receipt of your letter, dated 7th instant, referring a communication from 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."

2 A reference having been made to the Advocate General on the subject, I am directed to transmit to you the accompanying copy of a letter from the Secretary to Government in the Judicial Department, dated 18th instant transmitting his reply thereto, which you will be pleased to communicate to the Magistrate of Malabar and Canara.—

22d January 1825.— (Signed) W. Rudsdston Regr

No 39 To the Secretary to Government in the Judicial Department.-

(No 9)

Sir

I am directed by the Judges of the Coimbatore Court to transmit to you the accompanying general Abstract statements of the Criminal trials, on which sentences were passed during the last year, with the request of the Judges that it may be laid before the Board of the Governor in Council.-

22d January 1825.- (Signed) W. Huddleston Regr.

Abstract of Criminal Trials in which Sentences were passed by the Coimbatore Court from 1st January to 31st December 1824.-

Division	Zillahs	Number of Trials	Number of Prisoners	Acquitted	Punished	Fined	Imprisoned	Flogged	Transported	Died in Gaol	Escaped	Remaining in Gaol 31st December 1824
Centre Division	Coimbatore	1823	11	1	10	1	9	1				
		1824	18	3	15		15	2				
	Dindigul	1823	11	2	9		9	1				
		1824	16	4	12		12	2				
	Caroor	1823	25	15	10		10	4				
		1824	15	10	5		5	3				
	Dharapooram	1823	15	10	5		5	2				
		1824	27	22	5		5	1				
	Pollachy	1823	"	"	"		"	"				
		1824	27	17	10		10	2				
	Chicacole	1823	12	7	5		5	1				
		1824	19	12	7		7	1				
North Division	Ellore	1823	11	11	"		"	"				
		1824	21	21	"		"	"				
	Rajahmundry	1823	10	10	"		"	"				
		1824	20	20	"		"	"				
	Vizagapatam	1823	4	4	"		"	"				
		1824	31	31	"		"	"				
Madras Division	Madras	1823	15	7	8		8	2				
		1824	22	22	30		30	11				
	Canara	1823	17	11	6		6	5				
		1824	9	25	55		55	12				
Totals		1823	114	82	32	1	31	12				
		1824	178	190	185		185	40				

(No 10)

No 45 To the Secretary to Government in the Judicial Department.

Sir,

1 The Judges of the Court of Coimbatore Zillahs have received from the Provincial Court of Circuit in the Southern Division and from the Criminal Judge in the Zilla of Combaconum, representations of the necessity for removing a portion of the prisoners, at present in confinement at Salem, and Combaconum.-

2 As the Salem Gaol is only calculated to afford accommodation for more prisoners than are required to be removed from the latter place, the Judges solicit the sanction of the Board of the Governor in Council for the transfer of from 50 to 100 prisoners from the Salem Gaol to the custody of the Magistrate of Coimbatore.-

20th January 1825.- Signed W. Huddleston Regr.

No 46. To the 2d Judge Centre Division.-

Transmitting copy of a letter from Government dated 15th Instant and reply thereto sanctioning the tender of a conditional pardon to Ballamy a person implicated in a robbery.-

20th January 1825. (Sent usual letter)

No 47 To the 1st Judge a Circuit in the Centre Division

Transmitting copy of a letter from Government approving the remarks recorded by the Court on his returns explaining parts of his report on the 3d quarterly Gaol Sessions 1824 at Chittore.-

20th January 1825.- (Sent usual letter)

(No 11)

No 50 To the Secretary to Government in the Judicial Department.-

Sir

With reference to my letter No 0 dated 15th Instant.

Instant, 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 accompanying letter dated 22d Instant, from the Acting Criminal Judge in the Zilla of Cuddapah forwarding copy of communications, addressed by him to the Zillah Surgeon, and to the Officer commanding at Cuddapah and their replies.

2 The Surgeon recommends that 481 of the prisoners in the Jail should be removed; and it appears from the representation of the commanding officer that there is no secure building on the hutting ground where it was proposed that a portion of the prisoners should be accommodated; the Judges submit for the consideration and orders of the Honorable the Governor in Council the suggestion of that officer regarding the appropriation of the public buildings mentioned by him to this purpose.

28th January 1825. (Signed) W. Hudleston Regr.

(No 12)

No. 51 To the Secretary to Government in the Judicial Department.

Sir,

With reference to the 3d paragraph of my letter No 3 dated 4th Instant, I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you for the consideration and orders of the Honorable the Governor in Council the accompanying letter, dated 19th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division forwarding an application from the Criminal Judge in the Zilla of Masulipatam for the sanction of the Government to certain alterations in the Circle and Criminal Jails.-

28th January 1825.- (Signed) W. Hudleston Regr.

No. 53 To the 1st Judge on Circuit in the Northern Division.

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 14th Instant, with its enclosures.-

2 The records of this Office do not show what allowance of Batta was made to the Mootsuddee Nuluncler Burkhish, on the occasion mentioned in the address, which you have forwarded from the Acting Mootsuddee, Mohammad Hosyn: but the Judges conclude, that it was fixed at the usual rate, to which the allowance on this account to the Acting Mootsuddee ought to be restricted.-

28th January 1825.- (Signed) W. Hudleston Regr.

No. 53 To the 1st Judge on Circuit in the Centre Division.

Sir,

Referring to your communication respecting the progress of the Jail delivery at Cuddapah from which it appears that no trials take place on Fridays, I am directed by the Judges of the Court of Foujdaree Adawlut to apprize you, that the Mahomedan Law officer is liable to be called upon to perform his ordinary avocations on that day, excepting at the hours of prayer

D.

or from 1 to 3. P.M.

2 The Judges consider that the press of business now before you renders it proper, that the Acting Magistrate should be required to attend the Sessions of the Court of Circuit on Fridays, excepting during the above 2 hours.

28th January 1825.- (Signed) W. Huddleston Regr

No 54 To the Criminal Judge in the Zilla of Chinglepat.-

Returning the notices with the endorsement of the Nazir of this Court.-

28th January 1825. (Sent in sealed letter)

No 55. To the Criminal Judge in the Zilla of Chinglepat.-

Returning the notices with the endorsement of the Nazir of this Court.-

28th January 1825.- (Sent in sealed letter)

No 58 To the 3d Judge late on Circuit in the Western Division.

Sir,

I am directed by the Judges of the Tongidaree Board to acknowledge the receipt of your letter, dated 2d Instt: & to state that the measure adopted by you of returning to the Sudr Station, under the circumstances therein represented, has their entire approbation.

2d February 1825.- (Signed) W. Huddleston Regr

No 59 To the Judges of the Provincial Court of Circuit in the Southern Division.-

Gentlemen,

I am directed by the Judges of the Board of Tongidaree Board to acknowledge the receipt of your letter, dated 4th Instt, recommending that all the Prisoners at Salem whose sentences of imprisonment have to run more than one year be transferred to Tickin choky; and to inform you, that the sanction of the Government has been obtained for the removal of from 50 to 100 Convicts from the Jail at Salem to the custody of the Magistrate of Coimbatore, an arrangement adopted with a reference to the necessity of removing to Tickin choky a portion of the Prisoners in the Jail at Combaconum.-

2 You will be pleased to instruct the Acting Criminal Judge to carry the above measure into effect.-

4th February, 1825.- (Signed) W. Huddleston

Registr

Dy

No 70 To the Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen

The Criminal Judge in the Zilla of Bombay having represented to the Judges of the Court of Foujdaree Adaulut, that the number of prisoners in the Jail under his charge exceeds that "which the Jail was calculated to hold", and that there is every probability of a "fresh influx of Criminal Cases", I am directed to desire, that you will ascertain from the Magistrate of Bombay, to what number of persons can be accommodated in the Jail under his charge, in addition to those already confined there, and that you will eventually instruct the Criminal Judge to transfer to the custody of the Magistrate 50 Convicts, to be selected from among those whose sentences have the longest period to run.

9th February 1825. (Signed) W. Hudleston Regr.

No 71 To the Secretary to Government in the Judicial Department (13)

Acknowledging two copies of an abstract Regulation of the Bengal Code relating to the administration of the Police and of Criminal justice in the lower provinces compiled by Wm. H. Shakespear.

9th February 1825. (Circular Letter)

No 72 To the Acting Criminal Judge in the Zilla of Cuddapah

Transmitting a copy of a letter from Government forwarding copy of a letter addressed to the Revenue Board regarding the appropriation of certain buildings at Cuddapah for the accommodation of the convicts.

9th February 1825. (Circular Letter)

No 73 To the 1st Judge of the Court of Circuit in the Northern Division

Transmitting a copy of a letter to Government in reply thereto regarding certain alterations in the Jail to facilitate the

9th February 1825. (Circular Letter)

No 74 To the Criminal Judge in the Zillah of Chingleput.

Sir,

I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letter of the 2d Instant reporting the arrival of 32 Convicts under sentence of transportation from the Zilla of Cuddapah.

2 With reference to the 2d paragraph the Judges desire to be informed whether any certificate was received by you under the signature of the Surgeon of the Zillah of Chittoor as no such paper accompanied your communication.

9th February 1825. (Signed) J. F. Thomas. Dept Regr.

No 75. To the Criminal Judge in the Zillah of Chingleput

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter dated 1st Instant, and to state that they authorize the removal to Cuddalore of 45 Convicts to supply the places of those released.

9th February 1825. (Signed) W Hudleston Regr.

No 76 To the 1st Judge of Circuit in the Centre Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter, dated 1st Instant, forwarding an Extract of the Cuddapah Calendar, containing the entry of the case No 88, being one of the cases of Burglary, to which you consider the provisions of clause first Section II Regulation VI of 1822 to be applicable.

2 The charge against the prisoners is stated to be entering the dwelling House of the prosecutor by night on the 27th July 1824, in an armed gang, with others since escaped.

"escaped and released for want of proof; and directing the pay-
"ment by the party to the amount of 373 Rupees.
3
By the abstract of the evidence it would appear, that the prisoner came with the light to the prosecutor's house and robbed it.-
4
The distinction between the cases of Burglary to which the provisions of Section II Regulation VI of 1822 are applicable, and cases of robbery by open violence, which under the existing Law can be disposed of only by the Court of Foujdaree Adawlut, is clearly explained in Clause second Section V Regulation XV of 1803; and the Judges of the Foujdaree Adawlut are of opinion, that the case No 38, of the Calendar, falls clearly under the definition given of the latter crime, and must consequently be referred for their final judgment.-
9th February 1825.-

(signed) W. Hudleston Regr.

No 82

To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Foujdaree Adawlut to transmit herewith for the purpose of being laid before the Hon'ble the Governor in Council the accompanying letter, dated 4th Instant from the Judges of the Provincial Court of Circuit in the Cutack Division, and with reference to the circumstances therein represented and to the provision which is made in Bengal for the accommodation of Judges on Circuit, to offer their respectful recommendation in favor of the adoption of such arrangement, as may appear to be most proper, with a view to relieve the Judges of Circuit under this Presidency from a charge, which by a construction of the Supreme Government is thrown upon the

State.-

10th February 1825.

Signed W. Hudleston Regr.

No 83

To the Magistrate in the Zillah of Malabar.

Sir,

1 With reference to your letter of the 7th Instant explanatory of your transmission of the Statement prescribed by Section XXX Regulation IX 1810- The Judges of the Foujdaree Adawlut direct me to observe, that its transmission to this Office direct was perfectly correct.-

2 The Statement required to be submitted this Court by the Clerk of the Court of Circuit to which you probably refer, is the half yearly Statement prepared under the Circular instructions of the Court of Foujdaree Adawlut of the 25th June 1819 a Statement in the form prescribed by Section XXX Regulation IX of 1810 is also required by the orders of the Court under date the 2d March 1818 to be laid before the Court of Circuit at each Session of Jail delivery; that no instructions have been issued in modification of the rule laid down in Section XXX Regulation IX 1810.-

10th February 1825.

(signed) J. E. Thomas Dep. Regr.

No 84

To W. Page Esqr. Circuit & Criminal Judge in the Cutack Division.-

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 28th Ultimo, submitting copy of a precept issued to the acting Criminal Judge in the Zilla of Pundooah and of that Officer's return relative to Bava Sahib, 2d prisoner in Cause No 1 of the Supplemental Calendar to whom the tender of a conditional pardon was authorized by the Honorable the Governor in Council under date 4th June last.-

2 The acting Criminal Judge states in his return, that "Bava Sahib having stated that he knew nothing "relating to the affair on which the other prisoners stood "charged, it was not deemed necessary to cause him to

attend

"attend at the Jail delivery."-

3 Under the circumstances how represented the Judges of the Foujdaree Adawlut would have been at a loss to account for the release of Bawa Sahib, but that they observe that the 2d Judge holding the 1st Sessions at Cuddapah in 1824 recorded his opinion, that there was not sufficient evidence against him to warrant his detention for trial at the ensuing Sessions.-

4 His release would therefore seem to have taken place by sufficient authority: he of course cannot claim no protection from the offer of the pardon on conditions of which he has not availed himself; and if again brought forward with sufficient evidence against him, will be liable to be tried for the offence, with which he has been charged.-

16th February 1825.

No 85. From the Judges of the Provincial Court of Circuit Western Division

With reference to their letter of the 17th ultimo requesting to be informed whether an application would then previously be made to the Sudder Foujdaree Adawlut for the sanction of the Court to the prosecution of Bawa Sahib for the offence of having escaped from the custody of the Police Officers who had apprehended him on a charge of Dacoity, and stating it to be their opinion that this duty is made peculiarly within the province of the Judge in Circuit in performing the duties of the Court in

No 86. 16th February 1825. (Short original letter)

To the Judges of the Provincial Court of Circuit in the Western Division.

Gentlemen,

I am directed by the Judges of the Sudder Adawlut to acknowledge the receipt of your Register's letter of date the 28th ultimo, submitting the reports submitted by the Criminal Judges within your jurisdiction for the quarter ending the 31st September last, and your proceedings thereon.

2 With reference to para. 3d of your proceedings wherein you submit the question, whether, under the provisions of Regulation I 1824, the Judges will have to take

Judge of his own authority, to compel the attendance of witnesses, whose evidence is required in the prosecution of Criminal offences: the Judges direct me to observe, that the single object of Regulation I 1824 was to remedy a manifest defect in the Regulations, in the omission to define the powers of the Courts of Criminal Judicature in the enforcement of their precepts for the attendance of witnesses, in cases in which they were authorized to issue such precepts; and under no principle of construction can it be deemed to vest a Criminal Court with powers which it did not previously possess.-

3 The Judges conceive that you have pointed out to the Acting Criminal Judge of Cuddapah, the illegality of the proceeding noticed in the 5th paragraph of your communication, in the neglect of the Committing officer in calendaring, in the neglect of the Committing officer in cases where bail may be received to call upon the accused for bail, but instead of that sending them to jail and waiting for the offer "to come from those confined." There can be no question but that it is not competent to a Criminal Court to give sentence for the incarceration of a prisoner on a bailable offence till bail has been demanded. The terms of clause third Section IX Regulation X 1816 admit of but one interpretation that if the offence charged be not bailable the accused is to be committed to prison, but if it is bailable he must be held to bail, and it is only on his failure to produce adequate bail that he is liable to imprisonment.-

4 The Judges have taken into consideration the arguments advanced by the Judges of the Provincial Court, in support of their view of the propriety of declaring, that in

all

all bailable cases before a Criminal Judge, when the investigation cannot be immediately closed, bail shall be required from the accused in the first instance; before any determination has been formed as to his guilt or innocence.- The Judges have lately had under their review the evils of these protracted delays in the investigation of Criminal cases owing to the inattention and in some cases to the unpracticability upon the part of the Police to conform strictly to the provisions which require them to forward with the prisoner "all persons having any knowledge of the crime "charged".- The Court propose shortly to circulate some instructions upon this head, which they expect will in a great measure remove the evil complained of.-

5 With reference to No 109 in the report from the Zillah of Chittoor a case of "Assault and robbery to the value of 35 Pagodas" which has been pointedly noticed in para 32 of your proceedings, the Judges desire that the Magistrate be required to call upon the Police Officer for the fullest explanation of his proceedings, particularly in relation to his non acquittal of the causes of the delay which will have been furnished to the Magistrate under the Circular order of the Court of Foujdaree dated 6 of the 13th September last.-

Referring to Nos 132, 133, and 134 in the same report wherein the prisoners were charged as accomplices in a case of larceny and punished by fine commutable to imprisonment the Judges consider the sentence of the Criminal Judge illegal. They do not view the Sep or the relationship of the prisoners No 132 to the principal as any just ground for a mitigation of the legal penalty.- The distress in which the commission of a crime may involve the family of the Criminal is often the greatest preventive of crime, and it is in the opinion of the Judges highly inexpedient to lessen the influence of this check.

In No 147 a case of justifiable homicide wherein the prisoner was released with an admonition "it does not

not comport with the Criminal Judge to pass a final sentence: all cases of homicide are to be reserved for trial before the Court of Circuit, and it is the duty of a Criminal Judge when he may deem the commitment of the accused unnecessary to proceed under the provisions of Section XI Regulation X 1816.-

8 In No 103 of the report from the Zillah of Cuddapah the prisoners, who were charged with "having stolen property in their "possession", were released by the Criminal Judge, as there was no prosecutor to prefer a charge against them.- This case would appear therefore to come within the scope of Section III Regulation II 1822. The Judges desire that the Magistrate in the Zillah of Cuddapah be instructed to explain to the Police officers that whenever persons apprehended under suspicious circumstances may not be charged with the commission of any one particular offence to which evidence is forthcoming it is their duty to forward them to the Magistrate, and not to the Criminal Judge.- In your proceedings upon the report from the Zillah of Cuddapah para 50 it is to be observed that "Mr Waters submits, that when one crime is "charged and another is proved, the quarterly statements do not "contain a column for the separate explanations".- The practice observed in other Zillahs is to enter such explanations in the Column shewing the punishment, and the same practice may be followed with advantage by the late acting Judge of Cuddapah.-

9 In the report received from the Criminal Judge in the Zillah of Bellary the reason assigned by the Police officer for his delay in forwarding the prisoners No 3 a case of cattle stealing is "that he considered the case to be that "of a petty theft.- and he therefore forwarded an Ingee stating "the whole of the circumstances to the Magistrate of Bellary"

the

the value of the property stolen is estimated at 4 Rupees: a similar reason is assigned by the Head of Police in No 120 wherein the value of the property was 5 Rupees. The Judges conceiving it to be probable that the Police Officers generally may not be aware, that cases of cattle stealing and other aggravated cases of theft noticed in clause fourth Section III Regulation VI 1822 are received by the legislature in a different light from ordinary thefts, desire that the several Magistrates within your division may be directed to point out to the Heads of Police that such cases whatever may be the value are not within the cognizance of the Magistrate nor of the Police Officers under Section IV Regulation IV 1821. but they must be forwarded to the Criminal Judge.

10 The prisoner No 30 charged with theft to the amount of 89½ Rupees is stated to be released "the prosecutor appearing to prosecute" The Acting Criminal Judge will submit for the information of the Foujdaree Court the requisite explanation in this case.

9th For the future the Judges desire that all explanations material to the correct understanding of a case may be inserted in the report in order to obviate the necessity of reference.

11 From No 39 to No 46 inclusive the Judges observe a gross instance of the irregularity of the Police in the Zillah of Bellary 4 Prisoners two of whom were apprehended on the 15th one on the 22d and one on 20th are stated by the Sabbildars of Rumandroog to have been delayed by the Police Peons who did not "send them to the Cutcherry till the 1st July" thus it appears that these prisoners were detained by the Police Peons for 9 days upon their own authority. The attention of the Magistrate should be particularly called to this flagrant instance of false assumption of authority; and the Judges direct that a report of the measures he may have taken to prevent a repetition of similar irregularities and of the respective conduct

12 The Judges have noticed in these reports several instances in which the Heads of Police of Punchapolliam, Gooty, Bellary, Rumpllee and Kadenaikah have neglected to conform to the rule provided for their guidance in Section XXVII Regulation XI 1816 of which they cannot be ignorant "that if a delay of more "than 48 hours should occur an explanation of the cause of such "delay is to be stated at the bottom of the report" the Magistrate is directed to caution those officers against a repetition of this neglect.

13 In the report of persons apprehended and not disposed of at the date of the last quarterly report of the Zillah of Chingleput. The prisoner No 117 who is charged with theft from a dwelling house to the amount of Rupees 1148 is stated to be "sentenced by the Assistant Criminal Judge on his own confession". From this entry the Judges conclude that the evidence upon the part of the prosecution was not gone into, a proceeding which they consider to be objectionable with reference to the impression under which such confessions may frequently be delivered, and the risk in many cases of injury to the accused from proceeding on a general admission of guilt without taking evidence as to the specific features of Criminality in the case.

14 The Judges direct, that such parts of the foregoing observation as concern those officers respectively may be communicated to the Criminal Judges in the Zillahs of Chittoor and Chingleput, and to the Acting Criminal Judge of Cuddapah and to the Magistrates of Bellary and Cuddapah.

17th February 1825. Signed J. Thomas Dep. Reg.

No 87 To the Secretary to Government in the Judicial Department.
(No 15)

Submitting a letter from the Asst to the Trad. Board announcing that Tavaroo a lunatic prisoner has received his license & requesting that an order may be given to the Supt of Police to receive & forward this person to Chinglepute.

21st February 1825.

Asst Surgeon Letter

No 88 To the Secretary to Government in the Judicial Department.
(No 16)

Sir,

Under the directions of the Judges of the Tovjdaree Adawlut I have the honor to transmit, for the purpose of being laid before the Honorable the Governor in Council the papers noted in the Margin, together with an Extract from the proceedings of the Court of Tovjdaree Adawlut of this date having reference thereto.

2 These papers contain a complaint preferred by the Magistrate of Gillah Court of Chittagong against the Rajah of Tipperah for that the 28th April last to the Koomia Court for the Eastern Division, against the late Register and Assistant Criminal Judge Mr C. Brom- 3 The Judges regret exceedingly that Mr Bromley has thus begun his public career in the Zillah by an infraction of the provisions of Section III Regulation VII 1793. the Judges have considered it their duty to submit this letter without remarks.

4 They trust the Governor in Council will concur with the Board of Judges of the Criminal Court in the opinion expressed in the 2d para of their communication of the 31st December last that Mr Bromley in this instance has acted from to Government of the 21st February last grant a certificate

from the proceedings of the Court of Sudr Adawlut under date the 21st November 1822.

21st February 1825. (Signed) J. F. Thomas Dep. Regr.

No 89. To the Acting Criminal Judge in the Gillah of Chittagong.

Sir,

The Criminal Judge in the Gillah of Chinglepute, having under the orders of the Court of Tovjdaree Adawlut of the 10th June 1824 transmitted to this office the certificates of the Surgeons furnished to the Peons in charge of 30 Convicts despatched from the Gillah of Cuddapah on the 17th January last - The Judges observe that no certificate is furnished from the Surgeon attached to the Gillah Court of Chittagong though "three prisoners" are reported "to have been detained at the Sudr Hospital at Chittagong".

Under date the 9th July 1823 the Judges expressly pointed out to the Zillah Surgeon his duty in this respect, they desire therefore that that officer may be called upon to explain his neglect to conform to the instructions issued for his guidance.

24th February 1825. (Signed) J. F. Thomas Dep. Regr.

No 92 To the Acting Criminal Judge in the Gillah of Cuddapah.

Sir,

I am directed by the Judges of the Tovjdaree Adawlut to acknowledge the receipt of your letter of the 15th instant, reporting the circumstance of a great accumulation in the number of prisoners requiring accommodation in the Jail at Cuddapah.

2 The orders of the Judges touching upon this were promulgated upon the representation of the Zillah Surgeon. You will communicate therefore with that officer upon the subject

subject of your letter - Should be deem the number of persons, you now propose to retain in the present buildings, over too great, you are authorized to defer the execution of the Judges orders of the 9th Instant.

24th February 1825.

(Signed) J. S. Thomas Dep. Regr.

No 93 To the First Judge a Circuit in the Cutch Division

Sir,

1 I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter of the 16th Instant; submitting for the determination of the Judges, the propriety of reconsidering their instructions of the 9th Instant upon case No 38 of the Cutch Jail Calendar.

2 The Judges direct me to observe, that after duly weighing the arguments you have advanced they are unable to perceive that the features of the case No 38 afford any ground for considering it to be of the nature of the offence contemplated in section 1. Regulation XI 1822: The crime of gang robbery or gang burglary consisting in the circumstance, that the parties combined to commit the offence in whom any criminality that might be offered in mitigation - and the Judges see no reason to believe that this was not precisely the state of the case, in the number of the Cutch Jail Calendar above referred to - They direct therefore that their orders of 9th Instant be strictly adhered to -

24th February 1825. (Signed) J. S. Thomas

Deputy Registrar

No 94. To the Judges of the Provincial Courts of Circuit for the Northern Division

Gentlemen

1 I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter of the 17th Instant to the Court's precepts of the 14th January, submitting the reports from the several Criminal Judges within your division for the quarter ending the 30th September last; also an explanatory statement from the Magistrate of Bauleipatam forwarded by you under date the 12th Instant -

2 Referring to the report from the Criminal Judge of Jaulna, it would appear from the entry in the Column headed date of leaving the Gaol, that the prisoners in Nos 13 and 14 cases of Jail delivery, were forwarded in contravention of the provisions of section XLVI Regulation XI 1816 by the District Police officer - The Judges direct that these cases may be brought to the notice of the Magistrate, in order that he may direct the attention of the Darogah of Police to the provisions above cited -

3 With reference to cases Nos 39, 40 and 41 towards the following note is appended these offences were committed "at the same time and by the same prisoners but the charges "were separately by the Police officers" it would have been proper for the Criminal Judge to have passed but one sentence, upon all the individuals convicted of committing one offence.

4 In No 84, a case of burglary, wherein the value of the property stolen was 66 Rupees & piece, the Criminal Judge has exceeded a power not vested in him, by postponing a final sentence upon the prisoners - The provisions of clause

Recd

Second Section II Regulation VI. 1822 [illegible] the commitment of this case for trial before the Court of Circuit. With reference to the same provision a similar observation would also appear applicable to the sentence passed upon the 1st prisoner D. Pundaroo in Beld. Jn No. 109 the prisoners are charged with "plundering the prosecutor of paid cloth &c "valued at Rupees 5812 he being a traveller and having halted near "a village" It does not appear from this statement, what particular circumstances took this case out of the provisions of Section III Regulation XV 1803, and induced the Criminal Judge to deem himself competent to pass a final sentence. The Judges desire that this officer carefully abstain at all times from exercising powers not expressly vested in him by the Regulations enacted for his guidance. This is found to be a frequent instance of an infraction upon the part of the Criminal Judge of the provisions of clause fourth Section III Regulation VI 1822 relating to offences of cattle stealing the punishments assigned being in general quite inadequate to an offence of so dishonorable a nature; also the Judges direct me to enforce their injunctions upon this point recorded in my letter of the 17th November last.

5

The Judges have noticed in the above, the frequent omission of the Police officers in the Zillah of Bellary, to state the cause of delay in forwarding prisoners, when the detention has exceeded 48 hours, and they direct that the Magistrate be enjoined to caution these authorities against a breach of the rule laid down in Section XXVII Regulation XI 1810. With reference to para 8 of the letter from the Criminal Judge of the 10th January to the Provincial Court of Circuit, the Judges direct me to observe, that the Criminal Judges interpretation of their orders, in respect to the one to which the additional information required, is the sentence it is correct.

6

Before the Judges proceed to the consideration of the Statements furnished by the Criminal Judges in the Zillas of Masulipatam and Chicacole, it becomes necessary for them to notice with strong reprobation, the indecorous and improper style which the Criminal Judge has assumed in his communication to the Provincial Court of Circuit. That Court have marked their own sense of the impropriety, by passing it over without notice; and were it not incumbent upon the Judges of the Foujdaree Adawlut to uphold the authority of the Courts they would willingly have pursued the same course. The Judges refer to the following passages in his letter dated the 10th January, wherein the Criminal Judge commenting upon an observation of the Provincial Court remarks "I am afraid you must deem me "a fit object for a Lunatic Asylum to ask me such a question" This remark to the Judges conviction extremely discreditable to the Criminal Judge; it was totally uncalled for by anything in the proceedings of the Provincial Court of Circuit, and it is not only subversive of the due subordination he is bound to observe, but manifests that he does not rightly appreciate the respect which is due to himself in the office he fills. The Judges trust that it will be sufficient, to have called the attention of the Criminal Judge to this subject, upon the present occasion, to prevent a repetition of similar misconduct.

7

Referring to the above from the Criminal Judge of Masulipatam; upon collating the entries in cases 9, 10 and 11. The Criminal Judge appears to have passed sentence of 4 years imprisonment upon the prisoner, 2 years upon the charge of receiving stolen goods, and 2 years upon a charge of Burglary. Should the entries in this number be correct the

the Judges direct that the Criminal Judge be careful in future not to pass a sentence upon a prisoner which it would be competent to a Court of higher jurisdiction to reverse. The Judges consider the sentence passed upon this prisoner convicted of five distinct charges, from 70 to 80 in clusive, to be inadequate.

8 In No. 3 of the supplemental report of cases not disposed of at the date of the last quarterly report the charge is stated to be "Highway robbery," and the Criminal Judge proceeded nevertheless to pass a final sentence upon the prisoners, the Judges direct that this officer be required in future to pay a strict attention to the Regulations and refrain from the exercise of powers not vested in him.

9 Referring to the supplemental report of persons apprehended, whose cases had not been disposed of at the date of the last quarterly report, from the Criminal Judge of Chicacole. The Judges observe, that the case of the prisoner in No. 4, the date of whose apprehension is given as the 7th February and of arrival at the Criminal Court the 29th May, had not been investigated on the 30th September last. The Judges desire that the Criminal Judge be directed to be careful to prevent by all means within his power the protracted detention of accused persons under examination.

10 The separate communication addressed by this officer to the Register of this Court is unnecessary and the Judges desire that it be discontinued.

11 In conclusion the Judges desire that such parts of the foregoing observations as concern those officers respectively, may be transmitted to the Criminal Judges of Rustoe Mundlicatam and Chicacole.

28th February 1825. (Signed) J. F. Thomas Dep. Regr.

No. 95 To the Judges of the Provincial Court of Circuit in the Centre Division.

Transmitting copy of a letter to the Secretary to Government dated 16th Instant and of the letter from Government granting an allowance of 25 Pagodas per mensem for house rent for the Circuit Court.

28th February 1825. Sent warrant letter

No. 96 To the Judges of the Provincial Court of Circuit Northern Division.

Gentlemen

The report to the Provincial Court of Circuit Northern Division.

I am directed by the Judges of the Court of Fouzdaree Adawlut to transmit for your information and guidance the accompanying copy of a letter from the Secretary to Government in the Judicial Department dated the 22d Instant with copies of the communications therein referred to.

28th February 1825. (Signed) J. F. Thomas Dep. Regr.

the Judges direct that the Criminal Judge be carefull in future not to pass a Sentence upon a prisoner which it would be completed to a Court of higher jurisdiction to adjudge — The Judges consider the Sentence passed upon this prisoner Convicted of five distinct charges, from 76 to 80 inclusive, to be inadequate.—

8 In No. 3 of the supplemental report of cases not disposed of at the date of the last quarterly report the charge is stated to be "Highway robbery," and the Crime not being proved nevertheless to pass a penal Sentence upon the prisoners, the Judges direct that this officer be required in future to pay a strict attention to the Regulations and refrain from the exercise of powers not vested in him.—

9 Referring to the supplemental report, of persons apprehended, whose cases had not been disposed of at the date of the last quarterly report, from the Criminal Judge of Chittagong — the Judges observe, that the case of the prisoner in No 4, the date of whose apprehension is given as the 7th February and of arrival at the Criminal Court the 29th May, had not been investigated on the 30th September last — The Judges desire that the Criminal Judge be directed to be careful to prevent by all means within his power the protracted detention of accused persons under examination.

10 The separate communication addressed by this officer to the Register of this Court is unnecessary and the Judges direct that it be discontinued.—

11 In Conclusion the Judges desire that such parts of the foregoing observations as concern those officers respectively, may be transmitted to the Criminal Judges of Patna Shahabad and Chittagong.

28th Febuary 1825.— Signed J. F. Thomas Dep. Regr.

No. 95 To the Judges of the Provincial Court of Circuit in the Centre Division

Transmitting copy of a letter to the Secretary to Government dated 8th Instant and of the letter from Government granting an allowance of 25 Pagodas per Mensem for house rent for the Circuit Court.—

28th Febuary 1825.— Sent in a separate letter.

No. 96 To the Judges of the Provincial Court of Circuit Northern Division

The same to the Provincial Court of Circuit Southern & Western Divn.

Gentlemen I am directed by the Judges of the Court of Sudder Dewanny Adawlut to transmit for your information and guidance the accompanying copy of a letter from the Secretary to Government in the Judicial Department dated the 22d Instant with copies of the communications therein referred to.—

28th Febuary 1825.— Signed J. F. Thomas Dep. Regr.

Tongdaree Diary 1st 3d 5th & 12th March 1825.-

No 97 To the Criminal Judge in the Zillah of Chinglepat.-

Sir, I am directed by the Judges of the Tongdaree Adawlut to transmit to you the accompanying copy of a letter dated yesterday from the Secretary to the Marine Board and to desire that you will report by return of Post the number of persons at Chinglepat under Sentence of transportation.-

1st March 1825.- Signed J. F. Thomas Dpty Regr.

No 98 To the Secretary to the Marine Board

Sir, In reply to your letter of the 27th Ultimo I am directed by the Judges of the Tongdaree Adawlut to inform you, that the Criminal Judge of Chinglepat has reported on the 3d Instant, that 87 convicts lie at Chinglepat under sentence of transportation.-

5th March 1825.- Signed J. F. Thomas Dpty Regr.

No 99 To the Secretary to Government in the Judicial Department.-

Sir, The Criminal Judge in the Zillah of Chinglepat having under the instructions conveyed to him in your letter of the 11th Ultimo, recommended that the convicts at that Station under Sentence of transportation beyond Sea should, in consideration of the crowded state of the Jail at present, be handed over to the custody of the Superintendant of Police at the Presidency, the Judges of the Court of Tongdaree Adawlut directed me to offer their recommendation in favor of the adoption of this measure, should accommodation be conveniently procureable for these persons, whose number amounts to Sixty Seven, until the probable period of their embarkation

5th March 1825. Signed W. Braddon Regr

No 100 To the 1st Judge in Circuit in the Centre Division.-

Sir, I am directed by the Judges of the Court of Tongdaree Adawlut to acknowledge the receipt of your letter of the 1st Ultimo forwarding an application of the Acting Magistrate for the appointment of Peons of the Zillah Court of Chinglepat to the

Tongdaree Diary

2 The Judges direct me to inform you, that the Situation of the Peons to the Zillah Court of Chinglepat has been filled up.-

7th March 1825. Signed W. Braddon Regr

No 102 To the Acting Criminal Judge in the Zillah of Chinglepat.-

Sir,

1 I am directed by the Judges of the Court of Tongdaree Adawlut to acknowledge the receipt of your letter, dated 25th Ultimo, reporting the arrival of four prisoners from the Zillah of Cuddalore with a letter from the Acting Criminal Judge at that Station, dated 1st February 1825.-

2 Referring to the observation, with which your letter concludes, that "no communication concerning these prisoners has been received from the Tongdaree Adawlut," the Judges desire that you will explain whether or not, the prisoners were accompanied by the warrant, issued by the Judge of Circuit for the execution of the Sentence passed on them by the Court of Tongdaree Adawlut, which in the cases of prisoners tried by the latter Court, is sufficient authority for your carrying the Sentence into execution.-

7th March 1825. Signed W. Braddon Regr

No 112 To the Criminal Judge in the Zillah of Chinglepat.-

Sir,

1 I am directed by the Judges of the Court of Tongdaree Adawlut to acknowledge the receipt of your letter of the 22d Ultimo, enclosing a report from the Officer commanding the depot at Cuddalore, of the escape of three convicts under sentence of imprisonment for 14 years.-

2 The Judges desire that you will signify to Captain Turner, that they view the detaining of these prisoners at the risk of the evening under the guard of a single peon to have been an act of much imprudence; especially when their character, and the inducement they were under to effect their escape are sufficiently designated by the Sentence passed upon them

one

are also taken into Consideration.

3 The Judges trust that they shall not have occasion at any future time, to notice a similar want of the proper care and circumspection in the safe custody of their prisoners.

10th March, 1825.- (Signed) C. T. Thomas Dept Regr.

(No 19)

No 113 To the Secretary to Government in the Judicial Department

Sir With reference to your letter No 529, dated 24th December last, I am directed by the Judges of the Sessions Court to report for the information of the Honorable the Governor in Council, that the 1st Judge in Circuit in the Centre Division has completed the Sessions of Gaol delivery for the Gillahs of Cuddapah, and intimates his intention of proceeding to Bellary on the 6th Instant.-

10th March 1825.- (Signed) W. Rudleston Regr.

No 115 To the Criminal Judge in the Gillah of Chittoor Cuddapah.-

Sir With reference to your letter of the 19th Ultimo I am directed by the Judges of the Court of Sessions to transmit for your information and guidance the accompanying copy of a letter addressed to the Secretary to Government in the Judicial Department dated 5th and extract of the reply thereto dated 11th instant and to desire that you will immediately lead to the deportation of Police the Convicts at Chittoor stated under sentence of transportation beyond sea, forwarding to this office a Calendar in the usual form, exhibiting their names and the nature of the crimes of which they have been convicted

17th March 1825.- (Signed) W. Rudleston Regr.

No 116 To the Judges of the Provincial Court of Circuit for the Centre Division

Gentlemen I am directed by the Judges of the Sessions Court to acknowledge the receipt of your Regr's letter of the 21st Ultimo, submitting the returns of the several Magistrates within your division, to the Circular orders of the Court, requiring to be informed whether the provisions of Clause Second Section XV Regulation IX of 1810 were generally observed in their respective Zillahs.-

2 The Judges observe, that the Magistrate in the Zilla of Bellary, has certified that the rule prescribed in Clause Second Section XV Regulation IX of 1810 for permitting persons accused of bailable crimes or misdemeanors to appear by Vakeel before the Magistrate to answer the charge is conformed to when the accused is a person of rank.- The provisions above cited do not warrant a distinction of the nature here pointed out. They provide that "the circumstances of the case shall regulate the Magistrates proceedings; and whatever may be the rank of an accused party, if, under the particular circumstances of the charge, the Magistrate does not deem his immediate appearance requisite, he is not authorized to issue a Summons for personal attendance. The rank of accused persons, though it may form one ground for the admission of a Vakeel, is but a minor circumstance, and does not appear to be of the nature of those contemplated in Clause Second Section XV Regulation IX 1810 as governing the proceedings of the Magistrate in this respect.-

3 The Judges desire, that these observations may be communicated to the Magistrate of Bellary for his future guidance.-

12th March 1825.- (Signed) C. T. Thomas Dept Regr.

No 118 To the Judges of the Provincial Court for the Northern Division

Gentlemen I am directed by the Judges of the Sessions Court

Govatut, to acknowledge the receipt of a letter from the 1st Judge dated the 7th Instant, submitting, with reference to the instructions of the Court in their letter of the 15th January last, copies of the orders issued by the late Magistrate in the Gillah of Vizagapatam, requiring the Zemindars to apprehend public offenders.-

2 The Magistrate has observed in his letter of the 1st Instant, that "it does not appear that any summons has been taken from the Zemindars to perform police duties as laid down in Section XXXIX Regulation XI 1816 But that they have occasionally aided and assisted the Magistrate" The copies of the orders forwarded by the Magistrate also shew, that the Zemindars have been specially called upon at different times to aid in the apprehension of offenders, and so far as they acted under the immediate instructions of the Magistrate their proceedings were authorized.-

3 The Judges however consider the orders of the late Magistrate, requiring Zemindars not vested with police authority to forward prisoners direct to himself, to be illegal.- They should in all cases be delivered over immediately upon apprehension to the nearest police officer, who will proceed with them under the general Regulations.- In the cases noticed in the 3d para of the Courts letter of the 1st November last the long detained Convicts, during which certain prisoners had been detained by the Zemindars of Vizianagaram was particularly taken notice of, had these persons been delivered over to the Board of Police this delay would not probably have occurred; the Judges think that in all future occasions when the Magistrate may be called on the aid

Joyce

Foujdaree Diary. 13th & 15th March 1825.-

aid of any Zemindar, under the provisions of Section XV Regulation XXV 1803, be carefully enjoined not to detain persons apprehended.-

13th March 1825.- (Signed) C. E. Thomas 2d Regt

No 118 To the Criminal Judge in the Gillah of Chingleput.-

Returning the notice with the endorsement of the Magistrate of the Court.-

10th March 1825.- (Court usual letter)

No 132 To the Criminal Judge in the Gillah of Chingleput.-

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 13th Instant, reporting the dispatch of 67 Convicts under sentence of transportation to the Presidency.-

2 In your letter dated 2d Instant, you reported, that the number of Convicts under your charge sentenced to transportation was 67; and on the 10th Instant you reported the arrival of five more convicts from Nellore.-

3 Should you as would appear by your letter of the 13th Instant, have no Boat to forward the 5 Convicts last mentioned to the Presidency the Judges desire that you will do so immediately, explaining the reason for their not having accompanied the others.-

15th March 1825.- (Signed) W. Braddon Regt

No 123. To the Assistant Magistrate in Charge of the Gillah of Cuddapah

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter, dated 7th Instant, and to convey to you their sanction for the offer of rewards of 500 Rupees for the apprehension of each of the Principals, and 100 Rupees for

that

that of each of the inferior offenders, concerned in the murder therein reported, payable on their conviction before the Court of Circuit.-
15th March 1825.-

No 124 To the Acting Criminal Judge in the Zillah of Chittagong.
Sir,

Referring to a letter addressed by you under date 23d November last to the Secretary to Government in the Judicial Department, which was transmitted to the Judges of the Court of Tongdaree Zillah for their consideration, I am directed by the Judges to send for your information the accompanying extract of a letter from the Secretary to Government in the Judicial Department, dated 19th January last, and of the reply thereto dated the 15th Instant.-
15th March 1825.-

Signed W. Braddon Regr.

No 128 To the Secretary to Government in the Judicial Department.
(No 20)
Sir,

I am directed by the Judges of the Court of Tongdaree Zillah to acknowledge the receipt of your letter, No 98, dated 9th Instant, desiring them to submit the draft of a Regulation for giving effect to certain alterations of the law, proposed in your letter, dated 19th January last.-

2

The present appearing to the Judges to be a convenient opportunity for the enactment of the provisions, the introduction of which into the Criminal code was recommended in the 9th paragraph of my letter, No 6, dated 28th May 1824, which recommendation was answered in the 5th paragraph of the extract of the proceedings of the Court, under date 5th Instant, accompanying the Circuit report of the 3d Judge Cutcherry Circuit in the Cuttack Division, they have embodied those provisions in Section XIII of the accompanying draft Regulation, to which the Judges request the Commissioner in Council may be pleased to accord their sanction.

Council not deem it expedient to sanction them enactment, the requisite modification can immediately be made in the draft.-

3

It not being the intention of the Government to remit any part of the punishment to which persons sentenced to transportation for life in cases of robbery by open violence are at present liable, provision is made in Clause third Section II of the draft for the infliction of 39 stripes in such cases, as provided by Section III Regulation I 1822.-

4

A like provision is made in clause fourth of the Section for cases of conviction under clause third Section IV Regulation XV of 1803, with reference to the opinion given by the 2d Judge of the Court of Circuit in the Western Division, in respect to the punishment in ordinary cases of robbery by open violence.-

5

The Judges have introduced at the conclusion of the draft a provision for exempting from the operation of Regulation I of 1822 the cases of persons, who at the date of the promulgation of the new Law may be under examination, or committment for trial, or who have been may be preparing for reference for the crime of robbery by open violence, unattended with any of the circumstances of aggravation specified in clauses first and second Section IV Regulation XV of 1803.-

6

This provision has been suggested by the peculiar circumstances, which during the last year have augmented the number of cases of robbery by open violence to a degree altogether unprecedented, while the distress and misery which in a large proportion of these cases led to the commission of the offence, must be held greatly to palliate the criminality of the offenders.-

7

Without the alteration of the Law now proposed it will necessarily happen, that many individuals will remain in confinement, awaiting the sentence of the Tongdaree Court,

for

for a period exceeding that of the imprisonment, which the Court have in cases, when the scarcity of food has appeared to have led to offence, deemed to be a sufficient punishment.—

8 The enactment of legislative provisions with ex post facto operation must always be a matter of the greatest delicacy; the Judges however observe in Regulation III of 1803 in the Bengal Code a precedent strictly in point; in consideration of which they have no hesitation in proposing the enactment of the provision here referred to; which has a tendency entirely beneficial to those, who have incurred the penalties of the law; and under the particular circumstances of the time can in no way tend to weaken the effect of its communications; while the Courts will thereby be relieved from the labor of a large number of references by which during the present Sessions they would under the existing law be greatly embarrassed, and the final disposal of the trials be delayed for a long period.—

9 No other observation occurs to the Judges as necessary to be offered in submitting the accompanying draft for the consideration of the Honorable the Governor in Council.

17th March 1825. (Signed) H. Newbolt Wm. Oldfield

A. D. 1825. Regulation

A Regulation to rescind Regulation I of 1822, and to alter certain other provisions of the Regulations in force, and to provide for the more prompt and effectual administration of Criminal Justice in certain cases Passed by the Hon'ble the Governor in Council of Fort St. George on the [illegible] of [illegible]

Preamble

Whereas the reference to the Court of Sovjdaree Adawlut of all cases of conviction of robbery by open violence which is prescribed by Regulation I of 1822, has been found greatly to increase the labors of the Courts of Circuit without any commensurate benefit; and it is considered that the object of that Regulation may be effectually attained by requiring, that a report shall be made to the Court of Sovjdaree Adawlut by the Judge of Circuit in all cases, in which the penalties, as specified by the Court of Circuit under the provisions of clause third section IV Regulation XV of 1803, may appear to have been, authority being given to the Court of Sovjdaree Adawlut to sanction a mitigation of punishment upon such report: and whereas it is considered proper, that authority should be given to the Court of Sovjdaree Adawlut to mitigate the punishments in the cases described in clause first Section XIX Regulation VIII of 1802 and on a report from the Judge of Circuit to sanction a deviation of the penalties, prescribed in section XXI Regulation VII of 1802, and in clause first section III Regulation VI of 1811, without a reference of the trials: and whereas the rule contained in section XXV Regulation VII of 1802 has been found unnecessarily to augment the number of references to the Court of Sovjdaree Adawlut: and whereas it is considered expedient to modification of the provisions of section XXII Regulation VII of 1802 to authorize the Judges of Circuit to overrule under certain restrictions objections taken by the Mohomedan Law Officers, to the evidence of witnesses in Criminal trials: and whereas it is deemed advisable to declare in amendment of section III Regulation VI of 1822, that in certain cases of theft the Criminal Judges shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted to take in force from the date of their promulgation.—

II Sent. Regulation I of 1822 is hereby rescinded.—

Regulation I of 1822 rescinded.

Sent.

for a period exceeding that of the imprisonment, which the Court have in cases, where the scarcity of food has appeared to have led to the offence, deemed to be a sufficient punishment.—

8 The enactment of legislative provisions with expost facto operation must always be a matter of the greatest delicacy; the Judges however observe in Regulation LI of 1803 in the Bengal Code a precedent strictly in point; in consideration of which they have no hesitation in proposing the enactment of the provision here referred to; which has a tendency entirely beneficial to those, who have incurred the penalties of the Laws and under the particular circumstances of the time can in no way tend to weaken the effect of its communications; while the Courts will thereby be relieved from the labor of a large number of references by which during the present Sessions they would under the existing law be greatly embarrassed, and the final disposal of the trials be delayed for a long period.—

9 No other observation occurs to the Judges as necessary to be offered in submitting the accompanying draft for the consideration of the Honorable the Governor in Council.

