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No 1. To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. The Judges of the Court of Toydaree Adalut have had under consideration a letter from Mr W. Brown late on Circuit transmitting for their information the annexed opinion of the Zillah Surgeon on the past and present state of the mind of a Prisoner named Cobalasoo now in confinement at Bellary.

2. Under that opinion it has been resolved to direct that he be delivered over to any of his relations if such there are willing and able to receive and take proper care of him.

3. You will therefore be pleased to adopt such measures as are necessary for the attainment of the object in view and report the result for the satisfaction of this Court.

Signed A. Maclean
Sec.y to Govt.

8th January 1827.

(No 1)

No 8. To the Acting Secretary to the Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Court of Toydaree Adalut to transmit to you, for the orders of the Governor in Council, the accompanying copy of a letter dated 23d Ultimo, from the Criminal Judge in the Zillah of Bellary transmitting a Bill for Rupees 319 and [illegible] of translations for the Court of Circuit.

2. An early opportunity will be taken to rescind Section XXXIII Regulation IV of 1802. At the same time Section XXXVI Regulation VII of 1802 should also be rescinded (at least in part) and an enactment substituted to the effect of the orders of Government contained in the Judicial Secretary's letter dated the 30th April 1824 No 186.

Signed G. J. Casamajor Register

12th January 1827.

No 9. To the Second Judge of the Provincial Court of Circuit in the Centre Division

Sir,

1. I am directed by the Court of Toydaree Adalut to call your attention to the Register's letter to you dated the 2d July 1825, since which date another Circuit report

report has become due from you.-

2 The orders of Government and of the Court of Dir. from the regular transmission of these reports being very punctual the Judges consider it necessary to limit a period for those due from you to be sent up; and they accordingly direct that you will complete them as well as you may be able to & to dispatch them on or before the 15th of March next ensuing.-

3 I am directed to add that it is desireable that these Reports should not be long; and that they should contain only such matter as may lead to some useful practical result.- Abstract & speculative disquisition is utterly out of place in them.-

12th January 1827.

/signed/ G.S. Casamajor.
Register

No 12. To the Assistant Criminal Judge in charge of the Zillah Court of Chicacole.

Sir,

1. I am directed by the Judges of the Court of Tuydaree Adalut to acknowledge the receipt of the letter from the Criminal Judge, dated the 6th September last.-

2. If the fact of breaking open the Banghies be sufficiently proved against the accused, it may under circumstances suffice for a conviction of larceny, without identification of the articles taken therefrom as the property of particular individuals, for the intention to steal would be legally presumable from that act. But unless the accused confess the act, or unless the Bangy-baskets themselves were found in his secret possession, under circumstances which leave no doubt of his having opened them, the Judges do not clearly see how there can be sufficient proof that he broke them open without the evidence of eye-witnesses to the fact, and that of twelve would be sufficient for his conviction, it being of course proved that the baskets were robbed or stolen from the Bangy-bearer. But if, as the Court presume to be the case, the only evidence against the accused is the discovery in his possession of certain articles, which are supposed to have formed a part of the contents of the baskets robbed or stolen from the Banghy-bearer, the identification of those articles is necessary for his conviction.-

18th January 1827. /signed/ G.S. Casamajor. Register

No 13 To the Judges of the Provincial Court of Circuit in the Western Division

Sir,

I am directed by the Court of Tuydaree Adalut to acknowledge the receipt of your Register's letter dated the 20th ultimo submitting a reference from the Criminal Judge of Malabar respecting a certain case of false swearing.

A false oath, intentionally and deliberately taken, is or is not perjury, according as the matter sworn to is or is not material to the issue of the cause to which it relates. In the case referred, the matter falsely sworn to was that the party was not present when a certain declaration attested by him was made. His not having been present would have prevented that declaration being received in the trial to which it related. If therefore that declaration was material to the issue of the trial to which it related the non-presence of one of the attesting witnesses (the matter falsely sworn to) was material and the said false oath perjury. If otherwise, not.-

18th January 1827.- /signed/ G.S. Casamajor. Register

No 14 To the four Provincial Courts of Circuit

Gentlemen,

1. The Governor in Council has been pleased to call upon the Court of Tuydaree Adalut to prepare a fit enactment for the punishment of false accusations of heinous offences before Native heads of Police.-

2. Accusations of such offences, when preferred before

before a Magistrate, must be upon oath - and therefore when false, are punishable as perjuries; but there is no provision for the punishment of them when preferred before Native heads of Police; and yet they are known to be extensively practised in parts of the country for purposes of private annoyance and revenge.

3. Before recommending any enactment to Government the Judges of the Toydaree Adalut are desirous to avail themselves of all the practical knowledge and experience within their reach; and accordingly direct that you will communicate a Copy of this letter to each of the Criminal Judges and Magistrates in your Division and call upon them to state to what extent he has found this highly criminal practice to prevail in his Zillah and to propose such an enactment as according to the best of his judgement and experience will be the most effective in deterring from it and the least liable to be abused.

4. You are also requested to give the Court the benefit of your comments on the propositions of the subordinate authorities and add any new proposition of your own, either individually or collectively as you may see occasion; and also obtain the opinion of the Judge absent on Circuit.

5. It is desirable that your reply should be dispatched within 2 months from the receipt of this letter.

18th January 1827.

/signed/ G. J. Casamajor
Register

To the Provincial Court of Circuit in the Western Division

Gentlemen,

The Court of Toydaree Adalut, considering it to be the proper duty of the Criminal Judges to prepare English translations of the documents required to accompany the Calendar under the provisions of Statutes XX and XXI Regulation X. of 1816, direct that instructions to that effect be given to

to the Criminal Judges in your Division for their future guidance.

20th January 1827. /signed/ G. J. Casamajor Register

No 16. To the Judges of the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. In case No 7 of the Chingleput Calendar Second Sessions of 1826 gross maltreatment of the Prisoners by Police Officer was exposed to by eye-witnesses, & the presiding Judge recorded his intention to bring it to the notice of the public functionaries concerned.

2. The Judges of the Toydaree Adalut desire to receive a Copy of the communication made in consequence by the 1st Judge, late on Circuit, and also to be informed what further measures have been taken.

23d January 1827. /signed/ G. J. Casamajor Register

No 17 To the 2d Judge of the Provincial Court of Circuit in the Centre Division.

Bellary No 1, 5, 8; Chingleput No 1, 3, 4, 7, 17, 18, 20, 21, 22, 23; Cuddapah No 2, 7, 10, 11, 12, 20, 27, 28.

Sir,

1. I am directed by the Court of Toydaree Adalut to call your attention to the list in the margin of reference trials on the first Circuit of 1826, the records of which have not yet been received.

2. The Judges recommend that your attention to Civil business should be intermitted as much as possible till the references of these twenty one trials have been furnished.

23d January 1827. /signed/ G. J. Casamajor Register

No 18. To the Judges of the Provincial Court in the Western Division.

Gentlemen,

1. An application has been received from the third Judge on Circuit at Mangalore soliciting the appointment of a Translator to the Court of Circuit there being none attached to the Provincial Court; but the Judges of the Court of Toydaree Adalut are led to believe that there are in fact one or two persons on your establishment who officiate as translators; and it is supposed that

owing

owing to some cause or other neither have accompanied that on his first Circuit, which has been the occasion of his Representation.-

2. I am in consequence directed to state that it is the desire of this Court that you immediately, dispatch one of these Officers, if such there are, to the Judge on Circuit and that in the event of the duties of your own Court being in consequence in any way impeded that you report the circumstance, along with such explanation as you may deem necessary, for the further consideration of this Court.

3. A copy of this letter has been sent to the 3d Judge on Circuit.-

23d January 1827. /signed/ G.S. Casamajor Registr.

No. 19. To the third Judge on Circuit in the Western Division

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter under date the 8th instant and to state for your information that the Court of Circuit for the Western Division have been directed to issue instructions to the several Criminal Judges in that division to prepare in future English translations of the documents required to accompany the Calendar under the Provisions of Sections XX & XXI Regulation V of 1816.

2. I am also directed to transmit to you the accompanying copy of a letter addressed this day to the Provincial Court on the subject of Translation.-

23d January 1827. /signed/ G.S. Casamajor Registr.

23. To the Acting Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a petition, with its enclosure, presented to the Judges of the Late Provincial Court by the Cazee of the same Court, explaining the causes of his detention in Bengal beyond the period of his leave

leave, and soliciting, that his pay may not be retrenched as lately ordered by the Civil Auditor, for the period of his absence beyond the time granted by Government.-

2. Permission was granted in August 1823 to the Cazee to proceed to his Native Country, for one year and a half, on ½ of his Salary to be stopped during the whole of that time, but it appears that he was unable to avail himself of this leave till the 7th July 1824 and his return to Chittoor did not take place till the 22d July 1826. The period during which the Cazee was absent without leave was nearly six months, but the causes stated by him in his petition are in the opinion of the Judges of this Court sufficient to entitle his case to the favorable consideration of the Governor in Council.-

3. The Court therefore recommend that the Civil Auditor be directed to retrench no more than one third of the Cazees' Salary during the whole period of his absence.-

27th January 1827. /signed/ G.S. Casamajor Reg.

No. 24 To the Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to transmit to you, to be laid before the Governor in Council the enclosed Copy a letter from the Magistrate of Trichinopoly applying for authority to entertain 45 (forty five) additional Police Peons for the Town and Suburbs of Trichinopoly at 5¼ Rupees each.-

The Judges think that the caution evinced by the Magistrate in withholding this application till his own personal experience justified it, in addition to the grounds stated by himself, entitle it to be favorably received by Government.-

27th January 1827. /signed/ G.S. Casamajor Registr.

No. 25 To the First Judge on Circuit in the Northern Division Nellore.

Sir,

I am directed by the Judges of the Court of

of Foydaree Adalut to acknowledge the receipt of your letter dated the 20th Instant and to state in reply that the Caze Mahomed Moraad has their permission to be absent from the duties of his Office till the 20th April next - his leave commencing so soon as the Jail delivery at Nallore shall be completed -

2. You will require the Mohummedan Law Officers of the other Zilla Courts in the Northern Division to perform the duties of Law Officer of the Court of Circuit during the Jail deliveries at their respective stations, administering to them the oath prescribed by Section IX Regulation VII of 1802, previously to their entering thereupon.

27th January 1827. /signed/ G. I. Casamajor Register

No. 26. To the Provincial Court of Circuit in the Southern Division

Gentlemen,

The Governor in Council having been pleased to call for the Record of the trial of Case No. 8 of the Salem Calendar 2d Sessions of 1825, in which the final sentence was passed by the third Judge of your Court then on Circuit, the Judges of the Foydaree Adalut desire that you forward an English translation of the said record to this Office with as little delay as possible -

29th January 1827. /signed/ G. I. Casamajor Register

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

Sir,

I am directed by the Court of Foydaree Adalut to acknowledge the receipt of your letter dated the 23d instant No. 24, and to state that the final sentence in No. 8 of the Salem Calendar 2d Sessions of 1825 having been passed by the Judge on Circuit, the record of the trial is not in this Court, but the Southern Provincial Court

Court of Circuit have been required, under this date, to send it up with as little delay as possible -

29th January 1827 /signed/ G. I. Casamajor Register.

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

Sir,

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

29th January 1827. /signed/ G. I. Casamajor Register

No 32. To the Assistant Criminal Judge in the Zilla of Bellary

Transmitting Copy of a letter from Government sanctioning the payment of Rupees 319. 11. — on account of translation for Court of Circuit.-

3d February 1827. Sent usual letter

No 33. To the Magistrate in the Zilla of Trichinopoly

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated the 1st instant and to convey to you under section XXI Regulation IX of 1816 authority to offer a Reward of 500 Rupees for the apprehension of the leader of the Gang and Rs. 100 for that of each of his accomplices in the robbery committed in the Village of Cota Pollium in the Coiroor Talook in your District.-

6th February 1827. (Signed) A. Maclean. Act. D. Reg.

No 34 To the Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut, to submit for the sanction of the Governor in Council, the accompanying statement from the Magistrate in the Southern Division of Arcot of charges incurred in subsisting the Convicts of the Zilla of Chengleput employed at Cuddalore from 1st December 1825 to 19th July 1826.

6th February 1827. (Signed) J. A. Hudleston Act. D. Reg.

No 35. To the Magistrate of Trichinopoly

Transmitting copy of a letter to Government dated 27th Ultimo and reply thereto informing that his application on the subject of the Bhoor will be disposed of through the Board of Revenue.-

8th February 1827. Sent usual letter.

No 39. To the Provincial Court in the Centre Division

Transmitting Copy of a letter from Government intimating that the Civil Auditor will be directed to retrench no more than one third of the Cazee's Salary.-

19th February 1827. Sent usual letter.

No 40. To the Provincial Court of Circuit in the Western Division

Gentlemen

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your Registers' letter dated the 23d Ultimo and to desire that the records of the two referrible cases left by the late lamented Senior Judge may be sent up to this Office.-

19th February 1827 (Signed) J. A. Hudleston Act. D. Reg.

No 41. To the Magistrate in the Southern Division of Arcot.

Transmitting copy of a letter from Government sanctioning the statement of Contingent charges.-

19th February 1827 Sent usual letter

No 44 To the Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to submit for the consideration of the Honorable the Governor in Council the accompanying draft of a Regulation for explaining the provisions of clause First, section V. Regulation XV of 1803, and clause Fourth section III. Regulation VI of 1822; for making further provisions against the offence of counterfeiting the coin; for declaring Magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the powers granted to Magistrates by clause First section III. Regulation II of 1822; for modifying and amending the rules in force relating

relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required. Passed Vide

2. In the preamble the Judges have endeavoured to state as clearly and as shortly as possible the reasons for the provisions contained in the several enacting clauses.

3. Section II declares the legality of inflicting stripes in addition to imprisonment for seven years in aggravated cases of theft, in conformity with the instructions contained in the 4th paragraph of your letter dated the 10th November last.

4. Section III explains the interpretation to be given to clause fourth, section III. Regulation VII. of 1822. conformably to the directions contained in the 11th Paragraph of the Chief Secretary's letter dated the 31st October last.

5. In section IV. which is drafted under the authority conveyed in the 3d Paragraph of your letter, dated the 16th November last, provision is made against making or mending, buying, selling or concealing, as well as possessing, tools or implements for coining. These provisions were suggested by a reference to the Statute 8th and 9th William III. C. 26 but if it should appear to the Honorable the Governor in Council that it is not necessary at present to render the making or mending, such instruments a punishable offence, those words may be struck out without altering the other parts of the preamble or section. The Judges are not aware that there is any thing in the practice of the Mint to render the exception at the beginning of the first clause necessary; but as it is possible that the Assay Master may occasionally employ persons residing beyond the jurisdiction of the Supreme Court, in the manufacture or repair of instruments for the use of the Mint, it seemed advisable to make the exception specified. In the proceedings of the Foujdaree Adalut, dated the 16th October last, it was suggested that one years imprisonment for the first offence, with the additional of stripes, not exceeding thirty

for the second, and imprisonment in banishment from the Zilla, at the discretion of the Court of Circuit, for the third, would be suitable punishments in these cases; but on farther consideration it has appeared to the Judges that the punishment proposed for the second offence was not sufficiently severe; and they have accordingly provided in the Draft, that for a second offence the imprisonment may extend to eighteen months, in addition to stripes not exceeding thirty. The third or any subsequent offence is made punishable by stripes not exceeding thirty nine, and imprisonment, in banishment from the Zilla at the discretion of the Court of Circuit, for a term not exceeding seven years. As this section creates a new offence it will be necessary to fix the period for its commencing to be in force at such a distance as will be sufficient for its full promulgation; and the Judges beg leave to suggest that when copies of this Regulation are sent to the Magistrates they may be particularly instructed to use every means in their power for making the provisions of this section generally known in their respective Districts.

6. In section V. according to the instructions conveyed in the 2d Paragraph of Mr. Macleods letter, dated the 15th July 1825. the authority of Magistrates to take recognizances for keeping the peace is declared in the same manner as in Bengal Regulation IV. of 1825. The Bengal Regulation, however, would seem to be declaratory only as it regards the authority to take personal recognizances; and as it has been usual for the Magistrates under this Presidency to take securities, in addition to mere personal recognizances, in cases not expressly provided for, the Judges have thought it right to include securities also in the provisions of this section. In the Bengal Regulation the amount of the recognizance, in cases where there is not a conviction of a specific charge, is limited to the sum of Two Hundred Rupees. A similar provision is introduced into this section, with a corresponding limitation of the amount of the security to be demanded hereafter in these cases; and it

relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required. Passed Vide

2. In the preamble the Judges have endeavoured to state as clearly and as shortly as possible the reasons for the provisions contained in the several enacting clauses.

3. Section II declares the legality of inflicting stripes in addition to imprisonment for seven years in aggravated cases of theft, in conformity with the instructions contained in the 4th paragraph of your letter dated the 10th November last.

4. Section III. explains the interpretation to be given to clause fourth, section III. Regulation VII. of 1822. conformably to the directions contained in the 11th Paragraph of the Chief Secretary's letter dated the 31st October last.

5. In section IV. which is drafted under the authority conveyed in the 3d Paragraph of your letter, dated the 10th November last, provision is made against making or mending, buying, selling or concealing, as well as possessing, tools or implements for coining. These provisions were suggested by a reference to the Statute 8th and 9th William III. C. 26. but if it should appear to the Honorable the Governor in Council that it is not necessary at present to render the making or mending, such instruments a punishable offence, those words may be struck out without altering the other parts of the preamble or section. The Judges are not aware that there is any thing in the practice of the Mint to render the exception at the beginning of the first clause necessary; but as it is possible that the Mint Master may occasionally employ persons residing beyond the jurisdiction of the Supreme Court, in the manufacture or repair of instruments for the use of the Mint, it seemed advisable to make the exception specified. In the proceedings of the Foujdaree Adalut, dated the 16th October last, it was suggested that one years imprisonment for the first offence, with the addition of stripes, not exceeding thirty,

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for the second, and imprisonment in banishment from the Zilla, at the discretion of the Court of Circuit, for the third, would be suitable punishments in these cases; but on further consideration it has appeared to the Judges that the punishment proposed for the second offence was not sufficiently severe; and they have accordingly provided in the Draft, that for a second offence the imprisonment may extend to eighteen months, in addition to stripes not exceeding thirty. The third or any subsequent offence is made punishable by stripes not exceeding thirty nine, and imprisonment, in banishment from the Zilla at the discretion of the Court of Circuit, for a term not exceeding seven years. As this section creates a new offence it will be necessary to fix the period for its commencing to be in force at such a distance as will be sufficient for its full promulgation; and the Judges beg leave to suggest that when copies of this Regulation are sent to the Magistrates they may be particularly instructed to use every means in their power for making the provisions of this section generally known in their respective Districts.

6. In section V. according to the instructions conveyed in the 2d Paragraph of Mr. Macleod's letter, dated the 15th July 1825. the authority of Magistrates to take recognizances for keeping the peace is declared in the same manner as in Bengal Regulation IV. of 1825. The Bengal Regulation, however, would seem to be declaratory only as it regards the authority to take personal recognizances; and as it has been usual for the Magistrates under this Presidency to take securities, in addition to mere personal recognizances, in cases not expressly provided for, the Judges have thought it right to include securities also in the provisions of this section. In the Bengal Regulation the amount of the recognizance, in cases where there is not a commission of a specific charge, is limited to the sum of Two Hundred Rupees. A similar provision is introduced into this section, with a corresponding limitation of the amount of the security to be demanded hereafter in these cases; and it

is also provided that the period for which security is required, whether on conviction of an actual breach of the peace or otherwise, shall not exceed the term of twelve months - a restriction similar in effect to that contained in clause first, section II. Bengal Regulation IV. of 1825. Clause second section V. of the Draft, which subjects the proceedings of the Magistrate in these cases to revision by the Judge on Circuit, corresponds in effect with the latter part of section IV. Bengal Regulation IV. of 1825; and clause third empowers Magistrates of their own authority to discharge recognizances or securities taken by themselves, and to release persons confined under their orders in these cases.

7. In section VI. according to the directions contained in the 2d Paragraph of Mr. Macleod's letter, dated 24th May 1825. the authority of Magistrates is extended to taking security for good behaviour from vagrants and others described in clause first, section III. Regulation II of 1822. Clause second of this section of the Draft prescribes that the informations on which Magistrates may exercise the power of requiring security for appearance or good behaviour in these cases shall be recorded. This provision is introduced with reference to the remark made in the 3d Paragraph of my predecessor's letter dated the 4th November 1824.

8. Under the directions contained in the 1st Paragraph of Mr. Macleod's letter, dated the 15th July 1825. the provisions of clause second section II. and of sections III. IV. V. VII. VIII. IX. and X. of Bengal Regulation VIII. of 1818. with some variation of the arrangement, and some of the provisions contained in section II Bengal Regulation IV. of 1825. are embodied in sections VII. VIII. IX. X. XI. and XII. of the Draft. To facilitate reference the corresponding provisions of the Bengal Regulations are noted in red ink opposite to the several clauses and sections in the Draft. The arrangement has been attended principally for the sake of perspicuity;

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perspicuity; and the only instance, in which the provisions of the Bengal Regulation have in effect been departed from, occurs in section IX. of the Draft. By section X. of the Bengal Regulation the authority to confine indefinitely on default of security is limited to cases in which the prisoner may be "a notorious gang-robber (Dukyt) of dangerous character", and under this restriction no person, not a gang-robber, however bad and desperate may be his character in other respects, can be confined on default of security for a period exceeding three years. This restriction has appeared to the Judges likely to operate injuriously in many instances; and they have thought it better to extend the authority in question to all cases, in which the prisoner may be "of a character so notoriously bad and dangerous, as to render his release without substantial security evidently unsafe and improper". Looking to the rules prescribed for the periodical revision of the proceedings in these cases, there seems no reason to apprehend that the individuals, to whom this provision is applicable, will be subjected to imprisonment longer than is necessary for the safety of the community; and in regard to the other provisions contained in these sections the Judges have only to express their opinion that the adoption of them will be beneficial as well to the persons more immediately affected by them as to the public. By the rules at present in force the confinement of persons on a requisition of security is in all cases indefinite; but by the rules now proposed it will be limited, with certain exceptions, to one year under the orders of the Magistrates and Criminal Judges, and to three years under the orders of the Superior Courts. The exceptions include all cases in which a longer detention on default of security can be requisite. It is proper to add that the provisions contained in clauses second and third section XII. of the Draft do not appear in the corresponding section of the Bengal Regulation. They are inserted for the purpose of enabling the Magistrates to watch more effectually over

over the conduct of individuals, from whom security may be taken by the Criminal Judges, and of facilitating the apprehension of those whose security may become liable to forfeiture.-

9. It has appeared to the Judges that the provision, directed in the 2d Paragraph of Mr Macleods' letter, dated the 24th May 1825. to be made for subjecting to compulsory labour vagrants and others, confined by the Magistrates on a requisition of security, might be advantageously extended to prisoners confined on a like requisition by the Criminal Judges, the Courts of Circuit, and the Foujdaree Adalut. Prisoners of this description are accordingly included in the provisions of section XIII. of the Draft. But in respect to vagrants and others confined on default of security for appearance, and prisoners confined, whether by the Magistrates or Criminal Judges, on default of security for good behaviour for the limited period of one year, the Judges have considered it proper to provide that they shall be made to work separately from convicts and without irons. The persons, to whom these provisions will apply, can never be of notoriously bad or desperate character, and it seems right that they should not be dealt with in the same manner as convicts of the worst description. The Judges believe that suitable employment may always be found for these persons within the walls of the jail; and in that case irons will not be necessary for their safe custody. In respect to persons confined on a requisition of security by orders of the Courts of Circuit and Foujdaree Adalut, it is provided that they shall not be worked in irons, unless an order to that effect in the cases of bad and dangerous character, is contained in the warrant for their confinement. In clause second of this section provision is made for the removal of persons ordered to be detained on a requisition of security to the Jail of the Zilla, in which their usual place of residence is situated.

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situated, conformably to the directions contained in the 2d Paragraph of Mr Macleods' letter, dated the 24th May 1825.-

10. It was the intention of the Judges to include in this Draft a provision for the punishment of persons preferring false charges before Native Officers of Police, as directed in the 4th Paragraph of Mr Macleods letter dated the 24th May 1825, but in drawing up the rules for this purpose doubts occurred to them both as to the degree of punishment with which this offence should be visited, and as to the authority by whom it would be proper to make the offence cognizable. They therefore considered it advisable to call upon the several Magistrates, Criminal Judges, and Courts of Circuit to suggest such provisions as might appear to them respectively most effective, and the least liable to be abused; and when their answers shall be received the Judges will lose no time in preparing and submitting to Government the draft of a legislative enactment containing such provisions as they may consider requisite for the prevention of this offence.-

27th February 1827. /signed/ G. J. Casamajor
Register

A.D. 182 . Regulation.

A Regulation for explaining the provisions of Clause First, Section V. Regulation XV of 1803, and Clause Fourth Section III. Regulation VI of 1822; for making further provisions against the offence of counterfeiting the coin; for declaring Magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the powers granted to Magistrates by clause first section III. Regulation II of 1822; for modifying and amending the rules

over the conduct of individuals, from whom security may be taken by the Criminal Judges, and of facilitating the apprehension of those whose security may become liable to forfeiture.-

9. It has appeared to the Judges that the provision, directed in the 2d Paragraph of Mr Macleods letter, dated the 24th May 1825. to be made for subjecting to compulsory labour vagrants and others, confined by the Magistrates on a requisition of security, might be advantageously extended to prisoners confined on a like requisition by the Criminal Judges, the Courts of Circuit, and the Foujdaree Adalut.- Prisoners of this description are accordingly included in the provisions of Section XIII. of the Draft. But in respect to vagrants and others confined on default of security for appearance, and prisoners confined, whether by the Magistrates or Criminal Judges, on default of security for good behaviour for the limited period of one year, the Judges have considered it proper to provide that they shall be made to work separately from convicts and without irons. The persons, to whom these provisions will apply, can never be of notoriously bad or desperate character, and it seems right that they should not be dealt with in the same manner as convicts of the worst description. The Judges believe that suitable employment may always be found for these persons within the walls of the jail; and in that case irons will not be necessary for their safe custody. In respect to persons confined on a requisition of security by orders of the Courts of Circuit and Foujdaree Adalut, it is provided that they shall not be worked in irons, unless an order to that effect in the cases of bad and dangerous characters, is contained in the warrant for their confinement. In clause second of this section provision is made for the removal of persons, ordered to be detained on a requisition of security, to the Jail of the Zilla, in which their usual place of residence is situated,

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situated,- conformably to the directions contained in the 2d Paragraph of Mr Macleods' letter, dated the 7th May 1825.-

10. It was the intention of the Judges to include in this Draft a provision for the punishment of persons preferring false charges before Native Officers of Police as directed in the 4th Paragraph of Mr Macleods letter dated the 7th May 1825, but in drawing up the rules for this purpose doubts occurred to them both as to the degree of punishment with which this offence should be visited, and as to the authority by whom it would be proper to make the offence cognizable. They therefore considered it advisable to call upon the several Magistrates, Criminal Judges, and Courts of Circuit to suggest such provisions as might appear to them respectively most effective, and the least liable to be abused; and when their answers shall be received the Judges will lose no time in preparing and submitting to Government the draft of a legislative enactment containing such provisions as they may consider requisite for the prevention of this offence.-

27th February 1827. /signed/ G. J. Casamajor
Register

A.D. 182 . Regulation.

A Regulation for explaining the provisions of Clause First, Section V. Regulation XV of 1803, and Clause Fourth Section III. Regulation VI of 1822; for making further provisions against the offence of counterfeiting the coin; for declaring Magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the powers granted to Magistrates by Clause First Section III. Regulation II of 1824; for modifying and amending the

rules

rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.- Passed 6th.

Preamble.