17th March 1825. (Signed) H. Rudlestone &c &c

A. D. 1825. Regulation

A Regulation to rescind Regulation I of 1822, and to alter certain other provisions of the Regulations in force, and to provide for the more prompt and effectual administration of Criminal Justice in certain cases Passed by the Hon'ble the Governor in Council of Fort St. George on the of

Preamble Whereas the reference to the Court of Foujdaree Adawlut of all cases of commutation of robbery by open violence which is prescribed by Regulation I of 1822, has been found greatly to increase the labors of the Courts of Circuit without any commensurate benefit; and it is considered that the object of that Regulation may be effectually attained by requiring, that a report shall be made to the Court of Foujdaree Adawlut by the Judge of Circuit in all cases, in which the penalties, adjudicable by the Court of Circuit under the provisions of clause third section IV Regulation XV of 1803, may appear to have been, authority being given to the Court of Foujdaree Adawlut to sanction a mitigation of punishment upon such report: and whereas it is considered proper, that authority should be given to the Court of Foujdaree Adawlut to mitigate the punishments in the cases described in clause first section XIX Regulation VIII of 1802 and on a report from the Judge of Circuit to sanction a mitigation of the penalties prescribed in section XXI Regulation VII of 1802, and in clause first section III Regulation VI of 1811, without a reference of the trials: and whereas the rule contained in section XXV Regulation VII of 1802 has been found unnecessarily to augment the number of references to the Court of Foujdaree Adawlut: and whereas it is considered expedient the modification of the provisions of section XXII Regulation VII of 1802 to authorize the Judges of Circuit to over rule under certain restrictions objections taken by the Mohomedan Law Officers to the evidence of witnesses in Criminal trials: and whereas it is deemed advisable to declare in amendment of section III Regulation VI of 1822, that in certain cases of theft the Criminal Judges shall commit the accused for trial before the Courts of Circuit, solely with reference to the amount of the property stolen, the following rules have been enacted to be in force from the date of their promulgation.—

II First Regulation I of 1822 is hereby rescinded.—

Regulation I of 1822 rescinded

Second.

Offenders declared in clause third Section II and clause second Section III Regulation VI of 1822 liable to the punishment prescribed by Section III Regulation I of 1822, to be sentenced to 39 stripes and transportation for life.

Seemd

All offenders who by the provisions of clause Third Section II, and clause Second Section III, Regulation VI of 1822 are declared liable to the punishment, prescribed by Section III Regulation I of 1822, shall on conviction be sentenced to Corporal punishment not exceeding 39 stripes with a rattan, and to imprisonment and transportation for life.

The Courts of Toujoane Ieoatus shall have authority at their discretion, to adjudge all persons sentenced by them to imprisonment and transportation for life, to Corporal punishment of thirty nine stripes with a rattan.

Similar authority given to the Courts of Circuits in cases of imprisonment under clause third Section IX Regulation XV of 1813.

Third

The Courts of Toujoane Ieoatus shall have authority at their discretion, to adjudge all persons sentenced by them to imprisonment under the provisions of clause third Section IV Regulation XV of 1803, to receive Corporal punishment not exceeding thirty nine stripes with a rattan.

Such part of clause fifth Section IV Regulation XV of 1803 as respects the Courts of Circuits rescinded.

III First.

Such part of clause fifth Section IV Regulation XV of 1803 as respects the limits of Circuits is hereby rescinded.

In cases of conviction under clause third Section IV Regulation XV of 1803, if the Judge of Circuit considers the statute punishment too severe, he shall make a report to the Court of Toujoane Ieoatus.

Second.

If it shall appear to the Judge of Circuits, at any trial held under the provisions of clause third Section IV Regulation XV of 1803, and not referrible to the Toujoane Ieoatus that the statute punishment is in any particular instance too severe; or if on consideration of the number of prisoners convicted of the same crime, and of any discriminative circumstances with respect to one or more of them, the example shall appear sufficient for the ends of justice without extending the full degree of the prescribed punishment to the whole of the prisoners convicted, the Judge of Circuit shall submit a report of the circumstances of the case and of the sentence proposed by him to be passed on each Convicted prisoner, to the Toujoane Ieoatus, accompanied by a Statement of the grounds

of his opinion, that such mitigation of punishment is proper.

Courts of Toujoane Ieoatus empowered to sanction mitigation of punishment on report from the Judge of Circuit.

Third

The Courts of Toujoane Ieoatus shall have authority, on receiving the report, prescribed in clause second of this Section, to sanction such mitigation of punishment as may appear to them proper; but should they not see sufficient grounds for mitigating the prescribed penalty, they are hereby empowered to direct the Judge of Circuit to issue his warrant for carrying into effect the sentence, prescribed by law.

The provisions of clause second and third Section III of this Regulation made applicable to the cases, provided for in Section XXI Regulation VII of 1802.

IV

The Courts of Circuit, and Toujoane Ieoatus are hereby authorized to proceed in the mode, prescribed in clauses second and third Section III of this Regulation, in all cases, wherein a petition awarding amputation may be given by the Law Officer of the Courts of Circuit, and the sentence prescribed in Section XXI Regulation VII of 1802 may be considered by the Judge of Circuit, holding the trial, to be too severe.

The provisions of clauses second and third Section III of this Regulation made applicable to the cases, provided for in clause first Section III Regulation VI of 1811.

V.

In modification of the provisions of Section III Regulation VI of 1811 authority is hereby given to the Courts of Circuit, and Toujoane Ieoatus, to proceed in the mode, prescribed in Clauses second and third Section III of this Regulation, in all cases wherein the Judge of Circuit may consider the punishment, prescribed in clause first Section III Regulation VI of 1811, to be too severe.

Section XIX Regulation VIII of 1802 rescinded.

VI First

Section XIX Regulation VIII of 1802 is hereby rescinded.

Court of Toujoane Ieoatus empowered to mitigate, or remit the punishment in cases specially provided for by the Mahummadan Law.

Second

In all instances wherein the petition of the Law Officers of the Toujoane Ieoatus shall declare the prisoner or prisoners, liable to more severe punishment than under the evidence, and all the circumstances of the case, shall appear to that Court to be just and equitable, and the Mahummadan Law shall not allow a discretion to the Court in determining the degree of punishment (as

it

it does in all cases of Dacoity the Courts of Toungdaree Adaulut are hereby empowered to mitigate, or remit the punishment, as may appear to them proper.—

Section XXV Regulation VIII of 1802 rescinded.

VII Section XXV Regulation VII of 1802 is hereby rescinded.—

Courts of Circuit how to proceed when the evidence of witnesses may on inspection appear to them inadmissible.

VIII In cases, in which the evidence of a witness on a Criminal trial before a Court of Circuit may be declared by the Mohummedan Law Officer inadmissible or incompetent, on the ground of the witness not professing the Mohomedan religion, of his being a police officer, or an officer of Government of any description; or on any other ground of exception in the Mohummedan Laws of evidence, which may appear to the Judge of Circuit unreasonable and insufficient, the Judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the Law Officer, and shall acquaint the latter, on completion of the trial to declare in his futwa 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 Mohummedan Law. Such orders, 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 Court of Toungdaree Adaulut, to be disposed of by them under the general Regulations.

Clause second Section III Regulation VI of 1822 amended.

IX. The amendment of clause second Section III. Regulation V. of 1822 is hereby declared to be in cases of theft when the property stolen shall exceed the sum of three hundred Madras Rupees, the amount shall be deemed a circumstance taking the case out of the jurisdiction of the Criminal Judge, as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial before the Court of Circuit.—

The cases of persons under examination, or commitment for trial, or whose trials may be preparing for attempt for robbery by open violence unattended with the aggravating circumstances specified in clauses first and second Section IV. Regulation XV of 1803 exempted from the operation of Regulation I of 1822.—

Such cases may be disposed of by the Judge of Circuit under clause third Section IV Regulation XV of 1803.—

Provision for mitigation of punishment.

Courts of Toungdaree Adaulut how to proceed on recommendation of mitigation of punishment.—

Toungdaree Diary 17th March 1825.

X. Sixth. The cases of persons, who at the date of the promulgation of this Regulation may be under examination, or commitment for trial, or whose trials may be preparing for attempt to the Court of Toungdaree Adaulut for the crime of robbery by open violence, unattended with any of the circumstances of aggravation, specified in clauses first and second Section IV. Regulation XV of 1803, are hereby exempted from the operation of the provisions of Regulation I of 1822, now rescinded.—

Second It shall be competent to the Judge of Circuit, trying the cases, described in clause first of this Section, to dispose of them under the provisions of clause third Section IV Regulation XV of 1803, or should he deem a mitigation of punishment proper, to submit the report, prescribed in clause second Section III of this Regulation, to the Court of Toungdaree Adaulut.—

Third It shall be competent to the Court of Toungdaree Adaulut, on receiving such report from the Judge of Circuit, to sanction a mitigation of the prescribed penalty, if it appear to them proper: but should they not see sufficient grounds for the proposed mitigation of punishment, they shall direct a reference of the trial for their final judgment.—

Foujdarry Diary 17th March 1825.

No. 129 (No 21)

To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Foujdarry Adawlut to acknowledge the receipt of your letter dated 11th Instant and to transmit to you the accompanying list of thirty two Convicts forwarded by the Criminal Judge in the Gillah of Chinglepute under Sentence of transportation, of whom five arrived at the depot subsequently to the date of the report, either in any letter of the 5th Instant.

17th March, 1825.

Signed W. Hudleston Regr.

List of Convicts arrived at Chinglepute under Sentence of Transportation

No.	Name	Period of arrival at this depot	From	Crime	Sentence	Date of Sentence	Remarks
1	Chinnee	23d Novr 1824	Chittoor	Murder	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	27th Augt 1824	
2	Soobramanien	24th Novr 1824	Madura	Murder	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	26th Sept 1824	
3	Coomba	6th Decr 1824	Canara	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 labor in irons on the public roads or other public works for and during the period of his natural life	29th Octr 1824	
4	Gollah Ringanah	6th Decr 1824	Canara	House breaking & Robbery 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 labor in irons on the public roads or other public works for and during the period of his natural life	31st May 1824	
5	Champoo	6th Decr 1824	Canara	Murder and 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 labor in irons on the public roads or other public works for and during the period of his natural life	22d June 1824	
6	Gavoreah Gavoo	6th Decr 1824	Cuddapa	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	11th Septr 1824	
7	Boya Ramadoo						
8	C. Sungaroo						
9	C. Ankanah						
10	C. Gungaloo						
11	Toopaboola Gungaloo						
12	Auvaloo Cabaladoo						
13	Maula Nanegamoo						
14	Maula Gollajaroo						
15	Goloo Gungaroo						
16	G. Ankaloo						
17	Maroga Chettygaroo						
18	Timmaroo						

Soujdaree Diary 17th March 1825

No.	Names	Period of arrival at Chinglehut	From	Crime	Sentence	Date of Sentence	Remarks
19	C. Gurreegaroo	6th Decr 1824	Cuddapah	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	17th Decr 1824	
20	Condoo Gurreegaroo						
21	D. Gurreegaroo						
22	Jungally Gurreegaroo						
23	Ranum Bandegaroo	6th Decr 1824	Cuddapah	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	17th Decr 1824	
24	R. Mala Bhegaroo						
25	Doobalah Jugumoo						
26	J. Dora Bhegaroo						
27	C. Mala Bhegaroo						
28	Venatasaudy	17th Decr 1824	Chittoor	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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	25th Octr 1824	
29	Siddergaroo						
30	Modechaud Pinjaroo	3d Janr 1825	Chittoor	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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	25th Octr 1824	
31	Hurree	8th Feby 1825	Cuddapah	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	3d Nov 1824	
32	Onorjee						
33	Lutchmiah						
34	Buddoo						
35	Kanah						
36	Jaganah						
37	Chinda						
38	Ragoonand						
39	Ranna						
40	Ragul						
41	Mookoo						
42	Gopah						
43	Rakoo						
44	Sokal						
45	Ramoo						
46	Dummah						
47	Singal						
48	Mahmiah						
49	Ravoje						

Soujdaree Diary 17th March 1825.

No.	Names	Period of arrival at Chinglehut	From	Crime	Sentence	Date of Sentence	Remarks
50	Nallegoindoo	8th Feby 1825	Cuddapah	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	17th Decr 1824.	
51	Sunjeevoogaroo						
52	Rategaroo						
53	Autum Khan	2d Feby 1825	Cuddapah	Robbery by open 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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	25th Octr 1824	
54	Peroogaroo						
55	Sunjeevoogaroo						
56	Gellooyaloo						
57	Bhegaroo						
58	Chenkoogaroo						
59	Gellooyaroo						
60	Vondategaroo	22d Feby 1825	Cuddapah	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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	1st Novr 1824.	
61	Mahomed Sahib	22d Feby 1825.	Cuddapah	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 labor in irons on the public roads or other public works for and during the period of their natural lives respectively	30th Novr 1824.	
62	Malaconna Pullegaroo						

Toujdara Diary 17th March 1825.

No.	Names	Place of nativity & Chiefship	From	Crime	Sentence	Date of Sentence	Remarks
68	Matta Naugonba	17th Feby 1825	Bhadak	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 term of their natural lives	18th Dec. 1824	
68	Ranneah Barbaro	18th March 1825.	Bhadak	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 term of their natural lives	18th Dec. 1824	
72	Tunneerothen Chongaroo	18th March 1825.	Bhadak	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 term of their natural lives	18th Dec. 1824	

Toujdara Adalut,
Register's Office,
17th March 1825.

(Signed) W. Hudleston
Registr

Toujdara Diary 17th March 1825.

No. 130 To the Second Judge in Circuit in the Western Division.

Sir,

I am directed by the Judges of the Toujdara Adalut to acknowledge the receipt of your letter, dated 24th Ultimo, stating that two petitions have been presented to the Court of Circuit against Patalee Ramapah, a person released on Security under the provisions of clause Sixth Section II Regulation XV of 1803, complaining of certain "violent and outrageous acts" on his part since his release from jail; and requesting their opinion, "as to the regular process to be observed "in levying the penalty forfeited by the recognizance of the "said Patalee Ramapah; and whether he is not again liable to com- "mitment to Jail for breach of the engagement, in which he was detained "large independently of the specific punishment, to which his alleged "misconduct may have rendered him liable".

2 The Judges are of opinion, that when the penalty of the Security Bond may be forfeited, it should be levied by the usual process for the recovery of money from the Civil Court, if not paid on the requisition of the Criminal Judge. It is of course necessary, however, that the party released on Security be convicted of the offence charged in order to the enforcement of the Security Bond, and on Conviction he should be sentenced, in addition to the specific punishment for such offence, to be detained until he give security for his future good behaviour.

17th March 1825. (Signed) W. Hudleston Registr

No. 131 To the Secretary to the Medical Board.

Sir,

I am directed by the Judges of the Court of Toujdara Adalut to acknowledge the receipt of your letter, dated the 10th Ultimo requesting their instructions as to the disposal of Devadoo, a person sent from Chittoor as a confirmed Lunatic, who is reported to be in a state of mind, preventing his discharge.

The Judges request that this direction may be made over to the charge of the Superintendant of Police to be provided

to the Criminal Judge of Chingleput, to whom on the 17th inst. it may be transmitted respecting him.

17th March 1825.

(Signed) C. Thomas Dept. Regr.

№ 132 To the Criminal Judge in the Gillah of Chingleput.

Sir,

I am directed by the Judges of the Court of Tonjdana Adawlut, to request you will cause a copy of a letter of this date from the Secretary to the Medical Board, and the letter from the Superintendant of Police to the Secretary to the Medical Board, and the letter from the Superintendant of Police to the Secretary to the Medical Board, and the letter from the Superintendant of Police to

murder of his wife Sorbakmant, and his infant Child.-

2 The Judges after an attentive consideration of the evidence, detailed in your letter and opinion that the fact of the prisoners insanity at the time of his perpetrating the act with which he is charged, is not fully substantiated; and they direct, therefore, that the trials be proceed-

30th March 1825.-

(Signed) H. Harington
Registr

No. 175 To the Acting Criminal Judge in the Zillah of Cuddapah.

Transmitting copy of a letter from Government transmitting copy of instructions issued to the Military Board and desiring that the Acting Criminal Judge may be instructed to communicate with the Commanding Officer regarding the appropriation of certain military buildings.

5th April 1825. (Circular letter)

No. 176 To the Magistrate in the Zillah of Vizagapatam

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 4th Instant, requesting authority to strike off from the Magistrate's file certain causes enumerated in the Memorandum accompanying your letter which remained unsettled on the 31st of December 1823.-

2 The Judges concur with you in the propriety of dismissing such of the Causes brought under their notice, where the Redress sought, is rather for private satisfaction than for the public safety. All the Cases therefore of Affrays, abusive language, taking forcible possession of Land, where either of the parties may not be forthcoming may be dismissed— Those cases also in which the evidence produced has not been sufficient, should be struck off the file, under Clause first Section XXIV Regulation IX 1810, as it must be supposed, that at this period all the evidence available has been obtained.

3 But the Judges do not mean to give right to dismiss the Summary description of those charges wherein the offences are directly against the public peace. In the cases therefore of Affrays &c. Authority such as appears by Nos. 173. 299 of 1823 further Precautions should be taken to find the perpetrators and bring them to punishment, when they have been absconded not to be found; in order that individuals pursuing false accusations may not be encouraged

punishments, in that the much greater evil the pre-
=ing of such offences would be highly probable if
they be prevented. For like reasons in the case of
and therefore it appears desirable that every endea-
be made to procure the prisoners, whose appear
is requisite to the investigation of the charge.

Before the Magistrate dismisses
charge exceeding those of simple assaults, mislem
=eanor, the Judges consider it proper, that he should
to ascertain what circumstances prevented him
in the course, whether there is grounds to believe bribery
papers even through the hands of other more important
whether the absence of the prosecutor, was the cause
he on any design to withdraw negligence in
officers of the Police. & that cannot be any
highest importance that such charges should
a thorough examination, and it is further that they
not be dismissed unless there is cause to believe
adequate proof can soon be adduced in support of
charges. Minutes circumstances at Nos 237. 248. 3
145. 149. 1828 which have not been
dependance of the case and having provided
their flight is considered, cannot under any
offences bailable. The Magistrate may in
instances, is to require their attendance
offenders, and the safe custody
reception of this cautionary taking from
until it is certain that all further proceedings

6 p.m.
4th April 1825

Foujdaree Diary

(No 24)

1277 To the Secretary to Government in the Judicial Department.

Sir

With reference to the second paragraph of
letter, No 233 dated 4th June last, from the Chief Secretary to Govern-
=ment I am directed by the Judges of the Court of Foujdaree Adawlut
to submit their recommendation, that the Honorable the Governor in Council
may be pleased to sanction the offer of a conditional pardon under
the provisions of Section XX Regulation VIII of 1802 to Parasooluma
person implicated in a case of murder in the Zillah of Chingleput;
the measure appearing to them to be calculated to lead to the con-
=viction of the principal offenders.

4th April 1825. Signed W. Hudleston Registr

1280 To the Judges of the Provincial Court of Circuit in the
Southern Division

Gentlemen

I am directed by the Judges of the Foujdaree
/ Adawlut to acknowledge the receipt of your letter of the 11th Ultimo,
submitting the reports prescribed by Section XXXV Regulation
X 1810 for the last quarter of the year 1824, from the several
Criminal Judges within your division; together with your
proceedings thereon.

2 Referring to the question proposed for their
determination, in para 6 of your observations upon the report
of the Zillah of Salem, the Judges are clearly of opinion, that it
is not competent to a Criminal Judge, to discharge prisoners
brought before him, without a personal examination of
the case. The provisions of Section XIV Regulation IX and
Section XXVII Regulation XI of 1810 provide adequate secu-
=rity against the unnecessary and improper apprehension
of persons; and no other duty is left to the Criminal Courts; but
to conform themselves strictly to the mode of proceeding
prescribed

3

"prescribed in clause first Section IX Regulation X 1816 - They
"bound thereupon to examine the prisoners and complainants and
"such other persons as are stated to have any knowledge of the crim
"misdemeanors alleged against the prisoners; and only after such
it is competent to them to direct the discharge of the accused.

3 The explanation annexed to No 438 in the
Salem report "the prisoners being convicted he was therefore not prose-
"in conformity to clause fourth Section III Regulation VI 1822
is not considered by the Judges satisfactory: the circumstance of
may form a just ground for not inflicting capital punishment
but is not sufficient to exempt a prisoner from the penalty at
ed to his crime by law; upon this principle accordingly, the sen
he cause to apprehend that aged persons would of the be employed as
Chief agents in the commission of crimes; and their capacity fully
to apprehend the nature of the acts they are engaged in, deprives
of any just grounds, and of any right to expect a mitigation of the
Burton penalty -

4 1823

The sentences passed by the Assistant Criminal
Judge in Nos 432 to 450 inclusive appear to the Judges improper
the offences stated to be the first different places to be of that grade
100 Rupees; the circumstances of the Numbers concerned, gener
cases the appearance of young robbers -

5 The Judges do not consider the random assigned
by the Acting Criminal Judge for a sentence of five, passed upon re
ceivers of stolen property, that the prisoners are above the Common
class of natives to possess any ability, than the senior rank in this
city, can scarcely be known in instances, and as they must in
consequence be supposed not to have been urged by any over pity to
the commission of the offence their crimes do not appear to
be lessened by their rank, and therefore long ground for giving additional
weight to them the full extent of legal punishment - The Judges
direct that the sentences passed in all cases be altered in
the

due proportion to the persons whose property may not have been recovered.

6 In para 3 of the letter from the Provincial Court of Circuit of the 3rd January to the Criminal Judge of Combaconum - The Judges of the Provincial Court observe, with reference to the sentence passed on the prisoners in case No 24, that clause first Section IV Regulation II of 1822 empowers the Criminal Judge to require security from persons "strongly suspected though not convicted of Criminal offences that the legislature does not authorize requisition of security when a prisoner has been convicted and it consequently appears to the Judges that the actual requisition of security in this case in addition to the specific punishment was improper:" in this opinion the Judges of the Court of Tanjore likewise concur -

7 The Judges observe that the Assistant Magistrate of Tanjore, has stated in his reply to the instructions which were conveyed to him from the Provincial Court relative to a case of perjury - That "In the course of enquiry respecting a deed of contract of disputed validity "I found that" The Judges hope that the Assistant Magistrate has not as would appear to be implied in these words, assumed and exercised an authority not competent to him - They do not consider it necessary to call for any explanation on this instance; but they desire that this notice of the proceeding may be forwarded to him, to warn him in the event of his having fallen into error the Judges however direct that the Assistant Magistrate be called upon to point out, under what provisions of the Regulation, he deems himself competent to punish parties, guilty of perjury or forgery upon his own authority; as reported in para 3 of his letter of the 3rd February -

8 In reference to the remarks of the Provincial Court of Circuit, and the Criminal Judge of Combaconum upon No 50 in the report from Rastgillah, a case of child stealing, disposed of by the Criminal Judge: the Judges desire that this officer may be informed, that they consider this offence, viewed with reference to the injury inflicted upon the parents and the probable consequences

which

which its successful perpetration would entail upon the child not to be of the Nature of an ordinary theft, but it must be deemed a crime of such magnitude as to withdraw it from the cognizance of the Criminal Court.— It will be his duty therefore in future, to commit all such cases for trial before the Court of Circuit.—

9 Of the three prisoners in No 35, one would appear to have been detained 20 days in the custody of the Police; but no explanation is submitted: the Judges desire that this instance may be pointed out to the Magistrate, and if as stated in the report, (though it is possible there may be some error in the entry) the prisoner suffered this long detention, the Magistrate should be called upon to furnish the requisite explanation.—

10 No 37 a case of house breaking and robbery, should have been forwarded by the Police officer direct to the Criminal Court; the Judges desire that the Magistrate be directed to enjoin this officer to pay more strict attention to the Regulations enacted for his guidance.—

11 The Sentence passed by the Criminal Judge of Madura in No 7 of his report, is not consistent with the spirit of the provisions of clause fourth Section III Regulation VII 1822: the Judges also consider the punishment assigned in No 30, to be inadequate.—

12 It would appear that eight of the prisoners in No 20 were charged and convicted of the same offence in No 25; it was the duty of the Criminal Judge to have passed but one sentence upon these individuals, for the two offences proved against them.—

13 With reference to the explanations furnished by the Criminal Judges of Madura and the Acting Criminal Judge of Salem upon the requisition of the Provincial Court of Circuit.— The Judges desire that the Criminal Judges within your division, may be directed to

direct to submit in the column exhibiting the punishments inflicted, a notice of any circumstance necessary to the correct understanding of a case, particularly when the punishment awarded does not contest with the supposition that the whole charge was proved.—

14 The Judges desire that the foregoing observations may be communicated to the several officers to whose proceedings they apply.—

(Signed) W. Badleston Regr.
5th April 1825.—

No 181 To the Judges of the Provincial Court of Circuit Northern Division.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adawlut to call your attention to the 2d paragraph of their circular orders dated the 24th November 1823, and to desire that the several half yearly statements of crimes committed and punishments inflicted required by the orders of the Foujdaree Adawlut, dated 25th June 1819 from the Magistrates within your division, may be transmitted without further delay.—

(Signed) W. Badleston Regr.
5th April 1825.—

No 25

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

Sir,

1 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 accompanying letter, dated 29th Ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division forwarding a report from the Criminal Judge in the Zillah of Nellore of a pattah issued among the prisoners under his charge, on which occasion 85 of them overpowered the persons on guard, and effected their escape.

2 It appears that with the exception

of the persons the reapprehension of the prisoners in question has been accomplished: the Judges, however, consider it proper to lay the communication before the Government with reference to the recommendation, offered by the Judges of the Provincial Court "that the construction of the new jail may be commenced upon with as little delay as possible".

6th April 1825.

(Signed) W. Sandilands Registrar

No 183 To the Second Judge of Circuit in the Southern Division.

Sir,

I am directed by the Judges of the Court of Toojaare Zeatuh to acknowledge the receipt of your letter dated 2d Instant, and to state, that you are authorize the Criminal Judge in the Zillah of Bulbaconnon, that the trials of the prisoner, Caulespun, will be postponed until the ensuing Sessions, instructing him in the mean while, to request the particular attention of the Surgeon to his demeanor, and habits, in order that the question may then be decided, in respect to his capacity to plead to the charge.

6th April 1825.

(Signed) W. Sandilands Registrar

No 184 To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

The Acting Criminal Judge in the Zillah of Chittore having submitted to the Judges of this Court of Toojaare Zeatuh copy of a correspondence with the late Assistant Register Mr Chamier relative to the form in which application should be made by the Criminal Court to the Magistrates of Zillahs for the purpose of procuring the attendance of witnesses, and the aid of the officers of police, I am directed to request, that you will apprize those officers respectively of the finding of the Judges that the mode of proceeding which had been observed with the Courts of the 27th May 1822 on this subject is for the Criminal Judge to apply to the Magistrate to cause the attendance of such witnesses through the Police officers under the seal and signature of

of the latter officer.

6th April 1825. (Signed) W. Sandilands Registrar

No 185. To the Criminal Judge in the Zillah of Chingleput.

Sir,

I am directed by the Judges of the Court of Toojaare Zeatuh to acknowledge the receipt of your letter, dated 31st Ultimo, and to state, that they authorize the removal to Cuddalore of 15 Convicts to supply the places of those about to be removed therefrom.

6th April 1825. (Signed) J. F. Thomas Dept Regr

No 186 To the Magistrate in the Zillah of Chingleput.

Sir,

I am directed by the Judges of the Court of Toojaare Zeatuh to acknowledge the receipt of your letter, dated 2d Instant, recommending the issue of a conditional pardon, under the provisions of Section XX Regulation VIII of 1812 "to one of the accused parties" in a case of murder, and to state, that 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, and detailing the circumstances of the case, that the Judges of the Court of Toojaare Zeatuh can submit to Government a recommendation of this nature, under the provisions of section XX Regulation VIII of 1812.

6th April 1825. (Signed) W. Sandilands Regr

No 187 To the Judges of the Provincial Court of Circuit in the Western Division.

Gentlemen,

I am directed by the Judges of the Toojaare Zeatuh to acknowledge the receipt of your letter of the 25th Ultimo transmitting the Reports prescribed by section XXXV Regulation X 1810 from the several Criminal Judges within your Division for the last quarter of the year 1824 & also a letter from the Register of your Court of the 28th forwarding the Memorandum referred to in your previous communication of the 25th February.

Bott

2 With reference to the observations of the Judges of the Provincial Court in para 12: the Judges of the Foujdaree Adawlut direct me to observe, that they doubt the propriety of issuing any instructions, as proposed by you, which should define what crimes are to be viewed as petty offences, and what are not to be so considered. The Regulations have left this point in some measure to the discretion of the Criminal Courts.-

3 The cases specified by the Judges, in the Memorandum accompanying their Register's letter, might be considered generally as petty offences, but should the perpetrators be committed as that for instance charged in Nos. 281 and 285 of the report from the Zillah of Malabar, be viewed from the peculiar habits of the people as an aggravated offence, it would be improper to limit the penalty, to the extent which a Magistrate is authorized to inflict.- The Judges are not therefore disposed to define further than the Regulations have already marked out the limits, the distinction between petty and heinous offences.- It will be sufficient to notice from time to time, any particular instances, which appear clearly to depart from the intent and spirit of the enactments in force; and in the manner to guide the Judgement of the Subordinate Courts.- In many of the cases referred by you, it was the duty of the Magistrate to have sent to his Police officers the irregularity of their proceedings, in forwarding such cases to the Criminal Judge, which might [illegible] under the letter of the Regulation, cognizable by the Magistrate. You will direct the Officers to pay more strict attention to the rules on the subject for their guidance in this head.-

4 With reference to the report from the Zillah of Malabar the attention of the Judges has been called to the number of charges dismissed by the Criminal Judge as unfounded, which bear a greater proportion to the number proved, in this than in other Zillahs, and would appear to point out the existence of a system of false and groundless accusation. If this should be the

obtain exclusively in Malabar, it will be the duty of the Criminal Judge to direct his particular attention to its suppression; and to that end, whenever he may see ground to believe, that either the prosecutor or witnesses has sworn falsely, to commit them for perjury. Two or three instances of punishment for the offence is to be expected, would operate sufficiently to deter others, and eventually put down the practice, and relieve the Criminal Court.- The Judges refer remarks to Nos. 22-24-27-80-92-93-107-111-116-115-118-124-125 &c. With respect to cases similar to the last of these it appears desirable, that the Criminal Judge should inform the accused, that an action for damages is open to them, by which they would be indemnified for the injury they may have sustained.-

5 On the report of Casualties from this Zillah, 9 persons of the 17 prisoners reported to have died, were confined on charges of murder; the number in confinement for this crime accordingly bears a small proportion to the number in jail for other offences.- The circumstance here noticed deserves therefore the attention of the Criminal Judge, who should ascertain whether the greater decrease they may be subjected to, or any other discoverable cause, has given rise to a proportionably greater mortality among this class of prisoners.-

6 In the report from the Zillah of Canara, in case No. 5 in the report of persons apprehended who had not been disposed of at the date of the last quarterly report, a punishment of nine months imprisonment is adjudged.- The Judges consider this punishment inadequate to the offence charged. Keptee to the extent of 10 Rupees.- The prisoners in Nos. 18 and 19 in the same report, are charged with receiving stolen property to the value of the property is not specified, it is not possible therefore for the Judges to form any opinion, whether the punishment inflicted

infliction of two months imprisonment as first and second. The Criminal Judge should be instructed to specify in all such cases, the value of the property stolen.

7. The Judges desire to know, under what provisions the Criminal Judge considered himself competent to dispose of the case of the prisoners in No 04.05. They direct that the attention of the officer who took cognizance of this charge, be called to the provisions of Section III Regulation XI 1813. Referring to No 00. The Judges observe, that the punishment in this case seems disproportionate to the nature of the offence charged, to which, if the fact proved to the Jail of theft, a note should have been appended, explanatory of the limited punishment inflicted.

8. An explanation is also required in No 00 where the offence of inflicting wounds with a bill hook, appears to have been punished by a fine of 50 Rupees commutable to imprisonment for 2 months. The Criminal Judge should always submit in the first instance, those explanations which are obviously necessary to enable the Judges to estimate the degree of the penalties inflicted, and they desire that an explanation may be now submitted in the case referred above.

9. Zilla of Chingalpatam. The Judges observe that the Criminal Judge may be informed, that the punishment inflicted upon the female prisoners is illegal. The charge alleges that the offence of the former amounts to criminal guilt by a Court of Criminal Judicature by a wife against her husband. The Judges think therefore that the Criminal Judge should immediately discharge the prisoners. Before the Provincial Court of Arcot should also call for a report from the Judge in this case, and if it appears that the prisoner did not use more than the force necessary to defend herself from the violence of her husband, the Court will direct the Criminal Judge to release her from confinement.

whilst it rests in uncertainty it is possible that the charge of theft has been improperly laid, and that the sentence of the Acting Criminal Judge upon the prisoner Chinniah, is not warranted, in which case it will be their duty to order his discharge.

10. Referring to the suggestion contained in the 15th para of your letter, that the form of the statement of heinous offences should be modified and extended so as to embrace more fully the crimes committed. The Judges direct me to observe, that they do not consider any modification of this statement of heinous crime of such frequency of occurrence, as to demand special notice in a statement intended to exhibit the prevalence of crime generally in a district. The subordinate head of Highway robbery inserted at the foot of the abstract submitted by you, is obviously incorrect in column No 1 and 2 of the statement, and should accordingly be entered under one or other of the heads as the circumstances may require.

11. The Judges propose to circulate at an early date some instructions upon the subject noticed in the 15th para of your letter, when the suggestion of the Judges of the Provincial Court will receive consideration.

6th April 1825.

(Signed) S. Thomas Dept Regr

(No 20)

No 196 To the Secretary to Government in the Judicial Department.

Sir

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, No 115, dated 29th Ultimo, wherein the Judges are desired to submit the grounds of their opinion, that the accommodation in the Jail at Bangalore should be sufficient for 300 or 350 prisoners, it appearing that 450, the number for whom the Jail was intended to provide, in the

plan

The

inflicted of two months imprisonment at first and hereafter the Criminal Judge should be instructed to specify in all such cases, the value of the property stolen.

7 The Judges desire to know under what provisions the Criminal Judge considered himself competent to dispose of the case of the prisoners in S.R.C. No. 65. They direct that the attention of the officer who took cognizance of this charge be called to the provisions of Section III Regulation XV 1803. Reference also No. 20. The Judges observe, that the punishment in this case does not appear in proportion to the nature of the offence charged, to which, if it be not proved to the full extent, a note should have been appended, explanatory of the limited punishment inflicted.

8 An explanation is also required in S.R.C. No. 1 where the offence of inflicting wounds with a Pillhook has been punished by a fine of 50 Rupees, commutable to imprisonment for 2 months. The Criminal Judge should always submit in the first instance, those explanations which are obviously necessary to enable the Judges to ascertain the justice of the penalties inflicted, and they desire that an explanation be now submitted in the case referred above.

9 With reference to Reg. of the 4th inst. from the Zilla of Chingapatam, the Judges observe, that the Criminal Judge may be informed, that the punishment to be inflicted upon the female prisoners charged with the murder of her constitutes no crime cognizable by a Court of Criminal Judicature. The offence of the prisoners must be perpetrated by a wife against her husband. The Judges think therefore that the Criminal Judge should be instructed immediately to discharge the prisoners.

10 The Provincial Court of Circuit should also be informed that all the persons implicated in this case, and if not already in confinement, must be apprehended and committed to jail.

whilst it rests in his custody it is possible that the charge of Murder has been improperly laid, and that the Sentence of the Acting Criminal Judge upon the prisoner Cheiniah, is not warranted, in which case it will be their duty to order his discharge.

10 Referring to the suggestion contained in the 11th para of your letter, that the form of the statement of heinous offences should be modified and extended so as to embrace more fully the crimes committed. The Judges direct me to observe, that they do not consider any modification of this statement of heinous crime of such frequency of occurrence, as to demand specific notice in the present form appearing to include every species of heinous crime. The Judges intended to exhibit the prevalence of crime generally in a district. The subordinate head of Highway robbery inserted at the foot of the abstract submitted by you, is obviously included in Columns first and 2 of the Statement, and should accordingly be entered under one or other of the heads as the circumstances may require.

11 The Judges purpose to circulate at an early date some instructions upon the subject noticed in the 15th para of your letter, when the suggestion of the Judges of the Provincial Court will receive consideration.

6th April 1825.

Signed J. Thomas Dept Regr

No 20

To the Secretary to Government in the Judicial Department.

No 195

Sir

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, No 415, dated 29th Ultimo, wherein the Judges are desired to submit the grounds of their opinion, that the accommodation in the Jail at Bangalore should be sufficient for 800 or 900 Prisoners, it appearing that 450, the number of persons for whom the Jail is intended to provide, in the present plan

plain, are more than have ever been confined there at any one time.

2 The Judges direct me to explain that they were led to suggest the provision of such extensive accommodation in the Gaol, about to be erected at Mangalore, by the consideration that the system of confining convicts at Cannanore and at Tellicherry, might eventually be discontinued and by a reference to the inadequacy of the dimensions of the Gaol at Calicut, and the probability of an increase in the average number of convicts in the division, under the operation of the Law, proposed to be enacted, regarding the punishment of theft by open violence, unattended with the circumstances of aggravation specified in clauses first and second Section IV Regulation XI of 1803.

3. It appeared to the Judges that three causes might hereafter require that provision should be made for a large number of prisoners than contained in the 53d para. of my letter No. 3, dated 4th January last, and that the continuance of the new Jails afforded an opportunity of making such additional provision in the province of Malabar at the least expense to the Government.

4th April 1825.

(Signed) W. Hudleston Regr

No. 197 To the Criminal Judge in the Zillah of Chittagong

(Referring the Letter with the Returns of the Days.

4th April 1825.

No. 198 To the Judges of the Provincial Court of Circuit in the Southern Division

(Send usual Letter)

Transmitting Returns of Jails &c

Chicacole Supplemental Calendar 2d June 1824

Vizagapatam Ditto Ditto

Nellore Ditto Ditto

11th April 1825.

(No. 28)

No. 201 To the Secretary to Government in the Judicial Department.

Sir,

With reference to your letter No. 73 dated 22d Febry. last, 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 letters, dated respectively 9th and 12th instant, from the Judges of the Provincial Court of Circuit in the Southern, Northern and Western Divisions, proposing the grant of the Allowances, made to the Provincial Court of Circuit in the Centre Division, to enable them to meet the extra expence incurred for accommodation on the Circuit.

I have &c

(Signed) W. Hudleston Register

11th April 1825.

No. 202 To the Acting 2d Judge a Circuit in the Northern Division

Sir, I am directed to acknowledge the receipt of your letter, dated 4th instant, referring by desire of the Criminal Judge in the Zillah of Chittagong copy of correspondence with that officer, relative to an individual accused & committed to take his trial for perjury, whom the Criminal Judge has admitted to bail.

2 The precise object of the Criminal Judge in requesting an opinion to the Foujdaree Adawlut is not apparent to the Judges. The illegality of his proceedings with reference to the provisions of Section V Regulation VII 1809 were distinctly pointed out to him, and it was impossible to have him forthwith produced before him, and it was impossible to have him forthwith to notify an intimation which the Judges were willing to impute to mistake

The Judges consider the style of the Criminal Judge's letter of the 2d instant to merit reprehension.

I have &c

(Signed) W. Hudleston

Register

4th April 1825.

Circular

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

Gentlemen

1 It has been suggested to the Judges of the Foujdaree Adaulut, that it is desirable, that the offence stated in the 5th Column of the "abstract Statement of robberies and other crimes of a heinous nature", required by Section XXX Regulation IX 1808 should be specifically defined, in order to secure uniformity in the Statements furnished by the several Magistrates.

2 The Judges desire therefore, that in lieu of the head "Thefts to a considerable amount or attended with aggravating circumstances" you will direct the Magistrates to substitute in future "Thefts exceeding 50 Rupees or attended with aggravating circumstances". The provisions of Clause fourth Section III Regulation VI 1822 define in a great degree the Meaning of the general term "aggravating circumstances".

3 The Judges desire me to take this opportunity of explaining, that the only Clause in Section XXX Regulation IX 1808, respecting the transmission of this Statement direct to the Court of Foujdaree Adaulut, has never been dispensed by any order from them. The Magistrates will be careful therefore to observe this rule in future, but no occasion for them to submit a duplicate of this statement to the Provincial Courts of Circuit, as practice the Judges observe to have been formerly in some instances for every Object which could be answered by that procedure has been already attained by the Circular orders of the Court of Foujdaree Adaulut of the 22 March 1810.

You will be pleased to furnish the Magistrates under your jurisdiction with a copy of this letter

11th April 1825.

(Signed) J. Thomas Asst Regr

№ 214 To the Criminal Judge in the Zillah of Cheng Leput.

Returning the Petition with the Enclosure of this Date.

11th April 1825.

(Sent usual letter)

№ 222 To the Third Judge late on Circuit in the Centre Division

Sir,

I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter, dated 9th Instant, transmitting the Siminaudum called for by the Courts orders of the 9th Instant, and requesting to be informed whether it is of practice, that you should lay before them all the trials № 5, 7 8, 9, 10 and 11 of the Chingleput Calendar, or whether under Section IV Regulation I of 1825 it would not now be sufficient for you to proceed in these cases under Clause Section III Regulation I of 1825.

Retrospective operation not being given to the provisions of Section IV Regulation I of 1825, the Judges are of opinion, that it would not be competent to them to exercise, in regard to the cases abovementioned, the authority vested in them by clause third Section III of the Regulation.

15th April 1825.

(Signed) W. Hudleston Registrar

№ 223 To the Criminal Judge in the Zillah of Cheng Leput.

Transmitting copy of a letter to the Secretary to Government dated 14th Instant and a reply thereto stationing the conditional suspension pursuant to Bengal Codicil a Sirdar Sibbendy concerned in a case of Dacoity.

16th April 1825. (Sent usual letter)

№ 223 To the Judges of the Provincial Court of Circuit in the Northern Southern and Western Division

Transmitting for your information a letter from the Chief Secretary to Government granting a Monthly allowance of 25 Rupees to the Provincial Courts to enable the Judges to defray the expenses of the Circuit.

22nd April 1825. (Sent usual letter)

№ 211 To the 5th Judge late on Circuit in the Southern Division

Sir

1 I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter dated 8th October last, transmitting an English Translation of the proceedings, held in case № 20 of Madura Calendar Depositions &c &c

To

Circular

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

Gentlemen,

1 It has been suggested to the Judges of the Foujdaree Adawlut, that it is desirable, that the offence stated in the 8th Column of the "abstract Statement of robberies and other crimes of a heinous nature", required by Section XIII Regulation IX 1808 should be specifically defined, in order to ensure conformity in the Statements furnished by the several Magistrates.

2 The Judges desire therefore, that in lieu of the head "Thefts to a considerable Amount or attended with aggravating circumstances" you will direct the Magistrate to substitute in future "Thefts exceeding 50 Rupees in attended with aggravating circumstances" - The provisions of Clause fourth Section III Regulation VII 1832 define in a great degree the Meaning of the general terms "aggravating circumstances".

3 The Judges direct me to take this opportunity of explaining, that the rule laid down in Section XIII Regulation IX 1808 respecting the transmission of this Statement direct to the Court of Foujdaree Adawlut, has never been rescinded by any order from them. The Magistrates will be careful therefore to observe this rule rather than wait a requisition for them to submit a duplicate of this statement to the Provincial Court of Circuit, for practice the Judges observe to have been pursued in some instances for every Report which could be answered by that one season has been already attained by the Circular order of the Court of Foujdaree Adawlut of the 22 March 1810.

You will be pleased to furnish the Magistrates under your jurisdiction with a copy of this letter.

11th April 1825. (Signed) J. Thomas Asst to the Regr

№ 204 To the Criminal Judge in the Zillah of Cheing Lepute.

Returning the Orders on the Petition of Thos Dugin.

11th April 1825. (Sent usual letter)

To

№ 222 To the Third Judge late on Circuit in the Centre Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 9th Instant, transmitting the Memorandum called for by the Commissioners of the 9th Instant, and requesting to be informed whether it is expected, that you should lay before them all the trials №s 5, 7 8, 9, 10 and 11 of the Chingleput Calendar; or whether under Section IV Regulation I of 1825 it would not now be sufficient for you to proceed in these cases under Clause Section III Regulation I of 1825.

Retrospective operation not being given to the provisions of Section IV Regulation I of 1825, the Judges are of opinion, that it would not be competent to them to exercise, in regard to the cases above mentioned, the authority vested in them by Clause third Section III of the Regulation.

16th April 1825. (Signed) W. Braddyll Register

№ 223 To the Criminal Judge in the Zillah of Chingleput.

Transmitting copy of a letter to the Secretary to Government dated 5th Instant and of reply thereto sanctioning the conditional offer of pardon to Cooja Collen a prisoner convicted of Murder.

16th April 1825. (Sent usual letter)

№ 223 To the Judges of the Provincial Court of Circuit in the Northern Southern and Western Division.

Transmitting copy of a letter from the Chief Secretary to Government granting a Monthly allowance of 25 Rupees to the Provincial Courts to enable the Judges to defray the expenses of the Circuit.

22nd April 1825. (Sent usual letter)

№ 224 To the 1st Judge late on Circuit in the Southern Division.

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 8th October last, transmitting an English Translation of the proceedings held in case of Rs 20 a Canara Calendar 22 Sepoys AD 1824

To

2 The Judges concurring with you in opinion, that the prisoner, Shungarkaran, latwar under a derangement of intellect at the time, when the act with which he is charged was committed, direct that he be detained in custody by the Criminal Judge until the Surgeon should see cause to alter his opinion regarding the general state of his mind, and he on no account released until the Foujdaree Adawlut shall be satisfied by a report from the Criminal Judge, founded on an attentive observation of his conduct for a sufficient period, that his discharge will not be attended with danger to the community.

3 Should the Surgeon at this time, or hereafter, be of opinion, that the prisoner is insane it will be proper that he should take into consideration the expediency of his removal to the Asylum at the Presidency.

4 The Judges have taken into consideration the modification, which you have suggested of the orders of the Court of Foujdaree Adawlut, dated 29th October 1817, regarding the cases of persons charged with offences, which would after to have been committed under a deprivation of the senses.

5 The Judges consider it to be inexpedient to direct the investigation of this point to the Committing officers; but they have resolved to adopt your recommendation, that in order, when the sanity of the prisoner, when placed at the bar may be unsound he be put upon his trial, when the state of his mind at the time of the act charged against him will form a material object of enquiry together with the circumstances, that attended the Commission of the act, and if this mental derangement at the time be established the prisoner will of course be acquitted, and his acquittal recorded in the usual manner.

27th April 1825. Signed W. Braddon Register

Circular

No. 242 To the Judges of the 4 Provincial Courts of Circuit.

Gentlemen

I am directed by the Judges of the Court of Foujdaree Adawlut to transmit for your information and guidance the accompanying extract of a letter, addressed to the 1st Judge of the 1st Circuit in the Southern Division, modifying the standing orders of the Court of Foujdaree Adawlut, dated 29th October 1817, so far as they respect the cases of prisoners, whose sanity of intellect at the time of the act charged may appear doubtful, but who when placed at the bar may be in perfect possession of their mental faculties, and consequently able to plead.

27th April 1825. Signed W. Braddon Register

No. 243 To the Secretary to Government in the Judicial Department.

Sir,

With reference to the 3d paragraph of a letter No. 233, dated 4th June last, from the Chief Secretary to Government I am directed by the Judges of the Court of Foujdaree Adawlut to submit their recommendation, that the Honorable the Governor in Council may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to "Ramalingam", a person implicated in a case of murder in the Zillah of Chingleput, the testimony appearing to them to be calculated to lead to the conviction of the principal offenders.

27th April 1825. Signed W. Braddon Register

No. 244 To the Criminal Judge in the Zillah of Chingleput.

Returning the note file with the endorsement of the Register.

27th April 1825. (Constructive letter)

№ 216. To the Acting Secretary to Government in the Judicial Department.

Sir,

With reference to a letter № 423 dated 15th October 1823 from the Secretary to Government in the Judicial Department, I am directed by the Judges of the Court of Request to request to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 21st instant from the Judges of the Provincial Court of Circuit in the Northern Division forwarding copies of communications, as stated to them by the Criminal Judge in the Zillah of Malabar, and the Magistrate in the Zillah of Canara, requesting the rules, under which escapes should be furnished for convicts sentenced to Transportation beyond the

2 It would appear from the letter of the Criminal Judge, that in the cases to which the rule given reference, the non compliance of the Magistrates has been, if not at all, occasioned

3 The practice of sending persons committed of Criminal crimes from Malabar and Canara to distant Zillahs having been resisted the Judges believe, it will appear desirable that a distinct understanding should prevail between the Magistrates of the Maritime Districts and the Magistrates in respect to the provision of the necessary escorts.

29th April 1825.

(Signed) W. Rickets
Register

№ 217 To the Magistrate of Tinnevelly

Sir,

I am directed by the Judges of the Court of Sudder Adawlut to acknowledge the receipt of your letter dated 25th ultimo, and to communicate to you their opinion on the offer of a reward of Rupees [illegible] for the apprehension of either of the convicts who escaped from the

the provisions of Section VI Regulation I of 1816 on their being delivered to you or to the Magistrate, within whose jurisdiction they may be apprehended.

29th April 1825. (Signed) W. Rickets Regr.

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

Transmitting by order a letter from the Chief Secretary to Government authorizing the Criminal Judge of Salem to offer additional rewards at his discretion to the persons who exerted themselves in apprehending the convicts who lately escaped from the Jail.

29th April 1825. (Sent circular letter)

2 The Surgeon concurring with you in opinion, that the prisoner, Shungarh tawn, labored under a derangement of intellect at the time, when the act with which he is charged was committed, directs that he be detained in custody by the Criminal Judge until the Surgeon should be come to alter his opinion regarding the mental state of his mind, and be on no account released until the Foujdaree Adawlut shall be satisfied by a report from the Commissioner Judge, founded on an attentive observation of his conduct for a sufficient period, that his discharge will not be attended with danger to the community.

3 Should the Surgeon at this time, or hereafter be of opinion, that the prisoner is insane it will be proper that he should take into consideration the expediency of his removal to the Asylum at the Presidency.

4 The Judges have taken into consideration the modification, which you have suggested of the 2nd para. of the Court of Foujdaree Adawlut, dated 29th October 1807, regarding the cases of persons charged with offences, which would appear to have been committed under a derangement of the senses.

5 The Judges consider it to be inexpedient to draw the investigation of this point to the committing officer; but they have resolved to adopt your recommendation, that in cases, where the sanity of the prisoner, when placed at the bar may be suspected he be put upon his trial; when the state of his mind at the time of the act charged against him will form a material object of enquiry together with the circumstances, that attended the Commission of the act; and if his mental derangement at the time be established the prisoner will of course be acquitted, and his acquittal recorded in the usual manner.

27th April 1825.

Signed W. Braddon Registr

Circular

No. 242 To the Judges of the 4 Provincial Courts of Circuit.

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adawlut to transmit for your information and guidance the accompanying extract of a letter, addressed to the 1st Judge late on Circuit in the Southern Division, modifying the Standing orders of the Court of Foujdaree Adawlut, dated 29th October 1807, so far as they respect the cases of prisoners, whose sanity of intellect at the time of the act charged may appear doubtful, but who when placed at the bar may be in perfect possession of their mental faculties, and consequently able to plead.

27th April 1825.

Signed W. Braddon Registr

No. 243 To the Secretary to Government in the Judicial Department.

Sir,

With reference to the 2d paragraph of a letter No. 233, dated 4th June last, from the Chief Secretary to Government I am directed by the Judges of the Court of Foujdaree Adawlut to submit their recommendation, that the Honorable the Governor in Council may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to "Ramalingam", a person implicated in a case of Dacoity in the Zillah of Chingleput, the measure appearing to them to be calculated to lead to the conviction of the principal offenders.

27th April 1825.

Signed W. Braddon Regr

No. 244 To the Criminal Judge in the Zillah of Chingleput.

Returning the Notice with the Endorsement of the Register

27th April 1825.

(Circular letter)

To

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

Sir,

With reference to a letter № 423 dated 15th October 1823 from the Secretary to Government in the Judicial Department, I am directed by the Judges of the Court of Sudder Adawlut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 29th instant from the Judges of the Provincial Court of Circuit in the Western Division forwarding copies of Communications, as detailed to them by the Criminal Judge in the Zillah of Malabar, and the Magistrate in the Zillah of Canara, regarding the duties, under which escorts should be furnished for convicts sentenced to Banishment, or transportation beyond sea.

2 It would appear from the letter of the Criminal Judge, that in the duties, which has given rise to this reference, the men complained of by the Magistrate, have been, if any, employed at all, meritoriously.

3 The practice of escorting persons committed of heinous crimes, from the Malabar, and Canara to distant Zillahs has long been existing, the Judges believe, without it appearing desirable, that a uniform system should prevail between the Superintendants of the Criminal Judge and the Magistrate in regard to the execution of the warrants issued.

29th April 1825.

Signed W. Hudleston Regr.

№ 247. To the Magistrate of Tinnivelly [illegible]

Sir,

I am directed by the Judges of Sudder Adawlut to acknowledge the receipt of your letter dated 25th instant, and to communicate to you their sanction to the offer of a reward of Star Pagodas for the apprehension of either of the convicts [illegible]

Sudder Diary 29th April 1825.

the provisions of Section VI Regulation I of 1818 on their being delivered to you or to the Magistrate, within whose jurisdiction they may be apprehended.

29th April 1825. (Signed) W. Hudleston Regr.

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

Transmitting a letter from the Chief Secretary to Government authorizing the Criminal Judge of Malabar to offer additional rewards at his discretion to the persons who exerted themselves in apprehending the convicts who lately escaped from the Jail.

29th April, 1825. (Sent usual letter)

(No 30)

№ 216. To the Acting Secretary to Government in the Judicial Department.

Sir,

1 With reference to a letter № 423 dated 15th October 1823 from the Secretary to Government in the Judicial Department, 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 accompanying letter, dated 21st instant from the Judges of the Provincial Court of Circuit in the Western Division forwarding copies of Communications addressed to them by the Criminal Judge in the Zillah of Malabar, and the Magistrate in the Zillah of Canara, regarding the Rules, under which escorts should be furnished for convicts sentenced to Banishment, or transportation beyond sea.

2 It would appear from the letter of the Criminal Judge, that in the Rules, which have given rise to this reference, the mode contemplated by the Magistrate has been, if acted at all, unauthorized.

3 The practice of sending persons convicted of heinous crimes from Malabar and Canara to distant Zillahs having been adopted, the Judges believe, with some reason to appear desirable, that a method more tending than the present to return the Apprehenders of the Criminals to the Magistrate who ordered the apprehension of the Prisoners, should be adopted.

29th April 1825.

(Signed) W. Hudleston Regr.

Foujdaree Diary 29th April 1825.-

the provisions of Section VI Regulation I of 1816 on their being delivered to you or to the Magistrate, within whose jurisdiction they may be apprehended.-

29th April 1825.- (Signed) W. Hudleston Regr.

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

Transmitting a letter from the Chief Secretary to Government authorizing the Criminal Judge of Malabar to offer additional rewards at his discretion to the persons who exerted themselves in re-apprehending the convicts who lately escaped from the Jail.-

29th April 1825.- (Sent several letters)

№ 217 To the Magistrate of Tinnevelly [illegible]

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 25th October, and to convey to you their sanction to the offer of a Reward of Star Pagodas for the apprehension of either of the Convicts [illegible]

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

Sir,

1 With reference to a letter № 423 dated 15th October 1823 from the Secretary to Government in the Judicial Department, I am directed by the Judges of the Court of Sudder Adawlut to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter, dated 21st instant from the Judges of the Provincial Court of Circuit in the Western Division forwarding copies of Communications addressed to them by the Criminal Judge in the Zillah of Malabar, and the Magistrate in the Zillah of Canara, regarding the Rules, under which escorts should be furnished for convicts sentenced to Banishment, or transportation beyond sea.

2 It would appear from the letter of the Criminal Judge, that in the Cases which have given occasion to this reference, the Prisoners convicted have been, if sent at all, escorted

3 The practice of sending persons convicted of heinous crimes from Malabar and Canara to distant Zillahs having been adopted, the Judges believe, with a view, it appears desirable, that a Rule should be framed between the departments of the Criminal Judge and the Magistrate, in order to the prevention of the mischief above adverted to.

29th April 1825.

(Signed) W. Rudleston
Registr.

№ 247 To the Magistrate of Tinnevelly.

Sir,

I am directed by the Judges of the Court of Sudder Adawlut to acknowledge the receipt of your letter dated 25th instant, and to convey to you their sanction to the offer of a Reward of 200 Rupees for the apprehension of either of the Convicts, Appoo and Chinnan, who escaped from the

Sudder Diary 29th April 1825.

the provisions of Section VI Regulation I of 1816 on their being delivered to you or to the Magistrate, within whose jurisdiction they may be apprehended.

29th April 1825. (Signed) W. Rudleston Regr.

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

Transmitting a letter from the chief Secretary to Government authorizing the Criminal Judge of Malabar to offer additional Rewards at his discretion to the persons who exerted themselves in apprehending the convicts who lately escaped from the Jail.

29th April, 1825. (Sent several letters)

2. The general discretion, which you are desirous to obtain, for offering a pardon to any one of the accomplices to the murder in question is not competent to the Judges of the Fouzdaree Adaulut to grant under the subsisting Regulations.

3 It is only on receiving a report, particularizing by name any supposed accomplices, to whom it may appear expedient to make a conditional offer of pardon, that the Judges of the Court of Fouzdaree Adaulut can submit to the Government a recommendation of this nature, under the provisions of Section XX Regulation VIII of 1802.

4th May 1825. Signed W. Rudleston Regr.

No 257. To the Magistrate of Chingleput

Transmitting an order of Government dated the 3d Instant and of a letter addressed to Government under date the 27th Ultimo respecting the tender of a conditional pardon to Ramalingum implicated in a case of Murder

4th May 1825

No 258 To the Criminal Judge of Chingleput

Transmitting Copy of a letter from Government dated 29th Ultimo desiring that he may be instructed to place the Guard in charge of the convicts at Cuddalore under the orders of the Commanding Officer

4th May 1825

No 259 To the Judges of the Provincial Court of Circuit for the Northern Division

Gentlemen,

I am directed by the Judges of the Fouzdaree Adaulut to acknowledge the receipt of your letter of the 30th March last, transmitting the extract proceedings by Section XXXV Regulation X 1810, from the Several Criminal Judges in your division for the quarter ending the 31st December 1824, with your observations thereon

The

No 254 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 Fouzdaree Adaulut to acknowledge the receipt of your letter dated 29th Ultimo with the copy of a letter from the Magistrate therein referred to.

2 The Fouzdaree Adaulut have before declared, in reference to this subject, their incompetency to depart from the Regulations have left wholly undetermined: it may be observed, that to make 50 Rupees the standard of petty theft, punishable by a Magistrate, would be inconsistent with the spirit of Clause fifth Section III Regulation VII of 1822, which obviously refers to thefts below that amount, as falling within the scope of the provisions of Section VII Regulation X of 1810.

4th May 1825.

Signed W. Rudleston Regr.

No 255.

No 256 To the Magistrate in the Zillah of Canara

Sir

1 I am directed by the Judges of the Court of Fouzdaree Adaulut to acknowledge the receipt of your letter dated 25th Ultimo, requesting permission to make an offer of pardon under the provisions of Section XX Regulation VIII of 1802 to any one of the supposed accomplices, who shall make a full disclosure of every circumstance, within his knowledge relative to the murder of one Sunkaiah

The

Tongaree Diary May 1825.

No 254 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 Tongaree Adalut to acknowledge the receipt of your letter dated 27th Ultimo with the copy of a letter from the Magistrate therein referred.

2 The Tongaree Adalut have before declared in reference to this subject, their incompetency to dispose that, which the Regulations have left wholly undetermined: it may be observed, that to make 50 Rupees the standard of petty theft, punishable by a Magistrate, would be inconsistent with the spirit of clause fifth Section III Regulation VI of 1832, which obviously refers to thefts below that amount, as falling within the scope of the provisions of Section VII Regulation X of 1810.

4th May 1825.

Signed W. Hudleston Regr.

No 255.

No 256 To the Magistrate in the Zillah of Canara

Sir

1 I am directed by the Judges of the Court of Tongaree Adalut to acknowledge the receipt of your letter dated 25th Ultimo, requesting permission to make an offer of pardon under the provisions of Section XX Regulation VIII of 1802 to any one of the supposed accessaries, who shall make a full disclosure of every circumstance within his knowledge relative to the murder of one Sunkapah

The

Tongaree Diary 4th May 1825.

2 The general discretion, which you are desirous to obtain, for offering a pardon to any one of the accessaries to the murder in question is not competent to the Judges of the Tongaree Adalut 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 Tongaree Adalut can submit to the Government a recommendation of this nature, under the provisions of Section XX Regulation VIII of 1802.

4th May 1825. Signed W. Hudleston Regr.

No 257 To the Magistrate of Chingleput

Transmitting an order of Government dated the 3rd Instant and of a letter addressed to Government under date the 27th Ultimo respecting the tender of a conditional pardon to Ramalingum implicated in a case of Murder

4th May 1825

No 258 To the Criminal Judge of Chingleput

Transmitting Copy of a letter from Government dated 29th Ultimo desiring that he may be instructed to place the Guard in charge of the convicts at Cuddalore under the orders of the Commanding Officer

4th May 1825

No 259 To the Judges of the Provincial Court of Circuit for the Northern Division

Gentlemen,

I am directed by the Judges of the Tongaree Adalut to acknowledge the receipt of your letter of the 26th April last, transmitting the reports presented by Section XXXV Regulation X 1810, from the several Criminal Judges in your division for the quarter ending the 31st December 1824, with your observations thereon

The

2 The Charge in No 12 of the report from the Criminal Judge of Masulipatam, was not originally by him had this officer referred to the records of his Court he could have found that his predecessor in office had committed a case of 'Child Stealing' for trial before 1st quarterly Sessions 1819, and the precedent should have guided his proceedings, when the Regulations did not specially provide for the case. The Judges desire that the Criminal Judge be directed to obtain the orders from disposing finally of cases of this nature. In No 13 a detention of more than one Month is explained to have been occasioned, by the 'tardy attendance of the witnesses' - This excuse has been so frequently denounced by the Judges of the Foujdaree Adawlut to be insufficient, that they expect to be informed of the Head of Police, in this specific instance of the unauthorized detention of 10 prisoners during so long a period, will receive the penalties it justly merits - It may be proper for the Magistrate to withhold his sanction from the sum charged as Batta for Subsistance of these persons, during the period they were illegally detained in the Jail at Cocanada.

3 In disposing finally of No 39 a charge of "Burglary property stolen to the amount of 547 Rupees" - The Judge has neglected the rule laid down for his guidance - It can be seen clear that the terms of Clause 3rd Section II Regulation VI 1822, that "whenever individuals may be apprehended and brought before a Criminal Judge on a charge of having committed the offence of breaking into and entering to break into a dwelling house, and at other places of habitation by day or night - if property be stolen or taken or carried away or attempted to be stolen or taken or carried away from the person of the accused or from the house or premises in which he may be taken from the custody of the Police or from any person or persons in whose custody he may be taken from the custody of the Police or from any person or persons in whose custody he may be at the time of his apprehension or from any place to which he may have escaped after committing the offence or attempting to commit the same, or if any property be found in the possession of the accused which there is reason to believe to have been stolen or taken or carried away as aforesaid, and which he shall not account for to the satisfaction of the Court before which he may be tried, he shall be punished with imprisonment of either description for a term not exceeding seven years" - The Judges desire that the Criminal Judge will in future be guided by the above rule.

"evidence adduced to have been concerned in the offence to take "their trial before the Court of Circuit at the ensuing Sessions" - The Judges trust, that they shall not have occasion at any future period, to remark upon an attention similar to that exhibited in this instance - The disposal of case No 49 'Burglary to the extent of 26th Rupees' was in like manner unauthorized.-

4 The Judges view the penalties imposed in Nos 50 and 53 one years imprisonment with stripes, for the offence of theft, the property stolen in each case, amounting to 100 Pagodas as not calculated to repress the crime - the value of the property stolen must be considered with reference to the period during which it may serve to support the prisoner and his family in idleness; and if an exemption from labor can be purchased for 2 or 3 years, at the risk of 12 months separation from his family, it is extremely probable, that the inducements held out to the idle and dissolute will not be overcome by the fear of so slight a punishment - The 7th 8th and 9th prisoners in No 59 are reported to have left the Talook on the 17th December, from the entry against their names in No 55, it appears that they were in the custody of the Criminal Judge on the 15th - The Judges desire that an explanation of this circumstance may be submitted; as the journey from the Talook to the Court, as stated in both cases to have required 9 days.-

5 In the report No 6 of casualties and prisoners released in the Zillah of Chicacole - The Criminal Judge has inserted an additional Column, shewing by whom the sentence was passed" The information conveyed by this column is unnecessary - the Judges desire therefore, that this statement may in future be prepared agreeably to the form prescribed in Section XXXV Regulation X 1810 -

6 Referring to the reports from the Zillah of Nellore the Judges direct me to observe, that the Criminal Judge has exceeded his authority in disposing finally of the case No 11, on Revising

38

Foujdaree Diary 4th May 1825.

38 persons were convicted of the charge of breaking open "during the night into the house of the prosecutor and robbing "jewels and grain of the value of 8 Rupees" The charge laid against the prisoners corresponds in every respect with crime of "robbery by open violence" as defined in clause Section III Regulation XV 1803. The proceedings of the Judge in disposing of this case was highly irregular, displays in a strong light, the necessity for the late order of the Judges to him, carefully to abstain from the exercise powers not strictly necessary to him in the foregoing rules apply with equal force to the case [illegible] persons only were brought before the Court, it is plain from terms of the charge for breaking into a house by night and plundering heaps of grain during the night that offence perpetrated was that of robbery by open violence authority assumed by the Criminal Judge of passing a sentence of three months imprisonment in his case, was with a view thereof to the provisions of Regulation XV 1803 and of 1822 altogether unwarranted. In like manner the sentence when the charge had been for proceeding in a body and during grain fields was illegally disposed of by the Criminal Judge. In No 19 the Criminal Judge would also appear to have exceeded powers not fully competent to him, in passing sentence of 2 yrs each on 5th and 6th prisoners, convicted by him of a crime cognizable with reference to the provision of clause second Section II Regulation VI 1822, only by a Court of Circuit.

The Judges desire that no appeals from the Criminal Judges proceedings in the Purnea may be submitted to them. A similar explanation is also given in the order of No 20. No 88 & 89 [illegible] a case of robbery with [illegible]

Foujdaree Diary 4th May 1825.

18½ The Criminal Judge has committed for trial, all but the 4th prisoner, who is stated to have been punished with six lashes and then released he being a young boy! The assumption of authority apparent in this case however conscientious and upright the motive which might have influenced the Criminal Judge was highly improper. He has in this instance highly assumed and exercised a power not granted even to the Courts of Circuit, but specially reserved to the Court of Foujdaree Adawlut, to whom it belonged exclusively under Section III Regulation I 1822, to take into consideration any extenuating circumstances appearing on the trial of cases of robbery by open violence; nor are the Judges disposed to consider the course pursued by the Criminal Judge as expedient, or founded upon any just principle. It does not necessarily follow, because the Criminal Judge deems the evidence for the prosecution sufficient to convict the prisoners of the charge, that the Court of Circuit will entertain the same opinion; and this proceeding therefore of the Criminal Judge may lead to an anomaly so gross, as that some of the parties charged with one and the same crime, the charge supported in every respect by like evidence, may be convicted and punished, while others are acquitted.

The proper course of proceeding, would have been to apply to the Provincial Court of Circuit, under the provisions of Section XI Regulation X 1816 for permission to take bail, in cases similar to No 18, wherein the committing officer deems the imprisonment of individuals accused of offences, not bailable, under the ordinary rules, to be objectionable upon the ground of their youth or other sufficient cause.

In case No 19. The Judges do not concur with the Criminal Judge in considering the cases appeared that they were not aware that they were committing an illegal act

Foujdaree Diary May 1825.

No 254 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 Adaulut to acknowledge the receipt of your letter dated 27th Ultimo with the copy of a letter from the Magistrate therein noticed.

2 The Foujdaree Adaulut have before declared, in reference to this subject, their incompetency to depart from the Regulations have left wholly undetermined: it may be observed, that to make 50 Rupees the standard of petty theft, punishable by a Magistrate, would be inconsistent with the spirit of Clause fifth Section III Regulation VI of 1832, which obviously refers to thefts below that amount, as falling within the scope of the provisions of Section VII Regulation X of 1810.

4th May 1825.

(Signed) W. Rudleston Secy.

No 255.

No 256 To the Magistrate in the Zillah of Canara.

Sir

1 I am directed by the Judges of the Court of Foujdaree Adaulut to acknowledge the receipt of your letter dated 25th Ultimo, requesting permission to make an offer of pardon under the provisions of Section XX Regulation VIII of 1802 to any one of the supposed accessaries, who shall make a full disclosure of every circumstance within his knowledge relative to the murder of one Sunkapah.

The

Foujdaree Diary 4th May 1825.

2. The general discretion, which you are desirous to obtain, for offering a pardon to any one of the accessaries to the murder in question is not competent to the Judges of the Foujdaree Adaulut 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 Adaulut can submit to the Government a recommendation of this nature, under the provisions of Section XX Regulation VIII of 1802.

4th May 1825. (Signed) W. Rudleston Regr.

No 257 To the Magistrate of Chingleput

Transmitting an order of Government dated the 3d Instant and of a letter addressed to Government under date the 27th Ultimo respecting the tender of a conditional pardon to Ramalingum implicated in a case of Murder

4th May 1825

No 258 To the Criminal Judge of Chingleput

Transmitting Copy of a letter from Government dated 29th Ultimo desiring that he may be instructed to place the Guard in charge of the convicts at Cuddalore under the orders of the Commanding Officer

4th May 1825

No 259 To the Judges of the Provincial Court of Circuit for the Northern Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letter of the 30th March last, transmitting the returns prescribed by Section XXXV Regulation X 1810, from the several Criminal Judges in your division for the quarter ending the 31st December 1824, with your observations thereon — jointly of the con-

Fouydaree Diary 4th May 1825

2.

The Charge in Nº 12 of the report from the Criminal Judge of Masulipatam was not originally by him laid this officer referred to the nature of this Crime, he could have found that his predecessor in office had committed a similar "Child Stealing" for trial before 1st Quarterly Sessions Mag, and precedent should have ruled his proceedings, when the Regulations did not specially provide for the case. The Judges desire that the Criminal Judge be directed to obtain sanction from discharging finally of cases of this nature. So Nº 13 detention of more than one Month is explained to have been occasioned, by the "tardy attendance of the Sessions Jury" - This has been so frequently denounced by the Judges of the Court Sadr as to be insufficient, that they expect the orders of the Head of Police, in this respect in future of the detention of 10 prisoners during so long a period, will in course penalties it justly merits - It may be proper for the Magistrate to withhold his sanction from the sum charged as Batta for Subsistence of these persons, during the period they were detained in the Jail.

3

In discharging finally of the Charge of "Burglary property stolen to the amount of 547 Rupees" the Judge has not taken the rule laid down for his guidance can be seen clear that the terms of Clause first Section VI Regulation VI 1822, that "whenever individuals may be apprehended and brought before a Criminal Judge on "charge of having committed the offence of breaking into "ing to break into a dwelling house, shop or other place "habitation by day or night" - if property be stolen to the "value or amount "Rupees

4

Nos 50 and 53 one year's imprisonment with stripes, for the offence of theft, the property stolen in each case, amounting to 100 Pagodas as not calculated to express the crime - the value of the property stolen must be considered with reference to the period during which it may serve to support the prisoner and his family in idleness; and if an exemption from labor can be purchased for 2 or 3 years, at the risk of 12 months separation from his family, it is extremely probable, that the inducements held out to the idle and dissolute will not be overcome by the fear of so slight a punishment - The 7th 8th and 9th prisoners in Nº 59 are reported to have left the Talook on the 17th December, from the entry against their names in Nº 55, it appears that they were in the custody of the Criminal Judge on the 15th - The Judges desire that an explanation of this circumstance may be submitted; as the journey from the Talook to the Court, as stated in both cases to have occupied 9 days.

5

In the report Nº 60 of casualties and prisoners released in the Zillah of Chicacole - The Criminal Judge has inserted an additional Column, shewing by whom the Sentence was passed" The information conveyed by this column is unnecessary - the Judges desire therefore, that this Statement may in future be prepared agreeably to the form prescribed in Section XXIV Regulation X 1810 -

6

Referring to the reports from the Zillah of Nellore, the Judges do not conceive that the Criminal Judge has exceeded his authority in discharging finally of the cases Nº 11 on Calendar

2.

The Charge in Nº 12 of the report from the Criminal Judge of Masulipatam was not originally by that officer referred to the causes of this crime, he learnt that his predecessor in office had committed a child stealing' for trial before the Quarterly Sessions, and precedent should have ruled his proceedings, when the regulations did not specially provide for the case. The Judges desire that the Criminal Judge be directed to obtain from disposing finally of cases of this nature. Nº 12 detention of more than one month is explained to have been occasioned by the tardy attendance of the witnesses' - This has been so frequently announced by the Judges of the Criminal Courts to be insufficient, that they expect the explanation to be more sufficient, that they expect the explanation to be more specific in future instances of the same nature. The Head of Police, in this case instance of the same nature. detention of 10 prisoners during so long a period, with such penalties it justly merits - It may be proper for the Magistrate to withhold his sanction from the sum charged as Batta for subsistence of these persons, during the period they were detained in the Jaloske.

3

In disposing finally of the charge of "Burglary property stolen to the amount of 547 Pagodas" the Judge has not taken the rule laid down for his guidance in Section II Regulation VI 1822, that "whenever an individual may be apprehended and brought before a Criminal Judge on a charge of having committed the offence of breaking into and entering to break into a dwelling house, shop or other place of habitation by day or night - if property be stolen or taken or robbery or burglary be proved the term of imprisonment shall be for the space of seven years from the

Nº 256

"witnesses adduced to have been concerned in the offence to take "their trial before the Court of Circuit at the ensuing Sessions" - The Judges trust, that they shall not have occasion at any future period, to remark upon inattention similar to that exhibited in this instance - The disposal of case Nº 49 'Burglary to the extent of 20th Rupees' was in like manner unauthorized.-

4

The Judges view the penalties imposed in Nos 50 and 53 one year's imprisonment with stripes, for the offence of theft, the property stolen in each case, amounting to 100 Pagodas as not calculated to express the crime - the value of the property stolen must be considered with reference to the period during which it may serve to support the prisoner and his family in idleness; and if an exemption from labor can be purchased for 2 or 3 years, at the risk of 12 months separation from his family, it is extremely probable, that the inducements held out to the idle and dissolute will not be overcome by the fear of so slight a punishment - The 7th 8th and 9th prisoners in Nº 59 are reported to have left the Jaloske on the 17th December, from the entry against their names in Nº 55, it appears that they were in the custody of the Criminal Judge on the 15th - The Judges desire that an explanation of this circumstance may be submitted; as the journey from the Jaloske to the Court, is stated in both cases to have required 9 days.-

5

In the report Nº 60 of casualties and prisoners released in the Zillah of Chicacole - The Criminal Judge has inserted an additional column, shewing by whom the sentence was passed The information conveyed by this column is unnecessary - The Judges desire therefore, that this statement may in future be prepared agreeably to the form prescribed in Section XXXV Regulation X 1816 -

6

Referring to the reports from the Zillah of Nellore, the Judges direct me to observe, that the Criminal Judge has exceeded his authority in disposing finally of the case Nº 11 of January

38

2. The Charge in Nº 2 of the report from the Criminal Judge of Masulipatam, was not originally by what this officer referred to the reasons of this kind, he would be found that his predecessor in office, had committed a case of 'child stealing' for trial before 1st quarterly Sessions; they are precedent should have ruled his proceedings, when the Regulations did not specially provision for the case. The Judges desire that the Criminal Judge be directed to obtain from disposing finally of cases of this nature. A detention of more than one month is explained to have been cautioned, by the tardy attendance of the witnesses. This has been so frequently announced by the Judges of the Sudder to be insufficient, that they expect the reports of Heads of Police, in their gaol instances of the unnecessary detention of 10 prisoners during so long a period, with such penalties it justly points. It may be proper for the Judges to withhold his sanction from the sums charged as diet Subsistance of these persons, during the period they were detained in the Jaloork.

3 In disposing finally of Nº 39 a charge of Burglary property stolen to the amount of 347 Rupees. The Judge has my doubt the mild sentence laid down for the guidance can be upon clear that the terms of Clause 3rd Section II Regulation VI 1822, that "whenever in which any person may be apprehended and brought before a Criminal Judge on a charge of having committed the offence of breaking into any building to break into a dwelling house, shall or other place habitation by day or night" if property to the value of Rupees or upwards shall be stolen from the person shall be liable to

"evidence adduced to have been concerned in the offence to take "their trials before the Court of Circuit at the ensuing Sessions". The Judges trust, that they shall not have occasion at any future period, to remark upon in attention similar to that exhibited in this instance. The disposal of case Nº 49 'Burglary to the extent of 204 Rupees' was in like manner unauthorized.

4 The Judges review the penalties imposed in Nos. 50 and 53 one years imprisonment with stripes, for the offence of theft, the property stolen in each case, amounting to 100 Rupees as not calculated to repress the crime the value of the property stolen must be considered with reference to the period during which it may serve to support the prisoner and his family in idleness; and if an exemption from labor can be purchased for 2 or 3 years, at the risk of 12 months separation from his family, it is extremely probable, that the misdemeanors left out to the idle and dissolute will not be overcome by the fear of so slight a punishment. The 7th 8th and 9th prisoners in Nº 53 are reported to have left the Jaloork on the 17th December, from the entry against their names in Nº 55, it appears that they were in the custody of the Criminal Judge on the 15th. The Judges desire that an explanation of this circumstance may be submitted; as the journey from the Jaloork to the Court, as stated in both cases to have required 9 days.

5 In the report Nº 6 of casualties and prisoners released in the Zillah of Chicacole. The Criminal Judge has inserted an additional column, shewing by whom the sentence was passed. The information conveyed by this column is unnecessary. The Judges desire therefore that this statement may in future be prepared agreeably to the form prescribed in Section XXV Regulation X 1810.

6 Referring to the reports from the Zillah of Nellore, the Judges direct me to observe, that the Criminal Judge has exceeded his authority in disposing finally of the case Nº 11, wherein

2. The charge in Nº 12 of the report from the Criminal Judge of Mashlipatam, to set out by mistake by the Police officer referred to the nature of this Crime, he could be found that his predecessor in office had committed a case of 'Child stealing' for trial before the Court of Circuit, the precedent should have ruled his proceedings, when the regulations did not specially provision for the case. The Judges desire that the Criminal Judge be directed to abstain from disposing finally of cases of this nature. - Nº 12 detention of more than one month is not obtained to have been occasioned, by the tardy attendance of the witnesses. - Reason has been so frequently thrown out by the Judges of the Court to be insufficient, that they cannot help expressing their head of Police, in this grave instance of the unnecessary detention of 10 prisoners during so long a period, with such penalties it justly merits. - It may be proper for the Board to withhold his sanction from the above charges as to the subsistance of these persons, during the period they were detained in the Jaloork.

3 In disposing finally of Nº 29 a charge of "Burglary property stolen to the amount of 347 Pagodas" the Judge has not taken the rule laid down for his guidance, can be seen at large by the terms of clause first section II. Regulation VI 1822, that "whenever an individual is apprehended and brought before a Criminal Judge on a charge of having committed the offence of breaking into a dwelling to break into a house, shop, or other place, with intent to commit robbery by day or night - if property be stolen to the value or amount of [illegible] upwards the term of [illegible] shall be the [illegible]

"evidence adduced to have been concerned in the offence to take "their trial before the Court of Circuit at the ensuing Sessions". The Judges trust, that they shall not have occasion at any future period, to remark upon in attention similar to that exhibited in this instance - The disposal of case Nº 49 'Burglary to the extent of 200 Rupees' was in like manner unauthorized.-

4 The Judges view the penalties imposed in Nº 50 and 53 one years imprisonment with stripes, for the offence of theft, the property stolen in each case, amounting to 100 Pagodas as not calculated to repress the crime - the value of the property stolen must be considered with reference to the period during which it may serve to support the prisoner and his family in idleness; and if an exemption from labor can be purchased for 2 or 3 years, at the risk of 12 months separation from his family, it is extremely probable, that the inducements held out to the idle and dissolute will not be overcome by the fear of so slight a punishment. - The 7th 8th and 9th prisoners in Nº 59 are reported to have left the Jaloork on the 17th December, from the entry against their names in Nº 55, it appears that they were in the custody of the Criminal Judge on the 15th - The Judges desire that an explanation of this circumstance may be submitted; as the journey from the Jaloork to the Court, is stated in both cases to have required 9 days.-

5 In the report Nº 6 of casualties and prisoners released in the Zillah of Chicacole - The Criminal Judge has inserted an additional column, shewing by whom the sentences were passed. The information conveyed by this column is unnecessary - the Judges desire therefore, that this statement may in future be prepared agreeably to the form prescribed in Section XXIV Regulation X 1810.-

6 Referring to the reports from the Zillah of Ballasore, the Judges direct me to observe, that the Criminal Judge has exceeded his authority in disposing finally of the case Nº 11 on [illegible]

38

Foujdaree Diary 4th May 1825.

38 persons were convicted of the charge of breaking and entering
"during the night into the Lowns of the prosecutor and robbing
"jewels and grain of the value of 8 Rupees. The charge here
laid against the prisoners corresponds in every respect with
crime of "robbery by open violence" as defined in claus
Section III Regulation XV 1803. The proceedings of the Cri
Judge in disposing of this case was highly irregular, an
displays in a strong light, the necessity for the late ord
of the Judges to him "carefully to abstain from the exercis
"powers not expressly vested in him" the foregoing rule
apply with equal force to the case 1823, wherein thirty
persons only were brought before the Court, it is plain from
terms of the charge for proceeding with a number of cri
"and plundering heaps of grain during the night" that
offence perpetrated was that of robbery by open violence
authority assumed by the Criminal Judge of passing a
of three months imprisonment in the case, was wholly
therefore to the provisions of Regulation XV 1803 and
1822 altogether unwarranted. In like manner the cas
when the charge laid was for proceeding in a body and
during grain fields was illegally disposed of by the Cri
Judge. In No. 9 the Criminal Judge would also appear
exercised powers not legally in competence to him, in pronouncing
2d 5th and 6th prisoners, convicted by him of a crime cog
with reference to the provision of clause second Section II
lation VI 1822, only by a Court of Circuit.

7 The Judges desire that no person
of the Criminal Judges proceedings in his Criminal
be submitted to them. A similar Standing Rule
in the Orders of No. 20. of 1818 and 8 of 1819 and
a case of robbery with [illegible]

Foujdaree Diary 4th May 1825.

8 No. 2 The Criminal Judge has committed for trial, all but the
4th prisoner, who is stated to have been punished with six
lashes and then released he being a young boy! The assumption
of authority apparent in this case however conscientious and
upright the motive which might have influenced the Criminal
Judge was highly improper. He has in this instance highly
assumed and exercised a power not granted even to the Courts of
Circuit, but specially reserved to the Court of Foujdaree Adawlut,
to whom it belonged exclusively under Section III Regulation
I 1822, to take into consideration any extenuating circumstances
appearing on the trial of cases of robbery by open violence; nor
are the Judges disposed to consider the Crime pursued by the
Criminal Judge as expedient, or founded upon any just prin-
ciple. It does not necessarily follow, because the Criminal
Judge deems the evidence for the prosecution, sufficient
to convict the prisoners of the charge, that the Court of Circuit
will entertain the same opinion; and this proceeding there-
fore of the Criminal Judge may lead to an anomaly as gross,
as that some of the parties charged with one and the same
crime, the charge supported in every respect by like evidence,
may be convicted and punished, while others are acquitted.

8 The proper course of proceeding, would have
been to apply to the Provincial Court of Circuit, under the provi-
sions of Section XI Regulation X 1816, for permission to take
bail, in cases similar to No 8, wherein the Committing officer
might think the imprisonment of individuals accused of
offence, not bailable, under the ordinary rules, to be objectionable
upon the ground of their youth or other sufficient cause.

In Case No 9. The Judges do not concur
9 with the Criminal Judge in considering the reason assigned,
that they were not aware that they were committing an illegal
act

38 persons were convicted of the charge of breaking and "during the night into the house of the prosecutor and others "jewels and grain of the value of 1[illegible] Rupees. The charge laid against the prisoners corresponds in every respect with "crime of robbery by open violence" as defined in clause Section III Regulation XV 1803. The proceedings of the Judge in disposing of this case was highly irregular displays in a strong light, the necessity for the strict of the Judges to him, carefully to abstain from the exercise powers not expressly vested in him. The foregoing apply with equal force to the case No 3, wherein forty persons only were brought before the Court, it is plain terms of the charge for proceeding with a number of offence perpetrated was that of robbery by open violence authority assumed by the Criminal Judge of passing a of three months imprisonment in this case, was wholly therefore to the provisions of Regulation XV 1803 and 1822 altogether unwarranted. In like manner the case when the charge laid was for proceeding in a body and during grain fields to an illegal extent disposed of by the Judge. In No 19 the Criminal Judge made also a like aggravated persons guilty in common and to him, in pursuance of the Judges to him, and by a sentence of imprisonment with reference to the provision of clause second Section VI 1822, only by a Court of Circuit.

The Judges deem that in the Criminal Judges proceedings in the cases Nos 20 to 38 inclusive and a case of [illegible]

18½ The Criminal Judge has committed for trial, all but the 4th prisoner, who is stated to have been punished with 15 lashes and then released he being a young boy! The assumption of authority apparent in this case however conscientious and upright the motive which might have influenced the Criminal Judge was highly improper. He has in this instance highly assumed and exercised a power not granted even to the Courts of Circuit, but specially reserved to the Court of Sudder Adawlut, to whom it belonged exclusively under Section III Regulation I 1822, to take into consideration any extenuating circumstances appearing on the trial of cases of robbery by open violence; nor are the Judges disposed to consider the course pursued by the Criminal Judge as expedient, or founded upon any just principle. It does not necessarily follow, because the Criminal Judge deems the evidence for the prosecution sufficient to convict the prisoners of the charge, that the Court of Circuit will entertain the same opinion; and this proceeding therefore of the Criminal Judge may lead to an anomaly so gross, as that some of the parties charged with one and the same crime, the charge supported in every respect by like evidence, may be convicted and punished, while others are acquitted.

8 The proper course of proceeding, would have been to apply to the Provincial Court of Circuit, under the provisions of Section XI Regulation X 1816, for permission to take bail, in cases similar to No 18, wherein the Committing officer might think the imprisonment of individuals accused of offence, not bailable, under the existing rules, to be objectionable upon the grounds of their youth or other sufficient cause.

In Case No 19. The Judges do not concur

9 with the Criminal Judge in considering the reason assigned, that they were not aware that they were committing an illegal

act

38 persons were convicted of the charge of breaking and
entering the night into the house of the Jumaadar and other
persons and plundering heaps of grain stealing the effects
and jewels and grain of the value of 4 Rupees. The charge
laid against the prisoners corresponded in every respect with
crime of robbery by open violence as defined in clause
Section III Regulation XV 1803. The proceedings of the
Judge in disposing of this case was highly irregular
displays in a strong light, the necessity for the strict
of the Judges to him, carefully to abstain from the exer
powers not expressly vested in him. The foregoing
apply with equal force to the case No 3, wherein three
persons only were brought before the Court, it is plain
terms of the charge for procuring with a number of
offence perpetrated was that of robbing by open violence
authority assumed by the Criminal Judge of passing
of three months imprisonment in this case, was void
therefore to the provisions of Regulation XV 1803 and
1822 altogether unwarranted. In like manner the sen
when the charge laid was for proceeding in a body and
during grain fields to an illegally disposed of by the
Judge. In No 4 the Criminal Charge was also a felon
operated persons only in complaint to him, in pursuance
2nd 3rd and 5th prisoners, convicted by him of a crime
with reference to the provision of clause second Section
lation VI 1822, only by a Court of Circuit.

The Judges during that
of the Criminal Judges proceedings in this case
he submitted to them. A similar [illegible]
in the cases No 28 [illegible]
a case of robbery [illegible]

18/2 The Criminal Judge has committed for trial, all but the
4th prisoner, who is stated to have been punished with six
lashes and then released he being a young boy! The assumption
of authority apparent in this case however conscientious and
upright the motive which might have influenced the Criminal
Judge was highly improper. He has in this instance highly
assumed and exercised a power not granted even to the Courts of
Circuit, but specially reserved to the Court of Fouydaar Adalut,
to whom it belonged exclusively under Section III Regulation
I 1822, to take into consideration any extenuating circumstances
appearing on the trial of cases of robbery by open violence; nor
are the Judges disposed to consider the crime pursued by the
Criminal Judge as expedient, or founded upon any just prin-
ciple. It does not necessarily follow, because the Criminal
Judge deems the evidence for the prosecution sufficient
to convict the prisoners of the charge, that the Court of Circuit
will entertain the same opinion; and this proceeding there-
fore of the Criminal Judge may lead to an anomaly so gross,
as that some of the parties charged with one and the same
crime, the charge supported in every respect by like evidence,
may be convicted and punished, while others are acquitted.

8 The proper course of proceeding, would have
been to apply to the Provincial Court of Circuit, under the provi-
sions of Section XI Regulation X 1809 for permission to take
bail, in cases similar to No 3, wherein the Committing officer
might think the imprisonment of individuals accused of
offence, not bailable, under the ordinary rules, to be objectionable
upon the ground of their youth or other sufficient cause.

In case No 4. The Judges do not concur
9 with the Criminal Judge in considering the reason assigned,
that they were not aware that they were committing an illegal

act

imprisonment and to the receivers of the stolen property knowing it to have been stolen, of but one month, is considered by the Judge inexpedient - For as respects the great end of punishment, the prevention of crime, it is probable that this would be more effectually attained by meeting out a full measure of punishments to the receivers, than to the thief.-

12 Referring to the explanation of delay furnished by the Head of Police in case No 27 "that the prisoner "are paiahs whom he could not allow to enter his cutcherry and "as it rained he could not go outside to examine them - Therefore "he was obliged to wait 4 days before he could examine them," the Judges desire, that the Magistrate of Guntoor may be called upon to state, whether he took any, and what notice of the conduct of this officer upon the receipt of the counterpart of his communication intending up this charge to the Criminal Court - The Judges do not conceive the objection of the Sahookars upon the ground of the caste of the petitioners, against their admission into his presence, as worthy of the least consideration: it is certain that Criminals, who must at all times have been persons of the inferior classes of society, have been examined under every Government in India in the presence of the officers of Government - The Judges direct one to take this opportunity to acknowledging the receipt of the communication of the Judges of the Provincial Court dated the 29th Septr ultimo, forwarding a reply from the Criminal Judge of Bellary, to the Courts observations upon certain cases in his report for the 3d quarter of the year 1824 - In para 4 of his letter to the Provincial Court of Circuit, the Criminal Judge has observed, that "the extract "of the robbery (in No 8) as noticed in the quarterly report excepted "any observation"; he also represents, that the only one of the charges in the report was erroneous; and he subsequently states his opinion upon a consideration of the whole of the case "that it would have been more proper that they the prisoners in No 8 should have

acts sufficient to absolve them from the penalty incurred by law for this offence - But should it be deemed proper that it would open the door to multiply robberies, and to facilitate thereby that individual safety which should be the primary object of every Government, that any weight should be attached to the opinion of the prisoners - The Judges desire that it may be explained whether the prisoners the 3rd prisoner in this room has ever also had his hair cut off. The entry in case No 8 is not explicit on this point - the 1st prisoner is charged and punished for the Judges, the 3rd prisoner is charged and punished for clearly to the extent of the Charge - The 2d prisoner is charged with receiving a part of the stolen property, he is however stated to be released having cleared with the crime - Why was not have been separated for the Judges to have seen the error had not the Criminal Judge since later communicated that the witness in these cases were most of them his own Land - This case requires therefore explanation

10 The Judges cannot recognize the proceedings of the Criminal Judge forwarding, in declaring in No 19 the order of Sheik Mohammed Mostafa the punishment prescribed by Law - It was his duty to have been guided by the Regulations, which allow of no such distinction as the Criminal Judge mentions appear to have occurred in the case of this offence - The commission from officers of Government is totally irrelevant, from the fact of the unworthy of this station is totally irrelevant, from the fact of example held out by his punishment for the same offence of Stealing.-

11 In No 20 the prisoners

"have been committed for trial". The Criminal Judge would also appear in paras 4. 5 and 6, of his Communication, to have fully recognized the justice of the observations of the Judges of the Fouydaue Cloatut, in respect to the arrogation of authority apparent in the disposal of this case. Notwithstanding this acknowledgment, the Criminal Judge proceeds in para 9 to declare his "utter ignorance" of what the Court "may mean in directing him carefully to abstain at all times "from exercising powers not expressly vested in him by the Regu-"lations". This officer has indeed explained that the proceedings in case N.O.A, animadverted upon by the Judges of the Fouydaue Cloatut, were conducted by the Assistant Criminal Judge; but as the responsibility of the office lies with him the Criminal Judge, it is blame, whether he permit his Assistant, or himself to mar the course of justice. The Confession of this error in para 4 of his letter, and the declaration in para 9, that I am not conscious of any one act that I have committed since I have presided over this Court which deserved the severe censure conveyed to me, appear to the Judges wholly irreconcileable; and upon what slight and untenable grounds it has been assumed, will be sufficiently obvious to the Criminal Judge, upon the perusal of the remarks of the Judges in his present Returns. In giving any unauthorized breach of form, the Judges clearly expose a particularized by them; and to which had they deemed it necessary others might then have been added, which would have appeared from the entries in the report, of having been illegally disposed of without examination by the Criminal Judge, or his Assistant. It was no difference whether the offence who disposed of those cases Officer presiding over the Criminal Court of Justice, or some answerable for the just and proper performance of the Duties, said is

It is the duty of the Judges of the Fouydaue Cloatut to direct their animadversion to him, whenever they may conceive any of the proceedings in his Court to be deserving of censure.-

13 The Judges must repeat therefore their former instructions to the Criminal Judge, to review his own proceedings with greater care, before he pronounces the observations of the Judges of the Fouydaue Cloatut to be unfounded.-

14 In reply to the reasoning of the Criminal Judge, in defence of the mitigated penalties inflicted by him, in numerous cases of Cattle Stealing. The Judges direct me to observe, that they are willing to allow, that the peculiar circumstances which led to the commission of the offence, may in some instances form a proper ground for a mitigation of punishment; but when distress prevails so generally, as to induce the prevalence of any particular crime, it may become more specially necessary to carry the law into direct execution, in order to secure property, which is from the same circumstances usually exposed to depredation. The Judges are therefore still of opinion, that the Criminal Judge has erred, in neglecting to attend to the evident intention of the special provision in respect to Cattle Stealing, enacted in clause fourth Section III Regulation VI 1822. The Judges direct that he adhere in future to the intention of the Legislative, in augmenting the penalties previously adjudicable to this offence.-

15 The Judges desire that the Judges of the Provincial Courts of Circuit, will communicate the foregoing observations to the several officers to whose proceedings they apply.-

4th May 1825. (Signed) J. J. Thomas Dpty Regr

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

Gentlemen,

I am directed by the Judges of the Fouydaue Cloatut to acknowledge the receipt upon this day, of the letter of the 23d

25th March last submitting the reports prescribed by Section XXXV Regulation X 1816 for the quarter ending the 31st December 1824, from the several Criminal Judges within your jurisdiction, with Extracts from your proceedings thereon.