It is provided by clause 2nd, section V Regulation XV of 1803 that in cases of decoit theft, or larceny without open violence, the Mohammedan law with the modifications of it in the existing Regulations and the rules contained in section II of the said Regulation XI of 1803 shall govern the sentences of the Courts of Circuit as well as of the Loydaree Adalut in any cases referred to that Court. In the construction of this clause it has been doubted whether the Courts of Circuit and the Loydaree Adalut, in commutation of a sentence of Budd under the Mohammedan law in cases of theft, are competent to adjudge stripes in addition to imprisonment for the term of seven years, prescribed by section XXI Regulation VII of 1802; and it is necessary to remove all doubts on this point, and to declare the competency of the said Courts to adjudge stripes in addition to imprisonment for the prescribed term of seven years in all aggravated cases of theft. Moreover the construction given to the provisions of Clause 2nd, section III. Regulation VI. of 1822 having injuriously operated to abridge the discretion of the Criminal Judges in proportioning punishment to crime in the cases therein specified, and to take away from the Magistrates the power intended to be left with them of punishing in petty cases of cattle-stealing; an explanation of those provisions has become necessary- It has also been deemed necessary for the further prevention of the offence of counterfeiting coin, to declare the making, mending buying, selling, concealing, or possessing of implements used exclusively in coining, without lawful authority or sufficient

cause to be a misdemeanor, and to prescribe the punishment to which persons convicted thereof shall be liable. Moreover the Regulations in force contain no express provision empowering Magistrates to take personal recognizances for the maintenance of the peace in their respective jurisdictions, nor expressly sanction the requisition of security to keep the peace, except from persons charged with criminal offences, whilst the charges is under examination, although it has been the established usage in many instances to require such personal recognizances, and also securities for keeping the peace in cases other than those expressly provided for; and it has been deemed expedient to declare that nothing contained in the existing Regulations was intended to preclude the Magistrates from the exercise of a discretion so necessary to the due maintenance of the peace in their respective jurisdictions; and also to provide that the orders of the Magistrates in the exercise of this discretion shall be liable to revision by the Judges on Circuit. Farther the power vested in Magistrates by section III Regulation II of 1822 to take from vagrants and others security for their appearance when required has been found insufficient to accomplish the object for which that power was granted; and in order effectually to restrain such persons from the practice of their evil habits it has been deemed necessary to vest the Magistrates with authority to require from them security for their good behaviour. And in these and other cases in which security may lawfully be demanded it is expedient that the responsibility incurred by sureties should be defined; that the imprisonment of persons unable to find the security required should, except in particular cases, be limited in the order requiring it; and that persons confined in default of security should be subjected under

certain

rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.- Passed 6th.

Preamble.

It is provided by clause 2nd, section V Regulation XV of 1803 that in cases of secret theft, or larceny without open violence, the Mohummudan law with the modifications of it in the existing Regulations and the rules contained in section II of the said Regulation XV of 1803 shall govern the sentences of the Courts of Circuit as well as of the Loydaree Adalut in any cases referred to that Court. In the construction of this clause it has been doubted whether the Courts of Circuit and the Loydaree Adalut, in commutation of a sentence of flogging under the Mohummudan law in cases of theft, are competent to adjudge stripes in addition to imprisonment for the term of seven years, prescribed by section XXI Regulation VII of 1802; and it is necessary to remove all doubts on this point, and to declare the competency of the said Courts to adjudge stripes in addition to imprisonment for the prescribed term of seven years in all aggravated cases of theft. Moreover the construction given to the provisions of clause fourth, section III. Regulation VI. of 1822 having injuriously operated to abridge the discretion of the Criminal Judges in proportioning punishment to crime in the cases therein specified, and to take away from the Magistrates the power intended to be left with them of punishing in petty cases of cattle-stealing; an explanation of those provisions has become necessary. It has also been deemed necessary for the further prevention of the offence of counterfeiting coin, to declare the making, mending buying, selling, concealing, or possessing of implements used exclusively in coining, without lawful authority or sufficient excuse to be a misdemeanor, and to prescribe the punishment to which persons convicted thereof shall be liable. Moreover the Regulations in force contain no express provision empowering Magistrates to take personal recognizances for the maintenance of the peace in their respective jurisdictions, nor expressly sanction the requisition of security to keep the peace, except from persons charged with criminal offences, whilst the charge is under examination, although it has been the established usage in many instances to require such personal recognizances, and also securities for keeping the peace in cases other than those expressly provided for; and it has been deemed expedient to declare that nothing contained in the existing Regulations was intended to preclude the Magistrates from the exercise of a discretion so necessary to the due maintenance of the peace in their respective jurisdictions; and also to provide that the orders of the Magistrates in the exercise of this discretion shall be liable to revision by the Judges on Circuit. Farther the power vested in the Magistrates by section III Regulation II of 1822 to take from vagrants and others security for their appearance when required has been found insufficient to accomplish the object for which that power was granted; and in order effectually to restrain such persons from the practice of their evil habits it has been deemed necessary to vest the Magistrates with authority to require from them security for their good behaviour. And in these and other cases in which security may lawfully be demanded it is expedient that the responsibility incurred by sureties should be defined; that the imprisonment of persons unable to find the security required should, except in particular cases, be limited in the order requiring it; and that persons confined in default of security should be subjected under certain

certain restrictions to compulsory labour. The Honorable the Governor in Council, therefore for the several reasons and purposes above mentioned has enacted the following rules to be in force in the territories subject to the Presidency of Fort St George from the date of their promulgation.

Clause first section V. Regulation XV. of 1803. explained.

II It is hereby declared in explanation of clause first, section V Regulation XV of 1803 that the reference therein made to the Mohummedan law in cases of theft was not intended, and shall not be considered, to preclude the Courts of Circuit and the Courts of Judicature from adjudging corporal punishment, not exceeding thirty-nine stripes with a rattan, in addition to imprisonment for the term of seven years, whenever such punishment in aggravated cases of theft may appear just and proper.

Clause fourth section III. Regulation VI of 1822. explained.

III. In explanation of clause fourth section III Regulation VI of 1822, it is hereby declared that nothing contained therein shall be construed to require that persons committed before the Criminal Judge of any of the offences specified in that clause shall in all cases be sentenced to a heavier punishment than he is empowered to inflict under section VII Regulation X of 1816; or to take away from the Magistrates the power of punishing in petty cases of cattle stealing. But in all cases of conviction before the Criminal Judge of any of the offences specified in that clause he shall be competent to use his discretion in sentencing the offender to any punishment which he may think proper, provided that the punishment shall in no case exceed imprisonment with hard labor for the term of

In the cases specified the Criminal Judge competent to sentence to any punishment not exceeding imprisonment for two years, and thirty stripes.

of two years, and thirty stripes with a rattan and petty cases of cattle stealing shall be punishable as heretofore by Magistrates and Heads of District Police like other petty thefts under the provisions of section XXXIII Regulation IX of 1816 and section IV Regulation IV of 1821.

And petty cases of cattle-stealing punishable by Magistrates and Heads of District Police.

The makings mending, buying, selling, concealing, or having possession of implements for coining declared a punishable offence.

IV. First Dion and after the ——— it shall be unlawful for any person subject to the jurisdiction of the Courts in the provinces except by the direction or under the authority of the Mint Master at Fort St George, knowingly to make or mend, or to buy or sell, or conceal, or to have in his possession any tool or instrument, used exclusively for coining money or any stamp or mould or dye or other implement whatsoever capable of producing the exact impression, or so near a resemblance as to be mistaken for the impression, of any of the gold, silver, or copper coins of the British Government in India, or of any coin usually received as money in the British possessions in India; and it is hereby declared that every such act shall be punishable as a misdemeanor under the following rules.-

Second. On receiving a charge of any of the acts mentioned in the preceding clause, the Magistrate or the Head of District Police shall proceed as is directed in all other cases of misdemeanor under the general Regulations, and if there shall be reasonable grounds to believe the truth of the charge he shall forward the prosecutor, the witnesses, and the accused with all the proceedings in the case to

Mode of procedure on charges of this nature.

to the Criminal Judge of the Zilla.

Punishment for a first offence.

Third. A person committed before the Criminal Judge of any of the acts mentioned in clause first of this section, without shewing lawful authority or sufficient excuse for the same, shall be sentenced to imprisonment and hard labour in irons for a term not exceeding one year for the first offence, and

Punishment for a second offence.

for a second offence, committed after the conviction of the first, he shall be sentenced to receive corporal punishment not exceeding thirty stripes with a rattan and to be imprisoned and kept to hard labour in irons for a term not exceeding eighteen months.

Punishment for a third or subsequent offence.

Fourth. For a third or any subsequent offence under this section the offender shall be committed for trial before the Court of Circuit; and on conviction thereof shall be sentenced to receive corporal punishment not exceeding thirty-nine stripes with a rattan, and to be imprisoned and kept to hard labour in irons, in banishment at the discretion of the Judge, for a term not exceeding seven years.

Magistrates declared competent to take recognizances or security for keeping the peace.

V. Fifth. It is hereby declared that nothing contained in the existing Regulations was intended or shall be considered, to preclude Magistrates from taking personal recognizances, or security for keeping the peace, or both at their discretion, in all cases wherein it may appear just and necessary to require the same for the due maintenance of the peace within their D) respective

respective jurisdictions; and if such recognizance is not entered into, or such security is not found, to commit the persons from whom they are demanded to jail; provided however that when a person is not convicted of an actual breach of the peace the amount respectively of the recognizance and security to be demanded from him shall in no instance hereafter exceed the sum of two hundred Rupees, and that the period for which the security is required, whether on conviction of an actual breach of the peace, or otherwise, shall in no case exceed the term of twelve months, at the expiration of which such person shall be released, if on default of security he shall have been detained in custody.

Provided that hereafter the amount respectively of the recognizance and security shall not exceed two hundred Rupees, except on conviction of an actual breach of the peace.

And that in no case the period for which the security is required shall exceed one year.

Second. It is further provided that on petition from parties considering themselves aggrieved by the requisition of recognizances or security for keeping the peace, it shall be competent to the Judge on Circuit to call upon the Magistrates for such explanations as to him may appear necessary in such cases; and on due consideration thereof to order the discharge, or to alter the amount of the recognizance and securities, or to direct the release of the persons confined, if he shall see fit.

The proceedings in such cases open to the revision of the Judge of Circuit on complaint by parties aggrieved by the demand of security

Third. Magistrates are hereby declared competent

Second. The amount of such security shall never be excessive, but shall be always fixed with reference to the situation and circumstances in life of the person from whom it is demanded, as well as to the cause for requiring it; and shall in all cases be such as it would be requisite to enforce in the event of a breach of the engagement.

See Clause Second Section II. Reg: Section IV. of 1825

Third. The period of time during which persons may be made liable to detention in custody, on failure to furnish the security required from them shall hereafter be specifically fixed in every instance except in the cases hereafter particularly mentioned.

See &c: IV. Reg: VIII. of 1818.

Period of time for the eventual detention of the party to be fixed.

VIII. First. Whenever the Magistrates, under the authority granted to them by clause First section III. Regulation II. of 1822, and by section VI of this Regulation, or the Criminal Judge of Circuit under the authority vested in them by clause First, section IV Regulation II of 1822 may require security, they shall in all cases in which they may deem it safe to do, provide in their order for the release of the prisoner, at the end of a definite period not exceeding twelve months.

Period of detention for security in ordinary cases, under directions of the Magistrate or Criminal Judge, not to exceed one year.

See Clause First &c: VIII. Reg: VIII of 1818.

Second. In modification of clause second section III and of clauses second and third, section IV Regulation II of 1822, it is hereby provided that it shall not be necessary for the Judge of Circuit, holding the sessions, to review the proceedings of the Magistrate and Criminal Judge in the cases referred to in the preceding clause, except on petitions presented by the prisoners, when the Judge on Circuit is empowered and directed to call for the proceedings and on his own

See clause second section III and clause second and third section IV. Regulation II of 1822 modified.

Revision of these cases by the Judge of Circuit not necessary except on petition by the parties.

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Magistrates competent to discharge recognizances and securities, and to release persons confined in default thereof.

competent, at their discretion, to discharge recognizances and securities for keeping the peace taken by themselves, and to order the release of persons confined under their own order on account of entering into such recognizance, or giving such securities.

The powers granted to Magistrates by clause First section III. Regulation II of 1822

VI. First In addition to the powers granted to Magistrates by clause First, section III. Regulation II of 1822 it shall be competent to them to require security for good behaviour from persons of the description therein specified, and in default of its being given to commit such persons to be required and detained in the custody of the Criminal Court.

Second. In all cases wherein a Magistrate may require security for appearance and security for good behaviour under clause First section III Regulation II of 1822, and by section VI of this Regulation, he shall forward the information or evidence, on which his proceeding is founded, to be transmitted to the Judge of Circuit, if that Officer should desire to call for them.

Provisions of clause third section III Regulation II of 1822 applicable to persons confined under this section.

Third The provisions of clause third section III Regulation II of 1822 shall be applicable to persons confined under clause First of this section.

See Sec: III. Reg: VIII of 1818.

VII. First. In every instance in which security may be hereafter required, whether by the Magistrate, Criminal Judge, the Judge of Circuit, or the Foujdaree Adawlut the amount of security, the number of sureties to be given at the discretion of the Officer or Court requiring the security, and the period of time for which the sureties are to be responsible, shall,

Notice of the order to be furnished by Criminal Courts on requiring security.

The information or evidence required in clause First section III Regulation II of 1822 to be transmitted to the Judge on Circuit by the Magistrate or security for good behaviour

given authority to annul, modify, or confirm the orders of the Magistrate or the Criminal Judge

See Clause First Sec: IX. B. Reg: VIII of 1818

First. In all cases, in which the Magistrate or the Criminal Judge from the evidence adduced before him shall be of opinion that the prisoner is by habit a robber, burglar, or thief, or a receiver of stolen property knowing the same to have been stolen; or of a character so desperate, or irreclaimable, as to render his release without security at the expiration of a limited period of twelve months absolutely hazardous to the community, he shall record his opinion to that effect, with an order specifying the amount of security which should in his judgment be required from the prisoner, as the number of sureties, and of the period for which the sureties should be responsible for the good behaviour.

See Clause 3. 4. Fifth.

Fifth. In all such cases, if the Judge or Magistrate shall not think it safe to direct the immediate discharge of the prisoner, he shall pass such order as he may think proper for his provisional detention for a limited period for his provisional detention in default of his not giving the security required from him, which period shall never exceed three years, except in the cases specified in the following section.

See Clause First Sec: X. B. Reg: VIII of 1818.

Sixth. Whenever the Judge or Magistrate before whom any proceedings may be pending under the provisions of the preceding section shall have reason to suspect, from the evidence adduced in the said proceedings, or from any other circumstances that may come to his knowledge, that the prisoner is of a character so desperate and dangerous as to render his release without substantial security under the provisions of the said section unsafe and improper, it shall be competent to him to order the indefinite confinement of the prisoner in default of giving the requisite security, and to transmit the proceedings for the consideration of the Court of Circuit, who shall consider the prisoner to be of a character so desperate and dangerous as to render his release without substantial security unsafe and improper, and shall pass such order for the confinement of the prisoner as they may think proper.

See Clause 3. 4. Second.

Second. In all such cases, if the Judge or Magistrate shall not think it safe to direct the immediate discharge of the prisoner, he shall pass such order as he may think proper for his provisional detention for a limited period for his provisional detention in default of his not giving the security required from him, which period shall never exceed three years, except in the cases specified in the following section.

Further provisions in other cases.

The amount of Security to be fixed and if the Security is not found within three years, the prisoner to be again brought up before the Judge of Circuit, who will pass such orders as he deem fit in the case.

nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order, that, if the prisoner shall not be able to furnish the security required, within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit, who may hold the Sessions of Jail delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms favorable to the prisoner.

See Clause Third Sec: X. B. Reg: VIII of 1818.

Third. With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this section, the period for which the sureties are to be responsible for the good behaviour of the individuals, shall be in all cases, limited to three years, subject however to the condition that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the Criminal Judge.

Rules to encourage respectable individuals to become sureties in these cases.

The Responsibility of sureties limitted to three years, when the parties are to be surrendered.

See Clause Fourth Do

Fourth. When an individual shall be surrendered by his sureties under the foregoing rule, the Criminal Judge shall ascertain whether the former sureties are willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years, and, in the event of the sureties being willing to become again responsible for the conduct

Criminal Judges how to proceed when individuals are surrendered by their sureties in these cases.

Further provisions in these cases.

The amount of security to be fixed and if the security is not found within three years, the prisoner to be again brought up before the Judge of Circuit, who will pass such orders as he sees fit in the case.

never the less fix the amount of the security to be required from the prisoner, and shall provide in his order, that, if the prisoner shall not be able to furnish the security required, within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit, who may hold the Sessions of Gaol delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms favorable to the prisoner.

See clause Third Sec: X. B. Reg: VIII of 1878.

Third. With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing clauses of this section, the period for which the sureties are to be responsible for the good behaviour of the individuals, shall be in all cases, limited to three years, subject however to the condition that the sureties, at the expiration of that period, shall be bound, to deliver up the individuals to the Criminal Judge.

Rules to encourage respectable individuals to become sureties in these cases.

The Responsibility of sureties limited to three years, when the parties are to be surrendered.

See clause Fourth Do

Criminal Judges how to proceed when individuals are surrendered by their sureties in these cases.

Fourth. When an individual shall be discharged by his sureties under the foregoing rule, the Criminal Judge shall ascertain whether the former sureties are willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years, and, in the event of the sureties being willing to become again responsible for the conduct

Criminal Judges how to proceed when prisoners appear unsafe to release prisoners without security at the expiration of the period above limited.

Criminal Judges to proceed when it appears unsafe to release prisoners without security at the expiration of the period above limited.

own authority to annul, modify or vary orders of the Magistrates

See Clause Third Sec: IX. B. Reg: VIII of 1878

In all cases in which the Magistrate or the Criminal Judge from the evidence adduced before him shall be of opinion that the prisoner is by habit a robber, burglar, or thief, or a receiver of stolen property, knowing the same to have been stolen, of a character so dangerous, desperate, or irreclaimable, as to render his release without security at the expiration of the period above limited hazardous to the community, he shall record his opinion to that effect, with an order specifying the amount of security which should in his judgment be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

See clause 3 of Sec: IX. Sec: X. B. Reg: VIII of 1878.

Fifth. In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a specified limited period for his provisional detention without security, at the expiration of which he shall require the prisoner to be brought before him, which period shall never exceed three years, except in the cases specified in the following section.

See clause Last IX Sec: X. B. Reg: VIII of 1878.

Last. Whenever the Judge in Circuit from the proceedings before him in the case referred to in clause Fifth of the preceding section shall consider the prisoner to be of a character so notoriously bad and dangerous as to render his release without substantial security unsafe and improper, it shall be competent to him to order the imposition of such security, under the penalty of imprisonment in default of giving the required security.

In these cases, the Judge of Circuit shall

conduct of the prisoner, the Criminal Judge shall accept the security and release the prisoner on the same terms as before.

Fifth. If the former sureties shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the Criminal Judge shall detain him in custody until the ensuing Sessions, when the prisoner is again to be brought before the Judge of Circuit, for such further orders as he may consider it proper to pass in the case.

See Clause Fifth Sec: X. B. Reg: VIII of 1818.

Mode of procedure when former sureties decline to renew their engagement in these cases, and the individual is unable to furnish other security.

X First. Whenever a Judge on Circuit, or the Court of Zoydaree Adalut, under the provisions of Clause sixth, Section II Regulation XV of 1803 may require security for the good behaviour of a prisoner, the period fixed for such prisoners detention in Custody, on failure to furnish the security required, shall not exceed three years except in the cases specified in the following clause.

See Clause Second Sec: II. B. Reg: VIII of 1818.

Period of retention on default of security required by the Courts of Circuit or Zoydaree Adalut limited to three years in ordinary cases.

Second. Whenever there may not be adequate proof for the prisoners conviction of the specific offence charged, but from the evidence adduced he may appear to be of a character so notoriously bad and dangerous, as to render his release without substantial security evidently unsafe and improper, the Judge on Circuit in cases before him, or the Court of Zoydaree Adalut in trials referred to them shall be competent to order the indefinite confinement of the prisoner on default of giving the security required.

The Courts of Circuit and Zoydaree Adalut competent to order the indefinite confinement of persons of notoriously bad and dangerous character on default of security.

Third. To these cases the provisions of the second and following clauses of Section IX of this Regulation

The rules contained in the second and following clauses of Section IX of this Regulation

Regulation applicable to these cases.

Regulation shall be applicable; but when a Judge on Circuit, pursuant to the authority vested in him by the latter part of clause 4th second of that section shall modify the terms of the security required to be taken under the orders of the Zoydaree Adalut, he shall report the same for the information of that Court.

XIII. First. Persons confined on a requisition of security for appearance under clause First Section III Regulation II of 1822, or on a requisition of security for good behaviour under sections VIII, IX, and X of this Regulation shall be subjected at the discretion of the Criminal Judge to compulsory labour, suited in kind and degree as well as may be to their caste, age, and strength and other circumstances, provided always that persons confined under clause First section III Regulation II of 1822, or under clause First, section VIII of this Regulation shall be made to work separately from convicts, and without irons; and that no person confined by direction of the Courts of Circuit and Zoydaree Adalut shall be made to work in irons, unless an order to that effect, to be issued only in the case of a bad or dangerous character is contained in the warrant directing his detention in custody on default of security.

II

Second. Any person, apprehended in a Zilla different from that in which he has been accustomed to reside, and ordered to be detained in custody on a requisition of security, shall be removed to the Jail of

of the Zilla, in which his usual place of residence is situated, on his application that effect for the purpose of being enabled the more easily to furnish the security required.

See clause first Sec. V. Regulation XIII. of 1818.

Criminal Judges competent to release persons ordered by themselves to be detained on requisition of Country.

XI. First. The Criminal Judges are hereby empowered to exercise their discretion in releasing without reference to any other authority, persons confined under requisition of security for good behaviour, whether by their own orders, or by those of any other person discharging the functions of a Criminal Judge; provided they shall from whatever cause be of opinion that such persons can be released without hazard to the community.

Criminal Judges how to proceed when in their opinion a prisoner detained on default of security required by the Court of Circuit or Fujdaree Adalut may be safely released without such security.

Second. Whenever a Criminal Judge may for whatever reason be of opinion that a person confined under requisition of security for good behaviour, by order of a Court of Circuit or of the Fujdaree Adalut can be safely released without such security, he shall either bring the case before the Court of Circuit at the next ensuing jail delivery, as prescribed by clause first, section XI Regulation XV of 1812, or shall make an immediate report of the case with his opinion for the orders of the Court which may have required the prisoner to furnish security previously to his release.

See also VII. Sec. XII. Reg. VIII. of 1818.

On what conditions sureties may be discharged from their responsibility

XII First. It is hereby declared that sureties for the peace, and sureties for good behaviour shall at all times be discharged from further responsibility on delivering up to the proper Magistrate or Police Officer the persons for whom they have become sureties, and they

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shall not be made answerable for the amount of the security bond in cases wherein they shall give timely information to the Magistrate that the persons for whom they have become sureties have taken to bad courses, and shall use every exertion in their power for the apprehension and surrender of such persons.

Criminal Judges to send to the Magistrates lists of persons from whom they take security.

Second. Criminal Judges are hereby directed to transmit to the Magistrates in their respective jurisdictions lists of the persons from whom they may take security for good behaviour, whether by their own authority, or under directions from the Courts of Circuit or Fujdaree Adalut. The lists shall specify the names of such persons, and of their sureties, the amount of the security, and the period for which it is taken.

Persons surrendered by their sureties, or re-apprehended by the Magistrate

Third. Individuals surrendered by their sureties, or reapprehended by the Magistrate under this section, shall be immediately forwarded to the Criminal Judge.

(Signed) G. J. Cavanagh Register

1745. To the Judges of the Provincial Court in the Western Division

Gentlemen,

I am directed by the Judges of the Court of Fujdaree Adalut to acknowledge the receipt of your letter dated 31st January last relative to the appointment of an Interpreter to your Court in the Canarese and Malleyalum languages.

2. The present amount sanctioned by Government on account of English Writers and Translators employed in your Court is little less than the sum allotted for the same purpose in the Provincial Court for the Southern Division which is some what higher than

than that in the Northern and Centre Provincial Co
respectively.

3. The Judges of this Court are thereforo
to make any application to Government on the
The duty of an Interpretor is in some respects
to that of a Translator and amongst those of
latter description now attached to your Court
presumable one or more will be found qualified
the duty. The Judges are of opinion that by a
modification of the present Establishment
your control the difficulty experienced by Mr
appear in the discharge of his duties may be
at no additional expence to the Government.

28th February 1827.

(signed) A. Maclean
Acting Chief Sec.

No 45. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in his
letter of the 23d Instant being duly served on the per
therein mentioned.—
28th February 1827.

Sent usual letter.

No 46. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in his letter of the
21st ultimo being duly served on the person therein mentioned.—
3d March 1827

No 47. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in his letter of the 28th
ultimo being duly served on the person mentioned.—
5th March 1827.

No 49. To the Judges of the Provincial Court of Circuit for the
Western Division

Gentlemen,

1. I am directed by the Judges of the Court of
Foujdaree Adalut to transmit to you the accompanying extract of a letter Co
Paras 5. 6 & 7 — dated the 6th ultimo from the Criminal Judge in the Zilla of Canara,
relative to the removal from his District of convicts sentenced to
banishment, or to transportation beyond sea.

2. It would appear that the arrangement sanctioned
by Government under date the 9th September 1820 for the transport of
convicts from the Malabar Coast to Madras by sea, when opportunities
offer, has not been communicated to the Criminal Judge of Canara,
and the Judges desire that you will make the necessary communi-
cation to him on this subject.—

3. The Judges are desirous of receiving your
opinion as to Mr Vaughan's proposal of sending convicts via Bengalore
to Chingleput when an opportunity of transporting them by sea may not
occur.—

4. It occurs to the Judges that much of the in-
convenience that results from the practise hitherto pursued of order-
ing the removal of convicts, sentenced to banishment from Malabar
and Canara, to the jails at Seringapatam, Chittoor, and other places
at a distance from the Malabar Coast, might perhaps be remedied
by

than that in the Northern and Centre Provincial C
respectively.

3. The Judges of this Court are therefore
to make any application to Government on the
The duty of an Interpretor is in some respects
to that of a Translator and amongst those of
latter description now attached to your Court
presumable one or more will be found qualified
the duty. The Judges are of opinion that by a
modification of the present Establishment
your control the difficulty experienced by Mr.
=spear in the discharge of his duties may be
at no additional expense to the Government.

28th February 1827.

/signed/ A. Maclean
Acting Head Asst.

A 2745. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in
letter of the 23d Instant being duly served on the per
therein mentioned.-
28th February 1827.-

Sent usual letter.

N° 46. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in his letter of the
21st Ultimo being duly served on the person therein mentioned.-
3d March 1827

N° 47. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons sent up in his letter of the 28th
Ultimo being duly served on the person mentioned.-
5th March 1827.

N° 49. To the Judges of the Provincial Court of Circuit for the Western Division

Gentlemen,

1. I am directed by the Judges of the Court of
Fojdaree Adalut to transmit to you the accompanying extract of a letter co
Paras 5. 6 & 7 dated the 6th Ultimo from the Criminal Judge in the Zilla of Canara,
relative to the removal from his District of convicts sentenced to co
banishment, or to transportation beyond sea.

2. It would appear that the arrangement sanctioned
by Government under date the 9th September 1820 for the transport of co
convicts from the Malabar Coast to Madras by sea, when opportunities
offer, has not been communicated to the Criminal Judge of Canara;
and the Judges desire that you will make the necessary communi
=cation to him on this subject.-

3. The Judges are desirous of receiving your
opinion as to Mr. Vaughan's proposal of sending convicts via Bangalore
to Chingleput when an opportunity of transporting them by sea may not
occur.-

4. It occurs to the Judges that much of the in
=convenience that results from the practise hitherto pursued of order
=ing the removal of convicts, sentenced to banishment from Malabar
and Canara, to the jails at Seringapatam, Chittoor, and other places
at a distance from the Malabar Coast, might perhaps be remedied
by

by banishing the convicts of Canara to Malabar, and those of Ma
to Canara. The question is, however, whether this measure would
operate in a great degree to defeat the purpose for which the
tence is passed; and whether banishment under these circumst
would not lose much of its effect. upon this point the Jud
are desirous of receiving your opinion.—

5 I am directed to take this opportunity of ac
ledging the receipt of your letter dated the 2d December 1826
requiring instructions in the following point Viz: whether Cir
"al Judge who delivers over charge of convicts to the Magistra
(to be escorted to another station)" is the proper authority to determine
mode of conveyance, and the strength of the guard to be punished, and
both or either shall be left to the discretion of the Magistrate.
6. It appears to the Judges that the Magistr
who on receiving charge of the convicts in these cases is responsible
for their safe custody, is the proper Officer to determine the mode
of conveyance and the strength of the guard; but it is of course
the duty of the Criminal Judge to furnish the Magistrate with
such information as he may possess relative to the General Chara
of the convicts, in order that if there should be among them any
of a desperate character, he may take the requisite precauti
against their escape.—

8th March 1827.—

No. 50.— To

(signed) G. J. Casamajor
Register

The Secretary to Government (No. 8)
in the
Judicial Department.

Sir,

I am directed by the Court of Foujdaree
Adalut to acknowledge the receipt of your letter No. 7 dated
the 20th Ultimo desiring the Judges to state whether it is
competent to the Government to order the Criminal Judge of
Salem

Salem to examine and commit certain persons accused of re
ceiving stolen property within the jurisdiction of the Magistrate
of Malabar.—

2. The Judges think that Government
cannot issue such an order consistently with the Regulations
in force: the order, if issued, must be addressed to the
Magistrate of Malabar, directing him to send up the
prisoners to the Criminal Judge of Salem: but this would
be inconsistent with clause second section XXIV. Regulation
IX. of 1816. which directs that the Prosecutor witnesses and
Prisoner shall be sent by the Magistrate to the Criminal
Judge of the Zilla. Further more it is evidently the Spirit
of the Code to keep jurisdictions distinct and separate
section XXXV. Regulation XI. of 1816, which permits Native
Police Officers to pursue offenders into whatever district or
Zilla they may fly and apprehend them, here yet provides
that offenders when so apprehended shall be first brought
before the Magistrate in whose Jurisdiction they have
been taken and then sent (if grounds appear for their
detention) to the Magistrate of the Zilla in which the
offence was committed. Regulation XI. of 1809 is no
departure from the general principles; the offences in

therein

therein contemplated not having been committed within the jurisdiction of any Magistrate or Criminal Judge at all, there is no specific tribunal before which the offenders could be tried under the Regulations previously in force.—

Such being the opinion of the Court the enclosed short Draft of a Regulation has been prepared, the immediate promulgation of which the Judges think will be the best and perhaps the only way to prevent the mischief feared by the Magistrate of Malabar. Ex post facto laws are generally unjust and always objectionable in principle: but in applying the Regulation now submitted to the case in question there will be no injustice as receiving stolen property and the other acts charged were criminal was before and are not made so for the first time by this Regulation which only takes from the offenders a chance of escape which the Law never intended them to enjoy, and which they or themselves could scarcely have calculated upon.

In order, however, to obviate the disadvantage under which the defence of the prisoners in this or any future case may

may be supposed to labour in consequence of the removal of the trial to another Jurisdiction it will be right to afford them every possible assistance in procuring the attendance of the witnesses whom they may summon; and the attention of the lower Courts should be particularly directed to this point.—

4. In section II the Judges have provided that the reports should be submitted to Government through the Foujdaree Adawlut. This is consistent with the practice in other similar cases, as, for instance, in applications for authority to offer pardons under section XXI Regulation XIII of 1802. The reports under Regulation XI of 1809 are submitted direct by Criminal Judges to Government but the subjects of these reports involve more of political than of judicial considerations.—

5. Clause second section II appears to the Judges necessary to give full effect to the design of Government Prisoners charged with crimes and misdemeanors are sent up to the Criminal Courts indifferently by the Magistrate and the Tahseeldars; and more by the latter than by the former. Applications to transfer Prisoners to an extraneous jurisdiction could not well be made by Tahseeldars; and therefore can only be made by Criminal or Joint Criminal Judges; as the Prisoners sent up by Tahseeldars never come before the Magistrate at all.—

(Signed) G. S. Casamajor
Register

13th March 1827.

A Regulation for empowering the Governor in Council in certain cases to direct that persons charged with crimes or misdemeanors shall be sent for trial or committal to another Court than that within the jurisdiction of which the offences charged were committed. Passed by

by the Governor in Council on the

Preamble. Whereas, under clause second section XXIV Regulation IX of 1816, Magistrates are required to send their prisoners against whom there is evidence of having been concerned in any crime or misdemeanor, to the Criminal Judge of the Zillah;- by which is to be understood the chief officer presiding in the Court within the jurisdiction of which the crime or misdemeanour was committed - and whereas cases occur in which the ends of justice would manifestly be furthered by the trial of the Prisoner taking place in another Court than that within the jurisdiction of which the offence was committed - wherefore the Governor in Council has enacted this Regulation to be in force from the date on which it is promulgated -

Magistrate when of opinion that prisoners should be tried in some other Zillah to report to the Fujdaree Adalut that Court to Government in furtherance of the ends of justice

I. If a Magistrate shall be of opinion from any particular circumstances connected with the case of a Prisoner whom, under clause second section XXIV Regulation IX of 1816, it is his duty to send to the Criminal Judge of the Zillah, that it is necessary in furtherance of the ends of justice that such Prisoner should be tried or committed for trial in some other Court than that (within the jurisdiction of which the offence charged against him was committed) he shall report that opinion together with all the grounds of it & the circumstances of the case to the Court of Fujdaree Adalut; and that Court shall submit his report, with their opinion, to the Governor in Council -

If a Criminal Judge shall be of opinion from any particulars circumstances connected with the case of a Prisoner sent before him by a Tahseeldar, under clause fourth section XXVII Regulation XI of 1816, that it is necessary, in furtherance of the ends of Justice, that such prisoner should be tried or committed for trial by some other Court; he shall report that opinion, together with all the grounds of it and the circumstances of the case, to the Court of Fujdaree Adalut; and that Court shall submit his report, with their opinion to the Governor in Council -

The Governor in Council competent to order prisoners to be tried in another Zillah -

II. It shall be competent to the Governor in Council, on receiving such report, to order the Prisoner therein mentioned to be sent for trial or committal to whatever Court may appear to him most proper for the furtherance of the ends of Justice -

Copy of the orders of Govt to be sent to the Criminal Judge or Magistrate applying

III. A Copy of the orders of Government, when received by the Fujdaree Adalut shall be immediately communicated to the Criminal Judge or Magistrate who made the report.

Mode of proceeding when a Prisoner is ordered to be tried in another Zillah -

IV. If the Prisoner shall be ordered to be sent to any other Court than that within the Jurisdiction of which the offence charged was committed, he shall be sent accordingly, together with the Prosecutor, witnesses and documents in his case, and with a certified copy of the order of Government - and that order shall be sufficient authority for the Criminal Judge to whom he is therein directed to be sent, to receive him and proceed respecting his case in the same manner as if he had been sent by the Magistrate or a Tahseeldar within their own Jurisdiction -

/Signed/ G. J. Casamajor
Register

by the Governor in Council on the

Preamble. Whereas, under clause second section XXIII = lation IX of 1816, Magistrates are required to send to the Criminal Judge of the Zillah, "against whom there is evidence of having been guilty in any crime or misdemeanor, to be tried in the Court presiding in the Court within the jurisdiction of which the crime or misdemeanor was committed — Provided the cases occur in which the ends of justice would evidently be furthered by the trial of the Prisoner taking place in another Court than that within the jurisdiction of which the offence was committed — wherefore the Governor in Council has enacted this Regulation to be in force from the date on which it is promulgated —

Magistrate to report opinion in that for any particular circumstances connected with the case of a Prisoner whom, under clause second section XXIV Regulation IX of 1816, it is his duty to send to the Criminal Judge of the Zillah, that it is necessary in furtherance of the ends of justice that such Prisoner should be tried or committed for trial in some other Court than that (within the jurisdiction of which the offence charged against him was committed) he shall report that opinion together with all the grounds of it & the circumstances of the case to the Court of Toydaree Adalut; and that Court shall submit its report, with their opinion, to the Governor in Council —

If a Criminal Judge shall be of opinion from any particular circumstances connected with the case of a Prisoner sent before him by a Tahseeldar, under clause fourth section XXVII Regulation XI of 1816, that it is necessary, in furtherance of the ends of Jus-

tice, that such prisoner should be tried or committed for trial by some other Court; he shall report that opinion, together with all the grounds of it and the circumstances of the case, to the Court of Toydaree Adalut; and that Court shall submit its report, with their opinion to the Governor in Council —

The Governor in Council competent to order prisoners to be tried in another Zillah. III. It shall be competent to the Governor in Council, on receiving such report, to order the Prisoner therein mentioned to be sent for trial or committal to whatever Court may appear to him most proper for the furtherance of the ends of Justice —

Copy of the orders of Govt to be sent to the Criminal Judge or Magistrate applying IV. A Copy of the orders of Government, when received by the Toydaree Adalut shall be immediately communicated to the Criminal Judge or Magistrate who made the report.

Mode of proceeding when a Prisoner is ordered to be tried in another Zillah. V. If the Prisoner shall be ordered to be sent to any other Court than that within the Jurisdiction of which the offence charged was committed, he shall be sent accordingly, together with the Prosecutor, witnesses and documents in his case, and with a certified copy of the order of Government and that order shall be sufficient authority for the Criminal Judge to whom he is therein directed to be sent, to receive him and proceed respecting his case in the same manner as if he had been sent by the Magistrate or a Tahseeldar within their own Jurisdiction —

/Signed/ G. J. Casamajor

Registr.

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

Sir,

I am directed to transmit to you to be laid before the Governor in Council the accompanying copy of a letter and enclosures just received from the 3d Judge in the Southern Division on Circuit, representing the urgent necessity of certain repairs and alterations in the Jail at Madura.-

para 4. 2. Under the instructions circulated by Government to the Provincial and Zilla Courts under date the 14th March 1823, the Criminal Judge of Madura ought to have addressed you direct upon this subject; and the Judges have accordingly desired that this attention may be called to those instructions: but, as the case appears very urgent, the Judges hope that they shall be excused for forwarding the 3d Judge's letter direct to Government, in order that no more time may be lost.-

13th March 1827.

/Signed/ G. S. Casamajor
Register

No 52. To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

The 3d Judge of your Court on Circuit has addressed the Foujdaree Adawlut upon the subject of repairs and alterations required by the Jail at Madura; and has submitted a copy of a letter from your Court to the Criminal Judge in which the latter is directed, with reference to this Courts' orders of the 22d April 1826 to accept the Judge on Circuit upon that subject. I am desired by the Judges to observe that under the 4th Paragraph of the Instructions circulated by Government to the Provincial and Zilla Courts under date the 14th March 1823, to which this Courts orders of the 22d April 1826

1826 simply refer, the Criminal Judge should have addressed Government direct upon the subject. The Judges direct that you will call Mr Nicholls attention to those instructions In the present case, in order to save time, the papers submitted by the 3d Judge on Circuit have been forwarded to Governmenta.

13th March 1827. /Signed/ G. S. Casamajor Register

No 53. To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter of the 14th May 1825 I am directed by the Court of Foujdaree Adalut to submit the accompanying Statement of Criminal Cases disposed of by them under section II Regulation I of 1818 from the 1st July to the 31st December last.-

13th March 1827.- /Signed/ G. S. Casamajor
Register

No 55. To the Secretary to Government in the Judicial Department

Sir,

With reference to my letter dated the 14th August last No 30 I am directed by the Foujdaree Adalut to request information whether it is the desire of the Governor in Council that a statement similar to the one therein enclosed should be periodically prepared and submitted to Government, & if so, at what periods.-

15th March 1827. /Signed/ G. S. Casamajor Register

No 56. To the Criminal Judge in the Zilla of Chingleput

Returning the summons sent up in his letter dated the 5th Instant with the endorsement of the Nazir.

15th March 1827 sent usual letter.

No 57 To the Judges of the Provincial Court of Circuit in the Centre Division

Gentlemen

I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying Original petition and Translation, in order that you may call upon the Zillah Judge and Medical Officer in charge of

of the Jail at Chingleput for such information as will enable you to determine and report to this Court upon the propriety or otherwise of according to the prayer of the Petition in behalf of her daughter now in confinement.-
15th March 1827.

No 60 To the Secretary to Government in the Judicial Department
/No 12/ /signed/ J. A. Maclean. Actg Regr.

With reference to my letter No 4 dated the 29th January, I am directed by the Court of Poydarre Adalut to forward to you the readd, in English, of the trial of No 8 in the Salem Calendar at the Sessions of 1825.-
17th March 1827.
/signed/ G. J. Casamajor
Register

No 66 To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen,

I am directed by the Judges of the Court of Poydarre Adalut to forward for your information the annexed copy of a letter received from Government with its enclosure, and to request that in the event of your apprehending no inconvenience from the measures in any other quarter that you will adopt such measures as may be necessary to secure to the Collector of Guntoor at all times the services of the number of convicts for which he has now applied.-
19th March 1827.
/signed/ J. A. Maclean
Acting Regr

No 67 To the Secretary to Government in the Judicial Department
/No 13/

Sir,

I am directed by the Judges of the Poydarre Adalut to acknowledge the receipt of your letter of the 9th instant with its enclosure and to acquaint you that instructions have been transmitted to the Northern Provincial Court to take the necessary measures, as far as practicable, to secure to the Magistrate of Guntoor the

the services of the number of convicts required by him.-
19th March 1827. /No 14/ /signed/ G. J. Casamajor. Register

No 68. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Poydarre Adalut to transmit to you to be laid before the Governor in Council the accompanying Copy of a letter from the Register to the Provincial Court of Circuit for the Centre Division.

2. The Judges have given the instructions which appeared to them proper to the Provincial Court upon the main subjects of that letter; and it is with reference only to the last paragraph of it that I am directed now to address you.-

3. That Para. contains a suggestion that 2 insulated Villages belonging to the jurisdiction of Chittoor and surrounded on all sides by the Zillah of Chingleput should be transferred to the jurisdiction of the latter. The Judges concur in the opinion of the Provincial Court that such a transfer is desireable with reference to the Magisterial and Judicial Departments; and, unless there are objections to it of which they not aware, would recommend that it might take place.-
21st March 1827. /signed/ G. J. Casamajor. Regr

No 69. To the Criminal Judge in the Zillah of Chingleput

Returning the two Notices sent up in his letter of the 15th Instant informing that they have been only served on the persons therein mentioned.-
21st March 1827.

No 74. To the First Judge on Circuit in the Northern Division sent usual letter

Sir,

With reference to my letter stated the 27th January last I am directed by the Court of Poydarre Adalut to state that they have extended for 40 days the leave of absence heretofore granted to Mahomed Moorad the Law officer of your Court.

of the Jail at Chingleput for such information as will enable you to determine and report to this Court upon the propriety or otherwise of according to the prayer of the Petition in behalf of her daughter now in confinement.-
15th March 1827.

No 60 To the Secretary to Government in the Judicial Department

/No 13/ /signed/ J. A. Maclean. Actg Regr.

Sir,

With reference to my letter No 4 dated the 29th January I am directed by the Court of Foujdaree Adalut to forward to you the record, in English, of the trial of No 8 in the Salem Calendar at the 2d Session of 1826.-
17th March 1827.

/signed/ G. J. Casamajor
Register

No 66 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 forward for your information the annexed copy of a letter received from Government with its enclosure, and to request that in the event of your apprehending no inconvenience from the measures in any other quarter that you will adopt such measures as may be necessary to secure to the Collector of Guntoor at all times the services of the number of convicts for which he has now applied.-
19th March 1827.

/signed/ J. A. Maclean
Acting 1st Jr. Regr.

67 To the Secretary to Government in the Judicial Department

/No 13/

Sir

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 9th instant with its enclosure and to acquaint you that instructions have been transmitted to the Northern Provincial Court to take the necessary measures, as far as practicable, to secure to the Magistrate of Guntoor the services of the number of convicts required by him.-
19th March 1827. /No 14/ /signed/ G. J. Casamajor. Register

No 68. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the accompanying Copy of a letter from the Register to the Provincial Court of Circuit for the Centre Division.

2. The Judges have given the instructions which appeared to them proper to the Provincial Court upon the main subject of that letter; and it is with reference only to the last paragraph of it that I am directed now to address you.

3. That Para. contains a suggestion that 2 insulated Villages belonging to the jurisdiction of Chittoor and surrounded on all sides by the Zillah of Chingleput should be transferred to the jurisdiction of the latter. The Judges concur in the opinion of the Provincial Court that such a transfer is desirable with reference to the Magisterial and Judicial Departments; and, unless there are objections to it of which they not aware, would recommend that it might take place.-
21st March 1827. /signed/ G. J. Casamajor. Regr.

No 69. To the Criminal Judge in the Zillah of Chingleput

Returning the two Notices sent up in his letter of the 15th Instant informing that they have been only served on the persons therein mentioned.-
21st March 1827.

No 74. sent usual letter

To the First Judge on Circuit in the Northern Division

Sir,

With reference to my letter dated the 27th January last I am directed by the Court of Foujdaree Adalut to state that they have extended for 40 days the leave of absence before granted to Mahomed Moorad the Law officer of your Court.

Court. His application he states has been transmitted to
and is now presented direct to this Court for fear it may
not reach them in time this year.-
24th March 1827.

/signed/ G. A. Casamajor. Jr.

No 75

To the Criminal Judge in the Zilla of Chingleput.

No 60

Returning the notices sent up in
letter of the 12th instant with the endorsement of the Sa
24th March 1827. last usual letter.

No 81

To the Second Judge of the Provincial Court of Circuit
in the Centre Division.

Sir,

No 66

I am directed by the Toydaree Malatut to
call your attention to my letter under date the 10th inst
last.-
28th March 1827.

No 85.

/signed/ G. A. Casamajor. Regr

To the Judges of the Provincial Court in the Southern Division.

Gentlemen,

I am directed by this Court to acknow
=ledge the receipt of your letter of the 12th instant with its
enclosure and to acquaint you that on consideration of the
reasons urged by Mr. Robinson in his letter to your Co
under date 10th instant it is deemed expedient to suspend
the operation of this Courts circular order dated 3d Octob
1817 relative to the release of Prisoners from the jail under
the superintendence of the Magistrate of Trichinopoly.-

2.

It will only be necessary for the Magistrate
of Trichinopoly to give timely notice of the proposed release
of any convict by letter to the Magistrate of the District
in which the convict was apprehended or in which he ap
have resided prior thereto.-

3.

In communicating the foregoing to the Ma
=gistrate of Trichinopoly you will be pleased at the s
same time to direct his attention to the penultimate para
=graph of the circular orders above cited as applicable to

to the case of those convicts whom it may be his duty to re
=leave at a distance from the place of their apprehension or
usual residence.-

/signed/ A. Maclean. Actg Regr

29th March 1827.

No 86

To the Judges of the 4 Provincial Courts of Circuits.

Circular

Gentlemen,

1.

I am directed by the Judges of the Court
of Toydaree Adalut to acquaint you that the information
called for in their letter (to you) dated 18th June 1825 re
=lative to convicts under sentence of transportation beyond
seas is no longer required by Government.-

2

You will be pleased to make the fore
=going known to the different Judges within your Jurisdic
=tion for their guidance.-

/signed/ A. Maclean

29th March 1827.

Acting Asst to Regr

№94. To the Third Judge on Circuit in the Western Division

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 5th instant and to inform you, that, under the provisions of the Regulation quoted in your letter, as no person has been committed by the Magistrate of Seringapatam for trial before the Court of Circuit you are agreeably to your request authorized to postpone the present sessions at that station.

12th April 1827.

/Signed/ A. Maclean

Actg Regr

№98. To the Third Judge on Circuit in the Southern Division

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 7th instant and to state that there is no doubt but the Magistrates' order that prisoners committed for trial before the Judge on Circuit shall not, if acquitted be released without giving security, is an exercise of authority quite unwarranted by the Regulations.

2 The Judges desire that you will cancel the order and return it to the Magistrate and inform him that it is illegal.

20th April 1827.

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

№17/ /Signed/ G. J. Casamajor Regr

Sir,

With reference to the Acting Deputy Registers letter № 25 dated the 22d February last and paragraph 16 of mine dated the 19th Ultimo № 35, I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the enclosed copy of a letter from the Criminal Judge of Cuddapah, proposing that, instead

instead of the increase before applied for to his Establishment to the amount of 30 Pagodas a month, he may be allowed one translator on a fixed salary of 20 Pagodas.

2. The Court recommend that Mr. Haigs application may be complied with.

20th April 1827. /Signed/ G. J. Casamajor Regr

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

№19/

Sir,

Under clause first section II Regulation III of 1827 I am directed by the Court of Foujdaree Adalut to submit the accompanying copy of a letter and enclosures from the Magistrate of Malabar, reporting his opinion, in conjunction with the Magistrate in Coimbatoor, that 15 Prisoners apprehended for offences committed in Malabar should be sent for trial or committal to the Auxiliary Court at Coimbatoor.

Enclosures 1, 2 & 3 being already before your Court are not submitted.

As the only object in transferring the trial of these Prisoners is that it may take place at the same Court as that of the principals with aiding and abetting whom they are charged, and as these Principals have been sent to the Court at Salem, it appears to the Foujdaree Adalut that the accessories ought to be sent to Salem also, instead of to Coimbatoor for trial or committal.

28th April 1827. /Signed/ G. J. Casamajor Register

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

№20/

Sir,

I am directed by the Judges of the Sudr and Foujdaree Adawlut, to forward for the orders of the Honorable the Governor in Council, the accompanying communication from the Criminal Judge in the Zilla of Cuddapah dated 15th instant, submitting for the special sanction of Government certain contingent charges in July 1235, which the Civil Auditor has declined to pass.

The

Foujdaree Diary 28th April 1827.

2. The Judges are of opinion that the charge of Rupees 738 Annas 9. Pice 4. incurred on account of the Petitioners employed in the Zilla of Cuddapah was required and that under the circumstances of the case the Criminal Judge was justified for having incurred this charge and they beg leave therefore to recommend for the sanction of Government.-

28th April 1827.

(signed) J. A. Huddleston
Acting Dep. Sec.

Foujdaree Diary 8th 10th & 15th May 1827.

No. 114 To the Criminal Judge in the Zillah of Cuddapah

Transmitting Copy of a letter from Government authorizing him to entertain a Translator on a salary of 70 Rupees per mensem from 1st February last.

8th May 1827. (sent usual letter)

No. 116 To the First Judge of the Court of Circuit in the Centre Division

Sir,

I am directed by the Court of Foujdaree Adalut to call your attention to their Receipt dated the 30th November last, to which you made return on the 18th December following, & to state that neither the record in No. 111 of the Cuddapah Calendar 1st Sessions 1825 nor the Petitions thereby required have yet been received.-

2. The Judges desire that no further time may be lost in transmitting them. I am directed to complain regarding the Petitions that if there are any on the records of the Provincial Court which were presented to the 2d or 3d Judges when on Circuit by the same Petitioners and respecting the same cases they are required as well as those presented to the first Judge- with notices of any proceedings held upon all or any.-

10th May 1827.-

(signed) J. D. Cassamajor
Register

No. 118. To the Magistrate in the Zillah of Nellore

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt this day of your letter dated the 5th instant; and under section XXI Regulation IX of 1816 to authorise you to proclaim a reward of 500 Rupees for the apprehension of the leader or leaders and 100 Rupees for each of the inferior offenders in the late

the result of Appoo and Cautan's trial is known. Out of the 24 Prisoners charged with being accessories to the robbery at Nanna=
=pooram, 8 only are charged with having knowingly received stolen property; of the other 13, 4 are charged with having ac=
=companied Appoo & Cautan where they committed the robbery and nine with having harboured, or otherwise assisted them or one of their Gang. These last cannot safely be tried untill the Principals Appoo & Cautan are either convicted of the robbery at Nannapooram, or, by being convicted of the more heinous offence for which they are first to be tried, are placed beyond the liability to be tried for that robbery. If the ac=
=cessories were first tried & afterwards the principals, it might happen that the accessories would be found guilty & the principals acquitted; which would be a record; & to avoid the chance of their absurdity it is the established practice in England never to try accessories while the principals are liable to be tried afterwards.—

The same difficulty does not exist regarding the 8 first-mentioned Prisoners; as clause fifth Section IV. Regu=
=lation VI of 1822 expressly provides that receivers of stolen goods may be tried before the conviction of the stealers; nor regarding the 4 charged with having accompanied Appoo and Cautan, as they are in the eye of the Law not accessories but principals in the second degree, and as such might be tried immediately without reference to Appoo Cautan that it is obviously expedient that all the Prisoners should be tried at the same time.—

/Signed/ G. S. Casamajor
15th May 1827. Register

No. 120 To the Criminal Judge in the Zilla of Cuddapah

Transmitting Copy of a letter from Govern=
=ment sanctioning charges retrenched by the Civil Auditor in the Indents of the Criminal Judge Cudapa for July 1235.—
Sent usual letter.
15th May 1827.

late Gang. Robberies at Cattahpatam; if you think such high offers necessary.—
15th May 1827.

No. 119. To the Secretary to Government in the Judicial Dept.

/Signed/ G. S. Casamajor
1827

Sir,

I am directed by the Court of Foujdaree Adawlut to acknowledge the receipt of your letter No. 201 dated 4th instant in answer to the Court's recommend=
=ation that certain Prisoners charged with offences com=
=mitted in Malabar & Coimbatore may be sent for trial at Salem.—

2. The sole reason for the Court's recommend=
=ation was that the accessories might be tried at the same Court with the Principals; if the latter are to be tri=
=ed at Combaconum (of which the Court had no know=
=ledge till the receipt of your letter) there is of course no reason why the former should be tried at Salem; and if the latter are not to be tried for the offence in the former are charged with being accessories, there appears no reason why they should be tried in the same Court at all. If the owners of the stolen prop=
=erty and the witnesses of the robbery are inhabitants of Coimbatore, the trial had best take place at the Auxiliary Court there as recommended by the Majesty.

3. It is understood from your letter that if the Principals Appoo & Cautan are not convicted of the heinous offences for which they are first to be tried and with which the Prisoners have no concern, they will be tried for the robbery at Nannapooram in which the Prisoners are charged with being accessories. Under these circumstances the Judge thinks that the trial of the Prisoners should not be commenced till the

No 121. To the Provincial Court of Circuit in the Centre Division.

Gentlemen,

1. I am directed by the Court of Foujdaree Adaulut to acknowledge the receipt of your letter dated the 23rd February last, from which, as well as from the 7th return by the Magistrate of Chingleput which accompanied your letter of the 9th April, it appears that in that officers half yearly statements of crimes and Punishments for the entire under the head of persons acquitted relates to other persons besides those the number of whom is entered under the head of persons apprehended. This is evident, as the Magistrate states that persons examined on Razeenamahs are entered under the head of persons acquitted, whilst the same persons cannot (it is presumed) be entered under the head of persons apprehended as Razeenamahs can only be filed in trivial charges, & persons summoned on such charges who have not been placed in durance are expressly directed by the Circular orders of this Court dated the 9th March 1824 not to be included under persons apprehended.

cl. 2. Sec. XXII Reg. II of 1816.

2. The Judges would not have expected such an error to have occurred or been overlooked; as it vitiates the statement for one of its most important uses.

3. The intention of Government is that the entries in all the columns of the statement subsequent to that headed "Total number of persons apprehended" should be confined to the persons entered in that column — in other words, that no person should be entered in any of the subsequent Columns who is not also entered in that column.

4. Lest the same errors should have occurred elsewhere, the Judges desire that you will immediately call upon all the Magistrates in your Division to report whether their statements have been framed in the manner explained in the last Paragraph — & to require their special alteration to it for the future.

5. Your reply, with copies of the returns of the Magistrates is desired with as little delay as possible.

18th May 1827. (Signed) G. J. Casamajor
Register

The same to the other Provincial Courts of Circuit for their information and guidance.

No 122. To the Provincial Court of Circuit in the Northern, Southern, & Western Divisions.