2. With reference to the observations of the Judges of the Provincial Court of Circuit in para 5 of their proceedings. The Judges desire, that the Criminal Judge of Ringlatut, whose file is by no means so heavy as that of some of the other Courts in the Centre Division, be called upon to explain the causes which have occasioned the delay in disposing of numerous cases before his Court. Referring to the report No. 12 from the Zillah, the Judges notice with regret, that in the first case stated, it would appear that the charge was permitted to remain on the file from the 2nd of July, the date of arrival of the accused at the Court, till the 24th December, the date of the first letter sent to the Magistrate calling upon him to forward the witnesses.

3. The prisoners from No. 18 to 27 inclusive, and appear to have been allowed to remain in confinement from the 28th August, the date of their arrival at the Court, to the 15th of November, a period of 2½ Months, without their case coming at. tracting the attention of the Criminal Judge. The Judges are unable to suppose, that any sufficient cause could exist for this delay, as it is not easy to understand, what should prevent the acting Criminal Judge from acquainting the Magistrate, requiring him immediately to forward the evidence in the case. The same remarks are applicable to the cases of the prisoners No. 28, 29 and 30. The Charges against the prisoners No. 31, 32 and 33 are stated in the 23rd December to be under investigation. These prisoners were before the Court on the 21st and 25th October. The Judges desire to be informed, what causes prevented the completion of the charges against them, and the information is required

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required relative to the several cases of the prisoners from No. 34 to 73 as the charges against them are reported to be still under investigation, though the date at which the latest case arrived at the Court was the 10th October. The Judges are aware that this Court was superintended by the Assistant Criminal Judge alone, till the 9th November 1824; but they do not consider that circumstance to furnish a satisfactory explanation, why cases of the date pointed out, should be reported under investigation upon the 31st December; the Criminal Judge having entered upon the duties of his office on the 9th November, and neither the Judge nor Register have applied themselves in that month to the performance of their duties on the criminal side of the Court.

4. In para 24 of their proceedings, the Judges of the Provincial Court of Circuit, remark upon a sentence passed by the Assistant Criminal Judge in the Zillah of Cuddapah, upon the prisoner No. 119 of the report of persons apprehended in the previous quarter, that "upon evidence it is presumed was not proved" - The Charge of which the prisoner was convicted was "robbery in a gang to the extent of Rupees 50[illegible], which offence as explained in the preamble, and in section III of Regulation XV 1813, consists in the circumstance of a number of persons assisting and supporting each other, with or without an offensive weapon" either in committing or attempting to commit a robbery and whenever this fact is proved, the crime of robbery by open violence is complete. This will be rendered sufficiently obvious by a reference to clause fourth section IV Regulation XV 1813. The acting Criminal Judge should therefore have been informed, that it was wholly incompetent to him, to pass a sentence in this case, if there was evidence before him that the prisoner formed one of a number of persons, residing near the place in the commission of the crime. The Judges

proceeding

Judges directed that the Acting Criminal Judge be cautioned against passing any sentence in like case in future.-

5 Referring to the extract from the Gillah of petitioner the Judges observe a sentence of one years imprisonment passed in No. 37 upon a charge of Larceny to the value of 4 Rupees. This case requires explanation, and with reference to the rows of the Foujdaree Roobkar of the 13th August 1823, the sentence passed in this number, and in No. 142, would appear to have been illegal. Should none of the circumstances of aggravation specified in clause fourth Section III Regulation VI 1822. have existed, the Judges direct, that the term of imprisonment be limited in both cases to 6 Months, as provided in Section VII Regulation X: 1810. The same rules apply to the case of the prisoner Bheemun in No. 249 convicted of Larceny from the person to the value of 39 and odd Rupees.- The punishment appears in No. 63 a case of fraud upon the customs the charge and sentence inadequate. The prisoner No. 79 who appears to have been convicted of six distinct offences, should have received but one sentence upon the whole of the charges proved.- This observation applies also to No. 82.-

6 The crime charged against the prisoners Nos. 190, 191 and 192 is not in the opinion of the Judges an offence cognizable by a Court of Criminal Justice.- If any of the parties were guilty of a crime, the parents must be so considered, but it would even in their case be extremely questionable, whether any offence was committed which would warrant the interference of the Criminal Court.- If the Children were sold with a view to the preservation of their lives, the act of the parents might be deemed justifiable; and it would seem sufficient to leave the natural feeling of the parent to form a barrier against the prevalence of

of this species of offence without superadding the check of any legal penalty.- Under any circumstances however as the offence charged is not declared penal by either the Regulations of Government, or the Mohummedan Law, the fines imposed were not authorized; and it is necessary therefore that they should be remitted.-

7 The Judges desire that the Acting Judge be required to afford the necessary information in respect to the disposal of No. 200.- A charge of Burglary to the extent of Rupees 163.- This case would appear to fall within the scope of the rules enacted in clause second Section II Regulation VI 1824, and it should in that case have been committed.-

8 The Judges have observed in this report, that the Acting Criminal Judge has not in many instances recorded the grounds of the defence of the prisoners: they desire that this may be stated in future.- and in charges of a heinous nature, it is desirable that the Criminal Judges should note, whether the charges appeared to be wholly groundless or merely failed of proof.-

9 Case No. 265 in the extract of cases not disposed of in the previous quarter from the Gillah of Chunglepaut requires explanation, the Charge being apparently highway robbery "the prisoner having on the evening of the 27th August stopped the Prosecutrix in the road near the village".- The Judges desire to know upon what ground the Assistant Criminal Judge considered it competent to him to dispose finally of this case, and also of the prisoner No. 337, who stopped the prosecutrix and took from her person gold jewels valued at Rupees 12-12.-

10 The Judges observe that security to the extent of Rupees 150, has been demanded from the prisoner No. 259, charged with having been concerned in a theft, the value of the stolen property

Judges direct that the Acting Criminal Judge be cautioned against passing any sentence in like cases in future.-

5 Referring to the extract from the Fillah of Cuttack the Judges observe a sentence of one year's imprisonment passed in No. 39 upon a charge of Larceny to the value of 4 Rupees. This case requires explanation, and with reference to the rules of the Foujdaree Adawlut of the 13th August 1823, the sentence passed in this number, and in No. 143, would appear to have been illegal. Should none of the circumstances of aggravation specified in clause fourth Section III Regulation VI 1822 have existed, the Judges direct, that the term of imprisonment be limited in both cases to 6 Months, as provided in Section VII Regulation X. 1810. The same rules apply to the case of the prisoner Bheemun in No. 249 convicted of Larceny from the person to the value of 39 and odd Rupees.- The punishment appointed in No. 83 a case of fraud upon the customs the Judges consider inadequate - The prisoner No. 79, who appears to have been convicted of six distinct offences, should have received but one sentence upon the whole of the charges proved - This observation applies also to No. 82.-

6 The crime charged against the prisoners Nos. 190, 191 and 192 is not in the opinion of the Judges an offence cognizable by a Court of Criminal Justice.- If any of the parties were guilty of a crime, the parents must be so considered, but it would even in their case be extremely questionable, whether any offence was committed which would warrant the interference of the Criminal Court - If the Children were sold with a view to the preservation of their lives, the act of the parents might be deemed justifiable; and it would seem sufficient to cause the natural feeling of a parent to form a barrier against the prevalence of

this species of offence without superadding the check of any legal penalty - Under any circumstances however, as the offence charged is not declared penal by either the Regulations of Government, or the Mohumedan Law, the fines imposed were not authorized; and it is necessary therefore that they should be remitted.-

7 The Judges desire that the Acting Judge be required to afford the necessary information in respect to the disposal of No. 200 - A charge of Burglary to the extent of Rupees 163 - This case would appear to fall within the scope of the rules enacted in clause second Section II Regulation VI 1822, and it should in that case have been committed.-

8 The Judges have observed in this report, that the Acting Criminal Judge has not in many instances recorded the grounds of the calendar of the prisoners: they desire that this may be stated in future - and in charges of a heinous nature, it is desirable that the Criminal Judge should note, whether the charges appeared to be wholly groundless or merely failed of proof.-

9 Case No. 264 in the report of cases not disposed of in the previous quarter from the Fillah of Chunglepute requires explanation, the charge being apparently highway robbery the prisoner having on the evening of the 21st August "stopped the Prosecutrix in the road near the village". The Judges desire to know upon what ground the Assistant Criminal Judge considered it competent to him to dispose finally of this case, and also of the prisoner No. 337, who "stopped the prosecutrix and took from her person gold jewels valued at Rupees 12-12.-

10 The Judges observe that security to the extent of Rupees 100, has been demanded from the prisoner No. 257, charged with having been concerned in the theft, the value of the stolen property

property amounting to Rupees 53. Adverting to the considerable amount of the security required, the Judges conclude that the Criminal Judge is aware that this Sentence, passed upon suspicion of the guilt of the prisoner cannot subject him to an imprisonment beyond the period to which he would have been liable, had he been fully convicted of the offence. The Sentence prescribed in Section IV Regulation II 1832 that the prisoner "be detained in custody until he give security for "his future good behaviour", is necessarily limited to those provisions of the Regulations, which declare the penalties incurred upon full conviction of any specific offence.

12 In the report No 5 from the Zilla of Chinglepoot, the Judges observe a sentence of 6 Months imprisonment passed by the Acting Criminal Judge upon the prisoner No 15, in a case of theft to the extent of Rupees 53. It is evident from the provisions of clause fourth Section III Regulation VI 1822, that it is the intention of the legislature, that the extended powers given to the Judge by that Section, should be exercised in cases of this nature. The Judges direct therefore that the Criminal Judge be required to annex an explanation to all cases attended with any of the circumstances of aggravation specified in clause fourth Section III Regulation VI 1822, when they may not inflict severer punishments, than what they are empowered to adjudge under Section VII Regulation X 1810.

12 The sentences passed by the Criminal Judge in Nos 157, 158 and 159, are in the opinion of the Judges inconsistent with the sentence passed upon the prisoner No 155. This prisoner was convicted of a theft to the extent of Rupees 374; and the prisoners in the numbers 157, 158, and 159, of being accessaries to the said theft, in receiving and disposing of the stolen property — upon what principle therefore the Criminal Judge passed a sentence of two

two years imprisonment in case No 157, and of 6½ months in Nos 158 and 159 it is not easy to understand; especially in the instance of the prisoner Sobharjun, who was charged with having melted and purchased part of the stolen property valued at Rupees 25. It is extremely doubtful under the circumstances stated in the report, whether this person may not be considered in the light of a professional receiver, which would have rendered him liable to commitment by Clause third Section IV Regulation VI 1832, in lieu of the trifling penalty inflicted by the Criminal Judge.

13 The prisoner No 4th, who was tried by the Criminal Court upon a charge of cattle stealing, is stated to have been released, because the prosecutor stated he had no complaint to make against the prisoner, that his calf died and did not "kill it". If such would appear from this entry, the prisoner was discharged upon the bare averment of the foregoing fact, the Criminal Judge acted irregularly; he should have examined the prisoner, and the evidence forthcoming to the charge, before he dismissed the case. The grounds stated for the release of the prisoners in Nos 529 and 530 also appear insufficient — "the prosecutor declares "that he has no complaint to make against the prisoners, that "he has no proof that they killed his buffalo and the prisoners "deny the charge — they are therefore released." It was the duty of the Criminal Judge in this case, to have called upon the officer who forwarded the charge, to lay before the evidence upon which he proceeded to the apprehension of the prisoners. The discharge of these persons without calling for, and examining all such persons as are stated to have any knowledge of the crime was contrary to the rules enacted for his guidance in Section IX Regulation X 1810.

14 Adverting to the Report from the Zilla of Cuddapah

the prisoners Nos 164 to 181 inclusive, are sentenced "for entering into the prosecutors tent while encamped on the road, and stealing" to 12 stripes and one years imprisonment." The Judges are led to infer from this entry, that these prisoners were convicted of the offence of robbery by open violence, as defined in Section III Regulation XV 1803. They desire that the Criminal Judge be called upon to afford an explanation of the proceedings in this case.

The observation of the Judges upon No 15 in the report from the Zilla of Chinglepute should be communicated to the Judge in the Zilla of Bellary, in reference to the sentence passed by him in Nos 3, 29, 120, 127 and 128 of the last quarterly report cases of theft, when the amount of the property stolen exceeded 50 Rupees. The Judges desire that the Criminal Judge be instructed to afford the requisite information in Nos 30 and 37 which bear the appearance of cases of burglary the property stolen exceeding the sum specified in Clause 2nd Section II Regulation VI 1822. They wish to take them out of the cognizance of the Criminal Judge.

The sentence passed in No 71 was as observed by the Provincial Court of Circuit illegal, the extended powers vested in the Criminal Judge, not applying to cases of assault and battery. In consideration of the punishment of stripes illegally inflicted upon this prisoner which with the period he has already been in custody, may be considered to be equivalent to the full extent of imprisonment applicable to this offence, if it were cognizable by the Criminal Courts of the Zillahs the Judges direct that he be immediately set at liberty.

4th May 1825. Signed J. F. Thomas Depy Regr

(No 2564)

property amounting to Rupees 443. Adverting to the considerable amount of the security required, the Judges conceive that the Criminal Judge is aware that this sentence, passed upon suspicion of the guilt of the prisoner, cannot subject him to an imprisonment beyond the period to which he would have been liable, had he been fully convicted of the offence. The sentence prescribed in Section IV Regulation II 1832 that the prisoner "be detained in custody until he give security for his future good behaviour", is necessarily limited to those provisions of the Regulations, which declare the penalties incurred upon full conviction of any specific offence.

11 On the report No 5 from the Zilla of Chinglepoot, the Judges observe a sentence of six months imprisonment passed by the Acting Criminal Judge upon the prisoner No 15, in a case of theft to the extent of Rupees 53. It is evident from the provisions of clause fourth Section III Regulation VI 1822, that it is the intention of the legislature, that the extended powers given to the Judge by that Section, should be exercised in cases of this nature. The Judges resolve therefore that the Criminal Judge be required to annex an explanation to all cases attended with any of the circumstances of aggravation specified in clause fourth Section III Regulation VI 1822, where they may not inflict severer punishments, than what they are empowered to adjudge under Section VII Regulation X 1810.

12 The sentences passed by the Criminal Judge in Nos 157, 158 and 159, are in the opinion of the Judges inconsistent with the sentence passed upon the prisoner No 157. This prisoner was convicted of a theft to the extent of Rupees 374; and the prisoners in the numbers 157, 158, and 159 of being accessaries to the said theft, in receiving and disposing of the stolen property. upon what principle therefore the Criminal Judge has passed a sentence of

four years imprisonment in case No 158, and of six months in Nos 157, 158 and 159 it is not easy to understand, especially in the instance of the principal Lohargeer, who was charged with having melted and purchased part of the stolen property valued at Rupees 296. It is extremely doubtful under the circumstances stated in the report, whether this person may not be considered in the light of a professional receiver, which would have rendered him liable to commitment by clause third Section IV Regulation VI 1822, in lieu of the trifling penalty inflicted by the Criminal Judge.

13 The prisoner No 4 (1) who was sent to the Criminal Court upon a charge of cattle stealing, is stated to have been released, because "the prosecutor states he has no complaint to make against the prisoner, and the prisoner found a dead calf and did not kill it." If such would appear from this entry the prisoner was discharged upon the bare averment of the foregoing facts, the Criminal Judge acted irregularly. He should have examined the parties, and the evidence forthcoming to the charge, before he dismissed the case. The grounds stated for the release of the prisoners in Nos 629 and 630 also appear insufficient. "The prosecutor declares that he has no complaint to make against the prisoners, that he has no proof that they killed his buffalo and the prisoners deny the charge - they are therefore released." It was the duty of the Criminal Judge in this case, to have called upon the officer who found the dead buffalo, to lay before him the evidence upon which he proceeded to the apprehension of the prisoners. The discharge of these persons without calling for and examining all such persons as are stated to have any knowledge of the crime was contrary to the rules made for their guidance in Section IX Regulation X 1810.

14 Adverting to the Report from the Zilla of Cuddapah

property amounting to Rupees 3½. Adverting to the considerable amount of the security required, the Judges conclude that the Criminal Judge is aware that this Sentence, passed upon suspicion of the guilt of the prisoner cannot subject him to an imprisonment beyond the period to which he would have been liable, had he been fully convicted of the offence. The Sentence prescribed in Section IV Regulation II 1832 that the prisoner "be detained in custody until he give security for his future good behaviour", is necessarily limited to those provisions of the Regulations, which declare the penalties incurred upon full conviction of any specific offence.

11 On the report No 5 from the Zilla of Chinglepoot, the Judges observe a Sentence of six months imprisonment passed by the Acting Criminal Judge upon the prisoner No 15, in a case of theft to the extent of Rupees 53. It is evident from the provisions of clause fourth Section III Regulation VI 1822, that it is the intention of the legislature, that the extended powers given to the Judge by that Section, should be exercised in cases of this nature. The Judges direct therefore that the Criminal Judge be required to annex an explanation to all cases attended with any of the circumstances of aggravation specified in clause fourth Section III Regulation VI 1822, where they may not inflict severer punishment, than what they are empowered to adjudge under Section VII Regulation X 1810.

12 The sentences passed by the Criminal Judge in Nos 157, 158 and 159, are in the opinion of the Judges inconsistent with the sentence passed upon the prisoner No 157. This prisoner was convicted of a theft to the extent of Rupees 37½; and the prisoners in the numbers 157, 158, and 159 of being accessaries to the said theft, in receiving and disposing of the stolen property — upon what principle therefore the Criminal Judge has passed a sentence of two

two years imprisonment in case No 158, and of six months in Nos 157, 158 and 159 it is not easy to understand; especially in the instance of the prisoner Sobaroyen, who was charged with having melted and purchased part of the stolen property valued at Rupees 29½. It is extremely doubtful under the circumstances stated in the report, whether this person may not be considered in the light of a proclaimed receiver, which would have rendered him liable to commitment by clause third Section IV Regulation VI 1822, in lieu of the trifling penalty inflicted by the Criminal Judge.

13 The prisoner No 14, who confessed to the Criminal Court upon a charge of cattle stealing, is stated to have been released, because the prosecutor stated he had no complaint to make against the prisoner, that the prisoner found his calf dead and did not kill it. If such would appear from this entry the prisoner was discharged upon the basis of the foregoing part of the Criminal Judge's account of the proceedings. He should have examined the prisoner, and the evidence forthcoming to the charge, before he dismissed the case. The grounds stated for the release of the prisoners in Nos 529 and 530 also appear insufficient. The prosecutor declares that he has no complaint to make against the prisoners, that he has no proof that they killed his buffalo and the prisoners deny the charge. They are therefore released. It was the duty of the Criminal Judge in this case, to have called upon the officer who forwarded the charge, to lay before the evidence upon which he proceeded to the apprehension of the prisoners. The discharge of these persons without calling for and examining all such persons as are stated to have any knowledge of the crime is contrary to the rules made for the guidance in Section IX Regulation X 1810.

14 Adverting to the Report from the Zilla of Cuddapah

of persons in which cases no final order had been passed in the
previous quarter. The Judges therefore with reference to those cases
in para 4 upon the proceedings of the Provincial Courts that
be pointed out to the Acting Criminal Judge that the sentences
by him in cases Nos 8, 12, 65, 89, 105 and 111 in the 1st para and
Nos 50, 52, 74, 75 and 76 of the 2nd para of Nos 5 were illegal. Those
should have been committed for trial before the Court of Circuit
The sentence of 18 months imprisonment passed in No 55 exceeds
of the 30 to the extent of Rupees 32 would appear with a power
to the orders of the Court of Fouzdaree Adawlut of the 13th August
to be illegal; and requires explanation. The case No 65 "stealing
a bullock to the amount of 14 Rupees" for which the penalty of
fine of 10 Rupees & two months imprisonment was adjudged
requires explanation which the Judges desire that the Criminal
Judge be called upon to furnish.

15 The sentences in Nos 84 and 85 in the 2nd para
No 5 wherein thieves "with tamarin sticks" are sentenced
rattans, are prescribed in Section VII Regulation X 1816 the
Judges be required to conform strictly to the rules enacted for
his guidance.

16 Attending to the unusual number of sick
reported by the Acting Criminal Judge the Judges think that the
officer be called upon to state after consulting with the
Surgeon of the Gallah, whether there may be any thing in the air
likely to produce at a future time, which occasioned the sickness
reported. The cases postponed by the Judges the 31st which have
been separately reported shall have been included by the Acting
Criminal Judge in the Report No 8 of Jessore under charge of the

17 On the report from the Gallah of Bullooy of cases
the inform[illegible] [illegible] in the Jessore gaol the

the prisoners Nos 168 to 181 inclusive, are sentenced "for entering
into the prosecutor's tent while encamped on the road, and stealing
to 12 stripes and one year's imprisonment." The Judges are led
to infer from this entry, that these prisoners were convicted of the offence
of robbery by open violence, as defined in section III Regulation XV
1803. They desire that the Criminal Judge be called upon to afford
an explanation of the proceedings in this case.

18 The observation of the Judges upon No 15 in the
report from the Zilla of Chinglepute should be communicated
to the Judge in the Zilla of Bellary in reference to the sentence passed
by him in Nos 3, 29, 120, 127 and 128 of the last quarterly report
cases of theft, where the amount of the property stolen exceeded 50
Rupees. The Judges desire that the Criminal Judge be instructed
to afford the requisite information in Nos 30 and 37 which bear
the nearest resemblance of cases of burglary the property stolen exceeding
the sum specified in Clause Second Section II Regulation VI 1822
would take them out of the cognizance of the Criminal Judge

19 The sentence passed in No 7 of 1825 appears as observed
by the Provincial Court of Circuit illegal, the extended powers
vested in the Criminal Judge, not applying to cases of affrays
and battery. In consideration of the punishment of stripes illegally
inflicted upon this prisoner which with the period he has
already been in custody, may be considered to be equivalent
to the full extent of imprisonment adjudicable to his
offence, if it were cognizable by the Criminal Court of
the Zillah, the Judges direct that he be immediately released at
liberty.

4th May 1825. Signed J. F. Thomas Dept Regr

No 264(A)

No 206 To the Judges of the Provincial Court of Circuit for the Western Division.

Gentlemen

With a request to your Letter dated 25th Ultimo I am directed by the Judges of the Court of Fouljeare Circuit to transmit to you for the information and guidance of the Criminal Judge in the Zillah of Malabar and the Magistrates of Malabar and Canara, the accompanying copies of a letter addressed to the Secretary to Government in the Judicial Department under date 29th Ultimo, and of the reply thereto, dated 3d Instant.

6th May 1825. Signed W. Rudleston Regr.

No 207 To the Judges of the Provincial Court of Circuit for the Centre Division.

Gentlemen

With reference to your letter dated 1st November last, forwarding a return, dated the 1st of that Month from the Registrar in the Southern Division of that I am directed by the Judges of the Court of Fouljeare Circuit to transmit to you for the information of that Officer the accompanying copies of a letter, addressed to the Secretary to Government in the Judicial Department under date 17th November last, and of the reply thereto, dated the 3d instant.

6th May 1825. Signed W. Rudleston Regr.

No 208 To the Assistant Magistrate in Charge of the Zillah of Coorg at

Sir,

I am directed by the Judges of the Court of Fouljeare Circuit to acknowledge the receipt of your letter of the 5th Instant, and to state that they authorize the offer of a reward of 500 Rupees for the apprehension of the Leader and 50 Rupees for that of each of the inferior offenders in the case of Appoo therein reported.

2 The Judges request that at the same time you observe, that in cases of this description it appears to them

to be generally desirable, that the effect of an offer of rewards to the extent permitted to the Magistrate under the provisions of Section XXI Regulation IX of 1810 should be tried, before application be made for authority to offer the highest rewards therein mentioned.

6th May 1825. Signed W. Rudleston Regr.

No 209 To the Second Judge of Circuit in the Southern Division.

Sir,

I am directed by the Judges of the Court of Fouljeare Circuit to acknowledge the receipt of your letter dated 6th Instant.

2 And your letter contained a specific recommendation, that the offer of a conditional pardon should be made to one, or more, of the deputed accomplices in the Murder, particularizing the person by name, it would have been competent to the Judges to have submitted an application to the Governor in Council under the provisions of Section XX Regulation VIII of 1802.

3 The Judges consider it possible that the duration of your stay at Salem may even yet allow of your receiving another reference, and of the further measures being eventually resorted to by the 1st Judge, date in Circuit in his proceedings of 18th December last.

4 Should, however, the requisite additional evidence not be procurable during the Sessions, it will of course be competent to you to direct a further postponement of the trials under the provisions of Section XVII Regulation VII of 1802.

6th May 1825. Signed W. Rudleston Regr.

No 210 To the Second Judge of the Provincial Court of Circuit in the Centre Division.

The Judges of the Court of Fouljeare Circuit observe

No 206 To the Judges of the Provincial Court of Circuit for the Western Division.

Gentlemen

With reference to your letter of the 27th Ultimo I am directed by the Judges of the Court of Tongdaree Circuit to transmit to you for the information and guidance of the Criminal Judge in the Zillah of Malabar and the Magistrates of Malabar and Canara, the accompanying copies of a letter, addressed to the Secretary to Government in the Judicial Department under date 27th Ultimo, and of the reply thereto, dated 3d Instant.

9th May 1825. Signed W. Hudleston Regr.

No 207 To the Judges of the Provincial Court of Circuit for the Centre Division.

Gentlemen

With reference to your letter dated 1st November last, forwarding a return, dated the 1st of that Month from the Magistrate in the Southern Division of Malabar, I am directed by the Judges of the Court of Tongdaree Circuit to transmit to you for the information of that Officer the accompanying copies of a letter addressed to the Secretary to Government in the Judicial Department under date 9th November last, and of the reply thereto, dated the 3d instant.

9th May 1825. Signed W. Hudleston Regr.

No 208 To the Assistant Magistrate in Charge of the Zillah of Coimbatore

Sir,

1 I am directed by the Judges of the Court of Tongdaree Circuit to acknowledge the receipt of your letter of the 5th Instant, and to state that they authorize the offer of a reward of 500 Rupees for the apprehension of the Leader and of 50 Rupees for that of each of the inferior offenders in the case of Dorasawmy therein reported.

2 The Judges request at the same time to observe, that in cases of the description to which

to be generally desirable, that the offer of a reward to the extent permitted to the Magistrate under the provisions of Section XXI Regulation IX of 1810 should be tried, before application be made for authority to offer the highest rewards therein mentioned.

9th May 1825. Signed W. Hudleston Regr.

No 209 To the Second Judge of Circuit in the Southern Division.

Sir,

1 I am directed by the Judges of the Court of Tongdaree Circuit to acknowledge the receipt of your letter, dated 9th Instant.

2 Had your letter contained a specific recommendation, that the offer of a conditional pardon should be made to one, or more, of the supposed accomplices in the Murder, particularizing the persons by name, it would have been competent to the Judges to have submitted an application to the Governor in Council under the provisions of Section XX Regulation VIII of 1802.

3 The Judges consider it possible that the duration of your stay at Salem may even yet allow of your receiving another deposition, and of the further measures being eventually adopted by the 1st Judge detailed in Clement in his proceedings of 18th December last.

4 Should, however, the requisite additional evidence not be procurable during the Sessions, it will of course be competent to you to direct a further postponement of the trial under the provisions of Section XVII Regulation XII of 1802.

9th May 1825. Signed W. Hudleston Regr.

No 210 To the second Judge of the Provincial Court of Circuit in the Centre Division.

The Judges of the Court of Tongdaree Circuit observe

No 206 To the Judges of the Provincial Court of Circuit for the Western Division.

Gentlemen

With reference to my letter to the address of the Court of Foujdaree Adawlut of the 17th ultimo I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you for the information and guidance of the Criminal Judge in the Zillah of Malabar and the Magistrates of Malabar and Canara the accompanying copies of a letter addressed to the Secretary to Government in the Judicial Department under date the 2d ultimo and of the reply thereto, dated 3d Instant.

9th May 1825.

Signed W. Hudleston Regr.

No 207 To the Judges of the Provincial Court of Circuit for the Centre Division.

Gentlemen

With reference to your letter dated 1st November last, forwarding a statement, stating the [illegible] Month from the Magistrate in the Southern Division, [illegible] I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you for the information of the Court of Circuit the accompanying copies of a letter addressed to the Secretary to Government in the Judicial Department under date the 2d November last and the reply thereto, dated the 3d instant.

9th May 1825.

Signed W. Hudleston Regr.

No 208 To the Assistant Magistrate in charge of the Collectorate of Coimbatore.

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 5th instant, and to state that they authorize the levy of a fine of 500 Rupees from the Aldeah division of the Coimbatore Zillah for that of each of the inferior offences in the case of [illegible] therein stated.

2

The Judges request that at the same time you observe, that in cases of this description [illegible]

to be generally desirable, that the effect of an offer of pardon to the extent permitted to the Magistrate under the provisions of Section XXI Regulation IX of 1810 should be tried, before application be made for authority to offer the highest rewards therein mentioned.

9th May 1825.

Signed W. Hudleston Regr.

No 209 To the Second Judge in Circuit in the Southern Division.

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter, dated 6th instant.

2

And your letter contained a specific recommendation, that the offer of a conditional pardon should be made to one, or more, of the supposed accomplices in the murder, particularizing the persons by name, it would have been competent to the Judges to have submitted an application to the Governor in Council under the provisions of Section XX Regulation VIII of 1802.

3

The Judges consider it possible that the duration of your stay at Salem may even yet allow of your making another reference, and of the further measures being eventually resorted to by the 1st Judge, late in Circuit in his proceedings of 15th December last.

4

Should, however, the requisite additional evidence not be procurable during the sessions, it will of course be competent to you to direct a further postponement of the trials under the provisions of Section XVII Regulation XII of 1802.

9th May 1825.

Signed W. Hudleston Regr.

No 210 To the Second Judge of the Provincial Court of Circuit in the Centre Division.

The Judges of the Court of Foujdaree Adawlut observe

Toujdaree Diary 19th May 1825

provision authorizing the Magistrate of Chingleput to dispose

of the cases mentioned in Section IX Regulation III

of 1820.-

19th May 1825 (Signed) W Hudleston

Register

Toujdaree Diary 20th & 21st May 1825.-

№ 293 To the Magistrate of Guntoor.-

Sir, I am directed by the Judges of the Court of Toujdaree dated to acknowledge the receipt of your letter, dated 16th Instant, and in consideration of the particular circumstances therein stated to convey to you their sanction for the eventual offer of rewards of 500 Rupees for the apprehension of the leaders and 100 Rupees for that of each of the inferior offenders in the case of house breaking and murder, which occurred in the night of the 15th Instant at Guntoor, should the rewards, which you have offered and the exertions of the police, not have enabled you to trace the offenders at the time of your receiving this letter.-

I am &c.

(Signed) W. Hudleston Regr.

25th May 1825.-

№ 294 To the third Judge of the Provincial Court of Circuit in the Centre Division.-

Sir,

1 The Judges of the Court of Toujdaree dated observe that the undermentioned trials remain to be opened by you viz: Nos. 49, and 69 of the Cuddapah Calendar 2d Session of 1824, Nos. 2.6.7.8.10.19.20.22.24.26.32.34.39 and 48 of the Bellary Calendar 2d Session of 1824; Nos. 1.5.7.8.9.10.11. and 12 of the Chingleput Calendar 2d Session of 1824; and Nos. 2 and 4 of the Chittoor Calendar 2d quarterly Session of 1825.-

2 The Judges request that you will inform them how soon you expect, that the depositions of these cases will be completed.-

I am &c.

(Signed) W. Hudleston Regr.

25th May, 1825.-

№ 297 To the Criminal Judge in the Zilla of Chingleput.-

Sir, I am directed by the Judges of the Court of Toujdaree dated to acknowledge the receipt of your letter, dated 12th and 14th Instant and to transmit for your information and guidance the accompanying copy of a letter, dated 20th Instant

Instants from the Secretary to Government in the Judicial Department.
21st May 1825

No 304 Signed W. Rudd Secy

No 305 To the Secretary to Government in the Judicial Department (No 33)

Sir,

I am directed by the Judges of the Foujdaree Court in Council the accompanying letter dated 21st Instant from the late Acting Criminal Judge in the Zillah of Bundelcund requesting that sanction may be obtained for Cash guards which may be by him in consequence of the increased number of prisoners.

26th May 1825.

No 306. To the First Judge of the Provincial Court of Circuit in the Western Division (No 1)

Sir,

I am directed by the Judges of the Foujdaree Court to mention, that the packet containing the returns of the trials No 12 and 13 Calendar for January last 1824, which were dispatched with your letter of the 4th Instant, reached the post office at Madras almost entirely stripped of the envelopes.

2

The Judges request, that care may be taken in future, that heavy packages be inclosed in very strong paper.

31st May 1825.

No 307. To the Secretary to Government in the Judicial Department (No 34)

Sir,

I am directed by the Judges of the Foujdaree Court to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter dated 25th Instant, from the Provincial Court of Circuit in the Western Division, transmitting copies of two communications from the Magistrate of Malabar on the subject of his furnishing guards for convicts under sentence of transportation or banishment.

30th May 1825.

Signed W. Rudd Secy

No 308 To the Secretary to Government in the Judicial Department.

With reference to his letter dated 3d Instant, transmitting letter from the Provincial Court Western Division transmitting copies of two communications from the Magistrate of Malabar on the subject of his furnishing guards for convicts under sentence of transportation or banishment.

30th May 1825.

(Sent actual letter)

No 310 To the Judges of the Provincial Court of Circuit for the Northern Division

Gentlemen,

1 In your letter of 15th April last it is stated, in explanation of the delay in transmitting the half yearly Criminal Statements therein mentioned, that you have found it necessary to return the Statements furnished by the Magistrates of Masulipatam, Guntoor, and Tanjore, owing to their not having been drawn up in strict conformity with the form transmitted by the Court of Tonjaore Zillah"

2 Adverting to the period, which has elapsed since the date of your letter, the Judges of the Court of Tonjaore Zillah direct, that if the Statements in question should not yet have been furnished to you, and if you have not already peremptorily called for them by precept returnable within a given time, you do forthwith adopt that measure.

3 And adverting to the repeated delays, which have occurred in this matter, the Judges desire, that in all future occasions of the like nature the call for the papers be made by precept in the form prescribed by the Regulations, and that if return be not made within the time limited, the precept be repeated and explanation obtained of the omission, and laid before this Court.

23d June 1825. Signed W. Ruddleston Regr

No 311 To the Acting Criminal Judge in the Zilla of Salem

Sir

I am directed by the Judges of the Court of Tonjaore Zillah to transmit to you the accompanying copy of a letter from the Secretary to Government in the Judicial Department, dated 23d Instant, and of the correspondence therein mentioned, and to desire, that you will give effect to the resolution of the Honorable the Governor in Council therein notified.

24th June 1825. Signed W. Ruddleston Regr

No 35

No 314 To the Secretary to Government in the Judicial Department

Sir

I am directed by the Judges of the Court of Tonjaore Zillah to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying letter dated 28th Septemr from the Provincial Court of Circuit in the Southern Division forwarding copy of a communication from the Criminal Judge in the Zilla of Madura requesting that authority may be obtained for payment of the Salary of certain peons entertained under sanction of the Government in August 1822.

16th June 1825. Signed W. Ruddleston Regr

No 315 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen

1 With reference to the Court's proceedings of the 21st February last, I am directed by the Judges of the Tonjaore Zillah, to transmit for your information, the accompanying copy of a letter, dated 21st Septemr from the Secretary to Government in the Judicial Department.

2 Under the above Government contained in the 4th paragraph of the accompanying letter, it will be necessary that the fine of 1111 Pagodas, remitted under the instructions of the Court of the 21st February, should be again levied from the late Nazim.

6th June 1825. Signed W. Ruddleston Regr

No 332 To the Second Judge in Circuit in the Northern Division

Sir

1 I am directed by the Judges of the Court of Tonjaore Zillah to acknowledge the receipt of your letter dated 30th October requesting their opinion in regard to the disposal of the Malabar Calendar for Septemr A.D. 1825.

2 The prisoners on this record is stated in your letter to be charged with having procured certain Stills declared at one of the Land Revenue Outcheries, the most of them having stated themselves to be 30 years old, but on the present examination

No. ...catim's, the cloths and writing appearing to be fresh and not more than a year old.

3 The Judges of the Foujdaree Adalut are inclined to suppose, that the foregoing extract from the 1st paragraph of your letter does not give a true conception of the charge upon which the prisoner was arraigned before the Court of Circuit, which in a reference of this nature might have enabled them to determine with greater certainty the question at issue. The Judges conclude, however, that the prisoner was not charged with Forgery; and that it is therefore not necessary for them to go into a consideration of whether, or not, the fabrication of the cloth would fall within the scope of the provisions of clause third Section IV Regulation VI of 1816.

4 Nor does it appear to the Judges to be necessary, in order to a decision upon this point in the case, that they should record any opinion upon the effect in Law of a subsequent application, such as that declared to have been agreed by the Collector of Malabar.

5 It would appear that no person attended before the Criminal Court to prosecute the charge brought against the prisoner; and that the conduct of the prosecution was committed to the Government Vakeel by the Criminal Judge.

6 This proceeding should not be resorted to in cases of the nature described in Section XXVII Regulation IX of 1816 in the present case the act charged would defraud the revenue; and it appears to the Judges, that the prosecution ought not to have proceeded except at the instance of the Officer in charge of that department.

7 Upon these grounds the Judges are of opinion that the charge in the Calendar of Malabar Calendar No. 1 of the Sessions A.D. 1825 should be dismissed.

8th June 1825.

(Signed) W. Hilderston
Register

No. 323 To the Acting Criminal Judge in the Zillah of Cuddapah

With reference to his letter of the 10th Ultimo forwarding copy of a letter from Government stating that the statement forwarded by him does not shew the expence attending the addition to the Jail establishment for which he has requested sanction.

8th June 1825. (Sent usual letter)

(No. 153)

No. 324 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 your letter, dated 16th Ultimo, transmitting the copy of a letter from the 2d Judge on Circuit, referring for the opinion of the Collective Court under the provisions of Section XXIII Regulation X of 1816, a petition presented to him on behalf of the Sub Collector in Charge of the Sea Customs in Malabar, appealing from the decision of the Assistant Criminal Judge on a Charge of embezzlement, which was brought before the Criminal Judge under the provisions of Section XVII Regulation IX of 1822 against one Acharatta Chapoo Menon, Acting Customhouse manager at Calicut.

2 The Judges of the Court of Foujdaree Adalut having fully considered the papers which accompanied your letter, direct me to state, that they concur in opinion with the Judges of the Provincial Court of Circuit and the 2d Judge on Circuit, that the accused is amenable to the provisions of Regulation IX of 1822, and that the Sub Collector's recovery of the sum embezzled by him in Constituted no bar to his being proceeded against Criminally under the provisions of Section XVII & XVIII of the Regulations.

3 The opinion of the Judges of the Foujdaree Adalut on this subject, given in the 7th paragraph of my letter dated 2d August last, had reference to proceedings held under the provisions of Section V of the Regulation for the infliction of the penalties therein sanctioned.

9th June 1825.

(Signed) W. Hilderston
Register

To

cations, the oaths and writing appearing to be fresh and not more than a year old.

3 The Judges of the Foujdaree Adaulut are inclined to suppose, that the foregoing extract from the 1st paragraph of your letter does not give a true conception of the charge upon which the prisoner was arraigned before the Court of Circuit, which in a reference of this nature might have enabled them to determine with greater certainty the question at issue. The Judges conclude, however, that the prisoner was not charged with forgery; and that it is therefore not necessary for them to go into a consideration of whether, or not the fabrication of the oaths would fall within the scope of the provisions of clause third Section IV Regulation VI of 1816.

4 Nor does it appear to the Judges to be necessary, in order to a decision upon this point in the case, that they should record any opinion upon the effect in law of a public certification, such as that described to have been issued by the Collector of Malabar.

5 It would appear that no person attended before the Criminal Court to prosecute the charge brought against the prisoner, and that the account of the fraud in question was committed to the Government Cutcherry by the Criminal Judge.

6 This proceeding should not be resorted to except in cases of the nature described in Section XXVII Regulation IX of 1816: in the present case the act charged would seem to have amounted only to a misdemeanor, an attempt to defraud the revenue, and it appears to the Judges, that the prosecution ought not to have proceeded except at the instance of the Officer in charge of that department.

7 Upon these grounds the Judges are of opinion that the charge in Mr Bird's Malabar Calendar No. 1 of Sessions A.D. 1825 should be dismissed.

8th June 1825.

Signed W. Hudleston
Register

No 323 To the Acting Criminal Judge in the Zilla of Cuddapah

With reference to his letter of the 10th Ultimo forwarding copy of a letter from Government stating that the statement forwarded by him does not shew the expence attending the addition to the Jail establishment for which he has requested sanction.

8th June 1825. (Sent usual letter)

(No 153)

No 324 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 Adaulut to acknowledge the receipt of your letter, dated 16th Ultimo, transmitting the copy of a letter from the 2d Judge on Circuit, referring for the opinion of the Collective Court under the provisions of Section XXIII Regulation X of 1816, a petition presented to him on behalf of the late Collector in charge of the Sea Customs in Malabar, appealing from the decision of the Assistant Criminal Judge on the Charges of embezzlement which were brought before the Criminal Judge under the provisions of Section XVII Regulation IX of 1822 against one Acharratte Chapoo Menon, acting Customhouse manager at Calicut.

2 The Judges of the Court of Foujdaree Adaulut having fully considered the papers which accompanied your letter, direct me to state, that they concur in opinion with the Judges of the Provincial Court of Circuit and the 2d Judge on Circuit, that the accused is amenable to the provisions of Regulation IX of 1822, and that the Sub Collector's recovery of the sum embezzled by him constitutes no bar to his being proceeded against Criminally under the provisions of Section XVII & XVIII of the Regulation.

3 The opinion of the Judges of the Foujdaree Adaulut on this subject, given in the 7th paragraph of my letter dated 2d August last, had reference to proceedings held under the provisions of Section V of the Regulation for the infliction of the penalties therein sanctioned.

9th June 1825. (Signed) W. Hudleston
Register

To

Foujdary Diary 11th and 13th June 1825.

No 325. To the Judges of the Provincial Court of Circuit
in the Western Division

Gentlemen,

1 With reference to your letter, dated 25th Ultimo and the correspondence with the Magistrate of Malabar therein mentioned, I am directed by the Judges of the Court of Foujdary Adawlut to transmit to you the accompanying copy of a letter, dated 7th Instant, from the Secretary to Government in the Judicial Department.

2 You will be pleased to furnish the Magistrate with a copy of the above letter, and the Criminal Judge with a copy thereof, and of the correspondence to which it has reference for the information and future guidance of those officers respectively.

11th June 1825. (Signed) W. Rudlestone Regr.

No 326 To the Magistrate of Coimbatore.

1 Sir,

I am directed by the Judges of the Court of Foujdary Adawlut to transmit to you the accompanying extract of a letter from the Secretary to Government in the Judicial Department, wherein you will perceive that the Governor in Council considers it proper, that all persons for convicts Marching from the Malabar Coast to the Chingleput Roads be furnished by you at the Town of Coimbatore.

2 You will, therefore be pleased on applications from the Criminal Judge of Malabar to take the necessary measures for escorting the convicts to the next Pitta station.

11th June 1825. (Signed) W. Rudlestone Regr.

No 327 To the 1st Judge & Assistants in the Central Division

Sir,

I am directed by the Judges of the Court

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Foujdary Diary 13th & 14th June 1825

Foujdary Adawlut to transmit to you a notice addressed to Doctor Gibbon Chittoor, enclosed by mistake in your letter to my address, dated the 8th Instant.

13th June 1825. (Signed) W. Rudlestone Regr.

329 To the Secretary to Government in the (No 35)
Judicial Department

Sir,

1 I am directed by the Judges of the Court of Foujdarry Adawlut to acknowledge the receipt of your letter, No 187, dated 31st Ultimo, transmitting the copy of a letter dated 4th April last, from the Secretary to the Board of Revenue, and desiring the opinion of the Judges on the question whether the apprehension of Smugglers by the peons in the service of the renters is illegal

2 The Judges of the Foujdarry Adawlut, after giving the subject their best consideration are of opinion, that the legality of the apprehension of smugglers, who may not have committed any breach of the peace, by the peons of the renters is very questionable: and that as the Honorable the Governor in Council is of opinion that they should possess such power it is very desirable, that special provision should be made with the view of preventing its abuse.

3 The cases particularly referred to in the letter of the Secretary to the Board of Revenue would appear to have been attended with serious breaches of the peace; and there is no question as to the competency of every member of the community to secure offenders in such cases.

4 The Judges have under the instructions conveyed in your letter, No 158, dated the 3rd Ultimo addressed a communication to the Board of Revenue on the subject of the proposed Regulation for vesting in the Magistrate of Chingleput the Cognizance of Cases of Smuggling at Madras: and will be prepared on receiving their reply thereto to draft the Regulation, into which they will introduce provisions authorizing the peons of persons renting any branch of the public revenues to apprehend Smugglers.

5 In the case particularly mentioned in the 5th paragraph of the letter from the Secretary to the Board of Revenue, dated 4th April last, it would seem, that the provisions of Clause first Section VII Regulation V of 1821 were not observed and that the Criminal Judge confiscated the Cattle seized upon the prisoners, an act competent only to the Board of Revenue, under the provisions of Section XIX Regulation 7 of 1812

6 And if the Judges are correct in inferring from the Statement in the third paragraph of the above letter, that the renters have sent persons by their own peons to the Criminal Court, charged with smuggling, the Criminal Judge would appear to have been incompetent to proceed against the accused with reference to the provisions of Section VIII Regulation X of 1816.

7 The Judges avail themselves of the present occasion to submit for the Consideration of the Honble the Governor in Council an extract of a letter addressed to them by the Judges of the Provincial Court of Appeal on the N. D. on 10th May 1822 & of their proceedings of that Court, dated 8th April 1822 which are therein referred to, & to offer their opinion that great relief would be afforded to the Courts by rendering the punishment for [illegible] Theft, Robbery & Housebreaking by a single prosecution [illegible]

11th June 1825. (Signed) W. Rudlestone Regr.

pages 18 and 21 & 22.

Fortyday Diary 15th & 18th June 1825

№330 To the Provincial Court of Circuit in the Southern Division

Transmitting copy of an order of Government dated this 11th Inst. sanctioning the Augmented Establishment of the Civil Guard at Madura to the end of the Current Calendar year 15th June 1825

№337 To the Criminal Judge in the Zillah of Chingleput

Sir,

1 I am directed by the Judges of the Court of Sessions to desire, that you will report how many of the Convicts under your Charge, sentenced to transportation beyond Sea, are stout, able bodied Men capable of hard work, and not exceeding 35 years of age; and what proportion of them are Artificers, such as Masons, Carpenters, and Smiths.

2 The Judges desire also, that you will take the necessary measures for ascertaining, whether the wives, or female connections, of any of these Convicts will be willing to accompany them to the Island of Mauritius, to which place the Government have it in contemplation to transport them.