Gentlemen,

I am directed by the Court of Foujdaree Adaulut to transmit for your information and guidance the accompanying copy of a letter dated this day addressed to the Provincial Court of Circuit in the Centre Division.

18th May 1827. (Signed) G. J. Casamajor
Register

No 123 To the Judges of the Provincial Court in the Western Division.

Gentlemen,

I am directed by the Judges of the Foujdaree Adaulut to acknowledge the receipt of your letter dated the 27th ultimo, submitting two petitions presented by Kinaiyat Ally Khan who was recently appointed Cazee of your Court, praying that he may be allowed to receive the full amount of his Salary. The Court cannot recommend the Petitioners application to the favorable consideration of Government, as according to the established rules of the Service, he is not entitled to receive a larger Salary than 80 Pagodas per mensem. The higher Salary of 100 Pagodas was intended to be given only to those persons who came originally

originally from Bengal expressly for the purpose of being appointed to officiate as Canzies to the Court and it was solely on that ground that the late Qazy Mohomed Yunus was allowed to receive the higher rate of allowances.

18th May 1827.-

/Signed/ J. A. Hudleston
Actg Dep. Regr

No 127 To the Criminal Judge in the Zilla of Chicacole.

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 7th Instant forwarding a petition from a Gomasthah in the Magistrate's Office in the District of Vizagapatam who had been summoned as a witness to your Court, requesting that the expenses of the journey consequent thereupon may be defrayed at the public charge.-

2. The Judges direct me to acquaint you that the orders of Government adverted to in the 3d paragraph of your letter form in their opinion the only rule applicable to cases similar to that under consideration - and further that it is not deemed fit to make any special representation in behalf of the present petitioner.-

24th May 1827.-

/Signed/ A. Maclean
Actg Regr

No 131. To the Criminal Judge in the Zilla of Chingleput

Returning the summons sent up in his letter of the 25th Instant with the report of the Nazir.-

Sent usual letter

No 132 To the 4 Courts of Circuit

Gentlemen,

It having come to the knowledge of the Court of Foujdaree Adalut that Judges and Acting Judges of the Courts of Circuit have in some instances omitted to deposit among the Records of the Provincial Court, after their return from Circuit, all the Precepts, letters & other papers received by them from this Court during their absence; I am directed to call your attention, individually and collectively, to the necessity of all such papers received by any Judge, or acting Judge, while on Circuit being punctually deposited in the records of the Provincial Court on his return, in conformity to the Circular Orders dated the 6th September 1811.-

The Judges further desire that if any Judge of your Court has in his possession any precepts, letters or other public documents received from this Court during Circuit or any letters or returns to this Court, or any communications to the Subordinate Courts which he has not yet delivered in, he will not fail to do so without delay.-

/Signed/ J. Casamajor
Register

2d June 1827.

No 135. To the Secretary to Government in the (1824)
Judicial Department.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter, dated the 22d ultimo No 238.- desiring them to suggest the proceeding proper to be pursued for the purpose of disposing of certain prisoners under charge of the Magistrate of Malabar.-

2. Under the circumstances stated in your letter

letter it is the opinion of the Judges that the eight persons
of the property plundered at Namapooram, Capt. Chitty
Cy Cynatha Bhagawatara, Rizaka Camoo Putter, Kattay
Putter Nagoo Ayen, Chetteahy Karpen, Rokam Goldsmith
Aroiporaver Ratan, should be tried on such charge as may
be, and also the fifth, Viz Chitty Ayuan, Chitty Retnam,
Munden, Shanapthy Vella, who are accused of having assis-
=tanied Appoo and Cautan to the robbery at that place.
There appears to be no sufficient reason for delaying the trial
of these twelve prisoners, and they should be sent immediately
=ately to Coimbatoor, if the Government intend that any
delivery should be held there, and if otherwise to Salem.

3. The disposal of the nine prisoners viz Venkatachellum
Permala Poochary, Krishna Poochary, Suna Karuchy, Ca-
Mootoosamy Taragen, Errat Kattan, Errat Appoo,
Maruvanoottoo Pillay and his son Nayan, who are charged
with having harboured Appoo and Cautan as one of the
gang, must be postponed for the reasons stated in my
letter of the 15th Instant, till it be known whether the fifth
=cipals are to be tried for the robbery at Namapooram
unless there be evidence to prove that they harboured
or afforded assistance to any of the four principals mention-
=ened in the preceding paragraph, who are charged as
being accomplices in that robbery. If there be evidence
of this sort, and if the four principals above-mentioned
are convicted, the trial of these nine may be immediately
entered upon.

4. With the information at present before me
it is extremely difficult for the Judge to point out
precisely the proper method of dealing with the cases
of these nine prisoners. The specific charge against them

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is for harbouring and assisting felons; and for
their conviction on this charge it is requisite that there
should be evidence to prove that the persons so harboured
were known by them to be felons. Even, therefore if these
prisoners should be found to have assisted only Appoo
and Cautan, and if the trial of Appoo and Cautan for
the robbery at Namapooram should be rendered unne-
=cessary by their conviction of the murder committed
in the Trichinopoly district, it is still possible that
there may be evidence to warrant the trial of these
nine prisoners as accessaries after the fact, provided
that Appoo and Cautan be first convicted of the murder.
But this is a point which must be left to the discre-
=tion of the committing Officer.

7th June 1827. (Signed) G. J. Casamajor Regr

No 136. To W. Webb Esqre
First Judge of the Provincial Court of
Circuit in the Northern Division

Sir,

It appears in evidence in Trial No 8 of
the 4th quarterly Sessions at Masulipatam for 1826, that
on your visiting the Jail complaints were several times
made to you by certain of the convicts who worked
at the gardens of Mr Paternoster Register and Sheristo
Criminal Judge of the Zillah, that that Gentleman
was in the habit of beating them; and that these
convicts requested you to order that they might
not be sent there to work any more.

As it appears that they continued to
be taken to work there, after this complaint had been
made to you, I am directed by the Court of Foujdaree Adawlut
to

to call upon you to state what measures you took in
consequence of their complaint and what was the result.
7th June 1827.

/signed/ G. J. Casamajor
Regr.

No138. To the Criminal Judge in the Zilla of Chingleput.

Returning the two summonses sent
up in his letter of the 2d Instant being duly served on
the persons.
11th June 1827.

sent usual letter.

No141. To the Criminal Judge in the Zilla of Chingleput.

Returning the summons sent up in
the 12th Instant being duly served on the person.
19th June 1827.

sent usual letter.

No143 To the Provincial Court of Circuit in the
Gentlemen Northern Division

1.

I am directed to acknowledge the
receipt of your Registers' letter dated the 16th April
respecting the prisoner Chegully Venkaidoo.

2. If the Assistant Judge in charge of
the Jail is satisfied that no relations or friends of
this man are to be found who are able and willing
to take charge of him, there appears to be no alter-
native but to detain him in jail; where however he
should be subjected to no compulsory labor and be
treated with as much indulgence as his situation
admits of. 3. If at any future period such relations
or friends should be discovered, he ought, if still in

in his present harmless state, to be made over to them
without further application to this Court.-

/signed/ G. J. Casamajor Register
25th June 1827.

No25
No146. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Toydaree Adalut
to acknowledge the receipt of your letter of the 19th instant
(no number) enclosing copy of one from the Criminal
Judge of Canara.-

The Judges think that the best way to
proceed will be for the Governor in Council to
give directions under section IV Regulation II of 1827
that the Jail of the Joint Criminal Judge of Canara
shall be separately delivered at the ensuing Sessions;
when, upon receiving notice to that effect, this
Court will, under section III Regulation VI of 1808,
direct that the Prisoners in the 5 cases referred
to in the Criminal Judge's letter may be brought
to trial before the Court of Circuit at Honore.
The one case committed by the Assistant Judge
will of course be brought to trial there also.

/signed/ G. J. Casamajor
26th June 1827. Register

No26
No147 To the Secretary to Government in the
Judicial Department

Sir,

I am directed to transmit to
you

you to be laid before the Governor in Council the annexed copy of a letter from the 3d Judge of the Northern Provincial Court, enquiring whether there is to be a jail delivery at Masulipatam in the ensuing quarter.-

As this point is expressly reserved by section IV Regulation II of 1827 to the determination of the Governor in Council the Judges are not aware that any recommendation is expected from them, they are not, indeed, in possession of any grounds on which to offer one.-

26th June 1827.

/signed/ J. S. Casamajor Register

R 148. To the Criminal Judge in the Zillah of Chingleput

Returning the notice sent up in his letter of the Instant with the report of the Nazir.

26th June 1827.

R 155. To the Secretary to Government in the Judicial Department

Sir,

1.

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 19th Instant.-

2.

The Judges regret extremely that in my letters to you dated the 15th May and 7th instant regarding the prisoners in confinement at Cuddalore charged with being accessories in the robbery at Nannapooram and receiving property there stolen, reference was made, by some accident, to the list of these prisoners subjoined to the letter of the Assistant Magistrate of Malabar enclosed in yours to this Court dated the 20th February last, instead of to the list subjoined to the Magistrate's letter to my address dated the 17th April of which a copy was forwarded with my letter to you dated the 28th following No. 19. These two lists differ considerably- the Assistant Magistrates' list containing 25 Prisoners, the Magistrates 15 only - and the charges against some of them appearing differently in the two lists.- The Judges presume that subsequent examinations taken since the list of the Assistant Magistrate was made out have occasioned the difference: at all events the Magistrates' list is the only one which they can take cognizance of under clause first section II Regulation III of 1827; and it is therefore necessary for them to submit a fresh opinion in reply to your letter dated the 15th Ultimo instead of that submitted in my letter of the 7th instant.-

3.

The Judges accordingly recommend that the four prisoners charged with having accompanied Appoo and Kantan when they committed the robbery at Nannapooram; and also the four charged with having purchased or received or being in possession of stolen property, may be sent immediately for trial or committal to Coimbetore if Government intend that a Sessions should be held there - if otherwise to Salem.-

1. Chetty Inman
2. Chetty Pat-tooven
3. Chetty Botta-lar
4. Chary-apy Cella
5. Cythena-tha Para-gaostara
6. Vaika Thamoo Potter.
7. Kuttavy Annal Potter.
15. Chetuchy Karoopay.

Nagoo

4.

Nagoo Ayen, who was entered in the Sphatics Magistrates' List, and was therefore regarded by this Court, as a receiver of stolen property, knowing it to be stolen cannot be so considered according to the Magistrates' list, unless the property received into and removed from his house has been identified as stolen, if it has not been so identified, Nagoo Ayen can only be charged with having harboured Appoo and Cautan and part of their gang and must be dealt with in the same manner as was recommended respecting the 9 Prisoners referred to in the 3d Para. of my letter of the 7th instant, as must also the 9th, 10th, 11th, & 14th Prisoners in the Magistrates' list, and also the 12th and 13th (charged with forwarding letters addressed to Appoo and Cautan under fictitious names and with bringing false witnesses to prove that Kathan and Mootha Karapa were persons of good character) unless the "Kathan" last mentioned is the same as Kautan, one of the Leaders of the gang, and Appoo's colleague — which is not certain, as there is another Kathan No. 10 of the Magistrates' List. If he is the same, the facts stated in your letter of the 12th instant, that he has been imprisoned in Irons under a Judicial sentence, must be regarded as sufficient proof that testimony to his general good character, subsequent to such sentence, was false testimony;

and

Fuydaree Diary 30th June 1827.

and the 12th and 13th prisoners who produced it might immediately be committed for subornation of Perjury; if the Kathan to whose good character testimony was produced is not the joint leader Kautan, but the Errat Kathan the 10th Prisoner in the Magistrates' List; then, as it does not appear that either he or Mootha Karapa have been convicted of any crime, it cannot be assumed that testimony to their good character is false; and the 12th and 13th Prisoners on the Magistrates' list must be left to be disposed of till after the trial of Appoo and Kautaun, or Kathan and Mootha Karapa.

5. Upon the whole the Judges recommend (with the view of saving time and correspondence) that Government should conditionally order 1st that the 8th prisoner Nagoo Ayen, be sent immediately for trial or committal to Coimbetore, provided that the property, [illegible] to be carried away from his house on the 5th night after the robbery, has been identified as part of the stolen property — otherwise that he be dealt with in the same manner as the 9th, 10th, 11th, & 14th Prisoners: — 2dly that the 9th, 10th, 11th, & 14th Prisoners be sent immediately for trial or committal to Coimbetore, provided there be proof that they must have known that the persons whom they harboured or assisted were felons, or, with regard to the 9th

9th, 10th, & 11th that they knew the property which they assisted to carry away from the house of Nagoojen to be stolen property - Determine that all four be reserved for trial till after the result of Appoo and Cautans trial be known - 3dly. That the 12th and 13th Prisoners be disposed of in the manner explained in the foreseding paragraphs -
30th June 1827. /Signed/ G. I. Casamajor Regr

No 156. To the Judges of the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Court of Toydaree Adalut to transmit for your information the annexed copy of a letter, dated the 8th instant, from the Criminal Judge of Canara to the Secretary to Government and to state that the Governor in Council has been pleased, according to the discretion vested in him by section IV Regulation II of 1827, to determine that the Sail of the Joint Criminal Judge of Canara shall be separately delivered in the ensuing Circuit -

The Court of Toydaree Adalut under section III Regulation VI of 1808, authorize and direct that the Prisoners committed or held to bail in the 5 cases referred to in the first Paragraph of the Criminal Judges letter be brought to trial before the Court of Circuit at the station of the Joint Criminal Judge -

You are requested immediately to make the necessary

necessary communication to the Criminal and Joint Criminal Judges of Canara -
30th June 1827. /Signed/ G. I. Casamajor Register

No 157. To the Judges of the Provincial Court of Circuit in the Northern Division

Gentlemen,

I am directed by the Court of Toydaree Adalut to acknowledge the receipt of the 3 Judges' letter under date the 19th instant and to state that the Governor in Council according to the discretion vested in him by section IV Regulation II of 1827 has been pleased to determine that the Sail of Masulipatam shall be delivered in the ensuing quarter -
30th June 1827. /Signed/ G. I. Casamajor Register

No 158. To the Secretary to Government in the Judicial Department

(No 28)

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you for the orders of the Governor in Council, the accompanying copy of a letter of the 22d instant, from the Assistant Criminal Judge in charge of the Zillah of Ballary transmitting a Bill for Rupees 594 and Annas 5 on account of translations for the Court of Circuit.

No opportunity has yet occurred for rescinding section XXXIII Regulation IV of 1802 as soon one does offer, that section, and at the same time section XXXII Regulation VII of 1802 will be rescinded as far as necessary and greatly to the orders of Government conveyed in the Judicial Secretary's letter dated the 21st April 1824 No 186.

3d July 1827.

(Signed) J. A. Huddleston Actg Regr

No 159. To the Secretary to Government in the Judicial Department

(No 30)

Sir,

With reference to your letter of the 14th May 1825, I am directed by the Court of Foujdaree Udalut to submit the accompanying statement of criminal cases disposed of by them under section II Regulation I of 1818 from the 1st January to the 30th June last.

3d July 1827.

(Signed) G. J. Casamajor

Register

No 160 To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Court of Foujdaree Udalut to transmit to you to be laid before the Governor in Council the accompanying Record of the Trial of Doobarapoo Nagadoo, a convict in Masulipatam Jail, charged with having wounded Mr Paternoster the Register and Assistant Criminal Judge with a hatchet in the back of his neck.

2. The facts proved are briefly as follows:- The Prisoner, with several other convicts was taken out, as usual, to work at Mr Paternoster's garden. While he was so employed, Mr Paternoster came out of his house to the place where the convicts were working, and after inspecting what they were doing struck one of the Jail Dans with his walking stick, by which the Dan was knocked down, and then after striking 2 other convicts with the same stick went on to the Prisoner and struck him four or five times with it; whereupon the prisoner struck Mr Paternoster, twice with the hatchet with which he was working and inflicted the wounds described in the Indictment.

3. It appearing by the evidence that this was not the first time that Mr Paternoster had struck the convicts at work at his gardens and that they had complained of his treatment of them to Mr Webbe the 1st Judge of the Provincial Court of Circuit, when he visited the Jail, without that Gentleman taking any measures for their relief, a letter of which the enclosures is a copy was addressed to Mr Webbe, his reply, just received is also submitted from which the Judges regret to perceive that the fact was as stated in the evidence.

4 The Judges have passed sentence that no punishment shall be inflicted on the prisoner.

5 The Judges think that the transaction above

No 158. To the Secretary to Government in the Judicial Department

[No 28]

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you for the orders of the Governor in Council, the accompanying copy of a letter of the 22d instant, from the Assistant Criminal Judge in charge of the Zillah of Bellary transmitting a Bill for Rupees 594 and Annas 5 on account of translations for the Court of Circuit.

No opportunity has yet occurred for rescinding section XXXIII Regulation IV of 1802 as soon one does offer, that section, and at the same time section XXXII Regulation VII of 1802 will be rescinded as far as necessary and greatly to the orders of Government conveyed in the Judicial Secretary's letter dated the 30th April 1824 No 186.

3d July 1827.

[Signed] J. A. Huddleston Actg Regr

No 159. To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter of the 14th May 1825, I am directed by the Court of Foujdaree Adalut to submit the accompanying statement of criminal cases disposed of by them under section II Regulation I of 1818 from the 1st January to the 30th June last.

3d July 1827.

[Signed] G. J. Casamajor Register

No 167. To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor

Governor in Council the accompanying Record of the Trial of Doobarapoo Nagadoo, a convict in Masulipatam Jail, charged with having wounded Mr Paternoster the Register and Assistant Criminal Judge with a hatchet in the back of his neck.

2. The facts proved are briefly as follows:- The Prisoner, with several other convicts was taken out, as usual, to work at Mr Paternoster's garden. While he was so employed, Mr Paternoster came out of his house to the place where the convicts were working, and after inspecting what they were doing struck one of the Jail Peons with his walking stick, by which the Peon was knocked down, and then after striking 2 other convicts with the same stick went on to the Prisoner and struck him four or five times with it; whereupon the prisoner struck Mr Paternoster, twice with the hatchet with which he was working and inflicted the wounds described in the Indictment.

3. It appearing by the evidence that this was not the first time that Mr Paternoster had struck the convicts at work at his gardens and that they had complained of his treatment of them to Mr Webbe the 1st Judge of the Provincial Court of Circuit, when he visited the Jail, without that Gentleman taking any measures for their relief; a letter of which the enclosures is a copy was addressed to Mr Webbe; his reply, just received is also submitted from which the Judges regret to perceive that the fact was as stated in the Indictment.

4 The Judges have passed sentence that no punishment shall be inflicted on the prisoner.

5 The Judges think that the transaction above

above described is so discreditable to Mr. Paterson and so exceedingly derogatory from the character of the office which he holds, that they feel it their duty to recommend that Gentleman's immediate removal from Masulipatam to some distant station; and as that the sentiments of Government may be communicated to him in such a manner as to make a deep and lasting impression on his mind.-

5th July 1827.

/Signed/ G. J. Casamajor
Register

No 169. To the First Judge late on Circuit in the Centre Division.

Returning the corrected patwa sent in his letter of the 5th Instant.

7th July 1827.

No 173 To the Criminal Judge in the Zilla of Chingleput.

sent usual letter.

Sir,

I am directed by the Foujdaree Adalut to transmit to you the annexed copy of a letter just received from the Secretary to Government and its enclosures; and to desire that you will immediately report the number of convicts who are now ready to be embarked as required in the enclosed of the Marine Board's letter.-

10th July 1827.

/Signed/ J. H. Huddleston
Act'g Dy Register

No 174 To the Assistant Criminal Judge in the Zilla of Bellary.

Transmitting Copy of a letter from Government sanctioning a Bill for Rupees 594. 2. on account of translations for the Court of Circuit.-

10th July 1827.

sent usual letter.

No 175. To the Secretary to the Government in the Judicial Department (No 32)

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 9th Instant, and to transmit to you the accompanying copy of a letter dated the 11th Instant from the Criminal Judge in the Zilla of Chingleput.-

/Signed/ J. H. Huddleston
Act'g Dy Regr

12th July 1827.

No 176. To the Secretary to Government in the Judicial Department (No 33)

Sir,

I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the accompanying copy of a letter dated the 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, requesting leave of absence for 12 or 13 days from the 16th instant on private affairs.-

/Signed/ G. J. Casamajor
Register

19th July 1827.

No 177. To the First Judge of the Provincial Court in the Centre Division

Transmitting copy of a letter from Government granting him leave of absence for 10 days.-

sent usual letter

14th July 1827.

No 178. To the Criminal Judge in the Zillah of Cuddapah

Sir,

I am directed to acknowledge the receipt of your letter dated the 26th June requesting to be favored with the orders of the Judges of the Foujdaree Adawlut respecting the Prisoner named Coobadoo who was sentenced by this Court in Case No 7. First Sessions at Cuddapah 1819.-

2d

If the Medical Officer in charge of the Jail

Sail. is perfectly satisfied that this man is quite in his right mind and that he has of late shown no symptom whatever of his being insane the Judges direct that he be released forthwith.-

18th July 1827. /Signed/ G. J. Casamajor Regr.

No 179. To the First Judge of the Provincial Court of Circuit in the Northern Division

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 27th Ultimo.-

2. The Judges cannot consider the reason assigned at the conclusion of it for omitting to communicate with Mr. Paternoster respecting the complaint made by the Prisoners who worked at his gardens at all satisfactory. It is an important duty of a Judge on Circuit to pay minute attention to the complaints of prisoners and to pass none over without investigation; and the particular complaint made to you was of a nature to call for more than ordinarily accurate investigation as it involved a charge which might have involved a serious imputation on a Judicial officer of Government.-

18th July 1827. /Signed/ G. J. Casamajor Register

No 180. To the Magistrate of Malabar

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letters dated the 17th April and the 14th June last and to transmit to you the annexed certified copy of the order of Government under section III. Regulation III of

of 1827 for the disposal of the 15 Prisoners therein referred to.-

2. With reference to the 3d Paragraph of it, I am desired to communicate the following observations for your information and guidance.-

3. Appoo and Kattan are to be tried at the ensuing Sessions at Combaconum for murder. If convicted, as there is every probability, from the state of the evidence, that they will be, they will not of course be tried for the robbery at Nannapooram: if not convicted, they will be tried for that robbery.-

4. These circumstances of Appoo and Kattan's situation may make it necessary to defer the trial of some of these Prisoners until the result of Appoo and Kattan's trial for murder is known.-

1. Chetty Iman
2. Chetty Pattoven
3. Chetty Pethan
4. Kaneashy Pillah

5. The first four Prisoners may be proceeded against immediately; as they are charged with having accompanied Appoo and Kattan in the robbery and the law views them as principals in the second degree.-

5th Bythenatha Pagasotara
6. Maika Shanmoo Pattar
7. Kuttaboy Anna Pattar
15. Chetachy Karvopay (Kept woman of Kattan)

6. The 5th, 6th, 7th & 15th may also be proceeded against immediately as they are charged with having knowingly received or been in possession of stolen property; and clause fifth. section IV Regulation VI of 1822 authorises their trial and punishment without the Robbers being convicted, provided the fact of the robbery be established.-

8th Panjanga Nayar

7. The 8th prisoner may be proceeded against immediately if the property taken from his house has been identified as part of the stolen property and there is ground to believe that he knew it to be stolen

stolen: you should therefore endeavor to obtain and
up with the prisoners evidence to these points.
8. If the property cannot be so identified
or if there is no ground to believe that the 8th Prisoner
knew it to be stolen, he with all the remaining four
will stand charged with harbouring or otherwise aiding
and abetting Appoo and Kattan or Moothukarapa
one of their gang. In order to this act being criminal
it must be proved that the persons harboured &c.
were felons and that the prisoners who harboured &c.
knew them to be so.- Appoo and Kattan effected their
escape while under sentence by the Court of Circuit
for the Centre Division to imprisonment with hard
labor. If you can furnish proof that the names
proclamation notifying their escape as felons was
published where the prisoners in question reside,
this will be ground enough for proceeding against
all but the 14th; who is charged with harbouring
Moothukarapa. If you cannot furnish proof that
the persons harboured and otherwise aided were,
and were known by these Prisoners to be felons, these
Prisoners cannot be tried till Appoo and Kattan
are tried for the robbery at Namapooram, or are
placed beyond the liability to be tried for that
robbery by conviction of the murder, as the prisoners
in question are charged with being accessories, and
accessories cannot safely be tried while the principals
are liable to be tried afterwards.-

9. You will be guided by the foregoing observations in endeavouring to procure evidence to accompany the Prisoners to Coimbetore; a copy of this letter will be furnished to the Joint Criminal Judge of Salem.

18th July 1827.

(Signed) G. Dickinson Major Register.

No 181. A copy of the letter addressed to the Magistrate of Malabar under date the 18th July 1827 has been sent to the Joint Criminal Judge in the Zilla of Salem.-

18th July 1827.

No 184. To the Criminal Judge in the Zilla of Chingleput

Sir, I am directed by the Court of Foujdaree Adawlut to desire that you will forward the Prisoners now in your charge under sentence of transportation without delay to the Superintendent of Police.-

(Signed)

23d July 1827

No 185. To the 1st Judge of the Provincial Court of Circuit Centre Division

Transmitting copy of a letter from Govt transmitting Minutes of Consultation of 13th Inst regarding W Brown's negligent and careless manner of discharging the duties of the Office with which he is invested.

18th July 1827

No 191. To the Secretary to Government in the Judicial Department

Sir, I am directed by the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 20th Instant, and to transmit to you the accompanying list of fourteen convicts forwarded by the Criminal Judge in the Zilla of Chingleput under sentence of transportation, made out in the manner directed.-

(Signed)

26th July 1827.

No 199. To the Judges of the Provincial Court in the Northern Division

Gentlemen, I am directed by the Court of Foujdaree Adawlut to acknowledge the receipt of your letter of the 18th instant and to state that as the practice of working in irons of any kind, however light, Prisoners confined in default of security, except when so sentenced by this Court or the Court on Circuit, is directly contrary to section XIII Regulation VI of 1827 the Judges can neither sanction nor allow it; but request that you will instruct the Criminal

Criminal Judge of Nellore to have it immediately =continued.=

2. It is not distinctly understood whether the Criminal Judge in the 3d Para of his letter alludes to an effect in the security of the Gail itself which gives facility to attempts at escape from within the walls. If any circumstance in the construction of the Gail or in the surrounding ground has this effect the Criminal Judge should report respecting it specifically - and suggest if possible the means of removing it.

3. With respect to the place to which the Irons are taken morning and evening, it is presumed that they are taken there not to work but for mere safety and if there is very great and unavoidable risk of escape at such times, the Judge think that the light Irons described might be used without infringing the Regulation as the prisoners would not perform the work in them: but they would prefer some other expedient, such as taking the people out in smaller =peaceful parties and adding to the strength of the guard over each party, and they would be gratified to learn that some such expedient had been successfully adopted.

31st July 1827.

Signed G. A. Cavenagh Major
Register

No 203 To the 4 Provincial Courts of Circuit

Gentlemen,

Circular 1. The Court of Fuydaree Adalut has reason to believe that at certain stations it is the practise to allow convicts sentenced to hard labor in Irons on the public roads or other public works to work on the private grounds of the European Civil Officers of Government at the station.

2. This practise is contrary to the Regulations, and the Judges are of opinion that it is liable to pro=duce mischievous effects. In the minds of the Convicts it must aggravate their state of pain and degradation in the most unfavorable manner with their European superiors and the latter are in danger of having those feelings which the Spectacle naturally occasions and which it is highly desirable to maintain in public officers so intimately concerned with the moral state of the people, impaired and deadened by a constant familiarity with it.

3. The Judges therefore desire that you will issue strict injunctions to all officers in charge of Gails within your jurisdiction on no account to allow of the employment of convicts condemned to labor in Irons, on any other than strictly public works.

4. The attention of all Judges on Circuit is hereby called to this subject, and they are especially required to satisfy themselves at every Station that this order

under is duly attended to, and not to allow it to be evaded.-

1st August 1827. /signed/ G. I. Casamajor Regr.