3 The information, called for in the first paragraph of this letter, you will immediately furnish; for the purpose of obtaining that required in the 2d paragraph it will be necessary, that you should apply to the Criminal Judges, by whom the Convicts respectively have been made over to your custody, and to whom a copy of this letter will be transmitted.

18th June 1825. Signed W. Hudleston Regr

№338 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen

I am directed by the Court of Sessions to request you will direct the Gentlemen here it is contemplated to send a number of Male Convicts

Friday Diary 18th June 1825.

not to exceed 35 years of age, to the Island of Mauritius; and that in conformity with instructions from the Honorable the Court of Directors it is proposed, that such of their wives or female connections, as may be willing, shall accompany them.

2 The Judges direct me to annex the copy of a letter, which has in reference to this arrangement been addressed to the Criminal Judge in the Zillah of Chingleput, with which you will be pleased to furnish the several Criminal Judges within your jurisdiction, directing them to put the several questions in conformity with as little delay as possible of the information, which he has been called upon to furnish, which the Judges conclude will in most instances be procurable by the Magistrates.

3 You will further direct the several Criminal Judges, that on occasions of receiving sentences of transportation beyond Sea on Male Convicts, to report to the Sessions Court the age of the Convicts, whether or not he be capable of hard labor, or be an artificer of either of the descriptions specified in the letter above mentioned; and also whether he have a wife, or other female connection, willing to accompany him to Mauritius, it being stipulated, that such women as may voluntarily go with the Convicts will not be forcibly subjected to labor; and that in regard to food, clothing and other necessary expences for such as will be taken of them, and of their children, who will not be considered as bound by the servile condition of their fathers.

Signed W. Hudleston,

18th June 1825. Register

Foujdaree Diary 28th June 1825.-

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

Gentlemen,

1 I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your Register's letter of the 27th ultimo, submitting the report prescribed by Section XXXV Regulation X of 1810, from the Criminal Judges within your Division, for the first quarter of the present year.

2 Referring to the report from the Gillah of Chalakan, the Judges observe, that the prisoners №s 175 to 179, are charged with "stealing four bundles of betel nuts valued at 2½ Rupees" for which offence a penalty of 8 Months imprisonment with hard labor is inflicted. As this sentence exceeds the punishment authorized by Section VII Regulation X of 1810, the Criminal Judge should be required to state the precise cause of aggravation, which brought the crime of the 1st prisoner, within the provisions of Section III Regulation VI 1822.-

3 In the report from the Gillah of Jessore the cases had not been disposed of at the date of the last Quarterly report, the following entry, made relative to the prisoner №s 50, that he was "sent up to the Court sentenced by the Assistant Magistrate to 15 days' imprisonment in the common jail for his disrespect to the Police Amlah during the investigation before that officer" requires explanation. The Judges desire, that the Assistant Magistrate may be called upon to report the circumstances under which this order was issued, and to state under what authority he proceeded to pass the foregoing sentence.-

4 The Judges direct me to take this opportunity of desiring, that the General Criminal Judges within your division may be instructed to omit in future the column in the report №s, headed "Reference which Courts of Circuit to letter" this information being unnecessary.

28th June 1825.- Signed J. F. Thomas Dy Regr

Foujdaree Diary 28th June 1825.-

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

Gentlemen,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter of the 23d ultimo, submitting the reports prescribed by Section XXXV Regulation X 1810, from the Criminal Judges within your division, for the first quarter of the present year.-

2 The Judges observe, that 22 cases are enumerated in the abstracts appended to the report №5 from the Criminal Judge in the Zillah of Chicacole, of which 18 are reported to have been disposed of by the Criminal Judge, and 4 to be under examination; in the body of the report, 18 cases only appear. The Judges desire that this discrepancy may be explained to them. They also observe that one person charged with the offence of Gang robbery, is sent up for trial, the Judges conclude that the Provincial Court of Circuit has been obtained for this measure, in such cases the Criminal Judge should in future state that he has acted under the provisions of Section XI Regulation X 1810; without this information it is evident that the Judges cannot determine upon the validity of the proceedings.-

3 The Judges desire that it may be intimated to the Criminal Judge in the Zillah of Rajahmundry, that the requisition of security in №s 1 and 23 after the conviction of the prisoners, was illegal. The provisions of Section II Regulation II 1822 authorize the demand of security only in cases "where a regular proof for conviction may not be adduced"

Foujdary Diary 2d June 1825.-

The Judges direct that this part of the sentence be annulled.

4 It is necessary that this Officer should submit a report of the circumstances connected with the robbery in No 6, wherein the prisoners were convicted of accessaries after the fact, in order that the Judge may ascertain the correctness of his proceeding in this case, with reference to this Regulation, and to the sentences passed in No 12 and 15 the Judges desire that the Criminal Judge may be instructed to state in the first instance, all circumstances necessary to a correct understanding of the sentence passed in each case.-

5 The Judges also desire, with reference to the cause assigned for the delay in No 2, "that the prisoners were in the first instance tried by the Magistrate by Magistrate of Burrisaul system may be required to explain under what circumstances he opened this case to the Police Amin. The provisions of Section XXIX Regulation IX 1810 points out the course to be pursued by a Magistrate, when a prisoner may be brought in the first instance before him, charged with any crime; and no permission is vested to absolve him from the duty of a personal investigation into the circumstances of the case.

6 The Judges direct me to take this opportunity to desire that the Criminal Judges within your division may be instructed to omit in future, the column in the report No 5, headed "Before what Court of Circuit to be tried" this information being no longer necessary.

9th June 1825. Signed W. L. Thomas
Dy Regr

No 344

To the Judges of the Provincial Court of Circuit
in the Southern Division

Gentlemen,

1 I am directed by the Judges of the Foujdary Adawlut to acknowledge the receipt of your letter of the 30th Ultimo, submitting the reports prescribed by Section XXXV Regulation X 1810 from the Criminal Judges within your division, for the quarter ending the 31st March last.-

2 Referring to the reports from the Zilla of Bauleah, and to the observation contained in para 5 of your letter to the Criminal Judge of the 9th May, the Judges direct me to observe, that they consider the dismission of the charge against the prisoners in No 41, to be properly correct.- They concur however with the Judges of the Provincial Court of Circuit, in the opinion they have expressed, of the irregularity of the proceedings in the Magistrate's Court, in the omission of the Police Daroga to attend, as directed by Section XXIX Regulation IX 1810, to this case.-

3 The instrument stated to be a forgery was not produced, and the evidence of the prosecutor, was obviously liable to so much suspicion, that unless there was strong corroborative evidence, the Judges are of opinion, that the case should not have been forwarded to the Criminal Court.- They desire, that these observations may be communicated to the Assistant Magistrate for his future guidance.-

4 The Judges direct me to take this opportunity, to desire, that the Criminal Judges within your

your division may be instructed to assist in future, the Orders
in the despatch No 5, dated 8th Instant, before which Court it is meant to be this
this information being no longer required.
25th June 1825.

No 348 To the Secretary to Government in the Judicial Department

Sir,

1 With reference to my letter of the 27th
October last from the Secretary to Government in the Judicial Depart-
ment I am directed by the Judges of the Court of Foujdaree Adawlut
to transmit to you for the Honble the Governor in
Council the accompanying letter, dated 17th Instant, from the
Magistrate of Chittagong, requesting [illegible]
the four Foujdaree Prisoners in Dinajpur, the said [illegible]
to be discontinued.

2 The pay of these persons was stated in the
Magistrates Charges for Fasly 1232 at Rupees 11 per Annum
26th June 1825.

No 349 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut
to transmit to you the four letters noted in the margin.

Referring to the observations of the Honorable the
Court of Directors in the 109th paragraph of their letter, dated 22d February
1819, the Judges direct me to state, that no part of the Criminal Code
of this presidency prohibits judgment of transportation for life beyond
sea on female convicts; but that as the nature of the offences, for
which the punishment is awarded, does not for the most part admit
of the participation of females, the number of such convicts bears no
proportion to the males.

27th June 1825.

Signed W. Rudleston Regr

No 350 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of
Foujdaree Adawlut to acknowledge the receipt of your letter No 219,
dated 24th Instant, desiring the opinion of the Court as to whether
the circumstance of being a camp follower of a Regiment of the
Honble Company's Native Infantry renders the woman, therein
referred to, who is charged with child murder, a subject of the
British Government.

The Judges beg leave to offer their opinion
that unless this individual was born a subject of the British
Government, the circumstance above stated will not render her
amenable, as such, to the Jurisdiction of the Criminal Courts
under the provisions of Regulation XI of 1819.

25th June 1825.

Signed W. Rudleston Regr

No 351 To the Judges of the Provincial Courts of Circuit

Gentlemen,

I am directed to acquaint you, for the information of the Judges
of Foujdaree Adawlut of the [illegible] January last, which vests in
the discretionary

No 351 To the Secretary to Government in the Judicial Department

Sir,

1 With reference to your letter No 213, dated 10th
Instant, I am directed by the Judges of the Court of Foujdaree Adawlut
to transmit to you the four papers noted in the margin.

2 Referring to the observations of the Honorable the
Court of Directors in the 109th paragraph of their letter, dated 22d February
1819, the Judges direct me to state, that no part of the Criminal Code
of this presidency prohibits judgment of transportation for life beyond
sea on female convicts; but that as the nature of the offences, for
which the punishment is awarded, does not for the most part admit
of the participation of females, the number of such convicts bears no
proportion to the Males.

27th June 1825.

Signed W. Rudleston Regr

No 352 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of
Foujdaree Adawlut to acknowledge the receipt of your letter No 219,
dated 24th Instant, desiring the opinion of the Court as to whether
the circumstance of being a camp follower of a Regiment of the
Honble Company's Native Infantry renders the woman, therein
referred to, who is charged with child murder, a subject of the
British Government.

The Judges beg leave to offer their opinion
that unless this individual was born a subject of the British
Government, the circumstance above stated will not render her
amenable, as such, to the Jurisdiction of the Criminal Courts
under the provisions of Regulation XI of 1819.

25th June 1825.

Signed W. Rudleston Regr

No 353 To the Judges of the Provincial Courts of Circuit

Gentlemen,

I am directed to acquaint you, for the information of the Judges
of Foujdaree Adawlut of the 8th January last, which vests in
the discretionary

your division may be instructed to assist in future, the Chiefs
in the Depts No 5, Leave to Before which Court of Consent to be tried
this information being no longer required.
25th June 1825.

No 348 To the Secretary to Government in the Judicial Department
Sir,
1 I have the honor to acknowledge the receipt of your letter No 339 dated 1st
October last from the Secretary to Government in the Judicial Depart-
ment and directed by the Judges of the Court of Foujdaree Adawlut
to transmit to you for the Hon'ble the Governor in
Council the accompanying letter, dated 17th Instant, from the
Magistrate of Pachchimpoly, requesting [illegible]
the four Canongoes in Dindigul, the salary [illegible]
to be discontinued.
2 The Magistrate observes that the persons here stated to be
26th June 1825. [illegible]

No 349 To the Secretary to Government in the Judicial Department
Sir,
1 With reference to your letter No 338 dated 8th
February last from the Secretary to Government in the Judicial
Department I am directed by the Judges of the Court of Foujdaree
Adawlut to transmit herewith for the information of Hon'ble the Governor in Council the accompanying letter
from the Judges of the Provincial Court of Circuit of the Northern
Division, forwarding a copy of a letter from the Criminal Judge
of Masulipatam, in which he recommends that the height of the Chabutra
in which persons convicted of murder are executed may be increased ten feet.
25th June 1825.

No 350 To the Criminal Judge in the Zillah of Chingleput
Sir,
Returning the notes which accompanied your letter
25th June 1825.

No 351 To the Criminal Judge in the Zillah of Chingleput
Sir,
Returning the notes which accompanied your letter
25th June 1825.

No 357 To the Secretary to Government in the Judicial Department
Sir,
1 With reference to your letter No 203, dated 10th
Instant, I am directed by the Judges of the Court of Foujdaree Adawlut
to transmit to you the Chapter noted in the Margin.
2 Referring to the observations of the Honorable the
Court of Directors in the 109th paragraph of their letter, dated 22 February
1819, the Judges direct me to state, that the part of the Criminal Code
of this presidency prohibits judgment of transportation for life beyond
sea on female convicts; but that as the nature of the offences for
which the punishment is awarded, does not for the most part admit
of the participation of females, the number of such convicts bears no
proportion to the Males.
27th June 1825.
Signed W. Rudleston Regr

No 358 To the Secretary to Government in the Judicial Department
Sir,
1 I am directed by the Judges of the Court of
Foujdaree Adawlut to acknowledge the receipt of your letter No 219,
dated 24th Instant, desiring the opinion of the Court as to whether
the circumstance of being a camp follower of a Regiment of the
Hon'ble Company's Native Infantry renders the woman, therein
referred to, who is charged with child murder, a subject of the
British Government.
The Judges beg leave to offer their opinion
2 that unless this individual was born a subject of the British
Government, the circumstance above stated will not render her
amenable, as such, to the Jurisdiction of the Criminal Courts
under the provisions of Regulation XI of 1809.
27th June 1825.
Signed W. Rudleston Regr

No 360 To the Judges of the 4th Provincial Courts of Circuit
Gentlemen
I am directed to transmit to you herewith, for the information of the Court
of Foujdaree Adawlut of the 4th January last, which made it
discretionary

discretionary with the Judge of Circuit to withdraw from the records of trials referred, "all papers received from the "Police Officers, which he might consider to be unnecessary "to the conviction or defence of the prisoners." The Judges have observed in some instances, that no part of the Police proceedings have been forwarded - They consider it however necessary, that the report of the Police Officers, provided in clause fourth Section XXVII Regulation XI 1810, should form a part of the record: they direct therefore, in explanation of their former instructions, that this portion of the police proceedings be invariably transmitted; and the Judge should state, in a memorandum at the foot of this report, which of the documents, enumerated in the last column, he considers it unnecessary to submit -

25th June 1825 - Signed J. F. Thomas Dy Regr

No 360 A. To the Criminal Judge in the Zillah of Chittagong -

Returning the Petition with the endorsement of the Rajah -

28th June 1825. (Sent official letter)

(No 41)

No 373 To the Secretary to Government in the Judicial Department.

Sir,

1 I am directed by the Judges of the Court of Toungdaree Circuit 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 Judges of the Provincial Court of Circuit in the Centre Division, forwarding an extract from the Court's proceedings on a petition from one Nursingpullee Barmahk -

2 The sentiments of the Government in respect to the necessity, or expediency, of vesting in the Provincial Courts of Circuit authority to call for and pass orders upon the proceedings of the Magistrates having been communicated to the Judges of the Toungdaree Circuit in your letter No 103, dated 10th May last, they would have considered it improper to forward the present communication, but that it places the question in a point of view, which has not hitherto been specially noticed; and being in the nature of a recommendation, submitted under the Circular orders of the Government, dated 3d May 1820, the Judges of the Toungdaree Circuit consider, that they are not competent to exercise any discretion, as to submitting it to the Honble the Governor in Council.

3 Referring to the 7th paragraph of the proceedings of the Provincial Court of Circuit, the Judges are of opinion, that a Judge on Circuit cannot regularly receive petitions relative to the proceedings of a Magistrate, except during the Sessions of Jail delivery for the Zillah -

1st July 1825. Signed W. Rudleston Regr

No 374 To the 2d Judge of the Provincial Court of Circuit in the Centre Division.

Sir,

The arrangement made by the Government for the

duties of the present Circuit, which has been adopted in consequence of the arrear of business before you, until the Judges of the Court of Toyjdaree Adalut conclude, enable you to apply yourself immediately to the preparation of your report on the 1st Sessions of 1824, or to its completion, if in a state of forwardness -

2 Under existing circumstances the Judges consider, that it will be convenient, that your reports on the quarterly Sessions at Chittoor should be embodied with the report above mentioned, which will afford an opportunity for your taking a general view of the state of the Police in the Centre Division -

3 The Judges consider it very desirable, that the many valuable notices of Mofussil administration in this department, which have occupied considerable portions of your letters accompanying trials referred to the Toyjdaree Adalut should appear in your report. It is of great importance that facts illustrative of the effects of the System of Police and Criminal Justice should be brought into view in these reports, as well for the information of the Government, as of the authorities in England, to whom they are regularly submitted -

4 The Judges consider, that these notices would more properly form a part of the report, prescribed by Section XXXVII Regulation VII of 1802, than of the letters accompanying trials, which themselves convey a knowledge of the facts in question to the Court of Toyjdaree Adalut -

5 The Judges are desirous at the same time to suggest to you the expediency of condensing with as much compass, as may consist with perspicuity, the remarks and interesting matter in your possession, which can be advantageously introduced into your reports - you will doubtless bear in mind, that the last Circuit Report which you submitted extended to upwards of 200 folio pages, that the report of each Judge should be a compendious summary

"summary of trials but should be divested of all superfluous "matter, and drawn up in as condensed a form as may be compatible with perspicuity, and with a distinct statement of any information, which that document may exclusively furnish."

6 In conclusion I am directed to convey to you the instructions of the Judges, that you should give as far as possible your undivided attention to the business in the Criminal department yet in arrear, until it be completed; it will of course be proper, that you should take part in any business before the Court of Appeal, wherein the 1st and 3d Judges may differ in opinion -

2d July 1825 - (Signed) W. Haddleston Regr

(No 42).

No 377 To the Secretary to Government in the Judicial Department

Sir,

With reference to my letter, No 39, dated 27th ultimo, I am directed by the Judges of the Court of Toyjdaree Adalut to state for the information of the Right Honorable the Governor in Council, that the Criminal Judge in the Zillah of Chingleput has reported the arrival of nine more convicts, who come under the description of persons mentioned in the first paragraph of my letter to that officer, dated 15th ultimo; and that he has been instructed to ascertain with respect to them the particulars mentioned in the 2d paragraph of that letter

4th July 1825 - (Signed) W. Haddleston Regr

No 378 To the Criminal Judge in the Zillah of Chingleput

Sir,

I am directed by the Judges of the Court of Toyjdaree Adalut to acknowledge the receipt of your letter, dated 1st instant, notifying the arrival of nine able bodied convicts under 35 years of age, sentenced to transportation beyond sea; and to desire, that you will ascertain with as little delay as possible whether they have wives or other female connections, who are willing to

duties of the present Circuit, which has been adopted in consequence of the arrear of business before you, until the Judges of the Court of Tonjdarre Adalut conclude, enable you to apply yourself immediately to the preparation of your report on the 1st Sessions of 1824, or to its completion, if in a state of forwardness-

2 Under existing circumstances the Judges consider, that it will be convenient, that your reports on the quarterly Sessions at Chittoo should be embodied with the report abovementioned, which will afford an opportunity for your taking a general view of the state of the Police in the Centre Division-

3 The Judges consider it very desirable, that the many valuable notices of Mala dministration in this department, which have occupied considerable portions of your letters accompanying trials referred to the Tonjdarre Adalut should appear in your report. It is of great importance that facts illustrative of the effects of the System of Police and Criminal Justice should be brought into view in these reports, as well for the information of the Government, as of the authorities in England, to whom they are regularly submitted-

4 The Judges consider, that these notices would come properly from a part of the report, prescribed by Section XXXVII Regulation VII of 1802, than of the letters referring trials of which themselves convey a knowledge of the facts in question to the Court of Tonjdarre Adalut-

5 The Judges are desirous at the same time to suggest to you the expediency of condensing with as small a compass, as may consist with perspicuity, the various and interesting matter in your possession, which can be advantageously introduced into your report: you will doubtless bear in mind, that the last Criminal Report which you submitted called for an observation from the Government, that the report of a Criminal Judge should not comprise a Summary

"Summary of trials but should be divested of all superfluous "matter, and drawn up in as condensed a form as may be compatible with perspicuity, and with a distinct statement of any information, which that document may exclusively furnish."

6 In conclusion I am directed to convey to you the instructions of the Judges, that you should give as far as possible your undivided attention to the business in the Criminal department yet in arrear, until it be completed; it will of course be proper, that you should take part in any business before the Court of Appeal, wherein the 1st and 3d Judges may differ in opinion-

3d July 1825- (Signed) W. Braddon Regr

(No 42)

No 377 To the Secretary to Government in the Judicial Department

Sir,

With reference to my letter, No 39, dated 27th ultimo, I am directed by the Judges of the Court of Tonjdarre Adalut to state for the information of the Right Honorable the Governor in Council, that the Criminal Judge in the Zillah of Chingleput has reported the arrival of Seven more convicts, who come under the description of persons mentioned in the first paragraph of my letter to that officer, dated 8th ultimo; and that he has been instructed to ascertain with respect to them the particulars mentioned in the 2d paragraph of that letter

4th July 1825- (Signed) W. Braddon Regr

No 378 To the Criminal Judge in the Zillah of Chingleput

Sir,

I am directed by the Judges of the Court of Tonjdarre Adalut to acknowledge the receipt of your letter, dated 1st instant, notifying the arrival of Seven able bodied convicts under 35 years of age, sentenced to transportation beyond Sea; and to desire, that you will ascertain with as little delay as possible whether they have wives or other female connections, who are willing

to accompany them to Mauritius.-
4th July 1825.-

(Signed) W. Braddon

№379 To the Criminal Judge in the Zillah of Chingleput

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 1st instant, reporting that 44 of the convicts at Cuddalore have recently been, or will immediately be released.

2 The Judges authorize your sending to Cuddalore 44 Convicts to supply the places of those mentioned in your letter.-

4th July 1825.-

(Signed) W. Braddon Jr Secy

№380 To the Magistrate of Trichinopoly.-

Transmitting copy of a letter dated the 1st Instant from the Secretary to Government in the Judicial Department stating that Government authorized him to employ 4 Cart Drivers

4th July 1825.-

№384 To the Secretary to Government in the Judicial Department

(№43)

Sir,

1 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 accompanying letter, dated 28th May last, from the Provincial Court of Circuit in the Southern Division together with the papers therein referred to.-

2 The Judges are disposed to attach considerable weight to the reasons assigned by the 1st Judge of the Provincial Court of Circuit, has arrived at the conclusion that the power of demanding security for keeping the peace necessarily inherent in the office of Magistrate: they are however inclined rather to think that this power is derived by the Regulations delegated to

5th Judge that this [illegible]

[illegible]

to their officers, and the mode of its exercise be distinctly defined in a Regulation, enacted for that purpose, by which, as being that in Bengal (where the state of the Law in this respect is the same as at Madras), it has been deemed proper to have recourse to that measure.-

3 Regulation IV of 1825 in the Bengal Code, intituled "A Regulation for declaring the Magistrates and Criminal Courts empowered to require recognizances and security for keeping the peace in certain cases; and for explaining some of the provisions contained in Regulation VIII, 1818, relative to security for good behaviour", contains provisions on this subject, which ought in the opinion of the Judges of the Court of Foujdaree Adawlut be introduced with advantage into the Code of this Presidency, for which a convenient opportunity would be afforded by the enactment of the provisions regarding the acquisition by the Magistrates of security for good behaviour, to which the sanction of the Honorable the Governor in Council was conveyed in your letter, №182, dated 25th May last.-

4 By Regulation VIII of 1818 in the Bengal Code, to which reference is particularly made in Regulation IV of 1825, the authority to detain persons on acquisition of security against whom strong suspicion might be of having committed a specific offence, was taken away from the Courts and certain rules were enacted in regard to the amount of security, the period for which it should be demanded, and the discharge of sureties from their responsibility in the cases of persons detained on the ground of their being of notoriously bad or dangerous character.-

5 The Judges have reason to believe, that the former of the rules here mentioned was introduced in consequence of the large number of persons then under detention

detention on the ground of suspicion in the Gaols of the Bengal
Provinces.-

6 The same reason for interfering, a doubt
that the other provisions of Regulation VIII of 1818 in the Code
of the Supreme Government might be advantageously altered
here.-

5th July 1825.-

No 385 To the Provincial Court in the Northern Division

Transmitting Copy of a letter dated the 1st Instant
from the Secretary to Govt in the J. D. stating that indulgence
have been given for erasing the words of the Hindoo religion from
if approved by the Surgeon
5th July 1825.

No 392. To the 3d Judge in Circuit in the Southern Division

1

Sam deputed by the Judges of the Court
of Tongoose Zillah to take charge of the Gaol of Jessore
of the 5th Instant, delivering for the character of the Sheriff
your records for the removal of the Prisoner from the Gaol to
Tickin ghat to the Gaol at Chittagong upon the ground
of ill health.-

2 The Judges entirely approve of your proceedings
for the immediate removal of the Prisoner Lyle
12th July 1825.-

No 393 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen

1 The relation of the above paragraph Court of
having been lately attached to a Pundit, which tended often
to the extreme fluctuation amongst the native officers of Police
in the Mofussil in the performance
recorded by them. I am directed to request that the Circuit Magistrate
of your Instructions

appointed under the provisions of Section III Regulation IV
of 1824, to insert the native date, at the head of every declaration they
may record, in words, as well as in numerals, and that this entry be made,
before the declaration itself is recorded.-

2 The Judges desire, that these orders may be
communicated to the Criminal Judges within your division.-

12th July 1825.- Signed J. S. Thomas Sec.y Reg.r

No 394 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen

1 The Judges of the Tongoose Zillah, having
lately had before them some cases, wherein the Criminal Judges
have received the evidence of persons of tender age without oath, they
have resolved to issue the following instructions, with reference to their or-
ders to the Provincial Courts of Circuit of the 15th April 1819.-

2 Whenever the evidence of a person of tender
age, shall appear to a Criminal Judge to be material, it will be
his duty, previously recording such evidence, to ascertain by personal
examination, whether the child has any notion of the obligation of an
oath. Should it appear from such examination, that the child
is not sensible of the nature of an oath, but that this ignorance
is attributable to defect of education, and not of capacity, it will
be the duty of the Judge to postpone the examination of the case
for a short interval, and direct the parents, or some other competent
person, to instruct the child in the nature and obligation of an
oath and of the consequences of perjury; and if upon an exa-
mination subsequent to such instruction, it shall be manifest
that the child does then understand the nature of an oath, the
oath should be administered and the evidence received accordingly.

3 The Judges desire that you communicate these
instructions to the several Criminal Judges within your division,
forwarding to them at the same time a copy of the Circular order
of the Court of the 15th April 1819.-

12th July 1825 Signed J. S. Thomas
Sec.y Reg.r

detention on the ground

from

The same reason for withdrawing a similar rule here does not exist: but the Judges are of opinion, that the other provisions of Regulation VIII of 1818 in the code of the Supreme Government might be advantageously adopted here.

5th July 1825.- Signed W. Rudstone Esqr

No 385 To the Provincial Court in the Northern Division

Transmitting Copy of a letter dated the 1st Instant from the Secretary to Govt in the J. D. stating that instruction have been given for raising the Wall of the Nizamut Adawlut Jail if approved by the Surgeon.

5th July 1825.

No 392 To the 2d Judge in Circuit in the Southern Division

Sir

I am directed by the Judges of the Court of Toujours Adawlut to acknowledge the receipt of your letter of the 5th Instant, submitting for the sanction of the Judges your reasons for the removal of a prisoner from the Jail at Cuttack to Pachim-ghat to the Jail at Combaconum upon the ground of ill health.

2 The Judges entirely approve of your views for the immediate removal of the Prisoner Iya Pandiahan.

12th July 1825.- Signed J. S. Thomas Dep Regr

No 393 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen

The attention of the Judges of the Court of Toujours Adawlut having been lately attracted to a practice, which seems to be extremely prevalent amongst the native Officers of Police, in the systematic entry of false dates in the proceedings recorded by them - they direct that the several Magistrates in their respective Districts be instructed, that they are to issue instructions to all persons [illegible] Police Officers employed

[illegible] of a Circuit Judge should [illegible]

appointed under the provisions of Section III Regulation IV of 1821, to insert the native date, at the head of every declaration they may record, in words, as well as in numerals, and that this entry be made before the declaration itself is recorded.-

2 The Judges desire, that these orders may be communicated to the Criminal Judges within your division.-

12th July 1825.- Signed J. S. Thomas Dep Regr

No 394 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen

The Judges of the Toujours Adawlut, having lately had before them some cases, wherein the Criminal Judges have received the evidence of persons of tender age without oath, they have resolved to issue the following instructions, with reference to their orders to the Provincial Courts of Circuit of the 15th April 1819.-

2 Whenever the evidence of a person of tender age, shall appear to a Criminal Judge to be material, it will be his duty, previous to recording such evidence, to ascertain by personal examination, whether the child have any notion of the obligation of an oath. Should it appear from such examination, that the child is not sensible of the nature of an oath, but that this ignorance is attributable to defect of education, and not of capacity, it will be the duty of the Judge to postpone the examination of the case for a short interval, and direct the parents, or some other competent person, to instruct the child in the nature and obligation of an oath and of the consequences of perjury; - and if upon an examination subsequent to such instruction, it shall be manifest that the child does then understand the nature of an oath, the oath should be administered and the evidence received accordingly.

3 The Judges desire that you communicate these instructions to the several Criminal Judges within your division, forwarding to them at the same time a copy of the Circular order of the Court of the 15th April 1819.-

12th July 1825 Signed J. S. Thomas

Dep Regr

1825

No 440 (No 40)

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, dated 25th Instant, transmitting an Extract from the Minutes of Consultation in the Commercial Department of the same date, and to acquaint, that the number of convicts sentenced to transportation beyond Sea arrived at Chingleput is thirty eight; and that the arrival of more may be expected by the 28th of this month.

2 Instructions for transportation to Prince of Wales's Island have been discontinued since the letter No 1184 addressed by order of the Foujdaree Udalut to the Government, under date 18th April 1821.

15th July 1825.

Signed W. Rudleston Regr.

No 442 To the Secretary to Government in the Judicial Department.

Sir,

1 In the course of a case (No 9 Gilla Mashalipatam 4th quarterly Sessions 1824) which has lately come under the consideration of the Court of Foujdaree Udalut, satisfactory testimony is supposed to the courageous resistance of the family of the prosecutor, to an attack made upon them by a numerous gang of armed robbers. In the conflict both the son, and brother in law of the prosecutor, were killed, having previously slain two and wounded several of the robbers, and the identification of the dead body of the robber chiefly led to the apprehension, and ultimate conviction of part of the gang. The Judges have observed in the evidence of the parties injured an attempt to throw off the imputation of having caused the death of the robbers resisted, apparently under the mistaken notion, that some unpleasant consequences might

might result from an admission of that fact before the Court of Circuit. With this view the prosecutor, in contradiction to the declaration of the prisoners and the deposition of the other witness has after stating that one of the gang robbers who came to their house was "wounded on that night and lying dead before his gate," added "but I do not know whether it was in consequence of the robbers having brought away them selves."

2 With the view of removing this injurious prejudice and to promote a spirit of resistance to attempts at gang robbery, the Judges are induced to recommend, that the highest rate of reward specified in Section XXIII Regulation IX 1810, may be conferred on the families of the two persons, whose lives were lost in a manly resistance to the robbers; and they respectfully request the Sanction of the Honorable the Governor in Council for this measure.

19th July 1825.

(Signed) W. Rudleston Registr.

(No 48)

(No 411) 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 dated 16th Instant, and to state that the necessary steps have been taken by the Court for carrying into effect the resolution of the Honorable the Governor in Council respecting the remission of the punishment ordered by the Foujdaree Udalut in the case of Chylapelly Yerrayadoo.

(Signed) W. Rudleston. Registr.

20th July 1825.

(No 49)

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

Sir,

1 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 Statement exhibiting the number of persons apprehended, released, and punished, as

as also the nature of all punishments inflicted by the several Heads of
District Police, Magistrates, Criminal Judge, and Court of Circuit
and by the Foujdaree Udalut from 1st July to the 31st December 1824

Centre Division 2.

Between the number of persons reported to have been
apprehended in the districts of Verdachellum and Chingleput respectively
the disparity exhibited by the present statement is less remarkable
than in that for the preceding six months noticed in the 10th paragraph
of my letter, No 59, dated 11th October 1824. There can be no doubt, that
the prevalence of crime in the latter district is far greater than in
the former, owing probably in some degree to the peculiar temp-
tations, afforded by the vicinity of the Presidency; and the proportion
which the number of persons apprehended in the district of Chingle-
put bears to the number of persons, supposed to have been com-
cerned in the crimes committed is greater than in the district
of Verdachellum.-

3. The Provincial Court observe that of the
2439 persons, punished by the magistrates and officers of Police
in this division, 715 have been imprisoned, viz. 408 by the native
officers of Police and 307 by the Magistrates; "whilst no less
than 1724 have been flogged 1529 by the native police, and 185
"only by the Magistracy."-

4 The Provincial Court particularly remark,
that "the punishments by the native police in the Southern
"Division of Arcot have been only 17, while in every other district
"they are 400 and upwards"; and express their expectation, that
the orders formerly issued to Mr. Hyde under the instructions
of the Foujdaree Udalut, and by the 2d Judge on the Calendars
now before him on the Circuit will have induced that Magistrate
"to give better effect to the laws, which he is nominated to
"enforce, and to the powers of punishment, vested by the
"Government in his native officers of Police".

Adverting

Foujdaree Diary 22d July 1825:

5 Adverting to the circumstance, that no persons
were corporally punished, during the period embraced by the state-
=ment, under sentences of the Magistrate, or the Assistants to the
Magistrate in the Zillah of Bellary, while the number so punished
by the native officers of police in this Zillah was 230, the Provin-
=cial Court observe, that "if this proceeds from the absence of
"any crime before the former officers requiring such a punish-
"ment it would be a very satisfactory result, but if it proceeds
"from a determination in any part of the magistracy itself in no case
"to inflict such a punishment, it would call for special inter-
"ference on the part of the Provincial Court. They observe that
"they would highly approve caution in the infliction of corporal
"punishment, and except on those hardened to crime would desire
"to see withheld a punishment, involving an indelible stigma, which
"degrades the offender in public estimation, and renders reform
"less probable." "But they add "in particular cases it is indispen-
"sable, and it is much safer, when exercised under the eyes of the Euro-
"pean Magistrate, than when left entirely to the discretion of the
"native police, especially as any backwardness on the part of the former
"to impose it, on requisite occasions, may induce the latter to an un-
"necessary exercise of their power in this respect."-

6 There is much in these remarks, which the Judges
of the Court of Foujdaree Udalut appear deserving of consideration. In
the other divisions, excepting the Western, the number of persons corporally
punished by the native officers of police bears a proportion nearly as large
as in the Centre Division to the total number of individuals, so punished
by the Magistrates and the officers subordinate to them. In the Northern
Division the number, flogged by the native police, was 980, and by the Ma-
=gistrates and their Assistants 195, in the Southern Division the number
flogged by the former, was 1676, and by the latter 272, in the Western
Division 191 persons were flogged by the native officers of police, and

89 by the Magistrates and their assistants.-

7 Referring to the last three half yearly statements it appears, that the exercise of the power of corporal punishment, vested in the Heads of District police by the provisions of Clause first section IV Regulation IV of 1821, has been gradually on the increase. the total number of persons flogged by the police from the 1st July to 31st December 1823, was 925; by the Magistrates 1540; from 1st January to 30th June 1824 the number flogged by the police was 3,168; by the Magistrates 651, and from 1st July to 31st December 1824 by the police 4386, and by the Magistrates 891.-

8 The great increase of crime, exhibited by the statements for the last half of the year 1823, and for 1824, is no doubt in great measure attributable to the distress occasioned by the scarcity of food it has, however, most prominently shewn itself in robberies of grain and cattle, and thefts of a description not punishable by the native Officers of police. and it may be observed, that for a trifling theft coming within the description of offences punishable by these officers under the provision of the law above cited, where the pressure of famine may have induced it's perpetration, the punishment of flogging would be disproportioned to the criminality of the offender, who might forthwith be a person, from whom, on the grounds particularly stated by the Provincial Court, this degrading punishment should be withheld.-

9 Adverting particularly to these considerations, the Judges of the Court of Foujdaree Udalut cannot contemplate without apprehension the extent to which this power is shewn by official returns to be exercised, and the danger of it's being employed on occasions and carried to an extent, unwarranted by the law, which appears to them to arise from the difficulty, if not impossibility, of it's being effectually controuled by the Magistrates. Section X Regulation IV of 1821 in dispensing with the record of evidence shuts out all appeal on the ground of the insufficiency of the proof, adduced against the accused. and it is to be feared, that the influence of the Heads of District Police is sufficient to deter an indigent individual from complaint against a punishment illegally inflicted or exceeding the number of stripes limited by the law, or to prevent his substantiating the charge if preferred.-

10 The consideration of this subject has suggested to the Judges

Judges of the Foujdaree Udalut the expediency of introducing some rules for enforcing publicity in the infliction of corporal punishment by the native officers of police, as calculated to check the abuse of the power in this respect, with which they are invested

Northern Division 11 The disparity between the number of persons returned as apprehended in Vizagapatam and Ganjam, though not so great, as that noticed in the 11th Paragraph of my letter of 11th October last, is still very considerable; the number for the former district being 661, and for the latter 120.-

12 The Magistrate of Nellore ascribes the encreased prevalence of crime in that district to the late famine.-

Southern Division 13 The Judges of the Provincial Court of Circuit in forwarding the returns of the Magistrates in this Division, remark that though 217 persons have been committed before the Police officers of the District of Coimbatore not a single person has been acquitted by them. Concluding that the statement in this particular must have been erroneous the Provincial Court called upon the Magistrate for explanation, and he replied that upon examination of the reports of the police officers he found the statement to be correct.-

14 The disparity between the numbers of persons punished by the Police officers in the districts of Madura and Tinnevelly is more than can be accounted for by a reference to the greater extent and population of the former. In Madura of 1584 persons apprehended, 812 were convicted, 699 flogged, and only 80 acquitted by the police. in Tinnevelly of 804 persons apprehended 61 were convicted, 60 flogged and 117 acquitted by the police.-

Western Division 15 The statements from the Magistrates in this Division do not appear to the Judges of the Foujdaree Udalut to call for particular remark.-

16 Of the other matters for observation in the statement herewith submitted the remarks, offered in the 21st and following paragraphs of my letter of 11th October last appear to the Judges of the Foujdaree Udalut to afford sufficient explanation.-

22nd July 1825.- (signed) H. Hudleston

Register

Statement

89 by the Magistrates and their assistants.-

7 Referring to the last three half yearly statements it appears, that the exercise of the power of corporal punishment, vested in the Heads of District police by the provisions of Clause first section IV Regulation IV of 1821, has been gradually on the increase. the total number of persons flogged by the police from the 1st July to 31st December 1823, was 925; by the Magistrates 1540; from 1st January to 30th June 1824 the number flogged by the police was 3168; by the Magistrates 651, and from 1st July to 31st December 1824 by the police 4386; and by the Magistrates 691.-

8 The great increase of crime, exhibited by the statements for the last half of the year 1823, and for 1824, is no doubt in a great measure attributable to the distress occasioned by the scarcity of food it has, however, most prominently shewn itself in robberies of grain and cattle, and the theft, of a description not punishable by the native Officers of police. and it may be observed, that for a trifling theft coming within the description of offences punishable by these officers under the provision of the law above cited, where the pressure of famine may have insured its perpetration, the punishment of flogging would be disproportioned to the criminality of the offender, who might forcibly be a person, from whom, on the grounds particularly stated by the Provincial Court, this degrading punishment should be with held.-

9 Adverting particularly to these considerations, the Judges of the Court of Foujdaree Udalut cannot contemplate without apprehension the extent to which this power is shewn by official returns to be exercised, and the danger of its being employed on occasions and carried to an extent, unwarranted by the law, which appears to them to arise from the difficulty, if not impossibility, of it's being effectually controuled by the Magistrates. Section X Regulation IV of 1821 in dispensing with the record of evidence shuts out all appeal on the ground of the insufficiency of the proof adduced against the accused. and it is to be feared, that the influence of the Heads of District Police is sufficient to deter an indigent individual from complaint against a punishment illegally inflicted or exceeding the number of stripes limited by the law, or to prevent his substantiating the charge if preferred.-

10 The consideration of this subject has suggested to the Judges

that the [illegible]

[illegible] Summary

Judges of the Foujdaree Udalut the expediency of introducing some rules for enforcing publicity in the infliction of corporal punishment by the native officers of police, as calculated to check the abuse of the power in this respect, with which they are invested

Northern Division 11 The disparity between the number of persons returned as apprehended in Vijayapatam and Ganjam, though not so great, as that noticed in the 11th Paragraph of my letter of 11th October last, is still very considerable, the number for the former district being 661, and for the latter 120.-

12 The Magistrate of Vellore ascribes the encreased prevalence of crime in that district to the late famine.-

Southern Division 13 The Judges of the Provincial Court of Circuit in forwarding the returns of the Magistrates in this Division, remark that though 217 persons have been convicted before the Police Officers of the District of Coimbatore not a single person has been acquitted by them. Concluding that the statement in this particular must have been erroneous the Provincial Court called upon the Magistrate for explanation, and he replied that upon examination of the reports of the police officers he found the statement to be correct.-

14 The disparity between the numbers of persons punished by the Police Officers in the districts of Madura and Tinnevelly seemed more than can be accounted for by a reference to the greater extent and population of the former. In Madura of 1584 persons apprehended, 882 were convicted, 699 flogged, and only 80 acquitted by the police: in Tinnevelly of 804 persons apprehended 61 were convicted, 60 flogged and 117 acquitted by the police.-

Western Division 15 The statements from the Magistrates in this Division do not appear to the Judges of the Foujdaree Udalut to call for particular remark.-

16 Of the other matters for observation in the statement herewith submitted the remarks, offered in the 21st and following paragraphs of my letter of 11th October last appear to the Judges of the Foujdaree Udalut to afford sufficient explanation.-

22d July 1825.- (signed) W. Hudleston

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89 by the Magistrates and their assistants.-

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8 The great increase of crime, exhibited by the statements for the last half of the year 1823, and for 1824, is no doubt in great measure attributable to the distress, occasioned by the scarcity of food it has, however, most prominently shewn itself in robberies of grain and cattle, and theft, of a description not punishable by the native Officers of police. and it may be observed, that for a trifling theft coming within the description of offences punishable by these officers under the provision of the law above cited, where the pressure of famine may have induced its perpetration, the punishment of flogging would be disproportioned to the criminality of the offender, who might probably be a person, from whom, on the grounds particularly stated by the Provincial Court, this degrading punishment should be withheld.-

9 Adverting particularly to these considerations, the Judges of the Court of Foujdaree Udalut cannot contemplate without apprehension the extent to which this power is shewn by official returns to be exercised, and the danger of its being employed on occasions and carried to an extent, unwarranted by the law, which appears to them to arise from the difficulty, if not impossibility, of it's being effectually controuled by the Magistrates. Section X Regulation IV of 1821 in dispensing with the record of evidence, shuts out all appeal on the ground of the insufficiency of the proof, adduced against the accused. and it is to be feared, that the influence of the Heads of District Police is sufficient to deter an indigent individual from complaint against an punishment illegally inflicted or exceeding the number of stripes limited by the law, or to prevent his substantiating the charge if preferred.-

10 The consideration of this subject has suggested to the Judges

that the [illegible]

January

Judges of the Foujdaree Udalut the expediency of introducing some rules for enforcing publicity in the infliction of corporal punishment by the native officers of police, as calculated to check the abuse of the power in this respect, with which they are invested

Northern Division 11 The disparity between the number of persons returned as apprehended in Vizagapatam and Ganjam, though not so great, as that noticed in the 11th Paragraph of my letter of 11th October last, is still very considerable, the number for the former district being 661, and for the latter 120.-

12 The Magistrate of Nellore ascribed the encreased prevalence of crime in that district to the late famine.-

Southern Division 13 The Judges of the Provincial Court of Circuit in forwarding the returns of the Magistrates in this Division, remark that though 217 persons have been convicted before the Police officers of the District of Coimbatore not a single person has been acquitted by them. Concluding that the statement in this particular must have been erroneous the Provincial Court called upon the Magistrate for explanation, and he replied that upon examination of the reports of the police officers he found the statement to be correct.-

14 The disparity between the number of persons punished by the Police officers in the districts of Madura and Tinnevelly seemed more than can be accounted for by a reference to the greater extent and population of the former. In Madura of 1384 persons apprehended, 802 were convicted, 699 flogged, and only 80 acquitted by the police. in Tinnevelly of 804 persons apprehended 61 were convicted, 60 flogged and 117 acquitted by the police.-

Western Division 15 The statements from the Magistrates in this Division do not appear to the Judges of the Foujdaree Udalut to call for particular remark.-

16 Of the other matters for observation in the statement herewith submitted the remarks, offered in the 21st and following paragraphs of my letter of 11th October last appear to the Judges of the Foujdaree Udalut to afford sufficient explanation.-

22nd July 1825.- (signed) W. Hudleston

Register

Statement

Statement Shewing the Number of Persons apprehended released and punished together with the nature of all punishments inflicted by the several Heads of District Police, Magistrates, Criminal Judges and Courts of Circuit and by the Foujdaree Udalut from 1st July to 31st December 1824.