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

Gentlemen,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 28th Ultimo with its enclosure and to acquaint you that the Judges highly approve of the arrangement proposed by the Criminal Judge in the Zilla of Nellore under the provisions of Clause 5th Section VIII Regulation XV of 1803 authorize the removal of six Prisoners from the Jail at Cuddapah to that at Nellore for the purpose specified in the letter of the Criminal Judge at the latter station.

The Criminal Judge at Cuddapah will receive due notice of the proposed arrangement and the Criminal Judge at Nellore should be instructed to communicate accordingly with him.-

4th August 1827. /signed/ A. Maclean Acting Actg. Regr.

№208 To the Criminal Judge in the Zilla of Cuddapah

Sir,

Application having been made by the Criminal Judge at Nellore for the services of six convicts from the Jail under your superintendence who are well acquainted with the mode of manufacturing paper I am directed to acquaint you that the Judges of the Court of Foujdaree Adalut have under clause fifth Section VIII Regulation

Regulation XV 1803 authorized the removal of that number.-

The Criminal Judge of Nellore will be directed to communicate with you and on his doing so you will be pleased to make in conjunction with him the requisite arrangements for their safe transfer.-

A List of the convicts when transferred to Nellore should be sent for the information of this Court.-

4th August 1827. /signed/ A. Maclean Actg. Regr.

№209 To the Criminal Judge in the Zilla of Chingleput

Returning the two Summonses sent up in his letter of the 27th Ultimo with the report of the Stazis.-

9th August 1827 №236 Sent usual letter.

№210 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adawlut to transmit to you to be laid before the Honorable the Governor in Council the accompanying copy of the standing Rules for the management of the Jails, which they trust will convey all the information called for in your letter of the 3d April last №134.-

10th August 1827. /signed/ G. I. Casamajor Register

№215 To the Criminal Judge in the Zilla of Combaconum

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the

19th May last with its enclosures.-

2d The opinion expressed by the Zillah Assistant Surgeon in his letter to you dated 15th May last is conclusive as to the present sanity of the mind of the Prisoner Mariel; whatever it may have been at the time when she perpetrated the crime with which she now stands charged.-

3d You will therefore be pleased to commit the Prisoner Mariel, in the customary manner, to stand her trial at the next Sessions before the Court of Circuit on which occasion the presiding Judge will act in conformity with this Courts Circular orders dated 27th April 1826.-

15th August 1827.-

/signed/ A. Maclean
Actg Regr

No 216 To the Secretary to Government in the Judicial Department

(No 361)

Sir,

In obedience to the commands of the Governor in Council signified in the 11th Para. of your letter dated the 17th March 1826, that copies of all orders of this Court laying down any general principle or rule for the guidance of inferior authorities should be regularly furnished for the information of Government, I am directed by the Court of Foydaree Adawlut to transmit to you to be laid before the Governor in Council the enclosed extract from their Proceedings of the 7th Instant.-

15th August 1827.-

223 (No 39) /signed/ G. J. Casamajor
Register

To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foydaree Adawlut

to submit for the sanction of the Governor in Council, the accompanying statement of batta &c for Prisoners in the Jail at Chittoor for July 1236 forwarded by the Magistrate of that Zilla.-

18th August 1827.- /signed/ G. J. Casamajor. Registr

No 224 To the First Judge on Circuit in the Centre Division

Sir,

I am directed to acknowledge the receipt of your letter dated 11th instant, forwarding a report on Case No 1 of the Chittoor Supplemental Calendar 3d Quarterly Sessions 1827.-

2. From your report of the case it appears to the Judges to be extremely doubtful whether the evidence is sufficient for the conviction of the Prisoner; and they accordingly desire that you will with as little delay as possible forward the whole record of the trial for their final determination.-

18th August 1827. /signed/ G. J. Casamajor. Registr

No 225 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foydaree Adawlut to acknowledge the receipt of your letter of the 7th of June last, No 246- in the 3d Para of which it is stated that the Governor in Council has deemed it inexpedient to sanction, as a permanent measure, the proposed increase of the grain allowance to the Prisoners at Rajahmundry from 3/4 to 1 Seer of rice each per diem.-

2. It was stated in the proceedings of this Court of the 25th May that on trial in the jail at Nellore the reduced ration proved inadequate for the prisoners and that in consequence an increase to the daily allowance was made as a matter of necessity. In the 7th Paragraph of the Medical report dated 19th May 1825 (copy of which was transmitted along with your letter of the 25th May 1825) the Board say "We observe that one Madras Seer of rice, or of any grain (Cholum, Joary, Bajella,) where rice is not much in use, is the daily quantum for each prisoner, at most of the Jails, and we consider it to be a proper standard quantity to be allowed to every prisoner throughout the Country." In the report of the 3d Judge of the Northern Provincial Court dated 20th March 1827 after frequent opportunities of witnessing the condition of the prisoners at Rajahmundry speaking of the jails at that station and at Nellore Mr Dod states that 'one Seer of rice daily is certainly not more than sufficient' for each prisoner.-

3. Along with this Courts letter to Government dated 4th January 1825 a statement marked (A) was submitted for the information of the Honorable the Governor in Council which among other matter connected with the internal economy of the jails

Contains

contains a column shewing the daily subsistence given to each prisoner. On referring to this statement it will be found that with one or two exceptions no smaller quantity of grain than one seer, or what may be considered its equivalent, is any where given.—

4. The weight of opinion and current practice in both of which the Judges entirely concur, being so much in favor of the measure proposed, they respectfully recommend, should the Honorable the Governor in Council still deem it inexpedient to sanction the increased rate of the prisoners at Rajahmundry, as a permanent allowance that, as a maximum for working men, it be sanctioned and acted upon only as the appearance of the Prisoners from time to time may in the opinion of the Criminal Judge at Rajahmundry render it necessary.—

22d August 1827.

/Signed/ G. I. Casamajor
Register

No 224 To the Third Judge late on Circuit in the Western Division.

Sir,

I transmit for the Calendar of Sessions 1827 having been transmitted along with the proceedings which accompanied your letter of the 19th March last I am directed by the Court of Coojdaree Adalut to desire that you will dispatch the same as soon as possible.

22d August 1827.

/Signed/ G. I. Casamajor
Register

No 225 To the Second Judge on Circuit of the Northern Division.

Sir,

I am directed by the Court of Coojdaree Adalut to acknowledge the receipt of your letter dated the 17th instant and to state that, as the Court at Rajahmundry is the Gillah Court, there can be no doubt that a regular Gaol delivery should be held by you there during your present Circuit.

25th August 1827.

/Signed/ G. I. Casamajor
Register

No 226 To the Secretary to Government in the Judicial Department.

Sir,

I am directed by the Court of Coojdaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter from the Provincial Court of Circuit in the Western Division, and

are to state the recommendation of the Judges that the Governor in Council may be pleased, under section II of Regulation I. of 1821 to direct that the order of Session in the Gaol deliveries of that Division may be so altered as to admit of the Judges on Circuit commencing the business of the Circuit at Calicut.—

27th August 1827.

/Signed/ G. I. Casamajor
Register

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

Sir,

I am directed by the Court of Coojdaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter from the second Judge of the Northern Provincial Court on Circuit and of the reply returned to it.—

25th Aug 1827

These letters are submitted in order that, if the Judges have erred in supposing that it was not intended that under section IV Regulation II of 1827 the Gillah Jail should ever be delivered at the Auxiliary Court, that error may be corrected.

27th August 1827.

/Signed/ G. I. Casamajor
Register

No 230 (Circular) To the 4 Provincial Courts of Circuit.

Gentlemen,

I am directed by the Court of Coojdaree Adalut to transmit for your information and guidance the annexed extract of a letter from the Secretary to Government in the Judicial Department.—

"The Governor in Council thinks it advisable

"desirable that all references respecting Jail deliveries under
"Section IV Regulation II of 1827 should be forwarded thro'
"the Foujdary Adalut, and requests that the Courts in the
"Provinces may be instructed to furnish on those occasions
"such information respecting the number of persons put on
"trial at the stations of the Zilla and Auxiliary Courts
"and other matters proper to be considered, as will
"enable him, on the recommendation of the Foujdaree Adalut
"to determine at what places the Jails shall be abolished."

27th August 1827.

/ Signed / G. J. Casamajor Regr.

No. 231. To the Magistrate of Coimbatore.

Transmitting Copy of a letter from Government sanctioning the Statement of charges for diet
No. 1236 on account of prisoners in Coimbatore Jail amount-
-ing to Rupees 1094.2.11.-

30th August 1827.

dent usual letter

No. 232. To the Judges of the Provincial Court in the Centre Division.

Gentlemen,

I am directed by the Court of Foujdaree Adalut
to transmit for your information two original Miscellaneous
Petitions (Nos. 13 and 14 of 1827) and translations thereof pre-
-sented to this Court by one Narrana Moodeliar of Chin-
-glepet.

2. It is stated in these petitions and corroborated
by certain remarks contained in the Quarterly Reports
of the Criminal Judge of Chinglepet that Liners commu-
-nications relative to the case of the Petitioner have
been made to and from your Court collectively and
individually.

3. The Judges being unacquainted with the nature

nature of these communications request that you will for-
-ward, to be laid before them, all proceedings connected
with the case in question together with any observations
which you may wish to offer thereupon.-

4. The original Petitions and translations to be
returned.-

/ Signed / A. Maclean Actg Regr

30th August 1827.-

"desirable that all references respecting Jail deliveries under
"Section IV Regulation II of 1827 should be forwarded through
"the Foujdary Adalut, and requests that the Courts in the
"Provinces may be instructed to furnish on those occasions
"such information respecting the number of persons for
"trial at the stations of the Zilla and Auxiliary Courts
"and other matters proper to be considered, as will
"enable him, on the recommendation of the Foujdary Adalut
"to determine at what places the Jails shall be abo-
"lished."

27th August 1827.

/Signed/ G. S. Cavanagh Regr

No. 231. To the Magistrate of Coimbatore.

Transmitting Copy of a letter from Government sanctioning the statements of charges for 1236 on account of prisoners in Coimbatore Jail amounting to Rupees 4094.2.11.-

30th August 1827.

No. 232. To the Judges of the Provincial Court in the Centre Division.

Gentlemen,

I am directed by the Court of Foujdaree Adalut to transmit for your information two original Miscellaneous Petitions (Nos. 13 and 14 of 1827) and translations thereof presented to this Court by one Narrana Mooseliar of Chingleput.

2. It is stated in these petitions and corroborated by certain remarks contained in the Quarterly Reports of the Criminal Judge of Chingleput that Letters communications relative to the case of the Petitioner have been made to and from your Court collectively and individually.-

3. The Judges being unacquainted with the nature

nature of these communications request that you will forward, to be laid before them, all proceedings connected with the case in question together with any observations which you may wish to offer thereupon.-

4. The original Petitions and translations to be returned.-

/Signed/ A. Maclean Actg Register

30th August 1827.-

8233. To the Secretary to Government in the Judicial Department

/ Jc 43 /

Sir,

1. I am directed to acknowledge the receipt on 4th of August of your letter dated the 30 July last No 343. enclosing an original address from Messrs Newnham and Dacre with a draft of a Regulation for introducing trial by Jury and also two Drafts of a Regulation and subsidiary Rules upon the same subject.

2. On examining the latter Drafts, it appeared to the Judges, that the principle adopted in distributing the provisions of the original Draft by Messrs Newnham and Dacre between the Regulation and the subsidiary rules was open to objection. In introducing an institution which in order to be successful, must be popular, it seemed to the Judges of the last importance to ratisfy, at once the minds of those who are to be the chief agents in its operation upon all those points about which they are likely to be anxious. The institution of trial by Jury imposes upon a large class of the people a new duty, and renders them liable to a new penalty, neither of which onerous, but both capable of alarming persons of retired habits, & averse from trouble and responsibility and a appearance in a public capacity, of which character will be a large proportion of the persons qualified to be Jurors. Such persons when they know that their names are registered as qualified to serve on Juries will be anxious to learn all the particulars they can of this new duty and what expence and trouble, or annoyance of any kind, it may occasion them. The Regulation therefore should be sufficiently full to ratisfy them upon such points, the subsidiary rules will not be made public. The Draft however of the latter contains most of the provisions bearing upon these points and the Regulation either omits them or leaves them at large and is chiefly occupied about the interior arrangements of the Courts in the trial, about which the people will be indifferent. For instance the subsidiary rules contain the list of exempted persons the mode of appealing against unjust inclusion in the list or exclusion from it. the fine for non-attendance on summons (which could not be lawfully levied without a Regulation). All these are things that every native will be anxious to know.

3. The Draft prepared by Messrs Newnham and Dacre contains (the Judges think) many needless repetitions of existing regulations, is not in all parts very perspicuous and in some points follows too closely the practice respecting Juries in England. All that is essential in the noble institution of trial by Jury should be inviolably retained - but in the actual mechanism of that institution as it subsists in England there are some things that are extrinsic and incidental; referrible rather to the character and circumstances of the English people than to the nature of the Institution itself. These things not only may be safely, but ought to be, modified in adopting the institution to a new and very different state of society. Thus challenges to the array and the limitation to 48 at least of the number of Jurors to be summoned, both which are retained in that Draft, are not essential - the lowest number of 48, which is suitable to a country where travelling is easy and habitual, where the Jury must consist at least of 12, and 20 peremptory challenges are allowed, appears unnecessary in a country where travelling

travelling and absence from home are commonly irksome and contrary to the habits of the people, where the Jury may consist of as few as eight and only 5 peremptory challenges are allowed. Challenges to the array in England are meant chiefly as a remedy against partiality in the officer returning the Jury; but they are inapplicable where the Jurors, as under the proposed Regulation, are in every stage returned by lot.

4. Impressed with the foregoing considerations, the Court of Toydare Adalut thought that they should best fulfill the commands of Government by redrafting the Regulation entirely. In doing so they have availed themselves both of the Draft by Messrs Newnham and Dare and of the Drafts enclosed in your letter: they have also had the advantage of communicating personally with Mr Dare; and in addition to the best results of their own observation and experience they have consulted several highly respectable and intelligent native gentlemen, some of them holding high offices under Government, from whom they have derived the readiest aid and much very useful information. In submitting to the Governor in Council the result of their best endeavours, they believe that the Regulation as it now stands consists of a series of short and plain sections, which, when properly translated, every native of ordinary intelligence will easily understand - which contain nearly everything that he will wish to know - and nothing that unnecessarily fetters the legislature or the Officers who will have to carry the new arrangements into execution.

5. A few explanatory remarks are necessary and will be now submitted in the order of the sections.

6. Throughout the new Draft the word Jury has

has been substituted for Punchayet and the latter word never occurs. The Judges have reason to think that Natives of ordinary information distinguish pretty accurately between the two. A common observation on the subject is that a Punchayet is a body of Arbitrators; Judge and Jury too, and that, only in Civil causes; a Jury for trying prisoners are mediators between the accused and the Judge; and accordingly the latter Idea is expressed by a very different word "Sabha," which is Sanscrit, but has been naturalized (the Judges believe) in all the vernacular tongues of South-ern India. the Jurors individually are called Sabha-sathah. These words with the proper vernicular terminations the Court recommend may be used in the translation of the Regulation in all the Hindoo Languages in conjunction with the English words Jury and Jurors. The latter will no doubt be soon completely naturalized in the native languages and supersede the others in common parlance. but by both being used in conjunction at first, the latter may be invested with the popularity and reverence attached to the former. Natives of competent information still speak of the times when criminal justice used to be so administered under their own Kings, with apparently a measure of the same darling with which an Englishman dwells on trial by Jury.

7. In section III the earliest age of competency has been fixed at 25. The Judges have reason to believe the opinion general among the natives that before that age a man is not, from physical causes, competent to the discharge of so great a duty as that of a Jury man.

8. The commencement of section V has been to

so worded that the lists cannot be taken under it without a special order from Government. It is understood from your letter now replied to that the introduction of trial by Jury is intended to be gradual and with the feeling entertained by the Judges, how much of its success may depend upon the personal conduct and bearing of the presiding Judges on Circuit, they are fully sensible of the wisdom of that intention, and in conformity with it they conceive that for many obvious reasons the preparatory registration of Jurors should not take place untill the actual introduction of trial by Jury is about to follow. Accordingly under section V the primary lists cannot be taken without orders from Government. These orders, the Court would propose, should be in the form of a circular letter, which should be sent to the Collectors, of the several Zillahs within any Division in which it may be the pleasure of the Governor in Council to authorise a Judge on Circuit to hold trials by Jury. A Draft of the proposed circular will be submitted in a few days. At the same time the several Criminal Judges in the same Division should receive a corresponding circular letter; of which a Draft will be submitted with the former and these two Circular letters will comprise the whole of the subsidiary Rules contained in the Draft in your letter.-

9. In Section VII the appeal to the Collective Court of Circuit has been left out, as the Judges are convinced that it would only tend to increase litigation without aiding justice. A penalty is also added for refusing or neglecting to forward Appeals respecting qualification.-

In

10. In Section XIII the allowance to a Juror is fixed at one Rupee a day. It has been the uniform opinion of those consulted that 1/2 a Rupee would be the very lowest that could be allowed, considering the rank and respectability of the persons to receive it, and that in many cases it would be so low as to be improper to be offered. the more wealthy persons it is also believed will not commonly apply for it. The expence to Government would not perhaps in any case be worthy consideration. but when the saving in transcribing and translating is set off against it, it will probably be nothing at all.

11. In Section XVIII five peremptory challenges are allowed to the Prisoner. Twenty (as in England) are allowed in Mess.rs Dáere and Newnham's Draft. and none in the draft in your letter. The reasons given for allowing peremptory challenges are, as is well known, to prevent the Prisoner from being embarrassed by the unaccountable prejudices sometimes conceived against particular persons; as well as from the effects of any hostile feelings in the mind of a Juror whom he may have challenged for cause and had his objections disallowed. Both these reasons seem at least as applicable to the natives of India as to those of England; and accordingly the Judges find that in Ceylon, where trial by Jury has been in use for the last 15 years, 5 peremptory challenges are allowed to the Prisoner. Experience is the best guide in such matters, and it may be concluded that a practice continued for many years there had been found useful and free from much objection.-

12. Section XXIV appears to the Judges necessary, as

as the Jury should decide from the evidence before them; and in case of discrepancy between the evidence of the same witness before the Jury and that given by him at any previous examination, the presiding Judge may notice it and question the witness respecting it and the Jury may draw their own conclusions. The last sentence of this section appears to provide sufficiently for the caution suggested in para 12 of your letter.

13 In section XXX a new trial is provided for by order of the Foujdaree Adalut instead of allowing that Court the power in effect of quashing the verdict of a Jury by remitting all punishment. The Judges are convinced that it is essential to the efficiency of a Native Juries that their verdicts in the last resort should be final. A first verdict will, it is true, be quashed by a second differing from it; but the correcting power in this case is a Jury; it is only a particular Jury that is discredited. the institution itself is honored. But in the other case the Foujdaree Adalut is the correcting power, & the institution itself is dishonored. In case of a verdict in the opinion of the Presiding Judge contrary to the evidence, section XXIX empowers him to remand the Jury to reconsider their verdict, after explaining his reasons for objecting to it. and it is not thought likely that a Jury would persist in a verdict contrary to the evidence. On general principles, a new trial, when the Prisoner is acquitted seems objectionable, but, after much consideration, the Judges are satisfied that it would be hazardous, at first, to leave to the Jury the uncontrouled power of acquitting there are cases in which it seem admitted that the Juror

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Jurors even with the fullest evidence would be very unwilling to convict and some would not agree to convict. and as 3/4 of the Jury must concur in order to establish a verdict of guilty, such unwillingness on the part of only 3 Jurors might sometimes defeat convictions in the clearest and most heinous case. It is in such cases chiefly perhaps, that the power of ordering a new trial will be exerted. But the 2d verdict is to be always final. To provide against cases of conviction contrary to the evidence by a second Jury, a Sovereign power of pardon is lodged in the Governor in Council by section XXXV. The Judges think that it could not be lodged lower without disorganizing Juries. Were the Foujdaree Adalut vested with the power, they must exercise it judicially. which is in effect quashing the verdict. but the Governor in Council will exercise it as a prerogative of Sovereignty. which cannot be questioned, and need not be explained. For acquittal of the most heinous offender by a second Jury, there can be no remedy; but it is better that a few persons however guilty should have a distant chance of escape than that the character of Juries should be degraded.

14. In conclusion I am commanded to state that the Judges do not presume to suppose that the Regulation now submitted is in every respect complete. the subject of it is one of great extent and difficult to be fully provided for; and it has been distinctly understood that the Governor in Council attached importance to the early execution of the duty imposed on this Court. The Judges are, however, distinctly of opinion that the Regulation in its present form will work well in practice; Errors found by experience may be easily corrected; & there is

is strong reason to believe that trial by Jury will be popular and successful beyond perhaps the expectations of Government.

(Signed) J. Casamajor
Registr

The Governor in Council may authorize trials by Jury.

2d. First. It shall be competent to the Governor in Council by an order of Council to authorize any Judge of Circuit about to hold the quarterly or half yearly jail deliveries to cause Juries to be assembled for the trial of all criminal cases that may be brought before him.

Judges authorized to try by Jury may not try by the former Regulations.

Second. The Judges so authorized shall have liberty to try any particular case under the Regulations heretofore in force and not by a jury recording their reasons in the Calendar for the information of the Foujdaree Adalut.

Qualifications of Jurors.

3. All established native residents in any reputed Zillah of intelligence respectability and between 25 and 60 years of age shall be eligible to serve on Juries.

Persons exempted.

4. First. The following descriptions of persons are exempted from serving on Juries.

Persons afflicted with diseases which confine them to their homes.

Zemindars and Talookdars of superior rank.

Artists and persons who by habit or religious vows have relinquished the practice of going forth into public and engaging in worldly concerns.

Persons devoted to the service of religious Offices

Offices such as Peers, Fuqueers, Goosroos, Muthees Kuthes and other Priests.

Persons who openly and constantly practice the profession of Physick.

The Law Officers Vukeels and servants of the Courts at the Sudder station of the Zilla.

The servants of the Revenue Department of the Zilla.

All Soobadars and other Commissioned Officers in the Military Service of Government.

The Governor in Council may declare others exempted.

Second. It shall be competent to the Governor in Council by an order of Council to declare any other description of persons exempt, on a representation from any of the Courts in the Provinces through the Foujdaree Adalut.

Persons qualified to be listed to be registered.

5. Lists shall be taken periodically by the Officers of Government who shall be appointed for the purpose under the orders of the Governor in Council of all persons within their respective jurisdictions qualified as described in Section III. and not exempted. These lists shall be transmitted to the Criminal Judge and formed into one general Register for the whole Zillah, to be kept in the Criminal Court and renewed periodically. In this Register shall be entered in a separate column the date on which each individual last served on a Jury.

Errors in registry how to be appealed against.

6. First. Any person who may consider himself unjustly excluded from these lists, or included when he ought to be exempted, may appeal from such exclusion or inclusion in any stage of the measures for forming

is strong reason to believe that trial by jury will be popular and successful beyond perhaps the expectation of Government.

Signed J. Casamajor Regr.

The Governor in Council may authorize trials by Jury.

2d. It shall be competent to the Governor in Council by an order of Council to authorize the Judge of Circuit about to hold the quarterly or half yearly jail deliveries to cause Juries to be assembled for the trial of all criminal cases that may be brought before him.

Judges authorized to try by Jury may not try by the former Regulations.

3d. The Judges so authorized shall have liberty to try any particular case under the Regulations heretofore in force and not by the rules recording their reasons in the Calendar for the information of the Foujdaree Adalut.

Qualifications of Jurors.

All established native residents in any reputed Zillah of intelligence respectability and between 25 and 60 years of age shall be eligible to serve on Juries.

Persons exempted from serving on Juries.

4th. The following descriptions of persons are exempted from serving on Juries.

Persons afflicted with diseases which confine them to their homes.

Zemindars and Taghudars of superior rank.

Artists and persons who by habit or religious vows have relinquished the practice of going forth into public and engaging in worldly concerns.

Persons devoted to the service of religious Offices

Offices such as Peers, Tequeers, Goaroos, Muthers Ruthes and other Priests.

Persons who openly and constantly practise the profession of Physick.

The Law Officers Vukeels and servants of the Courts at the Sudder station of the Zilla.

The servants of the Revenue Department of the Zilla.

All Soobadars and other Commissioned Officers in the Military service of Government.

The Governor in Council may declare other exemptions.

Second. It shall be competent to the Governor in Council by an order of Council to declare any other description of persons exempt, on a representation from any of the Courts in the Provinces through the Foujdaree Adalut.

Persons qualified to be and not to be registered.

5. Lists shall be taken periodically by the Officers of Government who shall be appointed for the purpose under the orders of the Governor in Council of all persons within their respective jurisdictions qualified as described in section III. and not exempted. These lists shall be transmitted to the Criminal Judge and formed into one general Register for the whole Zillah, to be kept in the Criminal Court and renewed periodically. In this Register shall be entered in a separate column the date on which each individual last served on a Jury.

Errors in registry how to be appealed against.

6. First. Any person who may consider himself unjustly excluded from these lists, or included when he ought to be exempted, may appeal from such exclusion or inclusion in any stage of the measures for forming

forming the Register; and the Officer to whom the appeal is presented shall receive and forward it with his opinion thereon to the next superior authority; who shall recommend the inclusion or exclusion of the Appellant's name according to the best of his judgment.

Penalty for not receiving and forwarding such appeals.

Second. Any native Officer refusing or neglecting to receive or forward such an appeal shall be fined by the Criminal Judge in a sum not exceeding 20 Rupees, and be liable to dismission from Office.

Final decision thereon.

Third. The Criminal Judge shall include or exclude the name according as in his judgment the Appellant may or may not have established his right to be included or exempted; and the Criminal Judge's decision shall be final.

Receipt to be given by the Circuit Judge for summoning Jurors.

7. First. When a Circuit Judge shall be authorised to hold trials by Jury he shall give a precept to the Criminal Judge of each Zillah at least 20 days previous to the probable day of opening the Sessions therein requiring him to assemble a sufficient number of Jurors.-

Number to be summoned.

Second. The number to be summoned shall be fixed by the Criminal Judge; it shall not be less than 30 nor more than 72 unless the permission of the Judge on Circuit be first obtained.-

Jurors how to be chosen.

8. Immediately on receipt of the Circuit Judge's precept the Criminal Judge shall take by lot the names of the intended number of Jurors: but in drawing the lots, he shall exclude the names of all persons who have served on a Jury at any time within two years; except the required number cannot be otherwise obtained than by including them - so that no man, except in case of necessity shall be required to serve on a Jury oftener than once in 2 years.-

Summonses how to be issued.

9. The Criminal Judge shall issue a summons to each person whose name is drawn, so that the summons shall reach his registered place of abode 4 days at least before it will be necessary for him to set out in order to reach the Court by the appointed time, travelling 15 Miles each day.-

Summonses how to be returned.

10. Every person on receiving a summons shall endorse upon it his name or mark and the date on which he received it and the summons shall be returned to the Criminal Judge.-

Excuses may be admitted for non attendance.

11. The Criminal Judge shall have power to admit a sufficient excuse such as sickness, death of a relation, family ceremony &c. for non attendance, if returned with the summons.

Allowance to the Jurors who attend.

12. First. Each Juror who attends shall be entitled to receive one rupee a day for his expences from the day on which his attendance is required in the Summons to the day on which he is discharged inclusive, and for as many days besides as his journey from home and back again may last supposing him to travel 15 Miles a day.-

How to be paid.

Second. The payment for the number of days allowed for his journey to the Court shall be receivable on the day of the Jurors arrival at the Court, the allowance for each day till his discharge, daily or otherwise according as each may apply for it, and the allowance for his return home, on the day of his discharge.-

When

Jurors not attending or withdrawing themselves how to be dealt with.

13. First. When the Sessions are opened the names of the Jurors summoned and not excused shall be called over; and every Juror daily summoned who shall not answer to his name and every Juror who shall withdraw himself without the permission of the presiding Judge or Circuit shall be fined by the Criminal Judge in a sum not exceeding 20 Rupees; unless he shall shew good and valuable cause for his non appearance or withdrawal to the satisfaction of the Criminal Judge.

Jurors not attending or withdrawing themselves how to be dealt with.