Magistrates

Division / District	Total number of crimes committed of every description	Total number of persons supposed to be concerned	Total number of persons apprehended	Number disposed of: By the Police Officers	By the Magistrates	Total	Number of persons acquitted: By the Police Officers	By the Magistrates	Total	Number of persons convicted: By the Police Officers	By the Magistrates	Total	Punishments inflicted by the District Police Officers: Number of persons imprisoned	Number of persons [illegible]
Centre Division														
Bellaree	728	2289	1191	398	118	516	..	291	291	400	35	435	170	220
Chingleput	652	1740	1596	396	113	493	370	157	527	409	68	477	50	359
Vepiachellum	370	729	545	17	159	176	2	107	109	17	193	210	1	16
Chittoor	1507	3063	2448	580	69	649	287	70	357	556	47	603	101	455
Cuddapah	1480	10,559	4831	476	56	532	260	104	364	565	149	714	86	474
Total	4537	18,380	10,611	1861	505	2366	919	729	1648	1947	492	2439	408	1534
Northern Division														
Masulipatam	294	828	453	104	38	142	26	30	59	165	50	205	113	42
Rajahmundry	503	1481	863	291	74	365	297	83	380	268	62	330	30	238
Nellore	476	2009	1597	391	56	447	100	94	194	519	66	585	738	389
Guntoor	432	1976	838	296	24	320	271	8	279	264	34	298	113	181
Vizagapatam	268	722	661	208	34	242	74	83	157	359	31	390	206	153
Ganjam } Mascale	157	1042	120	22	12	34	12	33	45	27	12	39	20	5
Total	2085	8458	4532	1312	238	1550	780	334	1114	1592	255	1847	612	980
Southern Division														
Combaconum	638	2859	1161	212	205	417	41	70	111	398	307	705	281	117
Trichinopoly	121	737	402	88	27	115	101	50	151	123	29	152	44	44
Darapooram	532	993	543	248	91	339	..	37	37	217	85	302	9	208
Salem	1337	2780	2159	793	196	989	421	153	574	623	206	829	80	543
Madura	727	1671	1584	546	114	660	80	230	310	812	147	959	113	649
Tinnevelly	166	1234	504	74	58	132	117	179	296	61	19	80	1	60
Total	3571	10,294	6270	1961	691	2652	760	719	1479	2234	793	3027	558	1676
Western Division														
Canara	654	1440	1055	318	158	476	47	156	203	397	140	537	285	111
Malabar	606	1738	1484	134	67	201	214	51	265	90	44	134	10	80
Seringapatam	78	124	124	..	53	53	..	18	18	..	56	56	..	..
Total	1338	3302	2664	447	268	715	261	225	486	487	250	737	295	191
Grand Total	11,531	40,434	24,080	5,581	1,700	7281	2720	2007	4727	6,260	1,790	8050	1874	4286

Criminal Judges, Courts of Circuit, Foujdaree Udalut

Division / District	[illegible column in the fold]	Punishments inflicted by Magistrates: Number of persons flogged	Total number of persons sent by the District Police Officers & Magistrates to the Criminal Judges	Number of persons released	Number of persons acquitted	Number of persons convicted	Punishments inflicted by the Criminal Judges: Number of persons fined	Number of persons imprisoned	Number of persons flogged	Number of persons committed for trial before the Court of Circuit	Courts of Circuit: Number of persons acquitted	Number of persons convicted	Punishments inflicted by the Courts of Circuit: Number of persons fined	Number of persons imprisoned	Number of persons flogged	Number of persons referred to the Foujdaree Udalut	Foujdaree Udalut: Number of persons acquitted	Number of persons convicted	Sentence: Death	Transportation	Imprisonment	Remarks
Centre Division																						
Bellaree	5	..	465	397	87	154	..	153	1	105	12	10	..	10	..	82	3	1	1	..	..	
Chingleput	5	23	592 }	951	290	188	12	148	28	48	13	7	..	7	..	16	..	..	..	..	..	
Vepiachellum	9	114	226 }																			
Chittoor	8	9	1488	1531	593	585	25	558	2	238	59	44	1	43	..	90	16	42	..	5	37	
Cuddapah	[illegible]	39	3753	3002	1052	468	2	461	5	1198	93	26	..	26	..	173	15	101	1	64	36	
Total	7	185	6524	5881	2022	1395	39	1320	36	1634	177	87	1	86	..	361	34	144	2	69	73	
Northern Division																						
Masulipatam	3	7	189 }	320	162	124	2	119	3	38	19	1	..	1	..	28	37	93	..	10	87	
Rajahmundry	3	23	153 }																			
Nellore	5	51	818 }	861	305	300	..	256	44	223	45	31	..	31	..	24	15	64	2	5	57	
Guntoor	[illegible]	114	261 }																			
Vizagapatam	[illegible]	24	114 }	268	59	28	..	28	..	83	50	5	..	5	..	4	19	7	1	1	5	
Ganjam } Mascale	[illegible]	6	36 }																			
Total	[illegible]	125	1571	1449	526	452	2	403	47	344	114	37	..	37	..	58	71	108	3	16	149	
Southern Division																						
Combaconum	3	84	341 }	416	285	43	9	34	..	87	53	7	..	7	..	47	13	1	..	..	1	Note: The whole of 74 persons were under [illegible] on the 31st Decr 1824
Trichinopoly	8	1	99 }																			
Darapooram	[illegible]	24	204 }	961	404	486	10	469	7	60	19	9	..	9	..	41	13	2	1	1	..	
Salem	[illegible]	118	786 }																			
Madura	[illegible]	30	235 }	345	150	89	2	87	..	95	54	38	..	38	..	19	1	9	3	1	5	@ 27 persons [illegible] on account of [illegible] offences
Tinnevelly	[illegible]	15	128 }																			
Total	8	272	1763	1722	839	618	21	590	7	242	126	54	..	54	..	107	31	12	4	2	6	
Western Division																						
Canara	[illegible]	40	318	344	138	105	36	69	..	58	27	30	..	30	..	20	7	20	..	8	12	@ Of this number 2 persons were [illegible] 1824
Malabar	[illegible]	12	1085	1104	875	152	34	117	1	189	95	37	..	37	..	20	20	16	7	5	4	
Seringapatam	[illegible]	37	40	40	..	37	..	37	..	3	..	..	..	..	..	..	1	..	..	..	..	
Total	10	89	1443	1408	1053	294	70	223	1	250	122	67	..	67	..	58	28	30	7	13	16	
Grand Total	144	671	11,301	10,540	4445	2759	132	2536	91	2470	539	245	1	244	..	574	164	360	10	100	244	

Abstract.

By the Magistrates

Apprehended 24080. Acquitted & Released —— 4727
Convicted & Punished —— 8050
Sent to the Criminal Judges —— 11,301
24,078

By the Criminal Judges

Forwarded by the Magistrates 11,301
Acquitted & Released —— 4445
Convicted & Punished —— 2759
Committed for Trial —— 2470
9674

Committed for Trial 2470

By the Courts of Circuit

Acquitted and Released —— 539
Convicted & Punished —— 245
Referred to the Foujdaree Udalut —— 574
1358

Referred 574

By the Foujdaree Udalut

Acquitted & Released —— 164
Convicted & Punished —— 360
524

Foujdaree Udalut
Register's Office
22d July 1825

C. C[illegible]

(Signed) W. Hudleston
Register

Foujdaree Diary 22d July 1825

(No 414) To The Judges of the Provincial Court of Circuit
for the
Centre Division

Gentlemen

1. In the 13th paragraph of your proceedings dated 14th February last, reference is made to an suggestion offered by Mr Chamier that the Magistrates should be authorized when they dismiss Taliars to put into that situation individuals unconnected with the dismissed person, and in the 14th paragraph it is observed that "the Provincial Court apprehend that only one sentiment "will be found to pervade the Magistracy and the Criminal Courts "as to the expediency of reviving Regulation XIII of 1809". The Judges "do not however dwell upon this, or upon the other points referred "by Mr Chamier, having already communicated their sentiments thereon to the higher Court, with whom it depends to originate "such proposals thereon, as may be most likely to meet with "sanction from Government."

2 The Judges of the Foujdaree Udalut request, that you will particularly refer them to the communication from Mr Chamier, and to those from the Judges of the Provincial Court, alluded to in the passages above cited.

22d July 1825

(Signed) W. Hudleston

Register

To

Foujdary Diary 28th & 29th July 1825

No 425 To the Criminal Judge in the Zilla of Chingleput

Sir

I am directed by the Judges of the Court of Foujdaree Udalut to annex for your information and guidance the copy of a letter, dated 27th Instant, from the Secretary to Government in the Judicial Department; and to desire that one half of the convicts under your charge sentenced to transportation beyond sea may be sent so as to reach the Presidency by the 1st Proximo, and that you will transmit a Calendar of them by return of Pandi to this Office.

28th July 1825

(Signed) W. Hudleston

Register

(No 50)

No 426 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 letters Nos 234 and 262, dated respectively the 28th Ultimo and the 22d Instant, transmitting Copies of Communications received from the Magistrates of Tanjore regarding the practice of selling and kidnapping children, of which several instances have lately been brought to their notice.

2. The Offence of Stealing Children being punishable under the Mahummudan Law at the discretion of the Hakim, cases of this discription fall within the scope of the provisions of Clause Seventh Section II and Clause third Section XII Regulation XVII of 1803, and consequently it cannot be said, that means are wanting for its adequate punishment under the Law it now stands.

3 In the first case, mentioned in the Statement accompanying

accompanying the Magistrates letter of the 17th Ultimo, the sentence passed by the Criminal Judge was not warranted by the Regulations; as was pointed out to him when it appeared in his quarterly Report furnished under the provisions of section XXXV Regulation X of 1816: and the opinion of the Foujdaree Adalut was communicated to this effect, that in these cases the prisoners should be committed for trial before the Court of Circuit.—

4. For the purpose of putting a stop to the practice of transporting Children by sea to the Eastward or elsewhere, in order to all them avoiding the introduction of some new rule appeared to the Judges to be necessary:—

5. It may be thought desirable that the opinion of the Advocate General should be taken on the subject of the Courts being invested with power to punish this offence; they having no jurisdiction over crimes maritime

29th July, 1825. (signed) H. Fraser Register

(No 51)

To the Secretary to Government in the Judicial Department

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 transmit to you the accompanying list of Eighteen convicts forwarded by the Criminal Judge in the Zillah of Chinglepute under sentence of transportation

30th July 1825.

(signed) H. Fraser

Register

List

List of Convicts arrived at Chinglepute under sentence of Transportation

No.	Name	Caste	Crime	Date of arrival at Chinglepute	Sentence	Remarks
1	Chinna Chelambagadoo	Chetty	Highway Robbery	22d March 1825	Confined in irons on the public roads for and during the period of his natural life	
2	Soobiah Chittapah	Pariah	Ditto	Ditto	Ditto	
3	Sangaroo Soobiah	Ditto	Ditto	Ditto	Ditto	
4	Kistnah Soobiah	Ditto	Ditto	Ditto	Ditto	
5	Sunga Saheb Lagadoo	Mussulman	Highway Robbery	22d March 1825	Confined in irons on the public roads for and during the period of his natural life	
6	Kasta Swamy Lagadoo	Ditto	Ditto	Ditto	Ditto	
7	Peruthe Lagadoo	Ditto	Ditto	Ditto	Ditto	
8	Lutchagadoo	Pariah	Highway Robbery	4th April 1825	Confined beyond sea at the Governor in Council's option, there to be employed and kept to hard labour in irons on the public roads for and during the period of his natural life	25th October 1824
9	Sekee Lagadoo	Ditto	Ditto	4th April 1825	Ditto	17th December 1824

Fouydanee Diary 30th July 1825

Fouydanee Diary 1st to 4th August 1825.

No 428 To the Criminal Judge in the Zillah of Chingleput.

Sir,

With reference to my letter, dated 28th Ultimo, I am directed by the Judges of the Court of Fouydanee Adalut to transmit for your information the accompanying Copy of a letter from the Secretary to Government in the Judicial Department under date the 30th Ultimo, and to desire, that the remaining Convicts under your charge sentenced to transportation may be sent to the Presidency by the 5th Instant; and a Calendar be sent to this office, exhibiting the actual particulars regarding them.

1st August 1825. (Signed) W. Rudleston Register

No 429 To the Criminal Judge in the Zilla of Chingleput.

Sir,

I am directed by the Judges of the Court of Fouydanee Adalut to acknowledge the receipt of your letter, dated 28th Ultimo, reporting the arrival of 24 Convicts from Chicacole under Sentence of transportation beyond sea, among whom the Judges observe the name of Mylapilly Terreganden.

2. The Sentence passed on this individual having been remitted by the Governor in Council, you will take Measures for his retransmission to Chicacole to be set at liberty by the Criminal Judge of that Zillah: the remaining three persons should be sent to the Presidency by the 5th Instant for embarkation in the Ship Hero[illegible]

1st August 1825. (Signed) W. Rudleston Reg[illegible]

(No 52)

No 430 To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouydanee Adalut to acknowledge the receipt of your letter, dated 30th Ultimo, and to transmit to you the accompanying list of twenty one Convicts forwarded by the Criminal Judge in the Zillah of Chingleput under Sentence of transportation.

1st August, 1825. (Signed) J. J. Thomas Dy Reg.

Fouydanee Adalut Register's Office 1st July 1825

Fouydanee Diary 30th July 1825.

Fouydanee Diary 1st to 4th August 1825.

No 428 To the Criminal Judge in the Zillah of Ching Leput.

Sir,

With reference to my letter, dated 28th Ultimo, I am directed by the Judges of the Court of Fouydanee Adalut to transmit for your information the accompanying copy of a letter from the Secretary to Government in the Judicial Department under date the 30th Ultimo, and to desire, that the remaining Convicts under your charge sentenced to transportation may be sent to the Presidency by the 5th Instant, and a Calendar be sent to this office, exhibiting the usual particulars regarding them.

1st August 1825. (Signed) W. Rudleston Register

No 429 To the Criminal Judge in the Zilla of Ching Leput.

Sir,

I am directed by the Judges of the Court of Fouydanee Adalut to acknowledge the receipt of your letter, dated 30th Ultimo, reporting the arrival of 14 Convicts from Chingleput under sentence of transportation beyond sea, among whom the Judges observe the name of Mylapilly Serreganden.

2. The Sentence passed on this individual having been remitted by the Governor in Council, you will take measures for his retransmission to Chingleput to be set at liberty by the Criminal Judge of that Zillah: the remaining three persons should be sent to the Presidency by the 5th Instant for embarkation in the Ship Berejadshire.

1st August 1825. (Signed) W. Rudleston Regr

(No 52)

No 430 To the Secretary to Government in the Judicial Department.

Sir

I am directed by the Judges of the Court of Fouydanee Adalut to acknowledge the receipt of your letter, dated 30th Ultimo, and to transmit to you the accompanying list of twenty one Convicts forwarded by the Criminal Judge in the Zillah of Chingleput under sentence of transportation.

4th August, 1825. (Signed) A. S. Thomas Dy Regr

Toojdarre Diary 4th August 1825.

List of Convicts received at Chinglepat under Sentence of Transportation.

No.	Name	Period of arrival at Chinglepat	From	Crime	Sentence	Date of Sentence	Remarks
1	G. Camalegaroo	3d May 1825	Bellore	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 labor in irons on the public roads or other public works for and during the period of his natural life.	18th March 1825.	
2	Mootiaudee Eroana Sepperdee	5th May 1825	Cuddalore	Robbery by force	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.	28th March 1825.	
3	Togatta Ramapoo	6th May 1825	Ditto	Ditto	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.	7th March 1825	
4	Vellamoorty pullavan	7th May 1825	Pondicherry	Robbery by Gang	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.	12th Feb 1825	
5	Moodaumaraikal Pooy	8th May 1825	Madras	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 labor in irons on the public roads or other public works for and during the period of his natural life.	9th Dec 1824	
6	Kolalangut	Tenan	15th May 1825	Malabar	Murder	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.	27th Dec 1824
7	Tekanatha Capah alias Canavoo Thy nain	15th May 1825	Malabar	Murder and 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 labor in irons on the public roads or other public works for and during the period of his natural life.	18th June 1825	
8	Chedeechy	Kunkorkin	15th May 1825	Malabar	Ditto	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.	24th June 1825	
9	Poodiyate Peringu	Neal Cone Thayah	15th May 1825	Malabar	Imprisonment for	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.		

Fouydarra Diary 4th August 1825.

No	Name	Period of arrival at Chin. Settlt	From	Crime	Sentence	Date of Sentence	Remarks
10	Korrara	30th June 1825	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 and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.	6th Oct. 1824	
11	Mocrubby	30th June 1825	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 labor in irons on the public roads or other public works for and during the period of their natural lives.	3d Nov. 1824	
12	Edeny						
13	Lanlos						
14	Boodoo						
15	Roodra						
16	Kantara	30th June 1825	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 labor in irons on the public roads or other public works for and during the period of their natural lives.	15th Oct. 1824	
17	Mallikka						
18	Ponakul Conakan	30th June 1825	Malabar	Murder	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.	24th Dec. 1825.	
19	Donka poola Hanmah	30th July 1825	Chicacole	Robbery and arson	To receive 39 stripes with a rattan and 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 the public works for and during the period of his natural life.	17th March 1825	
20	Tersa Pydepillah	30th July 1825	Chicacole	Highway robbery wounding and theft	To receive 39 stripes with a rattan and 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 the public works for and during the period of his natural life.		
21	Seetalapoo Guddapah	30th July 1825	Chicacole	Murder	To receive 39 stripes with a rattan and 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.		

4th August 1825.

Signed J. F. Thomas
Depty Regr

No 457 A To the Acting Criminal Judge in the Zilla of Chittagong

Returning the notice with the endorsement of the Magistrate of the 4th August 1825. (Individual letter)

No 458 To the Secretary to Government in the Judicial Department.

(No 53)

Sir

I am directed by the Judges of the Court of Foujdaree Adawlut and Foujdaree Sudder Adawlut to transmit to you, for the purpose of being laid before the Honorable the Governor in Council, the accompanying letter dated 5th instant from the 3d Judge of the Court of Circuit in the Centre Division, soliciting leave of absence for six months to proceed to Bengal on his private affairs.

16th August 1825. (Signed) J. F. Thomas Actg Regr

No 459 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 Adawlut to refer you to the enclosed copy of a letter from the Acting Criminal Judge of Chittagong, requesting a question stated by the Acting Criminal Judge in the Zillah of Chittagong, in regard to his authority to originate Criminal proceedings, against an individual who has pursuant to their sanction, a suit depending in the Court of Foujdaree Adawlut.

2

The Judges of the Court of Foujdaree Adawlut concur with you in opinion, that the charges must undergo investigation by the Magistrate's department, under the provisions of the Regulations in force.

3

The Judges are fully sensible of the correctness of the remarks offered by the 2d Judge in this occasion: but it appears to them, that so long as the Criminal Judge is interdicted from giving any notice to the Native Officers of Police, requiring what documents may be indispensable to meet the exigency contemplated in Section III Regulation XII 1807 it would be contrary to the intention of the Legislature to infer from the omission of the practice, that it was a culpable inefficiency if the Criminal Judge in the discharge of his duties should be compelled to

to the notice refer to the Department of the Magistrate.

16th August 1825. (Signed) J. F. Thomas Actg Regr

(No 54)

No 458 To the Secretary to Government in the Judicial Department.

Sir

With reference to the 2d paragraph of a letter, No 235 dated 14th June 1825, from the Chief Secretary to Government, I am directed by the Judges of the Court of Foujdaree Adawlut, to submit their recommendation, that the Honorable the Governor in Council, may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to Naugin and Soobhee, two persons implicated in a case of murder in the Zillah of Salem: the treason appearing to them to be calculated to lead to the conviction of the principals of the murder.

17th August 1825. (Signed) J. F. Thomas Actg Regr

No 459 To the Judges of the Provincial Court of Circuit in the Centre Division

I am directed by the Judges of the Foujdaree Adawlut to transmit a copy of a letter to Government dated 1st July last to the Secretary to Government and reply thereto dated 17th August relative to a general authority to be vested in the Provincial Court to call for and pass orders upon the proceedings of the Magistrates.

17th August 1825 (Individual letter)

No 460 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen

I am directed by the Judges of the Foujdaree Adawlut, to acknowledge the receipt of your letter of the 6th instant, with extract from your proceedings of the same date, submitting the explanations called for from the Criminal Judges under date the 25th June last.

2

Referring to the explanation offered by the Criminal Judge in the Zilla of Chittagong, of his proceedings in case No 6 of the 1st Jurisdiction report for the present month

Judges

Fonjdaree Diary 22d August 1825.

Judges direct on to observe, that it would appear, that the offence charged in that Number came within the terms of the provisions of Section III Regulation XV 1803, and consequently that the four persons punished by him, should, under the subdivision in clause second Section IV Regulation VI 1822, have been committed to take their trial before the Court of Circuit. It was necessary to the completion of the offence of robbery by open violence that proof should be adduced of violence entering into every circumstance of the perpetration of the robbery by a gang or body of persons which must intimidate and overawe resistance sufficient to constitute the offence.

3. The Judges are led to conclude from the statement of the Criminal Judge, that the offences charged in No 6, were committed by a gang: if however, the Criminal Judge had cause to believe, that the robbery was not the act of a number of persons his proceedings were regular; otherwise they were not in accordance with the provisions above cited of Regulation VI. 1822.

4. The Judges request that you will communicate the foregoing observations for the future guidance of the Criminal Judge.

22d August 1825.

(Signed) J. F. Thomas Asst Regr

No 405 To the 2d Judge late on Circuit in the Western Division.

Sir,

In reply to your letter of the 5th instant, I am directed by the Judges of the Court of Sunjaree Adaulut, to transmit to you the accompanying extracts from the proceedings under that the 5th Instt last.

2 The irregularity in the transmission of these notes, arose from the Head Nazir's indisposition at the date of despatching them, of the officer whose duty it would be to the preparation and transmission of the Copies.

22d August 1825.

(Signed) J. F. Thomas Asst Regr

Fonjdaree Diary 24th August 1825. 1825.

No 406 (No 50) To the Secretary to Government in the Judicial Department.

Sir,

1 In reply to your letter of the 19th Instant, (No 315) conveying the desire of the Honorable the Governor in Council, that the Judges of the Court of Sunjaree Adaulut will report their opinion, whether the request preferred by Mr Camplin 3d Judge of the Provincial Court of Appeal and Circuit in the Centre Division, for 6 Months leave of absence, might be complied with? I am directed to state, that the appointment of an additional Judge in the Provincial Court for the Centre Division, was considered by the Judges necessary, and recommended in their letter under date the 6th June last, with the sole view of providing for the delivery of the Jails in the Centre Division at the 2d Sessions of 1825. The 2d and 3d Judges of the Court of Circuit, having reported their inability to complete the sequence of the trials held before them at the 1st and 2d Sessions 1824, in time to allow either of them to proceed on Circuit.

2 The appointment of an additional Judge, not having been designed therefore to provide for the performance of any part of the duties of the Provincial Court of Appeal and Circuit at the Sudr Station, to here it will be Mr Camplin's duty to remain till the 1st of July next, that Gentleman's application, is in no way affected by the late arrangement for holding the 2d Sessions of 1825. It will be the province of the 2d Judge to hold the 1st Sessions of Jail delivery in the ensuing year, and the 3d Judge's absence if protracted beyond that period, will leave the 1st Judge alone to superintend the business in the Court: a contingency of frequent occurrence and specially provided for by Regulation VIII 1809. The Judges consider it however to be desirable

desirable, in reference to the state of the business in dispute of appeal, that provision should be made for shifting Campbell's place on the bench, after the 1st of February prior to that date, as both the 1st and 2d Judges will be the station, the Provincial Court will be completely discharge of all its functions.

3 It will be observed by the Records Governor in Council, that Mr Campbell does not propose to quit his station, till he has completed the business of the late Circuit, and the Judges are not aware of any objection to the proposed Course in this letter, for carrying execution, their orders upon the trials referred to them. They beg leave therefore, in reference to the intimation contained in the 2d para of the letter from Government, to recommend a compliance with Mr Campbells request.

24th August 1825. (Signed) J. J. Thomas Actg Regr.

№ 467 To the Acting Judge in the Gillah & Pinang.

Transmitting copy of a letter from Government communicating the Sanction for the offer of a conditional pardon to certain persons.

24th August 1825 (Sent usual letter)

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

Gentlemen,

The Magistrate in the Gillah of Quedah having submitted, under date the 17th Instant, for the determination of the Judges of the Court of Sessions, the question, whether it is competent to a Criminal Judge to take cognizance in the first instance of a case of a riot, wherein the party complaining was a person in the said Establishment & the Judge himself both desire, that you will communicate to him your opinion, that such charges must undergo investigation by the Magistrates' Department, under the provisions of the Regulations in force. You will also apprize the Magistrate of the irregularity of his reference direct to this Office, and to call his attention to the Circular orders of the Court of Sessions dated the 17th February 1824.

24th August 1825. (Signed) J. J. Thomas Actg Regr.

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

Gentlemen,

With reference to the request contained in the 2d paragraph of your Registrar's letter of the 24th Instant, I am directed to transmit to you a copy of those paragraphs of the communication from Government under date the 10th May, which have reference to the correspondence forwarded to you on the 17th Instant.

27th August 1825. (Signed) J. J. Thomas Actg Regr.

№ 470 To the 3d Judge of the Court of Circuit in the Centre Division.

Transmitting copy of a letter from Government permitting him to proceed to Bengal on his private affairs.

27th August 1825. (Sent usual letter)

№ 477 To the Criminal Judge in the Gillah & Pinang & Singapore

Returning the notice with the endorsement of the Magistrate.

27th August 1825. (Sent usual letter)

Fouydaree Diary

No 483 To the Additional Judge in Circuit in the Centre Division.

Sir,

I Jam directed by the Judges of the Court of Fouydaree Adaulut, to acknowledge the receipt of your letter of the 20th. Instimo, reporting the interposition of the Law Officers of the Court of Circuit and of the Zillah Court of Cuddapah, and proposing the appointment of the Head Serishtadar of the Court of Circuit, to officiate as Law Officer at the Cuddapah Sessions.

2 Under the provisions of Regulation VII. 1817, it is not competent to the Judges to nominate any person to the appointment of Law Officer who has not received a certificate of qualification from the College of Fort St. George. The Pundits the Ghoolam Mohee Hubeeb that certificate, you have the authority of the Judges to administer the oath of office to him; otherwise it will be necessary in the event of the continued interposition of the qualified Law Officers now with you, that you should apply to the Criminal Judge in the Zillah of Bellary to depute the Serishtadar of his Court to join the Court of Circuit at Cuddapah without delay.

3 The Judges have given instructions to the Criminal Judge in the Zillah of Bellary, to attend to any requisition you may make for the services of the Law Officers of his Court.

22 Septr. 1825.

(Signed) J. F. Thomas Actg Regr.

No 484 To the Criminal Judge in the Zillah of Bellary.

Sir,

I Jam directed by the Judges of the Court of Fouydaree Adaulut, to transmit to you the annexed copy of a letter addressed under this date, to the additional Judge of Circuit in the Centre Division; and to desire, that you will attend to any application you may receive from the Court of Circuit for the services of the Serishtadar of the Zillah Court of Bellary.

22 September 1825.

(Signed) J. F. Thomas Actg Regr.

Fouydaree Diary September 1825.

No 494 To the Criminal Judge in the Zillah of Chingleput.

Returning the notice with the endorsement of the Kazie.

6th September 1825. (Send usual letter)

No 495 To the Additional Judge in Circuit in the Centre Division Zillah Cuddapah.

Sir,

I Jam directed by the Judges of the Fouydaree Adaulut, to forward to you the accompanying copy of a communication from Government under date the 2d. Instant, and in reference thereto to transmit the following instructions.

2 It is scarcely necessary for the Judges to observe, that the permission granted by the Government to Mr. R. A. Paterson, to aid the Prisoner Dowling in his defence, is not to supersede in any measure, the important duty Confided to you, as Judge presiding at the trial, to act as counsel for the Prisoner, so far as consists with the attainment of the ends of substantial justice. This permission also, is not to be construed, to authorize Mr. Paterson to act personally at the trial, in cross questioning the witnesses, or in any other mode not sanctioned by the Regulation. It is not consistent with the equal administration of justice, that facilities should be afforded to the Prisoner in No 1 Bellary Calendar greater than those allowed to other accused persons. The mode in which the Judges consider it proper to admit Mr R. A Paterson's interposition, is to afford to him every facility during the trial, in hearing the evidence; to permit him to take notes, with the view of preparing a written defence for the Prisoner, of all documents which come under the consideration of the Court of Circuit, and in postponing at his request the trial for a few days, or granting an intervals for the delivery of the defence.

3 The Judges desire that you will transmit a copy of this letter, immediately upon your arrival at Bellary

Bellary to Mr. Paternoster, and point out to him, the propriety of refraining from any attempt at interference on behalf of the prisoner, at variance with the orders issued for the guidance of the Courts of Circuit; which must necessarily be unnecessary as the Court of Circuit and Court of Toungdare Zeolah are by law entrusted with the sacred duty of giving full weight to every circumstance favorable to the prisoner, and of guarding him from the effect of any unfavorable consequences, which might result from his own misconception to conduct his defence.—

7th September 1825.— (Signed) J. J. Thomas Actg Regr

No 490 To the Criminal Judge in the Zillah of Bellary.—

Sir,

I am directed by the Judges of the Toungdare Zeolah to transmit to you the accompanying copy of a communication from Government of the 2d Instant; and in reference thereto to desire, that Mr. R. A. Paternoster may be allowed to have access to the prisoner James Bowling, for the purpose of assisting him in his Defence.— Mr Paternoster will of course be subject, equally with other individuals not

matters into the Jail, to all established rules which do not interfere with the rights of admission accruing to him.—

The Judges desire that you will immediately on the receipt of this letter acquaint Mr R. A. Paternoster of the authority granted to him to visit the prisoner Bowling.—

7th September 1825.— (Signed) J. J. Thomas Actg Regr

No 504 To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

I am directed by the Judges of the Court of Toungdare Zeolah to acquaint you, that the Calendar and yearly Statements of criminal Cases disposed of by the

several Magistrates within your division may be forwarded to this Court without further delay.—

15th September 1825.— (Signed) J. J. Thomas Actg Regr

(No: 58)

No 520 To the Secretary to Government in the Judicial Department.

Sir,

1 With reference to a letter No: 514, dated 7th instant, from the Acting Register of the Toungdare Zeolah, submitting the recommendation, that a conditional pardon should be offered under the provisions of Section XX Regulation VIII of 1802 to Maugon, and Soobbee, two persons, implicated in a case of Murder in the Zillah of Salem, in which recommendation the concurrence of the Honorable the Governor in Council was notified in your letter No 319, dated 23d instant, I am directed by the Judges of the Court of Toungdare Zeolah to state, that by a communication from the Acting Criminal Judge it appears, that the ends of justice in this atrocious case of the deliberate Murder of a child from motives of enmity against its parents will be liable to be defeated, unless that officer be vested with authority eventually to tender a conditional pardon to "Chinnamah, Dhanchyar, Vundummah, and Raumon", four of the other persons, concerned with its perpetration.—

2 The Judges are deeply impressed with the importance of guarding against the incautious permission of impunity to heinous offenders, in the exercise of the functions delegated to them by Section XX Regulation VIII of 1802; and they deem it proper to explain, that it is not intended, that more than two of the six persons, to whom the tender of a pardon has been recommended should be

allowed

allowed to avail themselves of it.

3 If "Nangon and Soobhee" should be induced by the offer which has been made to them and which will be repeated by the Acting Criminal Judge before the opening of the ensuing Sessions of Jail Delivery at Silhet, to make a full disclosure of all the circumstances within their knowledge relative to this transaction, it will not be necessary that the Authority which may be granted by the Honorable the Governor in Council in consequence of this application should be acted upon.

4 The application should not allow of its being submitted with effect after the commencement of the Sessions.

I have &c.
(Signed) H. Huddleston Regr.

No. 521 To the Acting Criminal Judge in the Zillah of Silhet.

Sir,

1 I am directed by the Judges of the Court of Soujdaree Adawlut to acknowledge the receipt of your letter, dated 15th. Instant, stating "that in consequence of a precept having been transmitted by the 1st. Judge of Circuit to the Acting Criminal Judge of Cuddapah Mr. Lascelles [illegible] to obtain an Extract from his proceedings in one case he [illegible] calling upon that Officer to assign explanation for you" "within ten days upon certain Criminal Cases, decided by you" "when at Cuddapah and inserted in the Zillah Calendars of the 22 Sessions of 1824. In consequence of certain irregularities alleged by the first Judge to exist "in your proceedings" you "addressed a letter to the 1st Judge of Circuit, begging permission to be furnished with the grounds upon which

"as the decisions were passed, and the cases tried by" you, "and Mr. Lascelles altogether unacquainted with the "Cases, or with" your "motives, and grounds of action, and sentences; the concession was in justice and reason due to you "as a Public Officer." that "receiving no answer whatever from "the 1st. Judge upon the subject although you "only informed "him that you had written to the Acting Criminal Judge of "Cuddapah for the proceedings which have been sent" you "in those cases" you "were led to conclude that your "request "had been tacitly approved of; but that" you "now find, that "the 1st. Judge has addressed another precept to the Acting Criminal Judge of Cuddapah, enforcing his former order; and you state that you are therefore "constrained to lay this "case before the Judges of the Soujdaree Adawlut, and to "solicit their permission to afford the explanations called "for by the first Judges precepts"

2 Without going into any discussion of the soundness of the arguments advanced at the conclusion of your letter, at present, the Judges of the Court of Soujdaree Adawlut direct me to inform you, that a compliance with your application to them is totally out of the question.

3 It is not explained in your letter how you came by a knowledge of the fact, that the 1st. Judge had issued the orders, to which you refer: the Judges of the Soujdaree Adawlut are not aware of any order, inconsistent with the provisions of the Regulations in force

to which

submitting a report upon the prisoner sentenced for transportation in No. 33 of the Calendar, who is stated to be above 60 years of age; I am directed to inform you, that the report required by the orders of the Court of Foujdaree dated the 18th Inst. last, is to be confined to convicts, whose age may not exceed thirty five years.-

6th September 1825.- (Signed) J. Thomas Dy Regr.

No. 521 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen,

1 I am directed by the Judges of the Court of Foujdaree dated to transmit for your information and guidance the copy of a letter, addressed to the Secretary to Government in the Judicial Department under date the 27th July last, and of the reply thereto, dated 2d Instant, with copy of the enclosure mentioned in the latter.-

2 You will put the Criminal Judges and Registrars within your jurisdiction in possession of these papers, instructing them to give effect to the orders of the Honorable the Governor in Council, therein communicated.-

23d September 1825.- (Signed) W. Braddeston Registr.

No. 552 To the Criminal Judge in the Zillah of Chittagong.-

Sir,

1 I am directed by the Judges of the Court of Foujdaree dated to acknowledge the receipt of your letter dated 2d Instant, recommending the tender of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to Colun, a prisoner, implicated in a case of murder.-

2 The grounds on which this recommendation is offered, are stated to be the probability that further evidence

Bellary to Mr. Paternoster, and point out to him, the propriety of refraining from any attempts at interference on behalf of the prisoner, at variance with the rules enacted for the guidance of the Courts of Circuit; which must otherwise be, wholly unnecessary, as the Court of Circuit and Court of Foujdaree Adawlut are by law entrusted with the sacred duty of giving full weight to every circumstance favorable to the prisoner; and of guarding him from the effect of any unfavorable consequences, which might result from his own incompetency to conduct his defence.-

7th September 1825.- (Signed) J. F. Thomas Actg Regr

No 490 To the Criminal Judge in the Zillah of Bellary.-

Sir,

I am directed by the Judges of the Foujdaree Adawlut to transmit to you, the accompanying copy of a communication from Government of the 2d Instant; and in desiring that Mr R. A. Paternoster may be allowed to have access to the prisoner James Dowling, for the purpose of assisting him in his defence.- Mr Paternoster will of course be subject, equally with other individuals admitted into the Jail, to all established rules which do not interfere with the rights of admission now granted to him.-

2

The Judges desire that you will immediately on the receipt of this letter acquaint Mr R. A. Paternoster of the authority granted to him to visit the prisoner Dowling.-

7th September 1825.-

(Signed) J. F. Thomas Actg Regr

No 504 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 Adawlut to request, that the last half yearly Statements of commitments, and returns of the Several Magistrates within your division may be forwarded to this Court without further delay.-

15th September 1825.- (Signed) J. F. Thomas Dy Regr

(No 58)

No 520 To the Secretary to Government in the Judicial Department.

Sir,

1 With reference to a letter No 54, dated 5th Instant, from the Acting Register of the Foujdaree Adawlut, submitting the recommendation, that a conditional pardon should be offered under the provisions of section XX Regulation VIII of 1802 to "Hangon, and Sookhee, two persons, implicated in a case of Murder in the Zillah of Salem, in which recommendation the concurrence of the Honorable the Governor in Council was notified in your letter No 319, dated 23d Instant, I am directed by the Judges of the Court of Foujdaree Adawlut to state, that by a communication from the Acting Criminal Judge it appears, that the ends of justice in this most atrocious case of the deliberate Murder of a child from motives of enmity against its parents will be liable to be defeated, unless that officer be vested with authority eventually to tender a conditional pardon to "Chimanah, Bhaichgar, Vurdummah, and Rammon", four of the other persons, concerned with its perpetration.-

2 The Judges are deeply impressed with the importance of guarding against the incautious permission of impunity to heinous offenders, in the exercise of the functions delegated to them by section XX Regulation VIII of 1802; and they deem it proper to explain, that it is not intended, that more than two of the six persons, to whom the tender of a pardon has been recommended should be allowed.

allowed to avail themselves of the

3 If "Naugon and Sookha" should be
duced by the offers which has been made to them and
which will be repeated by the Acting Criminal Judge at
the opening of the ensuing Sessions of Jail Delivery at
to make a full disclosure of all the circumstances with
their Knowledge relative to this transaction, it will not
necessary that the Authority which may be granted by
Honorable the Governor in Council in consequence with
this application should be acted upon.

4.- The application should never more, be
allowed of its being submitted with effect after
the commencement of the Sessions.

No. 521 To the Acting Criminal Judge in the Zillah
of Chittagong.

Sir, 1 I am directed by the Judges of the Court of
Toungdaree Adawlut to acknowledge the receipt of your letter, dated
15th. Instant, stating that in consequence of a precept having
been transmitted by the 1st Judge of Arracan to the Acting Cri-
minal Judge of Cuddapah that Mr. Lascelles should be
an Extract from his proceedings in order that he
calling upon that Officer to assign explanation for
within ten days upon certain Criminal Cases decided by
you when at Cuddapah and inserted in the fifty
Calendar of the 22 Sessions of 1824 in consequence of
certain irregularities alleged by the first Judge to exist
in your proceedings in those cases and to the 1st Judge
of Arracan, begging permission that he may be allowed the
you should explain when you shall have assigned the

as the decisions were passed, and the cases tried by you,
and Mr. Lascellas altogether unacquainted with the
Cases, or with your Motives, and grounds of action, and sen-
tences; the conception was in justice and reason due to you
as a Public Officer. that receiving no answer whatever from
the 1st Judge upon the subject (although you duly informed
him that you had written to the Acting Criminal Judge of
Cuddapah for the proceedings which have been sent you
in those cases) you were led to conclude that your request
had been tacitly approved of; but that you now find, that
the 1st Judge has addressed another precept to the Acting
Criminal Judge of Cuddapah, enforcing his former order; and
you state that you are therefore constrained to lay this
case before the Judges of the Toungdaree Adawlut, and to
solicit their permission to afford the explanations called
for by the first Judges precept"

2 Without going into any discussion of the
soundness of the arguments advanced at the conclusion of
your letter, at present, the Judges of the Court of Toungdaree
Adawlut direct me to inform you, that a compliance
with your application to them is totally out of the
question.

3 It is not explained in your letter how
you came by a Knowledge of the fact, that the 1st
Judge had issued the orders to which you refer: the Judges
of the Toungdaree Adawlut are not aware of any order,
consistent with the provisions of the Regulations in force

to which

whereby that information can be come of
before you, and it ought to be your duty
them to apprize you, that a communication
Fouydaree Adaulut, founded upon information
easily obtained, can never meet with a favorable
tion from them.-

4

It seems to the Judges of the Fouy
Adaulut to be best to suppose, that you have given
the 1st Judge with grounds of suicide complaints
directing the execution of arrest, which he is
competent to issue.-

19th September 1825 (Signed) W. Budleston

No. 522 To the Provincial Court of Circuit in the Western
Transmitting Sentences passed in cases of 6, Tabl
Chinglepute Calendar 2d Sessions 1825.
19th September 1825.-

No. 523 To the Criminal Judge in the Zillah of Chinglepute
Returning the Arrest with the undersi
the Magis
19th Sept. 1825.-

No. 533 To the Acting Criminal Judge of the Zillah
Transmitting Copy of a
dated 19th and reply thereto dated 21st Instant
thority for the mode of disposing of the
three persons recommended by the Acting
Salem.-
21st Sept. 1825.-

No. 534 To the Acting Criminal Judge of the

submitting a report upon the prisoner sentenced for transportation in No. 33 of the Calendar, who is stated to be above 60 years of age; I am directed to inform you, that the report required by the orders of the Court of Fouydaree Adaulut of the 18th Instant last, is to be confined to convicts, whose age may not exceed thirty five years.-
19th September 1825.- (Signed) J. Thomas Dy Regr.

No. 531 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen,

1 I am directed by the Judges of the Court of Fouydaree Adaulut to transmit for your information and guidance the copy of a letter, addressed to the Secretary to Government in the Judicial Department under date the 21st July last, and of the reply thereto, dated 2d Instant, with copy of the enclosure mentioned in the letter.-

2 You will put the Criminal Judge and Magistrates within your jurisdiction in possession of these papers, instructing them to give effect to the views of the Honorable the Governor in Council, therein communicated.-
23d September 1825.- (Signed) W. Budleston Registr

No. 532 To the Criminal Judge in the Zillah of Chinglepute.-

Sir,

1 I am directed by the Judges of the Court of Fouydaree Adaulut to acknowledge the receipt of your letter dated 21st Instant, recommending the tender of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to Colun, a prisoner, implicated in a case of murder.-

2. The grounds on which this recommendation is offered, are stated to be the probability that further evidence

whereby that information can have come officially before you; and it ought to be quite unnecessary for them to apprize you, that a communication to the Foujdaree Vesulut, founded upon information surreptitiously obtained, can never meet with a favorable reception from them.—

4 It seems to the Judges of the Foujdaree Vesulut to be best to suppress, that you have furnished the 1st Judge with grounds of serious complaints for instructing the execution of sentences, which he is not competent to issue.—

19th September 1825.— (Signed) W. Buddleston Regr.

No. 522 To the Provincial Court of Circuit in the Central Division.

Transmitting Sentences passed in cases Nos. 5, 7, 8, 9, 10, 11, 12 Chingleput Calendar 22d September 1825.—

19th Septr. 1825.— (Sent inland letter)

No. 523 To the Criminal Judge in the Zillah of Chingleput.

Returning the Orders with the endorsements of the Register.—

19th Septr. 1825.— (Sent inland letter)

No. 533 To the Acting Criminal Judge in the Zillah of Salem.

Transmitting copy of a letter to Government dated 19th and reply thereto dated 21st Instant granting a Monthly for the continuance of pension to three persons recommended by the Acting Criminal Judge of Salem.—

21st Septr. 1825.— (Sent inland letter)

No. 534 To the Acting Criminal Judge in the Zillah of Chingleput.

Submitting a report upon the prisoner sentenced for transportation in No. 23 of the Calendar, who is stated to be above 60 years of age; I am directed to inform you, that the report required by the orders of the Court of Foujdaree Vesulut of the 18th Instant, is to be confined to convicts, whose age may not exceed thirty five years.—

19th September 1825.— (Signed) J. Thomas Dy Regr.

No. 548 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen,

1 I am directed by the Judges of the Court of Foujdaree Vesulut to transmit for your information and guidance the copy of a letter, addressed to the Secretary to Government in the Judicial Department under date the 21st July last, and of the reply thereto, dated 23d Instant, with copy of the enclosure mentioned in the latter.—

2 You will put the Criminal Judges and Registrars within your jurisdiction in possession of these papers, instructing them to give effect to the orders of the Honorable the Governor in Council, therein communicated.—

23d September 1825.— (Signed) W. Buddleston Registr.

No. 552 To the Criminal Judge in the Zillah of Chingleput.—

Sir,

1 I am directed by the Judges of the Court of Foujdaree Vesulut to acknowledge the receipt of your letter dated 21st Instant, recommending the tender of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802, to Colun, a prisoner implicated in a case of murder.—

2 The grounds on which this recommendation is offered, are stated to be the probability that further evidence

the accused all other procurable evidence against them, yet it by no means follows, that such confession must be corroborated by other proof to ensure conviction under it.—

Signed W. Braddeston Register

24th September 1825.—

No 553 To the Criminal Judge in the Zillah of Chingleput.

Returning the notice with the endorsement of the Nazir—

24th September 1825. (Sent usual letter)

No 557 To the Judges of the Provincial Court of Circuit in the Southern Division.

Gentlemen,

1. The Judges of the Court of Foujdaree Adalut, observing, that for the last three years it has almost uniformly happened, that the Judges of Circuit in the Western Division have been unable to complete the delivery of the jails at Seringapatam within the period assigned by the Regulations to the Circuit, have in contemplation to recommend the annexation of that Zillah to the Southern Division.—

2. But previously to submitting such recommendation to the Government they are desirous of being informed, whether, or not, there exists in your opinion any valid objection to the measure

29th Sept. 1825.— Signed W. Braddeston Regr

No 563 To the Criminal Judge in the Zillah of Chingleput.—

Returning the notice with the endorsement of the Nazir.—

30th Sept. 1825 Sent usual letter

No 564 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adawlut, to submit for the sanction of the Honorable the Governor in Council, the accompanying Statements of the Prisoners in the Jails at Trichinopoly Combaconum and Madura for July 1234, forwarded by the Magistrates of those Zillahs.

3d Octr 1825.

I have &c

(Signed) W Rudderton Regr

No 570 To the Judges of the Provincial Court in the Southern Division

Gentlemen

I am directed by the Judges of the Court of Foujdaree Adawlut to transmit to you, the accompanying a Letter from the Criminal Judge of Tinnevelly requesting permission to have for, table custody of the Registers for July, certain of the Prisoners under his charge.

2 The Judges desire, that you will enquire from the Magistrate, the number of Prisoners he can conveniently receive into the Jail at Tinnevelly, in addition to those at present under his charge, and that you will then report upon the request of the Criminal Judge for the transfer proposed in the Criminal Judges letter.

9th October 1825.

I have &c

(Signed) J. H. Thomas Regr

No 577 To the Additional Judge in Circuit in the Southern Division

Sir,

With reference to a communication addressed to you by the Acting Registrar to the Court of Foujdaree Adawlut, under date 7th October, I am directed by the Judges to transmit to you the accompanying Copy of a Letter from the Secretary to Government in the Judicial Department

2 It may be proper that you should furnish the Criminal Judge in the Zillah of Bellary with a copy of these papers, in which the Judges will not at present record any observation.

5th Octr 1825.

(Signed) W Rudderton Regr

No 582 To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter No 280, dated 29th July last, I am directed by the Judges of the Foujdaree Adawlut to transmit the copy of a communication dated 3d Instant from the 3d Judge on Circuit in the Western Division, and of its enclosures.

2 The Judges await themselves of this opportunity to lay before the Honorable the Governor in Council a copy of their circular order, issued under date 9th August last in reference to the second paragraph of your letter above mentioned, and beg respectfully to offer their recommendation that the proposed gratuity of 150 Rupees may be conferred upon Sooba Shetty.

15th October 1825.

(Signed) W Rudderton Regr

No 583 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 Adawlut, to acknowledge the receipt of your Registers Letter of the 25th July, submitting the returns prescribed by Section XXXV Regulation X 1816, from the Criminal Courts in the Centre Division, for the quarter ending the 31st March last, with Extract from your proceedings thereon.

2 With reference to the observations contained

in the 17th paragraph of your proceedings, the Judges directed me to observe, that their Circular instructions of the 13th September last particularly called the attention of the Magistrates, to their duty on the head referred to by the Judges of the Provincial Court - The Judges do not think it advisable to repeat their orders at the present date; they expect when sufficient time has elapsed, to allow of their instructions to the Courts of Circuit, in the last para of the communication above cited, to have full operation, that they will have the effect of securing a more strict observance of the Regulations on the part of the officers of Police - The Judges of the Provincial Courts of Circuit should point out and call for the necessary explanation in all cases in which the Magistrates appear not to have taken due cognizance of the irregularities in the proceedings of their subordinate officers; and those explanations should be submitted for the consideration of the Judges of the Sonepdaree Station.-

3 Referring to the report of the cases disposed of at the late of the last Quarterly Report from the Zillah of Chingleput, the Judges of the Sonepdaree Station observe, that the Assistant Criminal Judge has passed a penal sentence in No 425, a case of child stealing. This offence, viewed with reference to the injury inflicted on the parent, and the consequences to the child when successfully perpetrated, is considered by the Judges an crime of such malignity as to render it proper, that the offenders should be committed for trial before the Court of Circuit; they therefore that in future the Assistant Criminal Judge abstain

abstain from judging punishment in such cases-

4 In the report from the Zillah of Cuddapah of cases not disposed in the previous quarter the Judges observe the following sentence passed in No 29 charge "attempting to cut some police peons" "Sheik 1st and 2d prisoners to pay a fine of 50 Rupees each afterwards to find security for 200 Rupees for their future good behaviour" Section IV Regulation of 1822 authorizes a sentence of security in those cases only where there is not sufficient proof for conviction: the requisition of security by the Acting Criminal Judge after judging the penalty of fine, was therefore illegal, and must be remitted. The receipt of explanation of delay not having been furnished by the Police officers in No 48, the Judges desire that the Magistrate may be directed to submit this information. The reason given for the detention of the prisoner in No 66 (a case of homicide) during a period of five months viz "waiting for directions from the Magistrate" is extremely discreditable to the Police Officer who forwarded the charge; and the Judges desire that the Magistrate be called upon to state what notice he took of this irregularity

5 In the reports furnished by the Criminal Judge in the Zillah of Bellary, the charge in No 53 apparently a burglary property stolen valued at 116 Rupees and in No 59 attempt at homicide, in both of which accusers the prisoners have been committed under the rules laid down in Clause Second Section II, and Clause fourth Section V Regulation VI of 1822 - The Judges desire that an explanation may be furnished by the Criminal Judge of his proceedings in those cases-

10th October 1825 (signed) J. F. Thomas
Deputy Register

To

(N. 82)

N: 587 To the Secretary to Government in the Judicial Department

Sir,

1 I am directed by the Judges of the Court of Fouydaree Udalut to transmit to you, for the consideration, and eventual orders of the Honorable the Governor in Council under the provisions of Section II Regulation I of 1821, the copy of a letter, addressed to the Judges of the Provincial Court of Circuit in the Southern Division under date 29th Ultimo, and of their reply thereto, dated 8th Instant.