Second. Any Juror summoned who shall appear not to have attended, or to have withdrawn, thro' contumacy or contempt, shall be fined in a sum not exceeding ten times the amount specified in the preceding clause and shall be summoned to attend twice as often as the rest of the Jurors of the Zillah for the next six years.

Appeal to lie from the fine for non attendance or withdrawal.

Third. Any Juror who has been fined under either of the two preceding clauses may appeal against such fine to the presiding Judge in Circuit, and the presiding Judge shall confirm remit or modify the fine as he may judge right.

Jury for a trial to consist of not less than 8 nor more than 12 Jurors to be constituted.

14. The Jury for the trial of each prisoner shall consist of not less than eight nor more than twelve Jurors who shall be chosen by lot out of the whole number in attendance.

To answer to their names.

15. When the appointed number is chosen their names shall be called and they shall answer to their names in open Court in the presence of the prisoner and Prosecutor.

Challenges for cause.

16. The Prisoner and the Prosecutor shall be each allowed to challenge any number of Jurors for cause shewn - the Court shall judge of the sufficiency of the cause - and according to their judgment retain the Jurors challenged, or choose by lot others in their room.

Peremptory challenges.

17. The prisoner shall be allowed five peremptory challenges.

Foreman to be chosen.

18. When the Jury is completed they shall choose one of their number to be their foreman.

Oath or solemn declaration to be taken.

19. Each Juror shall take an oath or make a solemn declaration that he will well and truly try the accused and give a true verdict according to the evidence and his own conscience.

Rules respecting recording the evidence.

20. It shall not be requisite to reduce any of the evidence into the Persian language. In trials not referrible to the Foujdaree Adawlut, the Presiding Judge may dispense altogether with written depositions, and in lieu thereof, place upon record his own notes of the evidence. In cases referrible to the Court of Foujdaree Adalut the evidence for the prosecution shall be taken down in the current language of the District; but a discretion is hereby vested in that Court, to dispense therewith, and to admit, in lieu thereof, the notes of the presiding Judge of Circuit whenever they shall deem the same to be expedient.

Power of the Jury to question witnesses.

21. After the examination in chief and cross examination of each witness every Juror shall have full liberty to put to him whatever questions may be required for the satisfaction of his own mind. But the presiding Judge shall have authority to prevent unfair or leading questions being put.

Rules respecting competency of witnesses.

22. The religious persuasion, official situation, or sect of witnesses shall be no bar to their competency.

competence. If any other question arises as to the competency of a witness, it shall be decided by the presiding Judge of Circuit, who in cases of difficulty may refer to the Court of Foydaree Adalut by whose orders he shall be guided.-

Rule respecting previous examinations and confessions. 23. No part of the previous proceedings held before the Police Officers the Magistrate or the Criminal Judge shall ever be made known to the Jury previously to the trial. But this prohibition is not to prevent the confessions of prisoners from being read in evidence when only proved to have been voluntarily given.

Judge's charge to the Jury. 24. After the conclusion of the evidence on both sides, the Presiding Judge on Circuit shall make such remarks to the Jury as circumstances may require, respecting the nature of the evidence, and any points of law involved in the case, avoiding all matter calculated to bias the Jury.-

Declaration of the Verdict. 25. The Jury shall then declare their verdict or if they desire to consult together privately before they deliver their verdict they shall be permitted to retire to a convenient room adjoining the Court where no person shall be allowed access to them, and they shall not be allowed to separate till they have given their verdict.-

What the verdict is to specify. 26. The verdict shall always specify how many of the Jury concur in it and how many not, the crime of which the prisoner is convicted, and, in cases of larceny, the value of the property stolen.-

Mode of proceeding in case the Judge disapproves verdict. 27. Should the Judge of Circuit consider the verdict not sufficiently specific either with reference to the value of property stolen, to any aggravation, or other peculiar circumstances, charged in the indictment which under the Regulations, or the Mohummudan Law, would affect the sentence to be pronounced; or should he deem the verdict otherwise defective, objectionable, or contrary to the evidence; he shall remand the Jury to amend their verdict, first explaining his reasons for objecting to it. But if the Jury persist in their verdict it shall be conclusive except a new trial shall be ordered under section XXIX.-

Verdict to be recorded. 28. When the verdict is delivered it shall be immediately recorded and read over to the Jury in open Court that its correctness may be ascertained.-

Mode of proceeding in case of a verdict contrary to the evidence being persisted in. 29. If in any case the Presiding Judge of Circuit shall be of opinion that the Jury have returned a verdict contrary to the evidence, and the Jury after being remanded persist in their verdict, the Presiding Judge shall transmit an English translation of the proceedings held or an authenticated copy of his own notes according as the depositions may or may not have been recorded, to the Foydaree Adalut and that Court shall have power, provided they concur in his opinion, to order a new Trial. The verdict of the 2d Jury shall in all cases be final.-

Majority necessary for conviction. 30. Unless three fourths of the Jury concur in finding the Prisoner guilty, the verdict shall be accounted an acquittal.-

Mode of proceeding on a verdict of acquittal. 31. In all cases of acquittal the prisoner shall be immediately discharged; unless the Presiding Judge of Circuit, under the general Regulations should deem it proper to hold him to security for good

good behaviour or should be of opinion that a new trial is requisite for the ends of justice, in which case he must proceed as directed in Section XXIX.-

Mode of proceeding on a Verdict of conviction

32. First. When a verdict of guilty is recorded the Presiding Judge shall either pass sentence himself or refer or report the Trial to the Foujdaree Adalut according to the Regulations now in force, and the nature of the case. When he shall refer a Trial he shall send to the Foujdaree Adalut an English translation of the Proceedings, or, with their sanction, an authenticated copy of his Notes thereon.- On trials so referred or reported the Foujdaree Adalut shall pass sentence according to the Regulations now in force, provided that it shall not be competent to the Foujdaree Adalut to remit altogether the punishment of any crime of which a Prisoner has been found guilty by a Jury, except in the case specified in Section XXXIV.-

Powers of Foujdaree Adalut in trials upon or reports in case of conviction contrary to evidence.

Second. If on the face of the proceedings or report the Foujdaree Adalut shall see grounds to consider the conviction not warranted by the evidence, they shall have power to direct a new trial, the verdict in which shall be final.-

Futwas of Law Officers to be sent with.

33. It shall not be necessary for either the Judge on Circuit or the Foujdaree Adalut to require the Futwa of their Law Officers as to the guilt of any Prisoner; that being established by the verdict of the Jury.

Power of the Jury to recommend to mercy in capital sentences

34. Juries after finding a Prisoner guilty may recommend him to mercy, explaining their reasons

reasons for so doing: and the presiding Judge if he concurs in their recommendation, shall forward it without delay to the Foujdaree Adalut together with a translation in English of the Proceedings held in the case or an authenticated copy of his own notes; and the Foujdaree Adalut shall have power to mitigate or remit altogether the punishment according as they shall judge right.-

The Governor in Council to have power to pardon.

35. The Governor in Council reserves to himself the power of granting a full pardon in any case whatsoever on receiving a representation from the Foujdaree Adalut or from the Presiding Judge thro' that Court.-

Protection of Jurors.

36. Jurors shall be protected in the independent and fearless exercise of their functions.- Any one who shall maliciously assail, threaten, or scandalize a Juror because of his being concerned in any verdict, shall be subject to the penalty of a fine not exceeding 200 Rupees, or imprisonment not exceeding one year, at the discretion of the Court of Circuit.-

Penalties of corruption in Jurors

37. Jurors shall in no case, either previously or subsequently to the verdict, receive any profit or advantage on account of the verdict they may give.- Any Juror receiving or covenanting for any reward on account of the verdict he may give, or any person attempting to corrupt or influence a Juror shall be liable to be brought before the Court of Circuit, either at the prosecution of such Juror or of the Government, and shall be liable on conviction to imprisonment for

for a year, and a fine of ten times the value or amount of the bribe offered, received, or covenanted for, to be commuted, if the fine is not paid, into imprisonment for the further period not less than one nor more than 3 years.

No 234. To the Judges of the Provincial Court of Circuit Western Division

Transmitting Copy of a letter from Government permitting them to commence the business of each Session at Calicut.

7th September 1827.

But usual letter.

No 235 To the Secretary to the Government in the Judicial Depart.

(Recd)

Sir,

I am directed by the Court of Foujdaree Udalut to submit for the sanction of the Governor in Council the accompanying statement of batta &c for prisoners in the Jail at Tellicherry for July 1826 forwarded by the Magistrate of that Zilla.

7th September 1827.

(Signed) A Maclean Actg Regr

236. To the First Judge of the Provincial Court in the Centre Division

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter under date 7th July last with its enclosure; which does not appear to require any particular orders from this Court.

The Criminal Judge of Chittore is of course aware that the papers which, in his return dated the 18th May to your Precept, he states to be preparing for the consideration of Government must be submitted by him to your Court.

8th September 1827.

(Signed) A Maclean Actg Regr

To

(Recd)

No 237. To the Secretary to Government in the Judicial Department.

Sir,

Paras 5, 6, and 7 of a letter dated 6th July 1827. Para 3 of Mr Cahill's letter dated 8th June 1827. Para 3 of a letter from the Provincial Court Western Division dated 29th March 1827. to accompany this letter.

1. I am directed by the Judges of the Court of Foujdaree Udalut to transmit to you to be laid before the Governor in Council the accompanying extracts from a recent correspondence relative to the removal of convicts sentenced to Banishment or to transportation beyond seas from the Zillas of Malabar and Canara owing to a late reference from Mr John Vaughan, Zillah Judge of Canara.

2. This subject was partially brought to the notice of Government in a letter from this Court dated 30th May 1825. The same over land route as that now proposed by Mr John Vaughan for convicts proceeding from Canara to Chittoor and Chingleput was then suggested by the present second Judge of the Western Provincial Court when Magistrate of Malabar - but in the 3d paragraph of your Predecessors reply to that letter dated 7th June 1825 the pleasure of Government as to the proposed arrangement was signified in the negative founded on certain objections urged by the then Court of Circuit, Western Division.

3. The Judges have now been induced to take the subject again into their consideration in consequence of Mr John Vaughan's concurrence in the original recommendation of the Magistrate of Malabar and in which the present Court of Circuit entirely concurs. The whole subject has been taken into consideration and the following final arrangements are those which the Judges conceive to be most expedient and proper.

4. The objections to the over land route viâ Bangalore stated by the Court of Circuit in 1825 are two Viz. its unhealthiness and the difficulty of procuring Medical aid.

5. On mature consideration the Judges are not inclined to attach much importance to either. Convicts and their guards would not be worse off in the way of Medical aid than those who live in or travellers who pass through unhealthy parts of the country. The Police of Bangalore might cooperate so far as to receive charge of the convicts above the Ghauts and parties of peons from Chittoor and Chingleput might conduct them from Bangalore to the place of their

destination

destination. The necessity for a Military guard would thus in the opinion of the Judges be avoided.-

6. The route viâ Bengalore is therefore strongly recommended on future occasions when the destination of convicts proceeding from the Zilla of Canara may be Chittoor or Chingleput.-

7. In the case of convicts proceeding from North or South Malabar over land to Chittoor or Chingleput no alteration in their route is advisable. It should be the same as heretofore viâ Coimbatoor and Salem.-

8. The orders of Government dated 18th July 1823 will still apply on all occasions when it may be found necessary or expedient to send convicts from either Zilla to Madras by sea.-

9. It would materially facilitate the transmission of convicts sentenced to transportation beyond sea, and obviate much public inconvenience, were the Judges of Canara and Malabar permitted under the orders of the Provincial Court Western Division, to arrange with the Bombay Presidency for a passage by Ship direct when suitable opportunities prove available at that Presidency for the transmission of Convicts to the Mauritius and Eastwards. Such an arrangement it is thought may be made without any difficulty. The place of embarkation from either Zilla would always depend upon the Port or Ports at which commanders of Ships may proper touching. Should this latter arrangement to which considerable importance is attached by the Judges meet with the approbation of the Governor in Council all that appears necessary to ensure its success is that the cooperation of the Bombay Government be solicited in aid of the Criminal Judges of Malabar and Canara.

13th September 1827. [illegible]

No 238. To the Joint Criminal Judge in the Zilla of Salem.-

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 6th Instant, respecting the prisoners accused of being concerned in the robbery at Nannapooram.-

2. Though the 9th 10th and 11th prisoners cannot be committed for trial before the result of Appoo and Cautan's trial is known, since the proclamation notifying the escape of the latter as felons, which made these prisoners responsible for knowing their character as such, was not published till after they and these Prisoners were seen engaged together; yet if Appoo and Cautan are either convicted of the Murder or, being acquitted, are tried for the robbery at Nannapooram and convicted of it, these three prisoners must be tried for being accessories therein. When you state in the 2d para of your letter that there is no evidence that they knew the character of Appoo and Cautan, it is presumed that you speak only with reference to the latter having been convicted as felons, that being the fact the knowledge of which by these Prisoners would have enabled you to commit them at once, without waiting for the result of Appoo and Cautan's trial, as stated in the 8th para of my letter to the Magistrate of Malabar of which a copy was sent to you under date the 18th July last. Their having been seen on the 5th night after the robbery to enter the house of Nagoo Ayen, the 8th Prisoner, with Appoo and Cautan and to return thence armed and with parcels is abundant evidence to commit them as accessories in the robbery in case Appoo and Cautan are either convicted of that robbery or by being convicted of murder, are placed beyond the liability to be tried for it. The consideration therefore by what authority security should be taken from them

destination. The necessity for a Military guard would thus in the opinion of the Judges be avoided.—

6. The route viâ Bengalore is therefore strongly recommended on future occasions when the destination of convicts proceeding from the Zilla of Canara may be Chittoor or Chingleput.—

7. In the case of convicts proceeding from North or South Malabar overland to Chittoor or Chingleput no alteration in their route is advisable. It should be the same as heretofore viâ Coimbatoor and Salem.

8. The orders of Government dated 18th July 1823 will still apply on all occasions when it may be found necessary or expedient to send convicts from either Zilla to Madras by sea.

9. It would materially facilitate the transmission of convicts sentenced to transportation beyond sea, and obviate much public inconvenience, were the Judges of Canara and Malabar permitted under the orders of the Provincial Court Western Division, to arrange with the Bombay Residency for a passage by ship direct when suitable opportunities prove available at that Presidency for the transmission of Convicts to the Mauritius and Eastwards. Such an arrangement it is thought may be made without any difficulty. The place of embarkation from either Zilla would always depend upon the Port or Ports at which commanders of Ships may forgin touching. Should this latter arrangement to which considerable importance is attached by the Judges meet with the approbation of the Governor in Council all that appears necessary to ensure its success is that the co-operation of the Bombay Government be solicited in aid of the Criminal Judges of Malabar and Canara [illegible]

Foujdaree Diary 18th September 1827.

No 238. To the Joint Criminal Judge in the Zilla of Salem.

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 6th Instant, respecting the prisoners accused of being concerned in the robbery at Nanapooram.—

2. Though the 9th 10th and 11th prisoners cannot be committed for trial before the result of Appoo and Cantan's trial is known, since the proclamation notifying the escape of the latter as felons, which made these prisoners responsible for knowing their character as such, was not published till after they and these Prisoners were seen engaged together; yet if Appoo and Cantan are either convicted of the Murder or, being acquitted, are tried for the robbery at Nanapooram and convicted of it, these three prisoners must be tried for being accessories therein. When you state in the 2d para of your letter that there is no evidence that they knew the character of Appoo and Cantan, it is presumed that you speak only with reference to the latter having been convicted as felons, that being the fact the knowledge of which by these Prisoners would have enabled you to commit them at once, without waiting for the result of Appoo and Cantan's trial, as stated in the 8th para of my letter to the Magistrate of Malabar of which a copy was sent to you under date the 18th July last. Their having been seen on the 5th night after the robbery to enter the house of Nagoo Appa, the 8th Prisoner, with Appoo and Cantan and to return thence armed and with parcels is abundant evidence to commit them as accessories in the robbery in case Appoo and Cantan are either convicted of that robbery or, by being convicted of murder, are placed beyond the liability to be tried for it. The consideration therefore by what authority security should be taken from three

these Prisoners, as suspicious characters, is, at present, premature. Should it hereafter be advisable to require security from them, it will be required by the Judge on Circuit under clause sixth Section II Regulation XV of 1803.

3. It is presumed that the Magistrate of Malabar has taken the proper steps to secure Nagoo Ayen (the 8th prisoner) after he has given his testimony at Combaconum.

4. The acts charged upon the 12th and 13th Prisoners are not, like those charged on the 9th, 10th and 11th, sufficient of themselves to warrant committal; and if, as you state, there is no evidence that they knew the character of Appoo and Cautaun, they should be discharged and may be bound over as witnesses in Cumbiah's case.

5. A copy of this correspondence has been transmitted to the Secretary to Government under this date with a view to the pleasure of the Governor in Council being declared whether a Sessions of the Court of Circuit shall be held at Coimbatore and the earliest intimation of the decision of Government will be conveyed to you.

13th September 1827.

(Signed) G. J. Casamajor
Register

239 To the Secretary to Government in the Judicial Department

Sir,

With reference to your letter dated the 10th July last No 305 I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the accompanying copy of a correspondence with the Joint Criminal Judge of Salem, and with reference to the 6th para of the Joint Criminal Judges letters to state the recommendation of the Judge that the Jail of the Auxiliary Court at Coimbatore may be separately delivered on the present Circuit.

As the result of Appoo and Cautaun's trial for

for murder at the Circuit Sessions now holding at Combaconum will materially influence the proceedings against the Prisoners in the Nannapooram Case, the Governor in Council may see fit to direct that, if Appoo and Cautaun are acquitted of the murder, the Criminal Judge of Combaconum should convey to the Joint Criminal Judge of Salem the earliest intimation of that event. If their trial should be referred to this Court the Judges will order the sentence passed to be reported to the Governor in Council.

(Signed) G. J. Casamajor
Register

13th September 1827.

240 To the Acting First Judge on Circuit in the Southern Division.

Transmitting extract of a letter from Government dated 11th Instant stating that the Governor in Council is pleased to determine that the Gaols of the Criminal Judge and Joint Criminal Judge of Salem shall be separately delivered on the present Circuit.

I am &c
usual letter.

13th September 1827.

242 To the Criminal Judge in the Zilla of Combaconum.

Sir,

Under instructions from Government I am directed by the Court of Foujdaree Adalut to desire that you will convey to the Joint Criminal Judge of Salem at Coimbatore the earliest intimation of the result of the trial of Appoo and Cautaun (who are understood to have been committed for trial at the present Sessions of the Court on Circuit at Combeconum for murder) in the event of those persons being acquitted.

(Signed) G. J. Casamajor
Register

15th September 1827.

243 To the Joint Criminal Judge in the Zilla of Salem

Sir,

I am directed by the Court of Foujdaree Adalut to transmit for your information the annexed extract of a letter from the Secretary to Government in the Judicial Department dated the 11th Instant together with copy of a

letter

letter addressed to the Criminal Judge in the Zilla of Combaconum under this date.-

15th September 1827. /signed/ G. J. Casamajor Register

R°244. To the Provincial Court of Circuit in the Northern Division

Gentlemen,

With reference to the Proceedings of the Court of Poydaree Adalut under date the 25th May last transmitted to you on the same date, I am directed by the Judges to transmit for your information and guidance the annexed correspondence with Government.-

You will call the particular attention of the Judges now on Circuit to the conclusion of the letter from Government dated the 7th September.-

15th September 1827.- /signed/ G. J. Casamajor Register

R°245. To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Court of Poydaree Adalut to request that you will call for and transmit to this Court at your earliest convenience certified translations of all the original proceedings taken in cases Nos 27. 28. and 29 of the Criminal Quarterly report for the months of April May and June 1826 from Madura Zillah.-

15th September 1827. /signed/ A. Maclean A Dy Rg.

[R°247]

R°246. To the Secretary to Government in the Judicial Department

Sir,

No 1. 1. The enclosed correspondence between the Criminal Judge and Magistrate of Chittore was submitted by the former Officer to the Provincial Court of Circuit and by that Court to the Poydaree Adalut, with letters of which Copies* also accompany.-

No 2. 2. The Judges agree with the Provincial Court in thinking that the letter of the Criminal Judge to the Magistrate was strictly confined to the line of his duty and ought to have received cordial attention from the Magistrate; they also think that the style of the letter is unobjectionable, tho' it would have been better if the expression "very irregular conduct,"

conduct," in the 1st para, had been omitted.-

3. It is not the Province of the Poydaree Adalut to censure the conduct of Magistrates; but as it appears to the Judges that the reply of the Magistrate of Chittore to the Criminal Judge's letter, besides being very erroneous in point of matter, is, in point of style, in utter breach of all the established courtesies of official Correspondence and even of common decency; and as the Criminal Judge states the present not to be the first instance in which he has received communications in the same style from the same quarter, and the Poydaree Adalut have had occasion to express their regret at a similar impropriety of the same officer in his late citations; the Judges feel it their unpleasant duty to submit the correspondence for the information and orders of the Governor in Council.-

17th September 1827.- /signed/ G. J. Casamajor Register

R°249. To the Magistrate of Trichinopoly

Transmitting copy of a letter from Government sanctioning the statement of Contingent charges of batta &c for July 1826. sent usual letter.

21st September 1827.

R°250. To the Judges of the Provincial Court in the Western Division

Gentlemen,

1. I am directed by the Judges of the Court of Poydaree Adalut to acknowledge the receipt of your letter dated 24th Ultimo, with its enclosure, containing a recommendation that an assistantship of 20 Rans and one Halalcore be made to the Jail establishment under the orders of the Assistant Judge at Tellicherry.-

2. The reasons assigned by the Assistant Judge in his application to the Court of Circuit for so large an addition are by no means satisfactory.- Additional explanation is necessary before the Judges can take upon themselves to recommend the increase for the sanction of Government.-

3. It would appear from the statement given by

by the Assistant Judge that at Cannanore the number of convicts in confinement are 105 under a guard of 20 Peons with 5 Officers, whilst at Tellicherry it is proposed to have 30 peons and 3 officers over 68 Prisoners of all denominations.-

4. The present number of peons attached to the Jail at Tellicherry has it is very likely been found insufficient but the increase proposed is equally out of just proportion.-

5. You are aware that under the provisions of Clause fifth Section VIII Regulation XV 1803 the removal of Convicts from one Jail to another cannot take place without the special order of this Court, and with reference to what is stated in your letter regarding the employment of Convicts at Cannanoor I am directed to observe that at the date of the earliest removal of Prisoners to Cannanoor in 1812 it was resolved upon by Government that the control of the Civil power over the Prisoners to be transferred should remain paramount to any other. It has been since declared in a letter to this Court dated 22d April 1823 that the Magistrate of Malabar will be instructed to visit or depute an Assistant Magistrate to visit the Prisoners (at Cannanoor) at least once a month. The Judges deem it imperative on all concerned that the same understanding and practice should now be observed. So long as the work pointed out to the Jailor at Cannanoor by competent Military Authority is of a public nature implicit obedience should be paid thereto, but in the event of any infraction of this Courts Circular orders of the 7th Ultimo being likely to ensue from any improper disposal of the labour of the Prisoners it becomes the duty of the Magistrate to bring the subject to your notice for immediate correction.

6. The Circular orders cited above are to be strictly enforced in the Cannanoor, as in every other Jail within your Jurisdiction. Injunctions to this effect should be sent to the Magistrate of Malabar who also [illegible] your control and

and supervision will be held responsible for their fulfillment.-

7. It appears by your letter under acknowledgement that the Joint Criminal Judge at Tellicherry is the Officer in immediate charge of the Jail at Cannanoor. Such a charge, removed to a distance from his station, is incompatible with this more important duties. The Superintendence of the Jail at Cannanoor should not have been separated from the Magistracy of Malabar. The Jail at Tellicherry fall naturally, in virtue of his Office, under the Joint Criminal Judge in preference to the Magistrate, but its doing so has no reason why the Jail at Cannanoor should do so likewise.-

8. As the Judges are ignorant of any authority granted for the removal of the Jail in question from under the charge of the Magistrate of Malabar. You will be pleased, if the case be as here supposed, to issue the necessary orders for the latter officers resuming charge.-

25th September 1827. /signed/ R. Maclean Actg Dy Registr

No 251. To the Secretary to Government in the Judicial Department

Acknowledging the receipt of 3 Copies of the 1st Volume of reports of cases determined in the Court of Nizamut Udalut.- sent usual letter.

24th September 1827.

No 252. To the Judges of the Provincial Court in the Northern Division

Gentlemen, I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your Registers letter dated the 17th Instant respecting the Jail deliveries of the Masulipatam Zillah and to state that it does not contain the information specified in this Courts Circular orders of the 27th August last as necessary to enable the Court to offer a recommendation to Government.- /signed/ C. J. Casamajor Register

27th September 1827.

No 254. To the Criminal Judge in the Zillah of Chingleput

Returning the summons sent up in his letter of the 23d Instant being only served on the person.-

sent usual letter

27th September 1827.

by the Assistant Judge that at Cannanore the number of convicts in confinement are 105 under a guard of 20 Peons with 5 Officers whilst at Tellicherry it is proposed to have 30 peons and 3 officers over 68 Prisoners of all denominations.-

4. The present number of peons attached to the Jail at Tellicherry has it is very likely been found insufficient but the increase proposed is equally out of just proportion.

5. You are aware that under the provisions of Clause fifth Section VIII Regulation XV 1803 the removal of Convicts from one Jail to another cannot take place without the special order of this Court, and with reference to what is stated in your letter regarding the employment of Convicts at Cannanoor I am directed to observe that at the date of the earliest removal of Prisoners to Cannanoor in 1812 it was resolved upon by Government that the control of the Civil power over the Prisoners to be transferred should remain paramount to any other: It has been since declared in a letter to this Court dated 22d April 1823 that the Magistrate of Malabar will be instructed to visit or depute an Assistant Magistrate to visit the Prisoners (at Cannanoor) at least once a month- The Judges deem it imperative on all concerned that the same understanding and practice should now be observed- So long as the work pointed out to the Jailor at Cannanoor by competent Military Authority is of a public nature implicit obedience should be paid thereto, but in the event of any infraction of this Courts Circular orders of the 1st ultimo being likely to ensue from any improper disposal of the labour of the Prisoners it becomes the duty of the Magistrate to bring the subject to your notice for mutual correction.

6. The Circular orders cited above are to be strictly enforced in the Cannanoor, as in every other Jail within your Jurisdiction- Injunctions to this effect should be sent to the Magistrate of Malabar who alone must control and

and superintend will be held responsible for their fulfillment.-

7. It appears by your letter under acknowlegement that the Joint Criminal Judge at Tellicherry is the Officer in immediate charge of the Jail at Cannanoor- such a charge, removed to a distance from his station, is incompatible with this more important duties- The Superintendence of the Jail at Cannanoor should not have been separated from the Magistracy of Malabar- The Jail at Tellicherry fall naturally in virtue of his Office, under the Joint Criminal Judge in preference to the Magistrate, but its doing so has no reason why the Jail at Cannanoor should do so likewise-

8. As the Judges are ignorant of any authority granted for the removal of the Jail in question from under the charge of the Magistrate of Malabar- You will be pleased if the case be as here supposed, to issue the necessary orders for the latter officers resuming charge.-

25th September 1827. /Signed/ A. Maclean Actg Dy Register

No 251. To the Secretary to Government in the Judicial Department

Acknowledging the receipt of 3 Copies of the 5th Volume of reports of cases determined in the Court of Nizamut Adalut.-

24th September 1827. Sent usual letter.

No 252. To the Judges of the Provincial Court in the Northern Division

Gentlemen, I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your Register's letter dated the 17th Instant respecting the Jail deliveries of the Masulipatam Zillah and to state that it does not contain the information specified in this Courts Circular orders of the 27th August last as necessary to enable the Court to offer a recommendation to Government.-

27th September 1827. /Signed/ J. D. Cavamajor Register

No 254. To the Criminal Judge in the Zillah of Chingleput

Returning the Summons sent up in his letter of the 27th Instant being only served on the person.-

27th September 1827. Sent usual letter

№255 To the first Judge of the Provincial Court of Circuit in the Centre Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 14th instant regarding the prisoners Tekaram, Mengulroyapillay and Chegadoo confined in the Chittoor Jail.