2 These papers appear to the Judges of the Fouydaree Udalut to require no other remark, than that to the proposition, offered in the 2d paragraph of the letter last mentioned, is opposed the objection that the deputation of parties and witnesses in the manner suggested on the periodical recurrence of the Sessions of Jail delivery would appear to involve a departure from the principle of the provision in Section III Regulation VI of 1808, which points exclusively to some special, or extraordinary cause for a resort to this measure.

14th October 1825

(Signed) H Hudleston Register

N: 591 To the Criminal Judge in the Zilla of Chingleput

Sir

1 I am directed by the Judges of the Fouydaree Udalut to acknowledge the receipt of your letter of the 10th instant, requesting sanction for the transfer of 35 Convicts from the Jail at Chingleput, to the Custody of the officer in charge of the prisoners at Cuddalore.

2 The Judges authorize you to forward to Cuddalore the number of prisoners above stated, in order to make up the Complement of 200, required for the public works at that Station.

3 It will be proper that you should select those prisoners, whose term of imprisonment has longest to run.

21st October 1825

(Signed) J J Thomas Deputy Register

N: 592 To the Second Judge of the Provincial Court of Circuit in the Centre Division

Sir

1 Your letter of the 18th May last contained an intimation of your apprehension, that some arrear

arrear of the references, mentioned in my letter dated the 12th of that Month, would remain on the 1st of July.

2 Since the date last mentioned a period of one hundred and twelve days has elapsed, and there still remain to be referred by you cases, Nos 29, 49 and 58 of the Chittoor Calendar 4th Quarterly Sessions of 1824, 8, 14, 15 and 16 of the Supplemental Calendar, and No 13 of the Chittoor Calendar 1st Quarterly Sessions of 1825.

3 The Judges of the Court of Fouydaree Udalut are satisfied, that the very long delay, which has occurred in the reference of the trials above mentioned, is not to be attributed to any want of zeal, or exertion, on your part. They cannot, at the same time, shut their eyes to the fact, that the length of several of your letters, accompanying record trials, must have impeded the progress of other references, nor would they feel justified in withholding from you, from a feeling of delicacy, the intimation, that those letters have, in their opinion, been in many instances needlessly long.

4 The degree, in which your calculation of the probable period of completing the reference of these trials has been already found to be fallacious, induces the consideration of the question, whether, or not, the remaining trials, and your Circuit report will be forwarded to this office by the 31st December next.

5 The Judges of the Court of Fouydaree Udalut request, that you will at your earliest convenience inform them positively on this point.

6 With reference to my letter of the 22d last

(No 82)

No 587 To the Secretary to Government in the Judicial Department

Sir,

1 I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you, for the consideration, and eventual orders of the Honorable the Governor in Council under the provisions of Section II Regulation I of 1821, the copy of a letter, addressed to the Judges of the Provincial Court of Circuit in the Southern Division under date 29th Ultimo and of their reply thereto, dated 8th Instant.

2 These papers appear to the Judges of the Foujdaree Udalut to require no other remark, than that to the proposition offered in the 2d paragraph of the letter last mentioned, is opposed the objection that the deportation of parties and witnesses in the manner suggested on the periodical recurrence of the Sessions of Jail delivery would appear to involve a departure from the principle of the provision in Section III Regulation VI of 1808, which points exclusively to some special, or extraordinary cause for a resort to this measure.

14th October 1825

(Signed) H Hudleston Register

No 591 To the Criminal Judge in the Zilla of Chingleput

Sir

1 I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 11th instant, requesting sanction for the transfer of 35 Convicts from the Jail at Chingleput, to the Custody of the officer in charge of the prisoners at Cuddalore.

2. The Judges authorize you to forward to Cuddalore the number of prisoners above stated, in order to make up the Complement of 200, required for the publick works at that Station.

3 It will be proper that you should select those prisoners, whose term of imprisonment has longest to run.

21st October 1825

(Signed) J S Thomas Deputy Register

No 592 To the Second Judge of the Provincial Court of Circuit in the Sir Centre Division

1 Your letter of the 15th May last contained an intimation of your apprehension, that some

arrear

arrear of the references, mentioned in my letter dated the 12th of that Month, would remain on the 1st of July.

2 Since the date last mentioned a period of one hundred and twelve days has elapsed, and there still remain to be referred by you cases Nos 29, 49 and 58 of the Chittoor Calendar 4th Quarterly Sessions of 1824, 87, 10, 15 and 16 of the Supplemental Calendar, and No 13 of the Chittoor Calendar 1st Quarterly Sessions of 1825.

3 The Judges of the Court of Foujdaree Udalut are satisfied, that the very long delay, which has occurred in the reference of the trials above mentioned, is not to be attributed to any want of zeal, or exertion, in your part. They cannot, at the same time, shut their eyes to the fact, that the length of several of your letters, accompanying referred trials, must have impeded the progress of other references, nor would they feel justified in withholding from you, from a feeling of delicacy, the intimation, that those letters have, in their opinion, been in many instances needlessly long.

4 The degree, in which your calculations of the probable period of completing the reference of these trials has been already found to be fallacious, induces the consideration of the question, whether, or not, the remaining trials, and your Circuit report will be forwarded to this office by the 31st December next.

5 The Judges of the Court of Foujdaree Udalut request, that you will at your earliest convenience inform them positively on this point.

6 With reference to my letter of the 22d last

Cont

Cast, the Judges direct me to state, that it has been deemed indispensable, that your report on the 4th Quarterly Sessions of 1824 and 4th Quarterly Sessions for that year should be furnished; the omission on your part to make the report, prescribed by Section XXXVII Regulation VII of 1802, on more than one occasion, has not been unnoticed by the Fouydaree Adawlut, though particular circumstances may have led the Court not to animadvert upon it's being furnished.-

21st October 1825.- (Signed) W Braddon Regr.

(No 63)

No. 593 To the Secretary to Government in the Judicial Dept.

Sir,

With reference to my letter No 57, dated 10th ultimo, transmitting an Extract of the Fouydaree Adawlut upon the report of the late acting 3d Judge of the Provincial Court of Circuit in the Northern Division on the 2d quarterly Sessions of said delivery for 1825 at Masulipatam, I am directed by the Judges of the Court of Fouydaree Adawlut to transmit, for the consideration and orders of the Honorable the Governor in Council, the accompanying Copy of a communication from the Provincial Court, dated 12th instant, and of the return of the Magistrate of Masulipatam therein mentioned.-

2 The Judges respectfully suggest, that the Honorable the Governor in Council may be pleased to sanction the disbursement of the sum

of Rupees 09 92 in the manner proposed by the Magistrate.-

22d October 1825.- (Signed) W Braddon Regr.

No. 594 To the Secretary to Government in the Judicial Dept.

Transmitting copy of a letter to Government and reply thereto authorizing the Principal Collector and Magistrate of Canara to pay the sum of Rs 150 to Soubadar Shetty.-

22d Oct 1825.- (Sent usual letter)

No. 595 To the Criminal Judge in the Gillah of Chingleput.

Returning the notice with the endorsement of the Magistrate.-

25th October 1825.- (Sent usual letter)

No. 613 To the Criminal Judge in the Zilla of Bellary.

Sir,

I am directed by the Judges of the Court of Fouydaree Adawlut to acknowledge the receipt of your letter of the 11th Instant, reporting with reference to their Circular orders of the 18th June last, upon the circumstances of certain convicts sentenced to transportation.

2 The Judges observe, that the information required by their orders respecting the conduct of the wife or some connection of the prisoner to bear him.-

Company, has not been obtained, they desire therefore that this information may be furnished without delay.

31st October 1825.

(Signed) A. A. Thomas
Dy. Sy. Register

No. 014. To the Magistrate in the Zillah of Tinnivelly

Sir

With reference to your letter of the 28th August last, I am directed by the Judges of the Court of Foujdaree Adawlut to inform you that the Honorable the Governor in Council, in their Revenue Department, has ordered under date the 21st instant, the Contingent Charges for fasly 1234 amounting to Rupees 2918-8-10.

31st Octr 1825.

(Signed) J. F. Thomas Dy Regr.

No. 015 To the Criminal Judge in the Zillah of Malabar.

Sir

1 I am directed by the Judges of the Foujdaree Adawlut, to acknowledge the receipt of your letter of the 13th Instant, requesting authority to transfer two convicts, to the charge of the Magistrate of Malabar.

2 Under the circumstances stated in your letter, the Judges authorize the transfer you propose of the prisoners now undergoing their sentence in the Jail at Calicut, to Cannanore with the view of their being employed upon public works at that station.

31st October 1825.

(Signed) J. F. Thomas Dy Regr.

Testament to the Magt. Coimbatore 20th August 1825 Pr. 455. 6 Pr. 2811 2811. 2 Pr.

To Malabar Govr. in Council 17th Sept. 1825 Pr. 5338 2

No. 016 To the Judges of the Provincial Court of Circuit in the Western Division.

Gentlemen,

1 I am directed by the Judges of the Foujdaree Adawlut to transmit to you the accompanying copy of a letter addressed this day to the Criminal Judge in the Zillah of Malabar, authorizing the transfer of 60 of the Convicts now at Calicut to the Jail at Cannanore.

2 With reference to the letter from the Secretary to Government of the 22d April 1823 forwarded with my letter of the 24th of the same month, the Judges request, that you will issue the necessary instructions to the Magistrate of Malabar respecting these prisoners, and inform the Judge on Circuit of their removal to Cannanore, under the authority of the Court of Foujdaree Adawlut.

31st October 1825.

(Signed) J. F. Thomas Dy Regr.

No. 617 To the Judges of the Provincial Court of Circuit in the Northern Division.

Transmitting copy of a letter from Government authorizing the Magistrate of Rajahmundry to expend Rupees 6[illegible] in providing the open wells at Nandigam with walls to guard against accidents.

22 November 1825. (Sent usual letter)

No. 620 To the Secretary to Government in the Judicial Department.

Sir,

1. A letter addressed to the Foujdaree Adawlut but by the Additional Judge of Circuit in the Central Division, under date 3rd October, from Cuddapah contains the following passage: "I cannot conclude this address without bringing to the notice of the Court of Foujdaree Adawlut, that nothing has yet been done towards the construction of a new Gaol at this station, notwithstanding that Government have sanctioned the estimate, nearly three months ago, and more than a year has elapsed since the Court first urged the necessity of it. It is very desirable that the limits without further delay."

2. The Judges of the Court of Foujdaree Adawlut deem it proper to lay before the Honorable the Governor in Council the above Extract from the Additional Judges letter, the cause of the delay in commencing the work in question may have been reported to the Government; it is not known to the Court of Foujdaree Adawlut.

3rd November 1825. (Signed) [illegible] C.S.

[illegible]

No. 622 To the Judges of the Provincial Court of Circuit in the Central Division.

Transmitting copy of an Extract of a letter from Government (Judicial) sanctioning certain allowance to be given to Moulavee Ghoolam Hoossain

9th November 1825. (Sent usual letter)

No. 635 To the Judges of the Provincial Court of Circuit in the Northern Division.

Gentlemen,

1. I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 20th September, submitting the reports prescribed by Section XXXV. Regulation X. of 1810 for the quarter ending the 30th June last also your letter of the 7th ultimo forwarding certain explanations required from the Magistrate of Rajahmundry.

2. Upon case No. 3 Bellow report a charge of "breaking and entering a dwelling house and plundering it of property valued at Rupees 193" the Criminal Judge has recorded the remark "Released the charge being wilfully false and malicious" The Judges also observe it to be stated in explanation of the detention of the prisoners that they were "taken 30 miles to where the head of Police "was to be examined."

3. The Judges of the Foujdaree Adawlut desire that the Criminal Judge will report whether the prosecutor in the above case appeared before the Criminal Court, and for what reason he refrained from instituting proceedings against him for perjury.

Fouydarre Diary 14th 22d 23d 26th November 1825.-

4. A like explanation is required relative in respect to cases Nos 4 and 6, wherein the charges are declared to be infamously false and malicious.-

14th November 1825.- (Signed) J. F. Thomas Dy Regr.

No 044 To the Criminal Judge in the Zillah of Chingleput.

Returning a notice with the endorsement of the Nazir.-

22d November 1825. (Sent usual letter)

No 045 To the Criminal Judge in the Zillah of Chingleput.-

Returning the notice with the endorsement of the Nazir.-

23d Nov. 1825.- (Sent usual letter)

No 049 To the Magistrate in the Zillah of Cuddapah

Sir

I am directed by the Judges of the Court of Fouydarre Adawlut to acknowledge the receipt of your letter dated 20th instant, and to convey authority for your offering rewards of 500 Rupees for the apprehension of the leader and 100 Rupees for that of each of the inferior offenders in the case therein reported, payable under the provisions of Section XXII Regulation IX of 1816 upon their conviction before the Court of Circuit.-

20th Nov. 1825.-

(Signed) W. Rudleston Regr.

No 050 To the Secretary to Government in the Judicial Department.-

Sir

With reference to your letter No 281, dated 29th July last, I am directed by the Judges of the Court of Fouydarre Adawlut to transmit to Govt for

Fouydarre Diary 26th November 1825.-

for the purpose of being laid before the Honorable the Governor in Council the accompanying copy of a letter dated 26th instant, from the Magistrate in the Zilla of Cuddapah.-

2. The Judges have given authority for the offer of the rewards proposed by the Magistrate in the third para of this letter.-

3 The Magistrate has not proposed any particular sums for distribution to the families of the two individuals, whose lives were lost in an attempt to secure the persons of a gang of robbers and to the wounded man, who joined in their praiseworthy endeavours to effect this object, and as the Honorable the Governor in Council has not prescribed the observance of any rule in this respect the Judges deem it most proper to abstain from any specific recommendation on this head.-

4 There seems reason to hope, that much good may eventually ensue from an extension of the liberality of the Government to sufferers such as these.-

25th November 1825.- (Signed) W. Rudleston Regr

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

Returning the Notice which he sent on 26th ultimo with the endorsement of the Nazir.

1st December 1825.

sent usual letter.

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

[№69]

Sir,

The letter, of which a copy is herewith transmitted, from the 3d Judge on Circuit in the Western Division states an instance of the inconvenience, pointed out in the letter of 29th September to the Judges of the Provincial Court of Circuit in the Southern Division, submitted with my letter, №62, dated 14th October last.

2. The Judges of the Foujdaree Udalut respectfully solicit the orders of the Honorable the Governor in Council, in regard to the provision to be made for delivering the Zail of Seringapatam.

2d December 1825.

/Signed/ W. Hudleston Regr.

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

Returning the Notice which he sent on the 28th ultimo, with the endorsement of the Nazir.

2d December 1825.

sent usual letter.

№663. 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 Udalut to transmit to you the accompanying correspondence, submitted by the Criminal Judge in the Zilla of Cuddapah under date the 24th ultimo; and to desire, that you will state your opinion upon the necessity and expediency of the practice reprobated by the Criminal Judge.

2. The Judges also desire to be informed, whether a like practice exists in the Zillas in the Centre Division.

6th December 1825

/Signed/ J. T. Thomas

D/Registr.

№664. 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 Udalut, to acknowledge the receipt of a letter from the 3d Judge on Circuit, dated 22d ultimo, forwarding an application from the Cazee, Moulanee Mohummud Hunneef, for four months' leave of absence.

2. Moulanee Mohummud Hunneef having obtained leave of absence for three months in the last year, for the same purpose for which he now solicits permission to be absent for four months; the Judges do not consider it proper to comply with his request to the extent solicited, but should the Judges of the Provincial Court of Circuit concur in opinion with the 3d Judge, that there is no objection to a compliance with the Cazee's application, they are pleased to grant him leave of absence for three months to proceed to Chittoor.

6th December 1825.

/Signed/ J. T. Thomas D/Regr.

№665. 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 of the 29th August last, forwarding the statements of crimes and punishments, furnished by the Magistrates in the Northern Division, for the half year ending the 30th June last.

2. The attention of the Judges has been particularly attracted to the returns of the Magistrate of Guntoor, which shew the number of persons supposed to be concerned in offences, to have been 2203, and the number apprehended, only 198. The statement should have called forth the observations of the Provincial Court of Circuit, upon their

company, I has not been able to find they leave therefore
that this information may be furnished without delay.
31st October 1825.

(Signed) J. J. Thomas
Deputy Registr.

No 014 To the Magistrate in the Zillah of Tricheinopoly

Sir,

With reference to your letter of the 25th
Inst. Arrears Cash, I am directed by the Judges of the Court
of Toujdaree Adalut to inform you that the Honorable the
Governor in Council, on their recommendation stated under date
the 21st instant, the contingent charges for fasly 1234 a-
mounting to Rupees 129 18 - 10 - 10 -

31st Octr 1825. (Signed) J. J. Thomas Dy Regr.

No 015 To the Criminal Judge in the Zillah of Malabar.

Sir,

1 I am directed by the Judges of the Touj-
-daree Adalut, to acknowledge the receipt of your letter
of the 13th Instant, requesting authority to transfer 60 Con-
victs, to the charge of the Magistrate of Malabar.-

2 Under the circumstances stated in your
letter, the Judges authorize the transfer you propose of 60 of
the prisoners now undergoing their sentence in the Jail at
Calicut, to Cananore with a view of their being em-
-ployed upon public works at that station.-

31st October 1825. (Signed) J. J. Thomas Dy Regr.

No 016 To the Judges of the Provincial Court of Circuit
in the Western Division

Gentlemen,

1 I am directed by the Judges of the
Toujdaree Adalut to transmit to you the accompanying
copy of a letter addressed this day to the Criminal Judge
in the Zillah of Malabar, authorizing the transfer of
60 of the Convicts now at Calicut to the Jail at Cannanore.

2 With reference to the letter from the
Secretary to Government of the 22d April 1823 forwarded
with my letter of the 24th of the same month, the Judges
request, that you will issue the necessary instructions to
the Magistrate of Malabar respecting these prisoners;
and inform the Judge on Circuit of their removal to Can-
-nanore, under the authority of the Court of Toujdaree
Adalut.-

31st October 1825. (Signed) J. J. Thomas Dy Regr.

No 022 To the Judges of the Provincial Court of Circuit in the Centre Division

Transmitting copy of an Extract of a letter from Government (4th para) sanctioning certain allowance to be given to Moulavee Ghoolam Hoosain

9th November 1825 (Sent usual letter)

No 035 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 20th September, submitting the reports prescribed by Section XXXV Regulation X of 1810 for the quarter ending the 30th June last also your letter of the 7th ultimo forwarding certain explanations required from the Magistrate of Rajahmundry.

2 Upon case No 3 Kellee report a charge of "breaking and entering a dwelling house and plundering it of property valued at Rupees 193" the Criminal Judge has recorded the remark "Released the charge being wilfully false and malicious" The Judges also observe it to be stated in explanation of the detention of the prisoners that they were "taken 30 miles to where the head of Police "was to be examined."

3 The Judges of the Foujdaree Adawlut desire that the Criminal Judge will report whether the prosecutor in the above case appeared before the Criminal Court, and for what reason he was restrained from instituting proceedings against him for perjury.

No 017 To the Judges of the Provincial Court of Circuit in the Northern Division

Transmitting copy of a letter from Government authorizing the Magistrate of Rajahmundry to expend Rupees 6000 in protecting the open parts of Dowlaishwaram with walls to guard against accidents

No 020 22d November 1825 (Sent usual letter)

To the Secretary to Government in the Judicial Department

(No 05)

Sir,

1 A letter addressed to the Foujdaree Adawlut by the Additional Judge of Circuit in the Centre Division, under date 9th Instant, from Cuddapah contains the following passage. "I cannot conclude this subject without bringing to the notice of the Court of Foujdaree Adawlut, that nothing has yet been done towards the construction of the new Sessions House at this Station, notwithstanding that Government have sanctioned the Estimate now three months ago, and I observe it very desirable should be built without further delay."

2 The Judges of the Court of Foujdaree Adawlut deem it proper to lay before the Honble the Governor in Council the above extract from the Additional Judges letter: the cause of the delay in commencing the work in question may have been reported to the Government: it is not known to the Court of Foujdaree Adawlut.

9th November 1825

Registrar

No. 617 To the Judges of the Provincial Court of Circuit in the Northern Division

Transmitting copy of an Extract of a letter from Government (Judl. Dept.) sanctioning certain allowances to be given to Moulavee Ghoolam Hoossain

9th November 1825 (Sent usual letter)

No. 620 To the Judges of the Provincial Court of Circuit in the Northern Division

Transmitting copy of an Extract of a letter from Government (Judl. Dept.) sanctioning the Magistrate of Vizagapatam to expend Rupees 1500 in protecting the open gaols at Vizagapatam with walls to guard against accidents.

22d November 1825. (Sent usual letter)

No. 03

To the Secretary to Government in the Judicial Department

Sir,

1. A letter addressed to the Foujdaree Adawlut by the Additional Judge of Circuit in the Centre Division, under date 30th Ultimo, from Cuddapah contains the following passage: "I cannot conclude this address without bringing to the notice of the Court of Foujdaree Adawlut, that nothing has yet been done towards the construction of a new Gaol at this station, notwithstanding I understand that Government have sanctioned the same several months ago, and notwithstanding the very desirable object should be built without further delay."

2. The Judges of the Court of Foujdaree Adawlut deem it proper to lay before the Honble the Governor in Council the above Extract from the Additional Judges letter: the cause of the delay in commencing the work in question may have been reported to the Government: it is not known to the Court of Foujdaree Adawlut.

9th November 1825.

(Signed) H. Rose Ellis

C. Brooke

Asst

No. 622 To the Judges of the Provincial Court of Circuit in the Centre Division

Transmitting copy of an Extract of a letter from Government (Judl. Dept.) sanctioning certain allowances to be given to Moulavee Ghoolam Hoossain

9th November 1825 (Sent usual letter)

No. 035 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen,

1 I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 20th September, submitting the reports prescribed by Section XXXV Regulation X of 1816 for the quarter ending the 30th June last & also your letter of the 7th ultimo forwarding certain explanations required from the Magistrate of Rajahmundry.

2 Upon case No. 3 Bellore report a charge of "breaking and entering a dwelling house and plundering property valued at Rupees 193" the Criminal Judge has recorded the remark 'Released the charge being wilfully false and malicious' The Judges also observe it to be stated in explanation of the detention of the prisoners that they were "taken 30 miles to where the head of Police was to be examined."

3 The Judges of the Foujdaree Adawlut desire that the Criminal Judge will report whether the prosecutor in the above case has appealed before the Criminal Court, and for what cause he is restrained from instituting proceedings against him for perjury.

Foujdaree Diary 14th 22d 23d 24th November 1825.

4.

A letter of Plaudits is granted to the Darogah in respect to cases Nos 4 and 6, wherein the charges are declared to be infamously false and malicious.

14th November 1825. (Signed) J. Thomas Dy Regr.

No 6414 To the Criminal Judge in the Zillah of Chittagong.

Returning a notice with the endorsement of the Nazir.

22d November 1825. (Sent usual letter)

No 645 To the Criminal Judge in the Zillah of Chittagong.

Returning the notice with the endorsement of the Nazir.

23d Novr 1825. (Sent usual letter)

No 649 To the Magistrate in the Zillah of Cuttack.

Sir

I am directed by the Judges of the Court of Foujdaree Adawlut to acknowledge the receipt of your letter dated 20th instant, and to convey authority for your offering rewards of 500 Rupees for the apprehension of the leader and 100 Rupees for that of each of the inferior offenders in the case therein reported, payable under the provisions of Section XXII Regulation IX of 1810 upon their conviction before the Court of Circuit.

20th Novr 1825. (Signed) W. Braddon Regr

No 650 (No 87)

To the Secretary to Government in the Judicial Department.

Sir,

With reference to your letter No 281, dated 24th July last, I am directed by the Judges of the Court of Foujdaree Adawlut to transmit for

Foujdaree Diary 26th November 1825.

for the purpose of being laid before the Honorable the Governor in Council the accompanying copy of a letter dated 24th instant, from the Magistrate in the Zilla of Cuddapah.

2. The Judges have given authority for the offer of the rewards proposed by the Magistrate in the third para of this letter.

3. The Magistrate has not proposed any particular sums for distribution to the families of the two individuals, whose lives were lost in an attempt to secure the persons of a gang of robbers and to the wounded man, who joined in their praiseworthy endeavours to effect this object; and as the Honorable the Governor in Council has not prescribed the observance of any rule in this respect the Judges deem it most proper to abstain from any specific recommendation on this head.

4. There seems reason to hope, that much good may eventually ensue from an extension of the liberality of the Government to sufferers such as these.

26th November 1825. (Signed) W. Braddon Regr

№665.

their examination of the returns, and the Judges must
that they require the Magistrate to appear some explan
of the circumstances of this disparity, without delay.

3. It is the more remarkable, as the
=ments from the neighbouring Zillas of Rajeshahye
shew the number of enforced appearances in that Zilla
to have been but 462, of whom 439 were apprehended
The Judges of the Provincial Court of Circuit will also
such observations, as their personal acquaintance with
the localities of these Districts, and the character of
their population may suggest, as to the causes of the
diversity in the police administration of the two Zillas
when submitting the explanations now called for from the
Magistrate of Bajeaw.

4. The Judges have also observed an
unusually large proportion of convicts and punishments
by the Police Officers in the Zilla of Nuddea, Of 1839
persons apprehended, 770 were punished by the police
police authorities, and of these 637 were Hindoos. The
returns of the preceding six months shew that of 1397
persons apprehended, 389 were then adjudged by the Police
to stripes. the Judges consider it proper that the atten
=tion of the Magistrate should be specially directed
to this circumstance, and no attention spared on his part
in the exercise of a vigilant control over officers vested,
and extensively exercising powers, so liable to abuse.

6th December 1825.

(Signed) J. F. Thomas.
By Registr

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

Gentlemen,

1. I am directed by the Judges of the Foujdaree
Udalut to acknowledge the receipt of your Registers letter of the 14th
September forwarding with your proceedings thereon the half yearly
Statement of Crimes committed and punishments inflicted punished
by the Magistrates in the Centre Division for 6 months ending the
30th June last.

2. With reference to the 2nd and 3rd paragraphs
of your Proceedings the Judges direct me to inform you, that the
Statement of the Magistrate of Ching leput, which includes in
the total of persons fined by the Magistrates Statement will be
required revision in this respect infuture.

6th December 1825 (Signed) J. F. Thomas
Deputy Register

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

Gentlemen.

1. I am directed by the Judges of the Fouj-
daree Udalut to acknowledge the receipt of your letter of the
25th august last forwarding the Statement of Crimes and
punishments furnished by the Magistrates in the Southern
Division for the half year ending to 30th June last.

2. The attention of the Judges of the Foujdaree
Udalut

Adalat has been attracted to the disparity shewn by the
Statements, in the number of acquittals by the Police Officers
in the Zillah of Tinnevelly, when compared with the other
Districts. On examining the Statements of the neighbouring
Districts of Tinnevelly and Madura, the number of acquittals
by the Police in the latter compared to the apprehensions
is shewn to be in the proportion of 1 to 9 whilst in the
former, it is nearly as 3 to 5.

3. These results appears to the Judges to give
evidence of vexatious and oppressive proceedings on the part
of the Officers of Police in the Zillah of Tinnevelly, and they desire
that the attention of the Magistrate be directed to
their circular orders of the 21st May 1823 upon this subject
and that he be required to ascertain and report, whether the
observance of the provisions of Clause first Section XXXII Regu-
lation XI of 1816 enjoining a preliminary enquiry, prior to the
apprehension of accused or suspected persons be duly enforced upon
the Officers under his authority—

4 The fact of the acquittal of 444 persons out of
612, who were apprehended, is scarcely compatible with the
supposition, that enquiry was made whether any credit was
due to the accusation in the majority of by the Court of
these persons—

6th December 1825. (Signed) J F Thomas
Deputy Register
To

No 679

No 270

To The Secretary to Government in the
Judicial Department

Sir,

1 I am directed by the Judges of the Court
of Foujdaree Adalat, to transmit to you for the purpose of being
laid before the Honorable the Governor in Council, the accompany-
ing statement exhibiting the number persons apprehended released
and punished and the nature of all punishments inflicted, Police
Magistrates Criminal Judges, and Courts of Circuit, and the
Foujdaree Adalat from the 1st of January to the 30th June 1825.

2 The general results shewn by this Statement compared
with those, exhibited in the Statement for the preceding six months,
forwarded with my letter of the 22d July do not call for any particular
remark—

3 The extent of crime, as the Judges had antici-
pated has much decreased: the number of Criminal Cases
reported in the last returns, being 1831, in the present 8192,
and the difference observable in the number of apprehensions
strongly supports the opinion, expressed in the 8th paragraph of
the letter above cited that much of the crime reported in preceding
Statements had its origion, in the pressure of the late seasons of scarcity
The proportions which the convictions and acquittals bear to the appre-
hensions, are similar to those of previous returns. The Statements however,
do not admit of very accurate comparison in this respect, as the
Convictions

Convictions and acquittals by the Courts of Circuit, frequently embrace cases of persons included in the apprehensions of the two months preceding.

4 In Examining the Statements from the seven Zillahs in detail, the following particulars have attracted the attention of the Judges.—

Northern Division

5 In the returns furnished by the Magistrates in the Centre Division, there are no discrepancies requiring observation with the exception above the remarks recorded in para 2d of my letter of 22nd July last are applicable to the Statements now forwarded from the Zillahs of Chingleput and Verdachellum.—

6 In this division alone it is to be observed by the Honorable the Governor in Council, that the administration of the penal Law as regards minor offences is confided under the operation of the Regulations in force, in a great measure to the native Officers of Police, and consists chiefly in the application of Corporal punishment.—

7 The number of persons convicted by the several Magistrates and Heads of Police was 1575 of these 32 were imprisoned and 1067 flogged by the Native Officers of Police, the number imprisoned by the Magistrates was 126 and flogged 56.—

8. In the Zillahs of Cuddapah more particularly it would appear that the extended powers now vested in the Officers of Police have superseded in a great measure the direct interference of the Magistrate in the adjudication of penalties. The number of persons convicted in this Zillah was 438 of this number 413, were punished by the Police Officers, and only 25 by the Magistrate and his assistants, an average of little more than 4 in each month.

9 The disparity formerly observed upon the returns from the Zillahs of Ganjam and Vizagapatam, still continues. The Statement of the Magistrate of Ganjam shews, that only 190 persons have been apprehended, whilst no less than 2203 are reported to have been concerned in Vizagapatam, the number reported to have been concerned is 462, and of these 439 were apprehended. The Judges of the Provincial Court of Circuit for the Northern Division, neglected to call upon the Magistrate of Ganjam for an explanation of his return, but they have since been required to rectify this omission.—

10. The difference here observed, is not the Judges are disposed to think, attributable to any great diversity in the administration of the police of the two Zillahs, but is partly to be ascribed to the peculiar character of the hill population of Ganjam, and in part probably to the mode in which the return of the Magistrate of the Number of persons concerned, is framed. This inference is deducible from the Statement of the crimes committed in the two Zillahs, which are nearly equal, in Ganjam the number was 215 in Vizagapatam 197.—

The

11. The records also of the trials for gang-robberies in this province which have come before the Court of Foujdaree Udalut, generally shew that large bodies of men have combined for the commission of offences, of whom but an inconsiderable number have been apprehended, in consequence of the facilities of escape afforded by a retreat to the hills. This circumstance though it tends in some degree to explain the Magistrate's statement, will not wholly account for the disparity between the number concerned and the number apprehended, as gang robberies are not in frequent in the Gopalpatam Zillah and in another district, do the returns shew a greater number of Criminal Cases, than of persons apprehended.—

12. The returns from the Magistrate of Nellore merit particular notice, as they exhibit the extent to which the power of adjudicating stripes, vested in the police officers under section IV Regulation IV of 1821 is exercised; which if any weight is to be attached to the observations of the Criminal Court of this in the Centre Division, regarded evil.—

13. In this Zillah, the number of persons apprehended was 1039, of these no less than 770 were punished by the Police Officers and but 7 by the Magistrate, and of this large number of convicts Stripes were inflicted in 637 Cases. In other Zillahs, the returns not exhibit a like extensive exercise of police functions by the police Officers; it may be stated indeed that the infliction of the penalties of the Criminal Law in this Zillah, is under the operations IV of 1821, almost exclusively vested in the Native Officers, which effect of the Regulation so long as the proceedings of these authorities, are under the provisions of Section X, not required to be made matter of record and consequently as the Court have on a former occasion observed, not subjected to effective control, cannot be contemplated without the apprehension of injurious consequences.— A comparison of the present statement, with that furnished from this Zillah for the preceding half year leads also to an inference unfavorable to the police administration, as it shews a considerable increase in the number of persons, on whom the degrading punishment of Stripes was inflicted notwithstanding the diminution in quantum of Crime. In the preceding Statement 389 persons were returned as the number flogged by the Police Officers, in the present, 637. The attention of the Magistrate has been called to the facts here noticed by the Judges, that he may prevent as far as lies in his power the abuse of the powers exercised by his Subordinate Officers. The returns from the other provinces in this Division, do not appear to the Judges to require remark.—

Southern Division

14. The Statement furnished by the Magistrate of Trichinopoly in this Division differs from those from the other

either zillahs, in shewing a proportionably less number of persons apprehended, compared to the number concerned in offences, the Judges of the Provincial Court of Circuit, called upon the Magistrate for an explanation, when that officer reported that the number of persons stated to be concerned robberies committed at night, was greatly exaggerated by the persons attacked, and that had swelled the number in the statement. The Judges of the Foujdaree Adalat are disposed to consider this representation as a sufficient explanation of the disparity pointed out.

15. The Statement from the zillah of Tinnevelly calls for observation, as indicating much irregularity in the proceedings of the Officers of Police, of 612 persons returned as apprehended, 466 were acquitted. The fact of so large a proportion of acquittals, to which the Statements in other provinces exhibit nothing similar is incompatible with the supposition, that due attention has been paid to the rules laid down in the first section XXVII Regulation XI of 1816, enjoining a preliminary enquiry in heinous cases to ascertain whether credit is due to the accusation. The Magistrate has been called upon to state, whether the observance of these rules is duly inforced upon the Officers under his authority. The Judges observe, that the heads of Police in this zillah, have availed themselves to

Western Division

16. The Statements furnished by the Magistrate of Canara and Malabar exhibit a striking disparity, in the numbers, respectively disposed of by the Magistrate and his subordinate Officers, and by the Criminal Courts. In Canara of 1080 persons apprehended, 356 were acquitted, and, 474 punished by the Magistrate or Officers of Police, being in the proportion of nearly 4/5 of the number apprehended. Leaving 219, or some what more than 1/5 to be disposed of by the Criminal Judge. In Malabar of 1160 persons apprehended, 355 were acquitted by the Magistrate and Officers of Police; 94 punished, and 711, or nearly 4/5 of the whole number apprehended, forwarded to the Criminal Court. The vindictive spirit which generally prevails, and the more turbulent character of the population of Malabar, will go far to account for this difference, in the returns of these zillahs; but the Judges apprehended also, that some difference must exist in the mode in which the police is regulated in the two provinces to give rise to so great a disparity. In reviewing the Quarterly reports from the zillah of Malabar, the Judges have had occasion more than once, to direct the attention of the

the Magistrate to an irregularity common in the proceedings of his subordinate Officers, in sending up to the Criminal Court petty offences cognizable by the Magistrate. The Provincial Court also found it necessary some time past to notice an order which it would appear had been issued by the Magistrate commanding the District officers to forward all cases cognizable by him, to the Criminal Judge, when the Magistrate was not at the Station, but engaged in revenue duties in a distant part of the Zillah. This circumstance also tends to explain the diversity apparent in the Statements from the Zillahs.

17. The Statement from the Zillah of Canara does not appear to the Judges to call for remark.

18. On comparing the Statements from the respective Divisions, the following results are exhibited, which the Judges consider desirous of the notice of the Hon.ble the Governor in Council.

19. The returns from the Northern Division shew, that the Cases of the greater proportion of apprehended offenders in that Division, are disposed of by the Native Officers of Police. In Nellore as before remarked, this is from the Case of 3027 persons, the number apprehended in the provinces only 648 were sent to the Criminal Judge in the proportion of nearly 1/5.

20. In the Centre Division of 4773 persons apprehended 1857, or 1/3, were sent up to the Criminal Courts in the Southern Division the proportion is about 1/4, in the Western Division, it is not much less than 1/2. If this diversity is to be traced to the different habits and dispositions of the inhabitants of the several provinces, occasion of the prevalence different degrees of Crime, an important consideration arises, respecting the operation of Regulation IV of 1821, or any enactment enlarging the powers of Subordinate Officers of Police in its application to the different provinces. In the distincts where heinous crimes are prevalent, and petty offences infrequent, it is obvious, that a law of this nature will alter, but little the system of Police previously established, but that in districts where the larger proportion of offences are trifling, the effect of the law is to remove the duties of the Police, from the hands of the European to the native Officers. This observation is particularly exemplified in the instance of the zillahs of Malabar and Nellore.

21. In the former zillah, the provisions of Section IV Regulation IV of 1821 have a very limited operation, the number of punishments inflicted by the native Police authorities, was 61 imprisonment 10, flogged 51, and the System of Police administration has not therefore been

been altered, the great proportion of Offenders apprehended still receiving their condemnation or acquittal from the European authorities. In the Zillah of Nellore the Case is widely different, there, the prevailing Offences came apparently within the description provided for in Section IV Regulation IV of 1821 The Law has consequently removed the Cognizance of Crime in that Zillah, from the European to the Native tribunals, and the condemnation or acquittal of the mass of Offenders is pronounced by the native authorities. The Statements of the two Zillahs do differently circumstanced, exhibit a marked disparity in the number of acquittals In Nellore where the Cases are disposed of by the Native Officers of 1039 persons apprehended, the acquittals were, by the Magistrate 15, by the Police Officers 57, those by the Criminal Judge may be taken at 90/ the Statement does not shew the number accurately/ total 172 or about 1/6 of the number apprehended. In Malabar of 1160 apprehended the acquittals were, by the Magistrate and Police Officers 355, by the Criminal Judge 459, total 814 or about 3/7 of the number apprehended. The proof sufficient for conviction in a minor or grave case is necessarily the same the Judges are unable to account for the disparity in the Statements from these Zillahs, The Courts of Malabar will doubtless exercise the profundity of the number acquittals in that Zillah, and in fact

the Confirmation of the Court of Circuit. But in regard to the numerous Convictions in Nellore, whether just or not, scrutiny has been instituted neither can any Correction be applied for the prevention of future abuse, Should the Sentences have been passed on insufficient grounds, or be otherwise unwarranted, when it is considered, that in 5 out of 7 of the Conviction in Nellore the punishment of Stripes has been inflicted by the District Police Officers it appears to the Judges that however unobjectionable the operation of the provisions of Section X Regulation IV of 1821 may be in the Zillah of Malabar that in the Zillah of Nellore, their effect is to throw a weight of power into the hands of the Native Police Officers, Capable of the most mischievous abuse and from the extent in which it is exercised, requiring some efficient Control. The Judges Consider this the more necessary, in consequence of the great increase in the punishments by flogging, exhibited in the present Statement The powers of the Criminal Judges, and the Native District Police Officers, do not the Judges conceive, very essentially differ in this respect The injury done and the sense of injustice will probably be much the same, whether the unjust punishment Consisted in a flogging of Sixty or of thirty Stripes upon the same principle therefore, that the regulations provide effectually for the due exercise of the powers vested in the Criminal Courts, requiring that they proceedings should be made matter of record, the Judges would be disposed to recommend a Modification of Section X Regulation IV of 1821 by which it shall be made Competent to the Court of Foujdaree Adalat to require a record of Dispositions to be kept in Zillahs such as Nellore and others similarly Circumstanced where it may be found that the Native Police Officers exercise nearly the whole powers of Police; and where Consequently the labor of such a record, would in their opinion be amply Compensated by the benefit derivable from the check it would provide against hasty or arbitrary proceedings.

(Signed) J. F. Thomas.
Dy Register

10th December 1825.

Statement shewing the Number of Persons apprehended, and punished by the Criminal Judges and Courts of Circuit and by the Fouzdaree Adalut of the Nature of all punishments inflicted by the several Heads of District Police, Magistra

	Number of persons apprehended	Total Number of persons committed by the Police Officers and Magistrates & the Criminal Judges	Total Number of persons apprehended	Magistrates: Number of Cases disposed of	Magistrates: Number of Persons acquitted	Magistrates: Number of persons Committed	Criminal Judges: Number of persons remaining from former Sessions	Criminal Judges: Number of persons brought to trial	Criminal Judges: Number of persons acquitted	Criminal Judges: Number of persons convicted	Court of Circuit & Fouzdaree Adalut: No. of persons acquitted	Court of Circuit & Fouzdaree Adalut: Number of persons convicted	Court of Circuit & Fouzdaree Adalut: Punishments inflicted by the Courts of Circuit: Number of persons sentenced to Fouzdaree Adalut	Court of Circuit & Fouzdaree Adalut: Number of persons acquitted	Court of Circuit & Fouzdaree Adalut: Number of persons convicted	Court of Circuit & Fouzdaree Adalut: Sentence: Death	Transportation	Imprisonment	Remarks
Centre Division																			
Bellary	109	106	936	179	35	214	..	123	133	127	28	127	2	261	260	120	125	..	125
Cuddapah	439	150	1377	279	94	373	381	247	187	394	69	443	13	247					
Nundidroog	295	66	485	125	81	206	5	68	71	195	35	233	20	251	563	525	184	85	95
Chittoor	232	116	1323	312	54	436	258	98	330	261	28	289	12	648	696	415	244	17	226
Candapilly	1147	2093	1182	181	28	209	183	31	194	413	25	438	9	550	389	265	46	3	43
Total	2917	6841	4773	1648	342	1928	776	585	1341	1393	182	1575	56	1857	1908	1325	599	105	489
For the preceding half year	4637	18380	10611	1811	505	2316	949	729	1648	1947	492	2439	185	6624	5831	2822	1395	39	1324
Northern Division																			
Masulipatam	279	809	504	134	53	177	24	103	127	170	65	253	13	142					
Rajahmundry	293	1056	486	129	43	172	193	77	270	73	50	123	36	93	258	86	91	27	62
Nellore	492	1231	1039	452	9	481	57	75	72	770	7	777	6	190					
Guntoor	244	871	369	169	11	180	87	2	89	191	12	203	8	77	340	130	146	..	144
Vizagapatam	197	462	439	150	29	179	57	37	94	243	21	264	8	81					
Ganjam	215	2203	190	47	10	57	47	22	69	53	3	56	1	65	144	83	21	7	14
Total	1720	6642	3027	1091	155	1246	465	256	721	1800	158	1858	72	648	742	299	258	34	220
For the preceding half year	2085	858	4532	1312	238	1550	780	334	1114	1592	255	1847	125	1571	449	326	457		
Southern Division																			
Combaconam	469	1971	846	182	138	320	57	54	111	296	187	483	44	252					
Trichinapoly	95	822	245	62	22	84	49	51	100	78	6	84	3	61	327	271	35	2	33
Darapooram	509	954	437	192	52	244	34	37	71	170	38	208	16	158					
Salem	586	1306	1026	454	96	550	251	125	376	307	65	372	23	278	442	247	113	4	101
Madura	514	1259	980	335	116	451	107	157	264	423	131	556	26	190					
Tinnevelly	194	1155	612	130	35	165	331	63	444	53	14	67	3	68	227	132	54	1	53
Total	2367	7465	4146	1355	459	1814	879	487	1366	1329	441	1770	115	977	996	650	202	7	787
For the preceding half year	3571	10294	6273	1961	691	2652	76	74	1479	1234	790	2024	272	1765	1200	831	602	21	590
Western Division																			
Canara	659	1326	1050	304	193	497	79	277	366	350	184	474	28	219	240	72	70	25	45
Malabar	482	1485	1160	129	37	166	307	68	355	61	33	94	4	711	694	459	124	23	98
Seringapatam	45	85	85	..	34	34	..	25	25	..	32	32	17	28	28	-	22	-	22
Total	1186	2896	2295	433	264	697	386	370	746	411	249	660	49	958	962	531	216	48	165
For the preceding half year																			
Grand Total	8192	23814	14211	4525	1220	5745	2806	1823	4184	4633	1097	5803	292	4440	4688	2805	1275	194	1061
For the preceding half year																			
apprehended 10241																			

By the Magistrates committed and brought to the Criminal Judges — 4184
By the Criminal Judges committed and brought to the Court of Circuit — 1823
By the Court of Circuit committed and referred to the Fouzdaree Adalut — 196
By the Fouzdaree Adalut committed — 381
577

Referred 773
Remains 773
1527

By the Fouzdaree Adalut
Acquitted & released — 196
Convicted & punished — 381
577

(signed) J. F. Thomas
D. J. Regt

No. 680 To the Acting Criminal Judge in the zillah of Chittoor

Returning the Summons sent up by him

letter dated the 2nd Instant with the report of the Sayer—

10th December 1825.

(Sent usual letter)

(No. 71)

No. 685 To The Secretary to Government in the Judicial Depart

Sir.

I am directed by the Judges of the Court of Foujdaree Adalut, to submit for the sanction of the Right Honorable the Governor in Council the accompanying Statement from the Magistrate of the Southern Division of Arcot, of Charges against [illegible] in subsisting the Connicle of the zillah of Chingleput employed Cuddalore in July 1234.

15th December 1825

(Signed) A. F. Thomas Dy Right

No. 693. To The Third Judge on circuit in the Western Division

Sir

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 27th Ultimo, and to inform you, that under the circumstances therein stated, the Judges sanction the postponement of the Jail delivery in the zillah of Seringapatam, under the authority vested in them by Section III Regulation VI of 1808, and permit you to close the circuit, after trying the cases in the Calendar in the zillah of Malabar.

24th December 1825

(Signed) A. F. Thomas Dy Right

No. 694 To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen, With reference to a letter dated the 27th Ultimo from the 3rd Judge on circuit, reporting his inability to accomplish the delivery of the Jail in the zillah of Seringapatam for the 2nd Sessions 1825, by the end of the year the Judges of the Foujdaree Adalut have ascertained that it is not the intention of the Honorable the Governor in Council to avail himself of the provision of Regulation III of 1825. They desire therefore that the Judges of the Provincial Court of Circuit will issue the necessary directions to the Criminal Judges in the zillahs of Seringapatam and Malabar, to bring all cases committed by the former Officer, to an early trial, at the ensuing Sessions in the zillahs of Malabar—

2. The Judges of the Provincial Court of Circuit will point out to those Officers, the duties required from them respectively, under the rules prescribed in Section III Regulation VII 1808, and it will be proper that the Judges on Circuit should fix the date at which the prisoners and witnesses should arrive at Calicut and hold the proceedings in their cases, as soon after their arrival as may be practicable—

3. The Judges desire that the 1st Judge when on Circuit report to them the Number of cases to be transferred from

from the Zillah of Seringapatam.
24th December 1825.

(Signed) A. F. Thomas
Dy. Register

(No. 72)

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

Sir,

With reference to the Second Paragraph of a letter, № 233, dated 4th June 1824, from the Chief Secretary to Government - I am directed by the Judges of the Court of Fouzdaree Udalut to submit their recommendation that the Honorable the Governor in Council may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX. Regulation VIII of 1802 to Loggee narrainu and Ponjee two persons implicated in a case of an atrocious Gang robbery attended wanton acts of barbarity in the Zillah of Canara, the measure appearing to them to be calculated to lead to the conviction of the principal offenders -
28th December 1825.