It appearing that the Criminal Judge has already made a reference regarding the case of these prisoners direct to Government the Judges direct that he may be called to state by what regulations or circumstances he considered himself authorized to address the Government direct upon such a subject.

27th September 1827. /Signed/ R. Maclean. Actg Dy Regr.

/No4/

№256 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to forward to you to be laid before the Governor in Council the annexed Copy of a letter from the Judge of Cuddapah dated the 14th instant suggesting that during the time the Register of his Court shall be in charge of the Auxiliary Court at Cumbum that Officer may be vested with power to officiate for the Joint Criminal Judge.

The Judges think that it may not be competent to the Zillah Judge to direct the Register "to proceed in the investigation of all Criminal cases" as mentioned in the 4th Paragraph of his letter, but they concur with him in thinking that it is desirable that the criminal business of the Auxiliary Court should not be suspended, and upon the which respectfully recommend that the Register in charge may be specially commissioned to perform all the functions of the Assn and Joint Criminal Judge.

A further letter with an enclosure has just arrived from the Judge of Cuddapah of which also copies are submitted.

27th Septr 1827. /Signed/ R. Maclean Dy Register

№257 To the Judges of the 4 Provincial Courts of Circuit

Gentlemen,

With reference to the Circular orders of the Court of Foujdaree Adalut dated the 27th August last, I am directed to desire that the references respecting Jail deliveries may be made direct to this Court by the Judge on Circuit, except in the cases of quarter Sessions, when they are to be made by the Collective Court.

27th September 1827. /Signed/ G. J. Casamajor Register

/No5/

№258 To the Secretary to Government in the Judicial Department

Sir,

In obedience to the commands of the Governor in Council signified in the 11th Para of your letter dated the 17th March 1826, that copies of all orders of this Court laying down any general principle or rule for the guidance of inferior authorities should be regularly furnished for the information of Government, I am directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the enclosed copy of a Circular letter to the 4 Provincial Courts of Circuit dated this day.

27th September 1827. /Signed/ G. J. Casamajor. Register

№259 To the Criminal Judge in the Zilla of Chingleput

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 22 instant and to state that there can be no doubt but the Magistrate of Chingleput will be ready, on receiving a communication from you under Section II Regulation III of 1817, to correct the error into which he appears to have inadvertently fallen in sending before you as a witness a person who the Judges concur with you in thinking should have been sent to you as a prisoner.

27th September 1827. /Signed/ G. J. Casamajor Register.

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

Gentlemen,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 7th instant and to transmit for your information, and that of the Criminal Judge the accompanying copy of a correspondence with Government in consequence.

29th September 1827.

(Signed) G. H. Casamajor
Registr.

№263. To the First Judge of the Provincial Court of Circuit in the Centre Division.

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 4th instant forwarding copy of the Chittoor Calendar for the 3d Quarterly Sessions of 1827.

2. The Judges are of opinion that to enable them to pass any order on Case №6 it is requisite that they should have before them the entire record of the trial and accordingly direct that this case be referred without delay to this Court.

3. The Judges will take a future opportunity of making such remarks on case № 6 as may on consideration be deemed necessary.

1st October 1827.

(Signed) A. Maclean. Actg Regr.

№265. To the 1st Judge of the Provincial Court of Circuit in the Centre Division.

Sir,

1. I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 14th ultimo regarding the case of Abdoola Khan and eight other prisoners originally confined in the Chittoor Jail, on suspicion of being Dhanedjars, under clause first Section III Regulation II 1822 under a Magisterial warrant dated 27th October 1824.

2. It appears that of the original number of prisoners apprehended on suspicion along with Abdoola Khan in May 1824 there remains at the present date seven in confinement. The absence of the other is accounted for by death.

3. Referring to the 13th para of their letter to the Criminal Judge of Chittoor dated 30th September 1824 the Judges direct me to observe that the report therein required from the Magistrate of Chittoor has never reached them; nor does it appear that your Court has ever called upon that officer to state what may have been the success which has attended his exertions since October 1824.

in tracing the habits and mode of life of these Prisoners.

4. The Judges do not think that any beneficial effect would be attained at this late date by an offer of pardon to any of these Prisoners under Section XX Regulation VIII of 1802. But Clause second Section VIII Regulation VII of 1827 appears to apply to the cases and vests you with power to dispose of them on your own authority as you may see fit.

3d October 1827.

/signed/ A. Maclean. Actg D. Regr

No 266 To the Secretary to Government in the Judicial Department

No 51

Sir,

1. With reference to the conclusion of para 8 of my letter to you dated the 6th ultimo I am now directed by the Court of Foujdaree Adalut to transmit to you to be laid before the Governor in Council the accompanying 3 sorts of Circular instructions to the Collectors, Criminal and Joint Criminal Judges & Judge of Circuit, proposed to be issued on the first occasion of Courts being assembled for the trial of criminal cases in each Division and each Judge of Circuit being authorised to hold trials by them.

2. As this Court has no authority to give instructions to Collectors, the draft intended for them has been framed with a view to being signed by the Secretary to Government, and the Judges trust that, as this Draft is an essential constituent part of the arrangement the whole of which they were directed to frame, they will not be considered to have exceeded their proper functions in causing to be prepared in this Court instructions intended to be issued in the immediate name of the Governor in Council.

3. The instructions to the Criminal & Joint Criminal Judges and the Judge on Circuit (if approved by Government) will be issued from this Court on the first occasion of its being signified to the Judges that any Judge about to proceed on Circuit or hold a quarterly Sessions

Sessions has been authorised under Section II Regulation X of 1827 to hold trials by Jury in Criminal cases.-

3d October 1827.

/signed/ G. J. Casamajor. Register

Circular to the Principal Collectors and Collectors in the Division

1. The Governor in Council having determined under Section II Regulation X of 1827 to authorise the Judge of the Provincial Court of Circuit for the Division to hold trials by Jury in all Criminal cases which may be brought before him during the Circuit which he is about to commence or at the Quarterly Sessions about to be holden at it becomes necessary that the registration of persons qualified to be Jurors pro-vided for by Section V of that Regulation should take place in Collectorates. I am accordingly directed to communicate to you the following instructions subsidiary to Section III and V of that Regulation.

2. The Officers of Government to be appointed under Section V to take the lists of qualified persons are the Carcoons, Turfdars or other Revenue and Police officers under whatever denomination who superintend the primary subdivisions of Talooks; and you will appoint them accordingly to under the present orders. They are to act under the direct instruc-tions of their respective Tahseeldars, or other district Heads as the latter are to do under yours.-

Section III requires among other qualifications of Jurors, that they should be "of reputed intelligence, respectability and consideration." The persons meant to be described by these words are persons held in estimation generally in their respective towns and Talooks, whose decisions on the guilt or innocence of prisoners will be acquiesced in by their fellow countrymen on the ground of their per-sonal reputation. The qualification of character has been preferred to the more common one of property, because at the outset of trial by Jury its own intrinsic excellence will probably not be appreciated nor give it that authority and hold upon the respect of the people which it ought from the first to possess; and which it can only derive from being practically associated with something else which they already esteem and confide in. When the institution has been established and competently conducted for sometime, it will vindicate respect and popularity

for

for itself, and then a less select and invidious standard may be introduced. - If only three or four hundred persons in your 4th Collectorate are registered at first, it will suffice.

It is highly desirable that no disputes should arise and appeals be preferred, under section VI of the Regulation, which will bring into question the moral qualifications of any individual, because the question will be a delicate and invidious one to determine, and a decision against the Appellant would permanently degrade him in his own community: a few such cases might occasion an unkindly feeling generally towards the mode of selecting Jurors and perhaps towards Juries themselves. It is thought that there will not be generally an anxiety to be registered as a disposition to appeal against non registry: but if an appeal was likely to be made on the ground of moral qualifications, it would be best to prevent it by registering the party at once, unless the appeal was evidently litigious and public opinion decidedly against the Appellant.

The observations in the 2d and 3d paras preceding are intended to convey to your own mind the spirit in which the selection of persons for Jurors is desired to be made. You are left to your discretion in what way to communicate the substance of those observations to the Head Native Officers in your 4 Talooks so as to impress them, and thro' them the inferior officers who will have actually to perform the registry with their true spirit. The latter are the persons who it is of most importance should understand that spirit thoroughly; placed as they are in the nearest and narrowest contact with the body of the people, they have the best opportunities of knowing native public opinion; which, for the purpose of the Jury Regulation, is

is the best measure of moral qualification; and is accordingly that which is desired to be chiefly consulted.-

It is provided by section V that the lists shall be taken periodically: once in two years will be often enough to renew them.-

The lists are to be made out in the following form

Name	Style or calling.	Place of abode	Talook	Remarks by the Officer who takes the Original Lists.	Remarks by the Tahseeldaar	Remarks by the Collector

The names in the 1st column are to be placed in Alphabetical order in the original lists: the column of remarks by the Officer who takes the original list is intended to afford room for any explanation or statement of circumstances which he may think it desirable to insert. The column of remarks by the Tahseeldaars and Collector are intended to contain their opinions and recommendations upon Appeals - and the reasons of any additions or corrections which they may respectively make in the list of the Subordinate Officer. These 3 columns should therefore be each as broad as the space necessary for the preceding ones will admit: and each name should be placed at the distance of an Inch and ½ from the preceding one, to leave room for inserting at least one between them.-

When the lists have been received from all the Talooks they are to be sent altogether, with the last corrections of the Collector to the Criminal Court within the Jurisdiction of which the Talooks are respectively situated.-

(Signed) G. A. Casamajor. Register

for itself, and then a less select and invidious standard may be introduced. - If only three or four hundred persons in your Collectorate are registered at first, it will suffice.

It is highly desirable that no disputes should arise and appeals be preferred, under section VI of the Regulation, which will bring into question the moral qualifications of any individual, because the question will be a delicate and invidious one to determine, and a decision against the Appellant would permanently degrade him in his own community: a few such cases might occasion an unkindly feeling generally towards the mode of selecting Jurors and perhaps towards Juries themselves. It is thought that there will not be generally an anxiety to be registered as a disqualification to appeal against mere registry: but if an appeal was likely to be made on the ground of moral qualifications, it would be best to prevent it by registering the party at once, unless the appeal was evidently litigious and public opinion decisively against the Appellant.

The observations in the 2d and 3d paras preceding are intended to convey to your own mind the spirit in which the selection of persons for Jurors is desired to be made. You are left to your discretion in what way to communicate the substance of those observations to the Head Native Officers in your Talooks so as to impress them, and thro' them the inferior officers who will have actually to perform the registry with their true spirit. The latter are the persons who it is of most importance should understand that spirit thoroughly; placed as they are in the nearest and narrowest contact with the body of the people, they have the best opportunities of knowing native public opinion; which, for the purposes of the Jury Regulation, is

is the best measure of moral qualification; and is accordingly that which is desired to be chiefly consulted.-

It is provided by section V that the lists shall be taken periodically: once in two years will be often enough to renew them.-

The lists are to be made out in the following form

Name	Style or calling.	Place of abode	Talook	Remarks by the Officer who takes the Original Lists.	Remarks by the Tahseeldar	Remarks by the Collector

The names in the 1st column are to be placed in Alphabetical order in the original lists: the column of remarks by the Officer who takes the original list is intended to afford room for any explanation or statement of circumstances which he may think it desirable to insert. The column of remarks by the Tahseeldars and Collector are intended to contain their opinions and recommendations upon Appeals - and the reasons of any additions or corrections which they may respectively make in the list of the Subordinate Officer. These 3 Columns should therefore be each as broad as the space necessary for the preceding ones will admit: and each name should be placed at the distance of an Inch and ½ from the preceding one, to leave room for inserting at least one between them.

When the lists have been received from all the Talooks they are to be sent altogether, with the last corrections of the Collector to the Criminal Court within the Jurisdiction of which the Talooks are respectively situated.-

(Signed) G. A. Casamajor. Register

To the Criminal and Joint Criminal Judge
in the Division.

1. The Governor in Council having been pleased to determine, under Section II Regulation X of 1827 to authorise the 3.d Judge of the Provincial Court of Circuit for the Centre Division to hold trials by Jury in all criminal cases that may be brought before him at the Quarterly Sessions about to be holden at Chittoor; and instructions having been issued to the Principal Collector of South Arcot to cause lists to be prepared and forwarded to you of persons qualified to be Jurors; I am directed by the Court of Foujdaree Adawlut to communicate to you the following instructions subsidiary to several sections of Regulation X of 1827.

2. The Original lists taken under Section V by the Revenue and Police Officers superintending the primary Subdivisions of Talooks, will be forwarded to you altogether by the Collector; they will be in the following forms:

Name	Style or calling	Place of abode	Talook	Remarks by the Officer who takes the Original list	Remarks by the Talsildar	Remarks by the Collector.

3. In framing the general Register for the whole Zillah out of these lists, you will omit the 3 last Columns which are intended for your own use in deciding finally on disputed cases. The Register will then consist of 6 Columns, as follows:-

No.	Name	Style or calling	Place of Abode.	Talook	Date of last service as a Juror.

4. The names should be arranged alphabetically and the numbers consecutively: there must be no erasures or alterations: your name and official designation must be signed at the bottom of each leaf and your initials over against

against each note of service in the last column; which should always be filled up immediately after the Sessions. Any Juror withdrawing without leave of the Court on Circuit must not be entered as having served.

5. In fixing the number of Jurors to be summoned, the number of cases to be tried before the Court of Quarterly Sessions is not a material consideration; as all the Jurors must remain in attendance as long as the Sessions last; and two full juries in one day are as many as perhaps need ever be impannelled with a view to the relief or refreshment of the jurors or to supplying their place on a mistrial when they may have retired to deliberate on their verdict. It is desirable on many accounts not to summon an unnecessary number: at first however it will be prudent to summon a good many more than the foregoing considerations would seem to render necessary, till it is seen by experience how the privilege of challenging will be used, and to what extent valid excuses for non-attendance in summons will be offered.

6. For the purpose of drawing the Lots as prescribed by Sections VIII & XIV the names of the qualified persons (or the Jurors in attendance) and the numbers opposite to each in the Regulation should be fairly written on Cards, or Allahs, & the Cards or Allahs thrown into a Bag in open Court. the Bag should be well shaken and then the required number of names drawn out in open Court by the Nazir.

7. In case the Peons of your Court should be insufficient to serve the Summonses as prescribed by Section IX, batta Peons should be employed to the necessary extent.

8. In deciding on the sufficiency of excuses under Section XI you should be governed by a liberal consideration for the persons offering them; but you will probably

probably find it necessary to require the fact asserted at the
exercise to be verified in some prescribed manner, in what
manner, must be left to your discretion, as there is believed
to be a variety of local usages on such occasions and the
form most usual and most binding should be adopted.
In general, it is thought, the testimony of four respectable
neighboring householders, by their countersignature to the Decla-
would, at least on the eastern side of the Peninsula, be held
satisfactory by the people and not be likely to be abused.

9. In the payments to the Jurors under clause second
section XII, every accommodation and respect should
be shewn to them. The allowance should be paid by the
Sheristadar of the Criminal Court, and a Book should be
kept in which the name of each Juror in attendance
should be entered on the first day of the Sessions; a sep
fresh column should be added for each successive day
while the Sessions last, and on every application for
payment of the Government allowance, the amount paid
should be entered in the Column for the day on which
it is paid and signed as marked by the Juror who
receives it.

10 In making these payments as in every other
part of the treatment of the Jurors as much respect and
consideration as possible should be shewn them. You
ought yourself to consider, and to impress upon all the
Officers of your Court, that they are persons distinguished
in their own community and assembled to perform a high
and honorable public function: no officer of your Court
should be permitted to exercise any act of authority
towards them or to address them in the language of auth-
-rity. A particular entrance to the Court house should,
if possible, be appropriated to them and they should
be allowed to come up to the entrance in their respective
conveyances

conveyances, instead of alighting at a little distance from it.
The Jury box should be on the right side of the Bench and
railed off — for the expence of preparing it you are authorised
to submit a contingent Bill. The Jurors should be allowed
to sit in it after their own fashion and to have carpets
or whatever else they may like to send for their accommo-
-dation. The Room for the Jury to retire to should be appro-
-priated to that one purpose only during the Sessions. With
regard to the particular manner of preparing the accommo-
-dations for the Jury, you will do well to consult some of
the principal natives who reside at the station of your
Court, and the principle on which you should proceed in
all your arrangements is to make them as acceptable as
possible to the persons who are to be affected by them.

(signed) J. C. Casamajor. Register

To the Third Judge of the Provincial Court of Circuit for the
Centre Division about to hold the Quar-
-terly Sessions for the year 1828 at Chittoor

1. The Governor in Council having been pleased
by an order of Council under Section II Regulation X of 1827,
of which a certified Copy is annexed, to authorize you to
cause juries to be assembled for the trial of all criminal causes
that may be brought before you at the ensuing quarterly Sessions
at Chittoor I am directed to transmit to you the accompanying
copy of a letter of instructions which has been sent to the Criminal
Judge of Chittoor.

2. The Spirit of that part of the letter which relates
to the treatment of the Jurors and the light in which they are
to be regarded by the Criminal Judge and the officers of his Court,
you will consider to be equally prescribed, so far as they are
applicable, to yourself and the Officers of the Court of Quarterly
Sessions.

3. There is only one provision of the Regulation on
which

which it appears necessary to add any thing for your own individual guidance, & that is the provision made in Sections XXVII & XXIX for the case of your considering the verdict of the Jury contrary to the evidence. In such a case you will do well to remember that a native Jury has an almost infinite advantage over an European Judge in estimating the credit due to witnesses and in understanding and applying their evidence; and that tho' some European Judges will have a considerable advantage over a native Jury in their better knowledge of the rules of evidence and in their habit of combining and comparing scattered parts of the evidence, yet that the latter advantage will generally speaking, far from compensate for the former one; because the result of an enlarged comparative view of the whole of the evidence taken in any cause, will be sound and valuable only in proportion as the separate parts compared have been rightly understood and truely estimated. That in which the Jury have the advantage is the foundation; that in which the Judge will sometimes have the advantage is the superstructure only. When these considerations are duly impressed upon your mind, they will produce in you a strong sense of diffidence in your own opinion where it differs from the verdict of a Jury, supposing, of course, that verdict to have been honestly given. This diffidence will not absolve you from but rather lead you to the performance of the duty of entering into a full explanation with the Jury with the view of discovering on what parts of the evidence the difference of opinion has arisen and whether it is grounded on a different estimate of individual testimony or a different perception of the result of the whole evidence. in the former case a Judge should scarce ever allow so much weight to his own opinion as to induce him to

to refer the trial to the Foujdaree Adalut; in the latter he should use every exertion to communicate to the minds of the jurors the enlarged comparative view of the evidence on which his own opinion is founded; if he fails in altering their opinion, and the verdict is one of acquittal, it will be better to acquiesce in it than refer the trial, unless the case is an extremely clear one, or there is reason to suppose the verdict not honestly given; if the verdict convicts contrary to his own opinion founded on a general comparative view of the evidence, the importance of saving a prisoner from an unjust sentence of punishment outweighs all considerations of delicacy to a Jury, and the trial ought to be referred. The rule which declares the verdict of the 2d Jury final is founded on the consideration that enquiry and doubt must stop somewhere, and that the confirmation of the Verdict by a 2d Jury will satisfy public opinion and at least absolve the Judge and the Government from the responsibility of an unjust condemnation. For very clear cases of conviction by a 2d Jury contrary to the evidence (if such can be supposed to arise) the Sovereign power of pardoning in Section XXXV is provided. The general principle is to uphold, as far as possible, the credit and honor of Juries; and that, upon a sincere belief that their functions will in the main, be honestly and intelligently discharged; and that they are, upon the whole, far better qualified to perform those functions than any European Judge can be. It will be time enough to admit less honorable impressions respecting native Juries, when experience shall have shewn that our first confidence in them was misplaced or has been abused — which, it is confidently anticipated will

will never be the case.

4. Very much of the success and efficiency of trial by Jury will depend upon the personal bearing of the Judge on Circuit. He must evidence by his manner towards Juries that he feels consideration for them - and to do so to good effect, he must endeavor to feel it sincerely. This should be no difficult matter to a person as well acquainted with the languages and manners of the natives as a Judge of Circuit always ought to be, & possessed of a moderate share of enlargement and liberality of mind, sufficient to make him esteem good moral qualities under the garb of manners uncouth perhaps and at variance with his own taste, and to put the most favorable construction upon points of character and conduct which can admit of it or less than plainly and positively bad.

5. It is in this temper and spirit that the Judges of the Foujdaree Adalut and the Governor in Council desire and expect you to enter upon the new function of presiding at Trials by Jury. If this institution becomes generally established and popular and is conducted in the spirit above prescribed on your part and with intelligence and honesty on that of the Juries themselves, it will be perhaps the greatest improvement yet made in the internal administration of the territories of this Government: if it fails it will be natural to attribute some portion of the responsibility for its failure to those who unquestionably have it in their power to contribute so largely to its success. The greatest confidence is entertained that it will succeed and that no effort, moral or physical, will be wanting on your part to ensure the success so much desired.

6. This letter is to remain on record in the Court of Circuit for the information and guidance of the other Judges of the Court who may hereafter be empowered by

by Government to hold trials by the Jury.

3 October 1827. /Signed/ G. A. Casamajor. Register

No 267 /No 52/ To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to transmit to you to be laid before the Honorable the Governor in Council the accompanying copy of a letter dated 25.th August last from the Joint Criminal Judge in the Zilla of Madura applying for the addition of a native doctor to his Establishment.

2. A Native Doctor was recommended in my letter of the 19.th March last as part of the establishment of all the Auxiliary Courts - but is not included in the establishment enumerated in Para. 11 of the Minutes of Council 20.th March, altho' it is then stated that those establishments would be regulated in the manner proposed by this Court. Under these circumstances it has appeared to the Judges to be possible that the omission of the Native Doctor was accidental, & not intended to convey the decision of Government against the employment of such a person. They therefore recommend that the accompanying application may be acceded to.

11.th October 1827. /Signed/ J. Walker. Sec.y to Govt. Judl. Dep.t

No 268 /No 53/ To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Court of Foujdaree Adalut to transmit to you, to be laid before the Governor in Council the accompanying copies of letters from the Provincial Courts in the Western and Northern Divisions, applying for orders as to holding a quarterly Jail Delivery at Tellicherry and Masulipatam in the present months.

2. The Western Provincial Court suggest the permanent re-establishment of quarterly Jail Deliveries at Tellicherry. As Tellicherry and Masulipatam are now the seats

Seats of Auxiliary Courts, the holding of a separate delivery of their Jails is a point reserved by section IV. Regulation III of 1827 to be determined from time to time by the Governor in Council. It does not appear however that quarterly Jail deliveries were in contemplation in framing that section and however few cases may have been committed for trial at Auxiliary Courts which are at the same station with the Provincial Court of Circuit, it would be a great relief to prosecutors and witnesses to appear at the Auxiliary Court instead of the Zillah Court, while no material interruptions would be occasioned to the civil business of the Provincial Court by holding a quarterly Sessions. On these grounds the Judges recommend that the Governor in Council may be pleased to grant a general authority for a quarterly Jail delivery to be held at all Auxiliary Courts which are seated at the same station with the Provincial Court.-

13th October 1827. (signed) G. L. Casamajor Register

No 269 To the second Judge late on Circuit in the Western Division

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated 30th August last and to acquaint you that the sentence of this Court passed in Case No 9 Malabar Calendar 2d Sessions 1827 should take effect from the date on which sentence was originally passed by yourself.-

13th October 1827 (signed) A. Maclean Actg Dy Register

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

Gentlemen,

I am directed by the Judges of the Court of Foujdaree Adalut to forward for your information and guidance the annexed copy of a correspondence with

with Government relative to the removal of convicts from Malabar and Canara by sea and land.-

2. You will be pleased to communicate to the respective Judges and Magistrates of these Zillahs so much of the above mentioned correspondence as may affect each of them.-

3. The result of the pending reference to the Government at Bombay will hereafter be made known to you.-

(signed) A. Maclean. Acty Dy Register

13th October 1827.

No 271. To the Provincial Court of Circuit in the Southern Division

Gentlemen,

1. I am directed to acknowledge the receipt of Mr. Bird's letter dated 25th August last, submitting copy of correspondence received from the Criminal Judge of Combaconum relative to an increase of his jail establishment for which he requests sanction.

2. It appears from Mr. Garrow's letter to the Secretary to Government that in his opinion the internal arraignement of the Jail at Combaconum and the manner in which the cells are built and laid out, render it possible for the convicts during a dark night to elude the observation of the Sentries. Before submitting to Government the application of the Zillah Judge, it is advisable that the Superintending Engineer of the division should be consulted as to the fitness of the Jail in its present state for the purpose for which it is intended. You will therefore be pleased to communicate with that Officer and ascertain from him with as little delay as possible whether it is practicable at a small expense to render the cells so secure as to obviate the necessity of employing an additional guard.

15th October 1827 (signed) John Walker

Acty 1st Asst Register

No 272. To the Secretary to Government in the Judicial Department

Sir,

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

Adalut to acknowledge the receipt of your letter dated the 14th August last (№264); and to transmit to you for the purpose of being laid before the Honorable the Governor in Council the accompanying statement.

2. The statement is divided into two parts,— the first, exhibiting the crimes and punishments for which specific provision is made in the Regulations, and the second containing a list of the principal crimes, the punishment of which is left to the discretion of the Courts.

3. Upon the first part of the statement no particular observation appears requisite. It shews the highest punishment that can be legally inflicted for each offence, but that punishment is of course open to mitigation under the particular circumstances of each individual case.

4. Crimes and misdemeanours not noticed in the first part of the statement are punishable under the general provisions contained in Clause seventh Section II. and clause third Section VII. Regulation XV. of 1803, which give authority to the Courts of Circuit, and the Foujdaree Adalut respectively to pass sentence on conviction of crimes for which no specific punishment or stated penalty is provided either by the Regulations or by the Mohumminden Law. It is true indeed that the Mohummudan Law does prescribe a stated penalty for adultery, fornication and rape, but clause first Section III. Regulation I of 1818. expressly provides that the Fetwa of the Law Officer in these cases shall declare only whether the prisoner be legally convicted, and it was obviously intended that the punishment of these offences, in common with those for which no specific penalty is provided, should be left to the discretion of the Courts, subject to the limitations contained in the clauses referred to at the beginning of this paragraph.

The

5. The principal crimes punishable under these rules are entered in the second part of the statement, the delay in the preparation of which has arisen chiefly from the necessity of referring to the records for precedents. This occupied a considerable time, and the search has not been altogether successful. But imperfect as this part of the statement necessarily is the Judges still trust that it will answer the purpose for which it is intended.

18th October 1827. (signed) G. J. Casamajor Register

№355

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

Sir,

I am directed by the Court of Foujdaree Adalut, to transmit to you to be laid before the Governor in Council the accompanying copy of a letter dated the 22d Instant from the First Judge on Circuit in the Western Division, requesting permission to be absent from his station from the 15th proximo, to the end of the year, for the purpose of proceeding to the Neilgherries.—

29th October 1827. (signed) A. Maclean, Actg. D. Regr.

№356

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

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated 3d of August last with petitions from Beemen Servacar & Syalee Naik late Jemadar & Dufladar of the Sail at Madura and to forward to you the papers therein called for.

2. The cases had attracted the notice of the Provincial Court of Circuit, who in a letter of which a copy is now transmitted required the Criminal Judge at Madura to call upon the late Acting Assistant Criminal Judge for explanation as soon as Mr. Hooper's answer of which also a copy is now submitted, was received, it was sent up to the Foujdaree Adalut, and the Judges considered it to contain a sufficient explanation of what at first would

would appear an unlawful assumption of authority on his part. The objection of the Provincial Court to the passing of separate sentences on the (three) prisoner Beemen appears to the Judges of the Tuljdarree Adalut to be erroneous inasmuch as the direction alluded to by the Provincial Court referred only to trials for separate but similar offences.-

3. The Judges do not consider any further observation from them to be necessary.- They have taken the liberty of transmitting the original papers received from the Acting Assistant Criminal Judge in the Zillah of Madura, instead of copies thereof, as they are not likely to be wanted for record by Government on this Court.-

31st October 1827. (Signed) G. J. Casamajor. Register

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

Gentlemen,

I am directed by the Court of Tuljdarree Adalut to acknowledge the receipt of your letter dated the 28th Ulteimo and to transmit for your information and guidance the annexed extract of a letter from the Secretary to the Government in the Judicial Department dated the 26th instant.