(Signed) A. F. Thomas
Dy Register

(№ 73)

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

Sir,

I am directed by the Judges of the Court of Fouzdaree Udalut to transmit for the orders of the Honorable the Governor in Council, the accompanying copy of a communication with its enclosure from the Criminal Judge in the Zillah of Chingleput dated the 22nd Instant, requesting that the sanction of Government may be given for the construction of ten Sentry boxes for the purposes of the Zillah Jail -
28th December 1825 (Signed) A. F. Thomas
Dy. Register

№ 697. To The Magistrate in the Southern Division.
of Arcot

Transmitting copy of a letter from Government sanctioning the charges incurred by him for subsisting the convicts at Cuddalore.

28th December 1825. (Sent usual letter)

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

Gentlemen,

1. I am directed by the Judges of the Fouzdaree Udalut, to acknowledge the receipt of your letter of 23rd Ultimo, submitting the reports prescribed by Section XXXV Regulation X 1816 from the Criminal Judges in the Western Division for the Quarter ending 30th September last.

2. Referring to the observations contained in paras 4th and 5th of your letter, upon the subject of the provisions in force for the punishment of Cattle Stealing the Judges direct me to remark

remark, that the provisions of clauses fourth and fifth Section III Regulation VI of 1827 when construed together, do not in their opinion leave it open to a Criminal Judge, to pass a sentence in cases of Cattle Stealing of less than six months imprisonment; and that the Law has in effect declared this to be the minimum of punishment for this offence.—

3.

Unless this construction of the Law be correct the provisions of Clause fifth are negatory, and the rule laid down in Section XIX Regulation I of 1802, to construe no part of a regulation by another, so that the whole may stand, is lost sight of.

4.

It is clear to the Judges from the terms of clause fifth, that cases of Cattle Stealing are excluded from the cognizance of the Criminal Judge under Section VII Regulation X of 1816, and can therefore only be punished under Clause fourth Section III Regulation VI of 1822, and, in as much as it is the declared object and intent of this law to vest the Criminal Judges with extended powers, within they are of course bound to exercise in the cases pointed out, or the law itself would become a dead letter, it is manifest, that the infliction of a minor penalty, such as it is competent to a Criminal Judge to adjudge under Section VII Regulation X of 1816, is wholly opposed to the spirit of the law, and that an interpretation of the terms, for such period as may appear proper" so as to admit of such a sentence and thus to contravene the express intention of the legislature, is at variance with the only fair and rational method of interpretation that of construing the letter by the spirit of the law.—

5.

The Judges are that cases may occasionally occur, where the exercise of the power given in Section III Regulation VI of 1822 may be inexpedient; but this will be equally the case in the instance of offenders punishable under Section VII Regulation X 1816, and if valid reasons, such as extreme youth or other similar ground of exemption be assigned by a Criminal Judge, for withholding in any particular case the penalty prescribed for Cattle Stealing, the Provincial Court of Circuit may sanction such sentence, but if no sufficient cause exist, it will be their duty to admonish the Criminal Judge of his error, and caution him against a like breach of the law infuture.—

6.

It will be obvious to the Judges of the Provincial Court of Circuit from these remarks that the Judges of the Foujdaree Adalut do not agree with them in the opinion, that some modification of the law should be proposed, if it be considered of importance that a severe punishment

should

* in the report No. 5.

Nos. 150, and 151. of unintentional homicide the Judges are of opinion, that this charge should not have been finally disposed of by the Criminal Judge, if the fact of the death of the person by violence was established. The offence of homicide of every description being considered by the Judges, a matter more properly within the cognizance of the Court of Circuit. In cases of this, when it may appear that the homicide did not proceed from malice, it will be proper that the case should be committed and the accused held to bail, under the provisions of Section XI Regulation X of 1816.

28th December 1825. (Signed) S. F. Thomas.
Dy Register

should be provided for cattle stealing.

7.

Adverting to the instructions given to the Criminal Judge in the zillah of Malabar in the Proceedings of the Provincial Court of Circuit of 23d November 1825 that it was his duty to have reported upon the Magistrate for the information (ie) the cause of delay in forwarding prisoners, The Judges trust it will be unnecessary to point out that the Provincial Court must be aware that they overlooked their orders of the 13th September 1822 modifying the Circular orders of the 5th November 1793 which have assigned to the Provincial Courts of Circuit, the duty of calling upon the Magistrates for the reasons of detention, in cases of the detention of prisoners in the Zillah jail fourteen days or more.

8.

With reference to the remarks in Nos. 4 and 5. the Judges direct that the Criminal Judge in the zillah of Malabar be informed, that the sentence passed on the prisoners Nos. 52, 52, 53, 54, 55, and 57 in the report of persons apprehended in the previous quarter, were not passed by law, and that it will be his duty to award punishment in such cases in future, under the extended powers given by the fourth section III Regulation VI of 1822.

9.

Referring to the charge against the prisoner

To the Judges of the Provincial Court of Circuit

in the Centre Division

Gentlemen,

I am directed by the Judges of the

Fauquier Circuit to acknowledge the receipt of your Registers

letter of the 11th. September, forwarding with your proceedings thereon the

half yearly Statement of Crimes committed and punishments

inflicted & furnished by the Magistrates in the Centre Division for the

6 Months ending the 30th. June last

2 With reference to the 2d. and 3d. paragraphs of your

proceedings the Judges direct me to inform you that the Statement

of the Magistrates of Chingleput, which includes, in the total of persons

fined by the Magistrates Statement will require revision in this respect

in favor

6 December 1825 (Signd) H. T. Thomas

Deputy Register

Foujdaree Diary 6th December 1825

667 To the Judges of the Provincial Court of Circuit
Gentlemen, in the Southern Division

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 25th August last, forwarding the statement of crimes and punishments furnished by the Magistrates in the Southern Zillas for the half year ending to 30th June last.

2. The attention of the Judges of the Foujdaree Adalut has been attracted to the disparity shewn by the statements, in the number of acquittals by the Police Officers in the Zilla of Tinnevelly, when compared with the other Districts. On examining the statements of the neighbouring Districts of Tinnevelly and Madura, the number of acquittals by the Police in the latter compared to the apprehensions, is shewn to be in the proportion of 1 to 2 whilst in the former, it is nearly as 3 to 5.

3. These results appear to the Judges, to furnish ample evidence of neglect and oppressive proceedings on the part of the officers of Police, in the Zilla of Tinnevelly; and they desire, that the attention of the Magistrate be particularly directed to their circular orders of the 28th May 1823 upon this subject, and that he be required to ascertain and report, whether the observance of the provisions of Clause first Section XXVII Regulation XI of 1816, enjoining a preliminary enquiry, prior to the apprehension of accused or suspected persons, be only enforced upon the officers under his authority.

The fact of the acquittal of 444 persons out of 652, who were apprehended, is scarcely compatible with the supposition, that enquiry was made, whether credit was due to the accusation in the majority of

679 of the cases of these persons.—

6th December 1825. (Signed) J. F Thomas Deputy Register

(No 70)

To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut, to transmit to you for the purpose of being laid before the Honorable the Governor in Council, the accompanying statement, exhibiting the number of persons apprehended, released, and punished, and the nature of all punishments inflicted, Police, Magistrates, Criminal Judges, and Courts of Circuit, and the Foujdaree Adalut, from the 1st of January to the 30th June 1825.

2 The general results shewn by this statement, compared with those, exhibited in the Statement for the preceding six Months, forwarded with my letter of the 22 July, do not call for any particular remark

3. The extent of Crime, as the Judges had anticipated, has much decreased: the number of Criminal cases reported in the last returns, being 1831, in the present 8192, and the difference observable in the number of apprehensions strongly supports the opinion, expressed in the 8th paragraph of the letter above cited that much of the crime reported in preceding Statements, had its origin, in the pressure of the late of the late seasons of dearcity. The proportions which the convictions and acquittals bear to the apprehensions, are similar to those of previous returns. The Statements however, do not admit of any accurate comparison in this respect, as the convictions and

acquittals

acquittals by the Courts of Circuit, frequently embrac[illegible] cases of persons included in the apprehensions of the two months preceding.

4 In examining the Statements from the several Zillas in detail, the following particulars have attracted the attention of the Judges.

Centre Division 5 In the returns furnished by the Magistrate in the Centre Division, there are no discrepancies requiring observation with the exception above the remarks recorded in para 2 of my letter of 27th July last are applicable to the Statements now forwarded from the Zillas of Chingleput and Tirdachellum.

6 In this Division generally it will be observed by the Honorable the Governor in Council, that the administration of the penal Law as regards minor offences is confided, under the superintendance of the Regulations in force, in a great measure to the Native Officers of Police, and consists chiefly, in the adjudication of Corporal punishment.

7 The number of persons convicted by the several Magistrates & Heads of Police was 1875. of these 326 were imprisoned and 867 flogged by the Native Officers of Police; the number imprisoned by the Magistrates was 126 and flogged 36.

8 In the Zillas of Cuddapah more particularly it would appear, that the extended powers now vested in the officers of police have superseded in a great measure the direct interference of the Magistrate in the adjudication of penalties. The number of persons convicted in the Zilla was 638 of this number, 413 were punished by the Police officers and only 25 by the Magistrate and his assistants, [illegible] average of little more than 1 in each

Northern Division 9 each Month

The disparity formerly observed upon the returns from the Zillas of Ganjam and Vizagapatam, still continues. The Statement of the Magistrate of Ganjam shews, that only 190 persons have been apprehended, whilst no less than 2203 are reported to have been concerned: in Vizagapatam, the number reported to have been concerned is 462, and of these 139 were apprehended. The Judges of the Provincial Court of Circuit for the Northern Division, neglected to call upon the Magistrate of Ganjam for an explanation of his return, but they have since been required to rectify this omission

10 The difference here observed, it not the Judges are disposed to think, attributable to any great diversity in the administration of the police of the two Zillas; but is partly to be ascribed to the peculiar character of the hill population of Ganjam, and in part probably, to the mode in which the return of the Magistrate of the number of persons concerned, is framed. This inference is deducible from the Statement of the crimes committed in the two Zillas, which are nearly equal, in Ganjam, the number was 215, in Vizagapatam, 197.

11 The records also of the trials for Gang robberies in this province which have come before the Court of Foujdaree Adalut, generally shew, that large bodies of men have combined for the commission of offences, of whom but an inconsiderable number have been apprehended, in consequence of the facilities of escape offered by a retreat to the hills. This circumstance, though it tends in some degree to explain the Magistrate's Statement, will not wholly account for the disparity between the number concerned and the number apprehended, as gang robberies are not in frequent in the Vizagapatam Zilla joint in no other district, do the returns shew,

a

a greater number of Criminal Cases, than of persons apprehended.

12 The returns from the Magistrate of Tellicherry require particular notice, as they exhibit the extent to which the power of adjudicating stripes, vested in the police officers under Section IV Regulation IV of 1821 is exercised; which, if any weight is to be attached to the observations of the Provincial Court of Circuit in the Centre Division, recorded in para 5 of my letter of the 22nd July last, must be regarded as a serious evil.

13 In this Zilla, the number of persons apprehended in 1839, of these no less than 770 were punished by the Police officers, and but 7 by the Magistrate; and of this large number of convictions, stripes were inflicted in 637 cases. In other Zillas, the returns do not exhibit a like extensive exercise of power by the native officers; it may be stated indeed, that the infliction of the penalties of the Criminal Law in this Zilla, is, under the operation of IV of 1821, almost exclusively vested in the native officers; which effect of the Regulation, so long as the proceedings of these authorities, are, under the provisions of Section X, not required to be made matter of record, and consequently (as the Court have on a former occasion observed) not subjected to effective control, cannot be contemplated without the apprehension of serious consequences. A comparison of the present Statement, with that furnished from this Zilla for the preceding half year, leads to an inference unfavorable to the police administration; as it shews a considerable increase in the number of persons upon whom the degrading punishment of stripes was inflicted notwithstanding the diminution in the number of crime in the preceding Statement-339 persons were returned as convicted

flogged by the Police officers, in the present, 637. The attention of the Magistrate has been called to the facts here noticed by the Judges, that he may prevent as far as lies in his power the abuse of the powers exercised by his subordinate officers. The returns from the other provinces in this Division, do not appear to the Judges to require remark.

Southern Division 16 The Statement furnished by the Magistrate of Trichinopoly in this Division, differs from those from the other Zillas, in shewing a proportionately less number of persons apprehended, compared to the number concerned in offences. The Judges of the Provincial Court of Circuit, called upon the Magistrate for an explanation, when that officer reported, that the number of persons stated to be concerned robberies committed that night, was greatly exaggerated by the persons attacked, and that had swelled the number in the Statements. The Judges of the Trichinopoly Adalat are disposed to consider this representation as a sufficient explanation of the disparity pointed out.

15 The Statement from the Zilla of Tinnevelly calls for observation, as indicating much irregularity in the proceedings of the officers of Police. Of 812 persons returned as apprehended, 444 were acquitted. The fact of so large a proportion of acquittals, to which the Statements in other provinces exhibit nothing similar, is incompatible with the supposition, that due attention has been paid to the rules laid down in Clause first Section XXVIII Regulation XI of 1816, enjoining a preliminary enquiry in heinous cases to ascertain whether credit is due to the accusation. The Magistrate has been called upon to state, whether the observance of these rules is duly inforced upon the officers under his authority. The Judges observe that the Heads of Police in this Zilla, have availed themselves two great extent of their power of adjudicating stripes. The number of persons punished by

by them was 53, and of these 52 were flogged, and but 1 imprisoned.

Western Division 16 The Statements furnished by the Magistrates of Canara and Malabar exhibit a striking disparity in the numbers respectively disposed of by the Magistrate and his subordinate Officers, and by the Criminal Courts. In Canara of 1080 persons apprehended, 356 were acquitted, and 476 punished by the Magistrate or officers of Police, being in the proportion of nearly 4/5 of the number apprehended leaving 249, or somewhat more than 1/5, to be disposed of by the Criminal Judge: In Malabar of 1661 persons apprehended, 355 were acquitted by the Magistrate and Officers of Police; 94 punished and 711, or nearly 4/5 of the whole number apprehended, forwarded to the Criminal Court. The vindictive spirit which generally prevails, and the more turbulent character of the population of Malabar, will go far to account for this difference in the returns of these Zillas; but the Judges apprehend also that some difference must exist in the mode in which the Police is regulated in the two provinces, to give rise to so great a disparity. In reviewing the Quarterly reports from the Zillas of Malabar, the Judges have had occasion more than once, to direct the attention of the Magistrate to an irregularity common in the proceedings of his subordinate Officers, in sending up to the Criminal Court petty offences cognizable by the Magistrate. The Criminal Court also found it necessary some time past, to notice an order which it would appear had been issued by the Magistrate, commanding the District officers to forward all cases cognizable by him, to the Criminal Judge, when the Magistrate was not at the station, but engaged in revenue duties in a distant part of the Zilla. This circumstance also tends to explain the diversity apparent in the Statements from these Zillas.

17 The Statement from the Zilla of Seringapatam does not appear to the Judges to call for remark.

On

18 On comparing the Statements from the respective Divisions the following results are exhibited; which, the Judges consider desirous of the notice of the Honorable the Governor in Council.

19 The returns from the Northern Division, shew, that the cases of the greater proportion of apprehended offenders in that Division, are disposed of by the Native officers of Police. In Nellore as before remarked, this is peculiarly the case of 3027 persons, the number apprehended in the six provinces only 448 were sent to the Criminal Judge, in the proportion of nearly 1/5.

20 In the Centre Division, of 4773 persons apprehended, 1857, or 1/3, were sent up to the Criminal Courts, in the Southern Division the proportion is about 1/4, in the Western Division, it is not much less than 1/2. If this diversity is to be traced to the different habits and dispositions of the inhabitants of the several provinces, occasioning the prevalence of different degrees of crime an important Consideration arises, respecting the operation of Regulation IV of 1821, or any enactment enlarging the powers of Subordinate Officers of Police in its application to the different provinces. In the districts where heinous crimes are prevalent, and petty offences infrequent, it is obvious, that a law of this nature will alter but little the system of police previously established; but that in districts where the large proportion of offences are trifling the effect of the law is to remove the duties of the police, from the hands of the European to the Native Officers. This observation is particularly exemplified in the instance of the Zillas of Malabar and Nellore.

21 In the former Zilla, the provisions of Section V Regulation IV of 1821 have a very limited operation, the number of punishments inflicted by the Native Police authorities was

was 61: imprisoned, 10 flogged 51; and the system of Police administration has not therefore been altered; the great proportion of offenders apprehended, still receiving their condemnation or acquittal from the European authorities. In the Zilla of Nellore, the case is widely different, there, the prevailing offences come apparently within the description provided for in Section II Regulation IV of 1821. The law has consequently removed the cognizance of Crime in that Zilla, from the European to the Native tribunals and the condemnation or acquittal of the mass of offenders is pronounced by the Native Authorities. The Statements of the two Zillas so differently circumstanced, exhibit a marked disparity in the number of acquittals. In Nellore where the cases are disposed of by the Native officers. of the 1039 persons apprehended, the acquittals were by the Magistrate 15, by the Police officers 57, those by the Criminal Judge may be taken at 90. The Statement does not shew the number accurately, total 172 or about $\frac{1}{6}$th. of the number apprehended. In Malabar of 1160 apprehended the acquittals were, by the Magistrate and Police officers 355, by the Criminal Judge 459, total 814, or about $\frac{5}{7}$ths of the number apprehended. The proof sufficient for conviction in a minor or graver case being, necessarily the same, the Judges are unable to account for this disparity in the Statements from these Zillas. The records in Malabar will doubtless evince the propriety of the numerous acquittals in that Zilla, and in fact, the proceedings have received the confirmation of the Court of Circuit. But in regard to the numerous Convictions in Nellore, whether, just or not, scrutiny has been instituted, neither can any correction be applied for the prevention of future abuse. Should the Sentences have been passed on insufficient grounds or be otherwise unwarranted when it is considered, that in 5 out of 7 of the convictions in Nellore the punishment of stripes has been inflicted by the District Police officers, it appears to the Judges, that however unobjectionable the operation of the provisions of Section X Regulation IV of 1821 may be in the Zilla of Malabar, that in the Zilla of Nellore, their effect is to throw a weight of power into the hands of the Native Police Officers, capable of the most mischievous abuse, and use from the extent in which it is exercised, requiring some efficient control. The Judges consider this the more necessary in consequence of the great increase in the punishments flogging, exhibited in the present Statement. The powers of the Criminal Judges, and the Native District Police officers, do not, the Judges conceive, very essentially differ in this respect. The injury done and the sense of injustice will probably be much the same, whether the unjust punishment consisted in a flogging of six or of thirty stripes upon the same principle therefore, that the regulations provide effectually for the due exercise of the powers vested in the Criminal Courts, requiring that their proceedings should be made matters of record, the Judges would be disposed to recommend a modification of Section X Regulation IV of 1821 by which it shall be made competent to the Court of Foujdaree Adawlut to require a record of the positions to be kept in Zillas such as Nellore, and other Districts circumstanced where it may be found that the Native Police officers exercise nearly the whole powers of police; and where undoubtedly, the labor of such a record would in their opinion be amply compensated by the benefit derivable from the check it would provide against hasty or arbitrary proceedings.

16th December 1825 — (Signed) J. F. Thomas

Deputy Register

Statement

was 61: imprisoned, 10 flogged 51; and the system of Police administration has not therefore been altered; the great proportion of Offenders Apprehended, Still receiving their condemnation or acquittal from the European authorities. In the Zilla of Nellore, the case is widely different, there, the prevailing Offences come apparently within the description provided for in Section II Regulation II of 1821. The law has consequently removed the cognizance of Crime in that Zilla, from the European to the Native tribunals and the condemnation or acquittal of the mass of Offenders is pronounced by the Native Authorities.

The Statements of the two Zillas so differently circumstanced, exhibit a marked disparity in the number of acquittals. In Nellore where the cases are disposed of by the Native officers of the 1139 persons Apprehended, the acquittals were by the Magistrate 15, by the Police Officers 57, those by the Criminal Judge may be taken at 90. The Statement does not shew the number accurately, total 172 or about $\frac{1}{7}$th. of the number Apprehended. In Malabar of 1161 Apprehended the acquittals were, by the Magistrate and Police Officers 355, by the Criminal Judge 459, total 814, or about $\frac{5}{7}$th. of the number Apprehended. The proof sufficient for conviction in a minor or graver case being, necessarily the same, the Judges are unable to account for this disparity in the Statements from these Zillas. The records in Malabar will doubtless evince the propriety of the numerous acquittals in that Zilla, and in fact, the proceedings have received the confirmation of the Court of Circuit. But in regard to the numerous convictions in Nellore, whether, just or not, scrutiny has been instituted, neither can any correction be applied for the prevention of future abuse. Should the sentences have been passed on insufficient grounds or be otherwise unwarranted when it is considered, that in 5 out of 7 of the convictions in Nellore the punishment of stripes has been inflicted by the District Police Officers it appears

appears to the Judges, that however unobjectionable the operation of the provisions of Section X Regulation IV of 1821 may be in the Zilla of Malabar, that in the Zilla of Nellore, their effect is to throw a weight of power into the hands of the Native Police Officers, capable of the most mischievous abuse, and use from the extent in which it is exercised, requiring some efficient control. The Judges consider this the more necessary in consequence of the great increase in the punishments flogging, exhibited in the present Statement. The powers of the Criminal Judges, and the Native District Police Officers, do not, The Judges conceive, very essentially differ in this respect. The injury done and the sense of injustice will probably be much the same, whether the unjust punishment consisted in a flogging of six or of thirty stripes. Upon the same principle therefore, that the regulations provide effectually for the due exercise of the powers vested in the Criminal Courts, requiring that their proceedings should be made matter of record, the Judges would be disposed to recommend a modification of Section X Regulation IV of 1821 by which it should be made competent to the Court of Foujdaree Adawlut to require a record of depositions to be kept in Zillas such as Nellore, and should similarly circumstanced such be found that the Native Police Officers exercise nearly the whole powers of police; and where consequently, the labor of such a record would in their opinion be amply compensated by the benefit derivable from the check it would provide against hasty or arbitrary proceedings.

Fort St. George 1st December 1825 — (Signed) J. F. Thomas
Deputy Register

Statement

was 61: imprisoned, 10 flogged 51; and the system of Police administration has not therefore been altered; the great proportion of Offenders Apprehended, still receiving their condemnation or acquittal from the European authorities. In the Zilla of Nellore, the case is widely different there, the prevailing Offences come apparently within the description provided for in Section II Regulation IX of 1821. The law has consequently removed the cognizance of Crime in that Zilla, from the European to the Native tribunals and the condemnation or acquittal of the mass of offenders is pronounced by the Native Authorities. The Statements of the two Zillas so differently circumstanced, exhibit a marked disparity in the number of acquittals. In Nellore where the cases are disposed of by the Native officers. of the 1134 persons Apprehended, the Acquittals were by the Magistrate 15, by the Police Officers 57, those by the Criminal Judge may be taken at 90. The Statement does not shew the number accurately, total 172 or about $\frac{1}{7}$th. of the number Apprehended. In Malabar of 1160 Apprehended the acquittals were, by the Magistrate and Police Officers 355, by the Criminal Judge 459, total 814, or about $\frac{5}{7}$th of the number Apprehended. The proof sufficient for conviction in a minor or graver case being, necessarily the same, the Judges are unable to account for this disparity in the Statements from these Zillas. The records in Malabar will doubtless evince the propriety of the numerous acquittals in that Zilla, and in fact, the proceedings have received the confirmation of the Court of Circuit. But in regard to the numerous Convictions in Nellore, whether, just or not, scrutiny has been instituted, neither can any correction be applied for the prevention of future abuse. Should the Sentences have been passed on insufficient grounds or be otherwise unwarranted when it is considered, that in 5 out of 7 of the Convictions in Nellore the punishement of stripes has been inflicted by the District Police Officers, it appears to the Judges, that however unobjectionable the operation of the provisions of Section X Regulation IV of 1821 may be in the Zilla of Malabar, that in the Zilla of Nellore, their effect is to throw a weight of power into the hands of the Native Police Officers, capable of the most mischievous abuse, and use from the extent in which it is exercised, requiring some efficient control. The Judges Consider that the more necessary in consequence of the great increase in the punishments flogging, exhibited in the present Statement. The powers of the Criminal Judges, and the Native District Police Officers, do not, the Judges conceive, very essentially differ in this respect. The injury done and the sence of injustice will probably be much the same, whether the unjust punishment consisted in a flogging of six or of thirty Stripes upon the same principle therefore, that the regulations provide effectually for the due exercise of the powers vested in the Criminal Courts, requiring that their proceedings should be made matters of record, the Judges would be disposed to recommend a modification of Section X Regulation IV of 1821 by which it shall be made competent to the Court of Foujdaree Adalut to require a record of depositions to be kept in Zillas such as Nellore, and should similar circumstances and where it may be found that the native police officers exercise nearly the whole powers of police; and whose consequently, the labor of such a record would in their opinion be amply compensated by the benefit derivable from the check it would provide against hasty or arbitrary proceedings.

1st December 1825 — (Signed) J. H. Thomas

Deputy Register

Statement

Statement Shewing the Number of Persons apprehended, and Disposed together with the nature of all punishments inflicted by the Courts of Circuit and by the Foujdaree Adalut from 1st

Head of District Police, Magistrates, Criminal Judges, Courts of Circuit and

| | Total number of persons committed by the Police | Total number of persons disposed of by the Magistrates | Total number of persons referred to the Criminal Judge | Total number of persons discharged | Magistrates | | | | | | | | | | Criminal Judges | | | | | | | | | | | Courts of Circuit Foujdaree Adalut | | | | | | | | | | |

Statement Shewing the Number of Persons apprehended, and Disposed of together with the nature of all punishments inflicted by the Guaral Heads of District Police, Magistrates, Criminal Judges and Courts of Circuit and by the Foujdaree Adalut for the year 1850

	Total number of persons committed of every description	Total number of persons apprehended to be charged	Total number of persons apprehended	Magistrates: Number of Cases disposed of — By the Magistrates	By the Asst. Officers	Total	By the Magistrates	By the Asst. Officers	Total	Number of persons acquitted	Number of persons convicted	Punishments inflicted by the Magistrates	Punishments inflicted by the Criminal Judges: Number of persons fined	Number of persons imprisoned	Number of persons flogged	Number of persons committed to the Court of Circuit	Criminal Judges: Number of persons committed	Number of persons fined	Number of persons imprisoned	Number of persons flogged	Courts of Circuit Foujdaree Adalut: No. of persons convicted	Punishments inflicted by the Courts of Circuit: Number of persons fined	No. of persons imprisoned	No. of persons flogged	No. of persons transported	No. of persons transported & flogged	No. of persons acquitted	Sentences: Number of persons convicted	Death	Transportation	Imprisonment	Remarks
Centre Division																																
Bellary	409	1060	536	179	85	264																										
Chingleput	430	1550	1277	279	94	373	320	247	567	394	69	463	155	86	91	23	2															
Verdachellum	292	601	485	125	81	206	5	66	71	148	35	233	14	84	16	50	13															
Chittoor	732	1408	1323	382	54	436	288	98	386	361	28	389	88	378	15	20	12															
Cuddapah	1067	2093	1182	681	28	709	163	31	194	443	25	468	140	173	10	9																
Total	2919	6841	4773	1646	342	1988	776	542	1341	1393	187	1875	526	1067	126	66																
Northern Division																																
Masulipatam	279	800	504	124	53	177	24	103	127	170	65	235	88	82	52	13																
Rajahmundry	263	1066	486	129	43	172	193	77	270	73	68	123	16	57	14	26																
Nellore	492	1231	739	472	9	481	87	15	102	770	7	777	133	637	1	6																
Guntoor	244	871	370	169	11	180	87	2	89	191	2	193	119	72	48																	
Vizagapatam	197	462	439	750	29	779	57	37	94	242	21	263	178	65	13	8																
Ganjam & Chicacole	215	2203	196	47	10	57	47	2	49	23	3	26	22	10	21.																	
Total	1720	6612	3077	1691	155	1846	495	238	721	1567	158	1725	568	332	86	72																
Southern Division																																
Combaconum	469	1971	846	182	138	320	57	54	111	296	157	483	145	151	143	44																
Tinchinopoly	95	527	248	82	22	84	49	61	110	78	16	84	23	65	22	16																
Dindigul	569	854	487	192	52	244	34	31	65	170	23	193	6	151	42	20																
Salem	586	1306	1026	454	98	552	257	125	382	607	61	668	201	216	105	26																
Madura	514	1250	980	335	116	451	107	137	244	486	101	587	221	199	12	3																
Tinnevelly	194	1153	672	130	35	165	281	62	343	60	14	74	1	82																		
Total	2367	7061	4111	1355	459	1814	879	487	1366	1829	441	1771	429	890	327	116																
Western Division																																
Canara	650	1326	1050	304	193	497	79	277	356	352	124	476	260	81	98	28																
Malabar	482	1485	1166	129	37	166	307	48	355	61	33	94	10	57	28	4																
Seringapatam	15	85	85		34	34		25	25		21	21			15	17																
Total	1186	2896	2295	433	264	697	386	350	736	413	178	591	270	138	141	49																
Grand Total	8192	23844	14211	5125	1220	6345	2536	1618	4154	4603	970	5573	1672	3021	679	303																

By the Magistrates

Apprehended 14201 :

Acquitted and released 4164
Convicted and punished 5403
Sent to the Criminal Judges 4446
14013

By the Criminal Judges

Sent to the Magistrates 4446

Acquitted and released 1777
Convicted and punished 2669
Committed for trial 805
4446

By the Courts of Circuit

Committed for trial 1975
1918
4898

Acquitted and released 937
Convicted & punished 177
Referred to the Foujdaree Adalut 818
1927

By the Foujdaree Adalut

Referred 818

Acquitted and released 122
Convicted & punished 196
318

E. E. [illegible]
Sd/ J. F. Thomas.
Sr. Register

Statement Shewing the Number of Persons apprehended, and Disposed of together with the nature of the punishments inflicted by the Guaral Head of District Police, Magistrates, Criminal Judges and Courts of Circuit and by the Panjayams Adalat for the

	Total number of persons committed to the Court of Session	Total number of persons apprehended & charged	Total number of persons discharged	Number of Cases disposed of by the Police Officers	By the Magistrates	Total	By the Police Officers	By the Magistrates	Total	By the Police Officers	By the Magistrates	Total	Number of persons punished by the Police Officers	Number of persons punished by the Magistrates	Total	Punishments inflicted by the Police Officers	Punishments inflicted by the Magistrates	Total
Centre Division																		
Bellare	409	1060	536	179	85	264												
Chingleput	439	1550	1277	279	94	373	320	247	567	394	69	463	48	16	64	15	20	35
Vellacheltium	292	661	465	125	81	206	5	66	71	148	35	233	14	11	25	11	11	22
Chittoor	732	1468	1323	382	54	436	283	98	386	260	28	288	83	10	93	10	9	19
Cuddapah	1047	2093	1182	691	28	719	163	31	194	443	25	468	140	6	146	66		66
Total	2919	6841	4783	1646	342	1988	776	442	1341	1393	182	1575	326	43	369	102	40	142
Northern Division																		
Masulipatam	279	800	504	124	53	177	24	103	127	170	65	235	88	52	140	52		52
Rajahmundry	403	1066	488	120	43	163	193	77	270	72	60	132	15	63	78	48		48
Nellore	497	1231	1030	472	9	481	87	15	102	170	7	177	208	19	227	134	1	135
Guntoor	244	871	510	160	2	162	180	27	207	89	2	91	168	10	178	65		65
Vizagapatam	107	462	339	150	29	179	87	32	119	98	3	101	52		52	10		10
Ganjam	215	2208	190	47	30	77	47		47	69		69	208	3	211	86	72	158
Total	1720	6612	3027	1091	165	1246	405	258	721	1515	158	1673	548	132	680	395	125	520
Southern Division																		
Combaconum	469	1971	846	182	138	320	57	54	111	298	187	485	148	151	299	113	141	254
Trichinopoly	85	822	215	62	22	84	40	81	120	75	16	91	23	65	88	22	16	38
Dindigul	509	954	487	192	52	244	34	37	71	170	23	193	83	2	85	22	22	44
Salem	586	1586	1026	454	98	552	257	125	382	607	60	667	274	24	298	105	26	131
Madura	514	1250	980	335	118	453	107	152	259	418	191	609	221	109	330	12	3	15
Tinnevelly	104	1153	612	130	35	165	881	86	244	60	44	104	1	82	83			
Total	2367	7486	4166	1355	459	1814	974	487	1461	1829	441	2270	849	533	1382	327	116	443
Western Division																		
Canara	650	1326	1050	204	193	397	70	277	347	252	134	386	60	38	98	58		58
Malabar	482	1485	1116	129	27	156	307	43	350	41	22	63	10	5	15	9		9
Seringapatam	15	85	85		34	34		15	15		2	2						
Total	1147	2896	2251	333	254	587	377	335	712	293	158	451	70	43	113	67		67
Grand Total	8153	23814	14217	5525	1225	6750	2532	1668	4200	4633	970	5603	1672	821	2493	990	281	1271

By the Magistrates

Apprehended 14241:
- Acquitted and released 4164
- Committed and punished 5603
- Sent to the Criminal Judges 4440
- 14207

By the Criminal Judges

- Acquitted and released 805
- Committed and punished 1076
- Sent to the Courts of Circuit 818
- 2898

By the Courts of Circuit

- Acquitted and released 237
- Committed & punished 477
- Referred to the Panjayam Adalat 710
- 1424

By the Panjayam Adalat

- Referred 710
- Acquitted and released 196
- Committed & punished 381

	Total number of persons committed to the District Criminal Courts by the Magistrates & the Criminal Judges	Number of persons committed	Number of persons fined	Number of persons imprisoned	Number of persons discharged	No. of persons committed to the Courts of Circuit	No. of persons acquitted	No. of persons convicted	Number of persons fined	No. of persons imprisoned	No. of persons transported	Number of persons transported & imprisoned	No. of persons acquitted	Number of persons convicted	Death	Transportation	Imprisonment	Remarks
	261	258	120	125	"	78	30	4	"	4	"	42	5	25	"	"	25	
	247	503	525	184	85	95	4	52	28	5	"	5	"	11	13	14	1	13
	181																	
	648	690	2445	244	17	226	1	80	43	7	12	12	"	9	"	"	"	
	550	389	205	46	3	43	"	143	564	44	"	44	"	383	63	180	"	29
	1857	1903	1325	599	105	489	5	362	629	65	"	65	"	445	83	228	"	30
	142	258	86	91	27	62	2	52	38	1	"	1	"	20	7	28	1	8
	93																	
	190	540	130	146	"	146	2	72	27	6	"	6	"	156	"	33	7	8
	177																	
	181	144	83	21	7	11	"	24	38	9	"	9	"	7	34	13	"	4
	648	742	299	288	24	220	6	158	103	16	"	16	"	183	41	74	8	20
	1571	1449	526	152	58	193	13	344	181	37	"	37	"	356	75	185	9	48
	252	327	271	35	2	33	"	31	52	14	"	14	"	11	14	32	2	30
	613																	
	158	442	247	113	4	141	8	60	25	19	"	19	"	"	5	5	2	3
	275																	
	198	227	132	54	1	53	"	56	23	5	"	5	"	35	42	20	6	9
	68																	
	977	996	650	202	7	187	8	141	110	38	"	38	"	55	61	57	10	9
	219	240	72	90	25	65	"	58	33	17	"	17	"	12	1	1	1	"
	711	604	459	124	23	98	3	93	57	35	"	35	"	18	10	21	8	7
	28	28	"	22	"	22	"	6	5	3	"	3	"	"	"	"	"	"
	958	862	531	216	48	185	3	157	95	55	"	55	"	30	11	22	9	7
	4140	4608	2805	1275	194	1081	20	808	927	177	"	177	"	712	196	381	27	66

Statement Shewing the Number of Persons apprehended, and Disposed of together with the nature of all punishments inflicted by the Heads of District Police, Magistrates, Criminal Judges and Courts of Circuit and by the Sessions Judge of [illegible]

	Total number of persons committed to the Police Courts	Total number of persons disposed of by the Police Courts	Total number of persons apprehended	Number of Cases disposed of by the Police Officers	By the Magistrates Total	By the Police Officers	By the Magistrates Total	Number of persons acquitted	Number of persons convicted	Punishments inflicted by the District Police Officers	Punishments inflicted by the District Magistrate	Number of persons fined	Number of persons imprisoned
Centre Division													
Bellary	409	1060	536	179	85	264							
Chingleput	439	1550	1277	279	94	373	320	123	123	127	25	152	96
Vizagapatam	292	661	485	145	81	226	5	247	567	396	69	463	48
Chittoor	732	1408	1323	382	54	436	283	66	71	148	35	233	14
Cuddapah	1047	2093	1182	691	28	719	163	98	386	267	23	280	89
Total	2919	6841	4773	1646	342	1988	776	31	194	413	25	438	140
								568	1341	1393	182	1875	326
Northern Division													
Masulipatam	279	800	504	124	53	177	24	103	127	170	65	235	88
Rajahmundry	293	1066	481	120	43	163	193	77	270	73	60	133	15
Nellore	492	1231	1039	472	9	481	87	15	72	770	7	777	133
Guntoor	244	871	319	169	11	180	87	2	89	191	2	193	109
Vizagapatam	197	462	439	750	29	779	57	37	39	226	21	247	25
Ganjam	215	2263	190	47	10	57	47		69	53	3	56	178
Total	1720	6613	3027	1391	155	1246	465	258	721	1570	158	1624	508
													632
Southern Division													
Combaconum	469	1971	846	182	138	320	57	54	111	296	157	483	148
Trichinopoly	95	822	248	82	22	84	49	51	120	75	16	84	23
Dindigul	509	1054	437	192	52	244	34	37	71	170	28	208	6
Salem	586	1306	1026	254	98	352	287	125	316	307	64	372	61
Madura	514	1259	980	335	116	451	107	137	242	446	151	597	221
Tinnevelly	194	1153	612	130	35	165	881	62	444	60	44	67	1
Total	2367	7465	4149	1355	459	1814	879	487	1385	1879	464	1771	459
													892
Western Division													
Canara	650	1326	1050	304	193	497	79	277	956	252	194	474	260
Malabar	482	1485	1160	129	37	166	307	48	255	61	33	94	10
Seringapatam	15	85	85		34	34		25	25		22	22	
Total	1147	2896	2295	433	264	697	386	350	236	411	139	590	270
													132
Grand Total	8153	23814	14244	5225	1220	6445	2506	1658	4164	4683	970	5633	1672
													3021

By the Magistrates

Apprehended 14261

Acquitted and released 4164
Committed and punished 5603
Sent to the Criminal Judges 4440
14207

By the Criminal Judges

Suspended by the Magistrates 5440

Acquitted and released 2805
Committed and punished 1975
Committed for trial 1918
4898

Criminal Judges

	Total number of persons sent by the District Police Officers and Magistrates to the Criminal Judges	Number of persons committed	Number of persons fined	Number of persons imprisoned	Number of persons discharged	No. of persons committed to the Court of Circuit	No. of persons acquitted	No. of persons convicted	Number of persons fined	No. of persons imprisoned	Punishments inflicted by the Courts of Circuit: No. of persons transported	No. of persons transported to the Straits for life	No. of persons executed	No. of persons acquitted	Remarks
261	258	120	115	"	125	"	78	30	4	"	4	"	42	8	
247	503	325	184	65	95	4	52	28	5	"	5	"	11	13	
151															
628	696	415	244	17	226	1	89	7	12	"	12	"	9		
556	389	205	46	3	43	"	143	564	44	"	44	"	383	65	
1857	1008	1325	599	165	489	5	362	629	65	"	65	"	445	88	
								177	87	1	86	"	361	34	
142															
93	258	86	91	27	62	2	52	38	1	"	1	"	20	7	
190															
77	340	130	146	"	146	2	72	27	6	"	6	"	156	"	
81	141	83	21	7	16	"	24	38	9	"	9	"	7	24	
65															
648	742	299	288	34	220	4	158	103	16	"	16	"	183	41	
252															
61	327	271	35	2	33	"	31	52	14	"	14	"	11	14	
158															
278	442	247	113	4	161	8	66	25	19	"	19	"	"	5	
19															
68	227	132	64	1	53	"	50	23	5	"	5	"	35	42	
977	996	650	202	7	187	8	141	110	38	"	38	"	55	61	
219	240	72	70	25	45	"	68	23	17	"	17	"	12	1	
711	691	459	121	23	98	3	93	57	32	"	32	"	18	10	
28	28	"	22	"	22	"	6	5	3	"	3	"	"	"	
958	962	531	213	48	165	3	157	95	52	"	52	"	30	11	
4140	4608	2805	1375	194	1061	20	808	937	177	"	177	"	712	196	

Courts of Circuit and Sessions Judges Adalat

Punishments inflicted by the Courts of Circuit: No. of persons sentenced to Death	Transportation	Imprisonment
4	"	4
25	"	25
14	"	1
189	"	29
228	"	30
144	2	19
28	1	8
156	"	33
7	8	18
7	24	13
9	"	4
183	41	74
14	32	2
5	5	2
95	42	20
55	61	57
12	1	1
18	10	21
"	"	"
33	11	22
712	196	381

Sentences

By the Courts of Circuit

Committed 37
Acquitted and released 37
Referred to the Sessions Judge 110

By the Sessions Judge

Referred 13
Acquitted and released 196
Committed & punished 381

Fujdarry Diary

№680 To the Acting Criminal Judge in the Zilla of Chittoor.

Returning the Summons sent up by him in his letter dated the 2d Instant with the report of the Nazir.
15th December 1825.

sent usual letter.

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

No 711

Sir,

I am directed by the Judges of the Court of Fujdarry Adalut, to submit for the sanction of the Honorable the Governor in Council, the accompanying statement from the Magistrate of the Southern Division of Arcot, of charges preferred in substituting the convicts of the Zilla of Chingleput employed at Cuddalore in July 1824.

№693. To the Third Judge on Circuit in the Western Division.

Signed J. F. Thomas Dy Register

Sir,

I am directed by the Judges of the Fujdarry Adalut, to acknowledge the receipt of your letter of the 27th Ultimo, and to inform you, that under the circumstances therein stated, the Judges sanction the postponement of the Jail delivery in the Zilla of Seringapatam, under the authority vested in them by Section III Regulation VI of 1808; and permit you to close the Circuit, after trying the cases in the Calendar in the Zilla of Malabar.
24th December 1825.

Signed J. F. Thomas Dy Register

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

Gentlemen,

With reference to a letter dated the 27th Ultimo, from the 3d Judge on Circuit, reporting his inability to accomplish the delivery of the Jail in the Zilla of [illegible] the 2d Sessions 1825, by the end of the year

Fujdarry Diary, 24th and 28th December 1825

year, the Judges of the Fujdarry Adalut have ascertained that it is not the intention of the Honorable the Governor in Council to avail himself of the provision of Regulation III of 1825. They desire therefore that the Judges of the Provincial Court of Circuit will issue the necessary directions to the Criminal Judges in the Zillas of Seringapatam and Malabar, to bring all cases committed by the former officer to an early trial, at the ensuing Sessions in the Zilla of Malabar.

2. The Judges of the Provincial Court of Circuit will point out to those Officers, the duties required from them respectively, under the rules prescribed in Section III Regulation VI 1808; and it will be proper that the 4th Judge on Circuit should fix the date at which the prisoners and witnesses should arrive at Calicut, and hold the proceedings in their cases, as soon after their arrival as may be practicable.

3. The Judges desire that the 3d Judge when on Circuit report to them the number of cases to be transferred from the Zilla of Seringapatam.

24th December 1825. Signed J. F. Thomas Dy Regr.

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

No 714

Sir,

With reference to the second Paragraph of a letter, №233, dated 4th June 1824, from the Chief Secretary to Government I am directed by the Judges of the Court of Fujdarry Adalut to submit their recommendation, that the Honorable the Governor in Council may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802 to Jogga Narrama and Dayee, two persons implicated in a case of an atrocious Gang Robbery attended in the wanton exercise of barbarity in the Zilla of Canara; the

№680 To the Acting Criminal Judge in the Zilla of Chittoor.

Returning the Summons sent up by him in his letter dated the 2d Instant with the report of the Nazir.
15th December 1825.

Sent usual letter.

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

No 71

Sir,

I am directed by the Judges of the Court of Fojdaree Adalut, to submit for the sanction of the Honorable the Governor in Council, the accompanying statement from the Magistrate of the Southern Division of Arcot, of charges incurred in subsisting the convicts of the Zilla of Chingleput employed at Cuddalore in fusly 1234.

№693. To the Third Judge on Circuit in the Western Division

Signed J. F. Thomas Dy Register

Sir,

I am directed by the Judges of the Fojdaree Adalut, to acknowledge the receipt of your letter of the 27th Ultimo, and to inform you, that under the circumstances therein stated, the Judges sanction the postponement of the Jail delivery in the Zilla of Seringapatam, under the authority vested in them by Section III Regulation VI of 1808; and permit you to close the Circuit, after trying the cases in the Calendar in the Zilla of Malabar.
24th December 1825.

Signed J. F. Thomas Dy Register

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

Gentlemen,

With reference to a letter dated the 27th Ultimo, from the 3d Judge on Circuit, reporting his inability to finish the Delivery of the Jail in the Zilla of Seringapatam at the Sessions 1825, by the end of the year

Year, the Judges of the Fojdaree Adalut have ascertained that it is not the intention of the Honorable the Governor in Council to avail himself of the provision of Regulation III of 1825. They desire therefore that the Judges of the Provincial Court of Circuit will issue the necessary directions to the Criminal Judges in the Zillas of Seringapatam and Malabar, to bring all cases committed by the former officer to an early trial, at the ensuing Sessions in the Zilla of Malabar.

2. The Judges of the Provincial Court of Circuit will point out to those Officers, the duties required from them respectively, under the rules prescribed in Section III Regulation VI 1808; and it will be proper that the 1st Judge on Circuit should fix the date at which the prisoners and witnesses should arrive at Calicut, and hold the proceedings in their cases, as soon after their arrival as may be practicable.

3. The Judges desire that the 1st Judge when on Circuit report to them the number of cases to be transferred from the Zilla of Seringapatam.

24th December 1825. Signed J. F. Thomas Dy Regr

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

No 72

Sir,

With reference to the second Paragraph of a letter, №233, dated 4th June 1824, from the Chief Secretary to Government I am directed by the Judges of the Court of Fojdaree Adalut to submit their recommendation, that the Honorable the Governor in Council may be pleased to sanction the offer of a conditional pardon, under the provisions of Section XX Regulation VIII of 1802 to Jogga Narrana and Dunja, two persons implicated in a case of an atrocious Gang Robbery attended in the wanton [illegible] of barbarity in the Zilla of Canara, the

to them to be calculated to lead to the conviction of the
principal offenders.-
28th December 1825.

No 696 To the Secretary to Government in the Judicial Department
Sir, (1873)

I am directed by the Judges of the Court
of Fujdaree Adalut to transmit for the orders of the H
onorable the Governor in Council, the accompanying co
of a communication with its enclosure, from the Crim
inal Judge in the Zilla of Ringapoot dated the 22nd
requesting that the sanction of Government may be g
for the construction of ten Sentry boxes for the
purposes of the Zilla Jail.
28th December 1825. (Signed) J. Thomas Dy Regis

No 697 To the Magistrate in the Southern Division
of Arcot.

Transmitting Copy of a letter from
Government sanctioning the Charges incurred by him
for subsisting the Convicts at Cuddalore.
28th December 1825.
Sent usual letter