31st October 1827. (Signed) G. J. Casamajor Register

The same to the Northern Division.-

№277. To the First Judge on Circuit in the Western Division

Transmitting Copy of a letter from Government permitting him to be absent from his station from 15th Proximo to the end of the year.-

31st October 1827. Sent usual letter

№57

№278 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Tuljdarree Adalut to transmit to you, for the orders of the Right Honorable the Governor in Council the accompanying copy of a letter dated 24th Ulteimo from the Acting Criminal Judge in the Zillah of Ballary transmitting a Bill for Rupees 479 and annas 12 on account of translations for the Court of Circuit.

1st November 1827. (Signed) A. Maclean Actg Dy Regr

№58

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

Sir,

I am directed by the Court of Tuljdarree Adalut to submit for the sanction of the Right Honorable the Governor in Council, the accompanying Statement of batta &c. for Prisoners in the Jails at Caumanore and Tellicherry for the July 1236 forwarded by the Magistrate of Malabar.-

1st November 1827. (Signed) A. Maclean. Actg Dy Register

№280. To the Provincial Court in the Southern Division

Gentlemen,

I am directed by the Judges of the Tuljdarree Adawlut to acknowledge the receipt of the Circuit Judge's letter dated 28th August last submitting the Reports of the Criminal Judges in the Southern Division for the quarter ending the 30th June last.-

The Judges observe that Numbers 108, 118, 183 and 184 of the Salem Calendar are cases which according to the record of the charge ought to have been disposed of by the Head of District Police under the provisions of Section IV Regulation IV of 1821.-

In cases like 37 of the Madura reports the quantum of punishment awarded exceeds the amount prescribed by the Law. unless the cases involved a breaking into the houses from which the property was stolen; in which

would appear an unlawful assumption of authority on his part. The objection of the Provincial Court to the passing of separate sentences on the (then) prisoner Beemen appears to the Judges of the Foujdaree Adalut to be erroneous inasmuch as the direction alluded to by the Provincial Court referred only to trials for separate but similar offences.-

3. The Judges do not consider any further observation from them to be necessary.- They have taken the liberty of transmitting the original papers received from the Acting Assistant Criminal Judge in the Zillah of Madura, instead of copies thereof, as they are not likely to be wanted for record by Government on this Court.-

3rd October 1827. Signed/ G. J. Casamajor. Register

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

Gentlemen,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 28th ultimo and to transmit for your information and guidance the annexed extract of a letter from the Secretary to the Government in the Judicial Department dated the 26th instant.

31st October 1827. Signed/ G. J. Casamajor Register

The same to the Northern Division.-

№277. To the First Judge on Circuit in the Western Division

Transmitting Copy of a letter from Government permitting him to be absent from his station from 15th Proximo to the end of the year.-

31st October 1827. Sent usual letter

№57

№278 To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit to you, for the orders of the Right Honorable the Governor in Council the accompanying copy of a letter dated 24th ultimo from the Acting Criminal Judge in the Zillah of Bellary transmitting a Bill for Rupees 479 and annas 12 on account of translations for the Court thereat.

5th November 1827. Signed/ A. Maclean Actg Dy Regr

№58

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

Sir,

I am directed by the Court of Foujdaree Adalut to submit for the sanction of the Right Honorable the Governor in Council, the accompanying statement of batta &c for prisoners in the Jails at Cannanore and Tellicherry for the month 1236 forwarded by the Magistrate of Malabar.-

1st November 1827.- Signed/ A. Maclean. Actg Dy Register

№280. To the Provincial Court in the Southern Division

Gentlemen,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of the Hon'ble Board's letter dated 28th August last submitting the Reports of the Criminal Judges in the Southern Division for the quarter ending the 30th June last.-

The Judges observe that Numbers 108, 118, 183 and 184 of the Salem Calendar are cases which according to the record of the charge ought to have been disposed of by the Head of District Police under the provisions of Section IV Regulation IV of 1816.-

In cases 1837 of the Madura reports the quantum of punishment awarded exceeds the amount prescribed by the Law, unless the cases involved a breaking into the houses from which the property was stolen, which

which is not stated. They are cases of theft not included in the provisions of clause fourth Section III Regulation VII 1822, and therefore should have been disposed of by the Criminal Judge under clause fifth of that section, that is to say, under the powers vested in him by section VIII Regulation X of 1816. and the Criminal Judge must be directed to revise his sentences abovesaid accordingly.-

Case No 40 was dismissed by the Criminal Judge of Madura as a civil matter. it could appear to therefore that he overlooked clause first section V. Regulation XI 1816. where the offence in question is specially included among those acts which render a person liable to a Criminal prosecution.-

The Judges desire that you will communicate the necessary instructions.-

5th November 1827. /Signed/ J. Walker Actg 1st Sec. to Govt.

No 281 To the Third Judge of the Provincial Court of Circuit in the Centre Division.

Sent Copy of the instructions enclosed in the letter to the Secretary to Government in the Judicial Department dated the 3d October 1827.-

5th November 1827.

Sent usual letter.

No 282 To the Criminal Judge in the Zillah of Chittoor.

Sent also Copy of the instructions enclosed in the letter to the Secretary to Government in the Judicial Department dated the 3d October 1827.-

5th November 1827.

Sent usual letter.

No 285 To the 4 Provincial Courts of Circuit

Gentlemen,

/Circular/ I am directed by the Foujdaree Adalut to request that you will furnish them with all the information you can command about the practice of guarding prisoners at the several jails within your division - with reference chiefly to the following points.-

1. The proportion between the numbers of the guards and of the prisoners when in jail, and when out of it.-
2. The difference, if there be any, between the strength of day and night guards.-
3. The description of guards employed; i.e. whether Sepoys on the regular and invalid establishment, or Sepoys of a Sebundy corps, or Peons permanently or occasionally entertained, or any other description of persons.-
4. The nature of the weapons with which the guards are armed.-

The Judges require also to be informed of.

1. The strength and description of guards placed over the treasuries and offices at the several Courts.-
2. The strength and description of guards in attendance on the Provincial and Zillah Judges, Assistant Judges, or Registers, in Court, or at their dwelling houses.-
3. The pay of the guards.-

This information being required by the Governor in Council to be transmitted to the Government of Bombay I am desired to request that it may be furnished with the least possible delay.-

8th November 1827. /Signed/ John Walker Actg 1st Sec. to Govt.

No 286 To the Criminal Judge in the Zilla of Chingleput

Returning the seven Notices sent up in his letter of the 26th October with the endorsement of the Nazir.-

10th November 1827.

Sent usual letter.

No 287 To the Criminal Judge in the Zilla of Chittoor

Sir,

1. I am directed by the Court of Foujdaree Adalut to

to acknowledge the receipt of your letter dated the 15th August reporting the escape of 5 convicts (one since re-apprehended) and requesting instructions whether the Magistrate or the Criminal Judge is responsible for the safe custody of convicts under removal to another station.-

2. The Judges request that it did not occur to you immediately to apply for authority to offer rewards for the reapprehension of these convicts: if you should be now of opinion that such an offer will facilitate the retaking of any of them that are still at large, you are hereby authorized to offer a reward to the extent of 200 Rupees for each that may be retaken; & the Judges will obtain the sanction of Government.-

3. With regard to the point on which you request instruction, I am directed to refer you to a circular order of this date which will be communicated to you by the Provincial Court.-

4. You will report whether any more of the escaped convicts have been retaken; and what rewards you may offer.-

5. You no doubt communicated fully to the Magistrate the circumstances which occasioned your suspicion of the connivance of the Dond, this it was your duty to do; but it was the Magistrate's province to decide what proceedings should be held against them.

6. Your letter was by some accident lost sight of, or it would have been replied to immediately.-

10th November 1827.

(Signed) G.S. Casamajor. Registr

288 To the 4 Provincial Courts of Circuit.

Gentlemen,

1. The Court of Faujdaree Adalut direct that whenever

whenever a Criminal or Joint Criminal Judge shall have occasion to apply to a Magistrate for a guard of Police Dond to escort convicts to another station, agreeably to the orders of Government under date the 15th October 1822 circulated under date the 18th of the same month, the Criminal or Joint Criminal Judge shall furnish the Magistrate with such information as he may possess relative to the general character of the convicts, in order that, if there should be among them any of a desperate character, the Magistrate may take the requisite precautions against their escape.-

2. The Magistrate is in every instance to determine the mode of conveyance and the strength of the guard; from the moment the convicts are made over to the guard furnished by him, he, could not, the Criminal Judge, is to be responsible for their safe custody; all orders to the guard, and advances of money for the subsistence of the convicts, are to be issued by him; the guard will make their report to him; & he will communicate the due delivery of the convicts, or any occurrence concerning them, to the Criminal Judge.-

(Signed) G.S. Casamajor.
Register

10th November 1827.

No 59

289. To the Secretary to Government in the Judicial Department.

Sir,

In obedience to the commands of the Governor in Council signified in the 11th Para of your letter dated the 17th March 1826, that copies of all orders of this Court laying down any general principle or rule for the guidance of inferior authorities should be regularly furnished for the information of Government, I am directed by the Court of Faujdaree Adalut to transmit to you to be laid before the Governor in Council the enclosed copy of a Circular

letter

letter to the 4 Provincial Courts of Circuit dated this day.
10th November 1827.

№293. To the Secretary to Government in the Judicial Department. /№60/ /Signed/ G. J. Casamajor. Register

Sir,

I am directed by the Court of Foujdaree Adaulut to transmit to you to be laid before the Governor in Council the accompanying copy of a letter dated the 9th Instant from the First Judge of the Court of Circuit in the Centre Division requesting leave of absence from his station for a period of fifteen days to visit the Presidency.

I have &c.

13th November 1827. /Signed/ A. Maclean A.G.G.

№294. To the Secretary to Government in the Judicial Department. /№61/

Sir,

A copy of a letter to your address from the Criminal Judge of Combaconum dated the 27th July last, and of your reply having been transmitted by the Southern Provincial Court to the Court of Foujdaree Adaulut, the Judges previously to submitting to Government the Criminal Judge's application for a further increase to his Jail establishment directed the Southern Provincial Court to communicate with the Superintending Engineer with the view of obtaining a professional opinion as to the fitness of the Jail in its present state for the purpose for which it is intended. From the reply of that Court it appears that estimates have lately been submitted before Government for considerable alterations and additions to the Jail at Combaconum; and as it is to be supposed that sometime must elapse before those improvements can be completed; the Judges recommend that till then, the Governor in Council may be pleased to sanction the encreased establishment applied for by the Criminal Judge. Viz.

	Rs.	As.	P.
1 Jailer	17	8	—
1 Jamadar	14	—	—
4 Havildars at 10-8 each	42	—	—
4 Naigues at 7 do	28	—	—
88 Peons at 5-4	462	—	—
	563	8	—
Former Establishment	469	—	—
Encrease	94	8	—

2. The necessity of this increase appears to the Judges to be urgent - another extensive rising having occurred in the Jail on the 25th Ultimo the particulars of which the Judges have reason to believe were reported direct to Government: they were received by this Court on the 6th instant.

I have &c.

14th November 1827. /Signed/ G. J. Casamajor Register

№292. To the First Judge of the Court of Circuit in the Centre Division

Transmitting copy of a letter from Government permitting him to visit the Presidency on 15 days leave of absence.

Sent usual letter

14th November 1827.

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

Returning the summons sent upon his letter of the 6th November with the endorsement of the Nabir.

Sent usual letter

17th November 1827.

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

Gentlemen,

I am directed by the Court of Foujdaree Adaulut, to call your attention to this Court's letter dated 15th March last, and to request that an answer may be sent at as

letter to the 4 Provincial Courts of Circuit dated this day.-
10th November 1827.

№293. To the Secretary to Government in the Judicial Department. №60/ /Signed/ G. J. Casamajor Registr

Sir,

I am directed by the Court of Fuydaree Adalut to transmit to you to be laid before the Governor in Council the accompanying copy of a letter dated the 9th Instant from the First Judge of the Court of Circuit in the Centre Division requesting leave of absence from his station for a period of fifteen days to visit the Presidency.-

13th November 1827. /Signed/ A. Maclean Agt Sy Rs

№291. To the Secretary to Government in the Judicial Department. №61/

Sir,

A Copy of a letter to your address from the Criminal Judge of Combaconum dated the 27th Ult. last, and your reply having been transmitted by the Southern Provincial Court to the Court of Fuydaree Adalut; the Judges previously to submitting to Government the Criminal Judge's application for a further increase to his Jail establishment directed the Southern Provincial Court to communicate with the Superintending Engineer with the view of obtaining a professional opinion as to the fitness of the Jail in its present state for the purpose for which it is intended. From the reply of that Court it appears that estimates have lately been laid before Government for considerable alterations and additions to the Jail at Combaconum, and as it is to be supposed that sometime must elapse before those improvements can be completed; the Judges recommend that till then, the Governor in Council may be pleased to sanction the encreased establishment applied for by the Criminal Judge. Viz.t

	Rs	As	P.
1 Jailer	17	8	"
1 Jamadar	14	"	"
4 Havildars at 10-8- each	42	"	"
4 Naigues at 7	28	"	"
88 Dons at 5-4	462	"	"
	563	8	"
Former Establishment	469	"	"
Encrease	94	8	"

2. The necessity of this increase appears to the Judges to be urgent - another extensive rising having occurred in the Jail on the 25th Ultimo the particulars of which the Judges have reason to believe were reported direct to Government: they were received by this Court on the 8th instant.-

14th November 1827. /Signed/ G. J. Casamajor Register

№292. To the First Judge of the Court of Circuit in the Centre Division

Transmitting copy of a letter from Government permitting him to visit the Presidency on 15 days leave of absence.- Sent usual letter

14th November 1827.

№294 To the Criminal Judge in the Zilla of Chittoor

Returning the Summons sent up in his letter of the 6th November with the endorsement of the Nabir.- Sent usual letter

17th November 1827.

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

Gentlemen, I am directed by the Court of Fuydaree Adalut, to call your attention to this Court's letter dated 15th March last, and to request that an answer may be sent at as

as early a date as possible.
17th November 1827. /Signed/ N. Maclean Actg Dy Register

№296. To the First Judge on Circuit in the Western Division.

Sir,

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your two letters dated the 27th September and 17th October respecting case № 2 of the Honore Calendar; and to state that the only remarks which the Judges deem necessary are 1st. That the Proceedings of this Court 7th June 1810 do not require that the Government Vakeel should be always employed to prosecute when the natural Prosecutor is dead, or prevented from attending - nor prohibit the employment of any other person as the Prosecutors Vakeel. 2dly That the intention expressed by you to have examined the Prisoners wife as to how she knew that certain cloths delivered up by her belonged to the deceased, is in contravention of the fundamental maxim of Law that no one should be required to criminate himself a wife and husband being looked upon as identically are and the same person by English law: for which reason a wife cannot give evidence either for or against her husband: and this maxim of the English Law being founded in reason and common sense, is very properly considered by the Criminal Judges as applicable in this country. The exceptions to it are few and in very peculiar cases.
19th December 1827. /Signed/ G. J. Casamajor. Register

№297. To the Magistrate of Malabar,

Transmitting copy of a letter from Government sanctioning the statement of batta &c. Rupees 7,632. 5. 1. for fasly 1236 for prisoners in Cannanore and Tellicherry Jails.
25th November 1827. Short usual letter

№298. To the Acting Criminal Judge in the Zilla of Bellary

Transmitting copy of a letter from Government sanctioning the Bill for Rs. 479. 12. 1. on account of translations of certain cases for the Court of Circuit.
25th November 1827. Short usual letter

№299. To the Joint Criminal Judge of the Auxiliary Court in the Zilla of Canara.

Sir,

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your letter dated the 18th instant and to state that all such references should be made &c through the Provincial Court.
25th November 1827. /Signed/ G. J. Casamajor. Register

№300. To the Provincial Court of Circuit in the Western Division

Gentlemen,

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of a letter from the First Judge on Circuit dated the 18th instant respecting Pagawate Prambil Kapoo Nair, Prisoner in № 6 of the Malabar Calendar First Sessions of 1827; who was acquitted by this Court on the ground of insanity and ordered to be placed under charge of the Surgeon of the Zillah Court of Calicut for the purposes stated in their Circular orders of the 17th February and 7th June 1822.

2. The Judges desire that you will instruct the Criminal Judge of Malabar to submit another Medical report on this persons state of mind 3 months hence.
25th November 1827. /Signed/ G. J. Casamajor. Register

№301. To the Joint Criminal Judge of the Auxiliary Court at Tinnevelly

Sir,

In reply to your letter of the 25th of August last, I am directed to transmit to you the annexed copy of a letter (with its enclosure) from the Secretary to Government in the Judicial Department dated the 2d instant.
25th November 1827. /Signed/ J. Walker Actg Dy Register

№302. To the Criminal Judge in the Zilla of Malabar

Sir,

I am directed by the Court of Foujdaree Udalut to call your attention to the punctual transmission of the Reports prescribed by Section XXXVII Regulation X. 1816 within twenty days after the close of each Sessions of Jail Delivery at

at your station.-

2. The transmission of these Reports has hitherto been very irregular but it is hoped that hereafter that attention will be paid to the discharge of this part of your duty.-

23d November 1827. /signed/ A. Maclean. a/ Sy Regr

The same to Chittoor and Cuddapah.

R:303. To the Secretary to Government in the Judicial Department /R:62/

Sir,

Under the instructions contained in the 3d para of Mr Secretary Hill's letter R:189 dated the 4th May 1824 I am directed by the Court of Foujdaree Adalut to transmit to you for the information of the Governor in Council the accompanying copy of a letter dated the 10th instant from the first Judge on Circuit in the Western Division reporting the conclusion of the Jail Delivery at Calicut and of his being about to avail himself of the leave granted to proceed to the Neelgherry Hills.-

22d November 1827. /R:63/ /signed/ A. Maclean. Act Sy Regr

R:304. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to transmit to you the accompanying copy of a letter dated 27th Ultimo from the Joint Criminal Judge at Tinnevelly to the Southern Provincial Court reporting on the want of a Jail at that station.-

The Judges beg leave to recommend that early arrangements may be made for supplying this deficiency any comment from them on the advantage and necessity of having a good jail at the station of the Auxiliary Court would be superfluous.-

3. They deem it proper to suggest that the site of the building ought to be on that side of the river Tamraparnie

Tamraparnie on which the Court house stands.-

/signed/ G. J. Casamajor Registr

23d November 1827. /R:64/

R:305. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to forward to you to be laid before the Governor in Council the annexed extracts from a correspondence between this Court and the Western Provincial Court relative to an increase to the Jail establishment of prisoners under the control of the Assistant Judge of Malabar at Tellicherry.-

2. The recommendation of the Western Provincial Court is limited to an addition of 20 prisoners at 3 Rupees per mensem each, and one Calalasee at 4 Rupees per mensem. From the correspondence noted in the margin the Governor in Council will perceive that due investigation has been made regarding the actual necessity for this unavoidable increase.-

3. Under the final explanation afforded by the Assistant Judge of Malabar the Judges recommend that the sanction of Government be given to the increase proposed by the Judges of the Western Provincial Court.-

23d November 1827. /signed/ A. Maclean Act Sy Regr

R:314. To the Provincial Court of Circuit in the Southern Division

Transmitting Copy of a letter from Government sanctioning a temporary establishment at Combaconum.-

24th November 1827.- Sent usual letter.

R:316. To the 4 Provincial Courts of Circuit

Gentlemen,

Circular. The Court of Foujdaree Adalut direct that the following rules be invariably observed by Zillah Judges in framing the Quarterly report R:5 in the Appendix to Regulation X of 1816.-

1. The cases should be numbered consecutively in

2.

in columns first, without reference to the prisoners.—

3. The prisoners in each case in which there are more than one should be numbered consecutively the first prisoner in each such case being numbered 1. The numbering not to be carried on from case to case.—

4. The distinctive initial letters C. J. or A. C. J. should invariably appear under the number of each case in the first column, denoting by which authority each case has been adjudicated, the specification as to the particular Magistrate (where the Jurisdiction of a Zillah Judge extends over two Collectorates) directed in this Court's orders under date the 4th September 1824 may also appear in this column.—

5. All reports are to be written on Demi paper ruled and written cross ways agreeably to the form herewith transmitted.—

6. The number of the case as well as that of each prisoner in each case originally assigned in the quarterly reports in which they first appear should on no account be afterwards altered, when it is requisite that the case should appear in any subsequent report.—

7. The states of all sentences whether of acquittal punishment or committal to be entered at the close of the sentence itself.—

8. Any inattention to these rules must be rigidly noticed by you: and it is the desire of the Judges that in any case where a non-adherence to them may be observable the Report itself be returned by you to the proper authority for amendment.—

29th November 1827.

/signed/ A. Maclean Actg Dpty Regr

N.V.

Report of persons apprehended in the Zillah of Chinglepút and delivered to the Criminal Judge in the months of 1827.

No. of Case	Number and Names of Prisoners	District of the Criminal Judge.	Date of Apprehension	Date of the Commitment	Remarks in what manner the case was disposed of, whether by punishment, discharge or release &c.	Date when committed or released &c.	Before what Court or Magistrate to be tried	If not examined.	Explanation of delay and reasons &c.
Chingle-put 123 C. J.	1 Cur. open 2 Cook: burn. 3 Tons maize	South Arcot	2 Decem 1827	2 Decem 1827					
124 A. C. J.	2 Coolies								

Foydaree Adawlut,
Register's Office,
29th November 1827.

/signed/ A. Maclean
Actg Deputy Register

No 317. To the Secretary to Government in the Judicial Department

1865

Sir,

I am directed by the Court of Toydaree Adalut to transmit to you to be laid before the Governor in Council the enclosed copy of a letter from the Magistrate of Ballary - reporting an instance of courageous and successful resistance to Gang Robbers -

2. As the case will not, in all probability, come before the Court on Circuit, as those provided for by Section XXIII Regulation IX of 1816 are supposed to do, and as it is very desirable that the reward should be granted immediately, the Judges recommend that the Governor in Council may be pleased to sanction the payment without delay of the rewards proposed by the Magistrate -

3rd December 1827.

/signed/ G. J. Casamajor Register

No 318. To the First Judge late on Circuit in the Western Division

Sir,

I am directed by the Court of Toydaree Adalut to acknowledge the receipt of your letter dated the 9th November respecting the forfeited bail of Cainally & Pettil Manoo Inoza: and to state that under the peculiar circumstances of the case the Court authorize you to direct the amount forfeited to be restored to him.

3d December 1827

/signed/ G. J. Casamajor Register

No 325 To the Magistrate in the Zilla of Cuddapah

Sir,

I am directed by the Judges of the Court of Toydaree Adalut to transmit to you the accompanying Description-roll of a Convict who was transported from your Zilla to Prince of Wales's Island, and who has found means to desert from that settlement, in order that if he has returned to his district he may be reapprehended -

5th December 1827.

The same to Malabar -

/signed/ J. Walker. Actg. Dpty. Agent & Register Convicts

Convicts deserted from Prince of Wales' Island

	Date of Sentence	From whom Inserted	Crime	Date of Desertion	Whether Apprehended
1. Markella Cuspadoo	1st September 1826	Court of Judicature	Highway Robbery and Murder	3rd April 1815	4th November 1826.
2. Gerenoatilla Coorpa	1st September 1826	Court of Judicature	Grand Larceny	3rd April 1815	4th November 1826.
3. Mankar	1st September 1826	Court of Judicature	Highway Robbery	3rd April 1815	4th November 1826.

Toydaree Adalut,
Register's Office,
5th December 1827.

Actg. Dpty. Agent & Register

Signed John Walker.

№321. To the Second Judge on Circuit in the Centre Division
at Chingleput

Sir,

1. I am directed to acknowledge the receipt of your letter dated 29th Ultimo regarding Ramaiee Prisoner in the Chingleput Calendar 2d Sessions 1821.-

2. Under the explanation therein afforded the Judges see no reason for the further detention in jail of this Individual and accordingly direct that you will issue the necessary orders for her immediate release and restoration to her relations.

7th December 1827.

(signed) A. Maclean A.G.G. Regr.

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

Gentlemen,

With reference to the 3d paragraph of my letter of the 13th October last I am directed by the Court of Zoudaree Adalut to transmit for your information and guidance the accompanying Copy of a letter from the Secretary to Government in the Judicial Department with its enclosure and to desire that if necessary the same may be communicated to the Criminal Judges of Malabar and Canara.

7th December 1827.

(signed) A. Maclean. A.G.G. Regr.

№323 To the 4 Provincial Courts of Circuit

Gentlemen,

1. With reference to the Circular letter of this Court dated 17th Ultimo I am directed by the Judges to communicate the following further instructions for the guidance of the several Criminal Courts within your jurisdiction in preparing the several reports prescribed by Regulation X of 1816.-

2. The Judges of the Zoudaree Adalut desire that the Column "№" in each of the reports 6, 7, 8, and 9 transmitted by the Criminal Judges under Section XXXV Regulation X of 1816, shall exhibit, not as at present, the number of a case according to the order in which it stands in those reports, but the number which is assigned to it in quarterly report №5 prescribed by the Section above quoted.-

3. The same rule is to be observed in numbering the cases in reports №10 and 11 prescribed by Section XXXVII, and report №12 prescribed by Section XXXVII of the above said Regulation X of 1816 and in the Supplemental report required by the Circular orders of the Zoudaree Adalut dated 27th September 1821.-

4. Further in the reports №6, 7, 9, 10, and 11 the Column "№" shall also exhibit, underneath the number above prescribed, the number of each case on the Calendar for that Session in which the trial of it by the Court of Circuit took place. When the trial of any case has been post poned from one Sessions to another, the number of the latter only is to be entered.-

5. The following will shew in what manner the Column "№" in the forms №s 6, 7, 8, 9, 10, 11, and 12 contained in the Appendix to Regulation X of 1816 are to be filled up in conformity with the above rules.-

Reports №s 6, 7, 9, 10, and 11

№	Name
61	
First Quarter 1828	Appoo.
3	
Second Sessions 1828.	

Reports Nos 8 and 12. and Supplemental Report.

No	Name	
1	1 Mootoo	
Second quarter 1828	2 Rungun	
	3 Ketnah.	

6. You will be pleased to direct that the Attestation above mentioned may commence with the reports for the first quarter of the ensuing year.

7th December 1827. (Signed) John Walker Esq. Sd Register

No 329. To the Provincial Court of Circuit in the Western Division

Transmitting Copy of a Letter from Government authorizing certain increase to the Jail establishment of the Auxiliary Court of Malabar.

11th December 1827. Sent usual letter.

No 330. To the Magistrate in the Zillah of Bellary

Transmitting Copy of a Letter from Government authorizing the payment of rewards to two Individuals for their bravery in resisting robbers.

11th December 1827. Sent usual letter.

No 331. To the Acting First Judge on Circuit in the Southern Division at Coimbetoor

Sir,

1. I am directed by the Court of Zuydaree Adalut to acknowledge the receipt of your letter dated 29th Ultimo in explanation of the sentence passed in Case No 18 Madura Calendar Second Sessions 1827.

2. The explanation given by you is considered extremely satisfactory and I am directed to convey to you the sanction of the Judges of this Court for a revision of the sentence passed in this case mitigating the punishment in the

manner proposed by you in the 19th paragraph of your letter under consideration.

11th December 1827. (Signed) A. Maclean A. Dy Register

No 332 To the Judges of the Provincial Court of Circuit in the Southern Division

Gentlemen,

I am directed by the Judges of the Zuydaree Adalut to acquaint you that they consider the explanations submitted by the Criminal Judge in the Zillah of Madura in his letter to your Register under date the 10th November last enclosed in your letter of the 13th November regarding his reports for the quarter ending the 30th of June last to be satisfactory. But the Judges think it proper that you should impress upon the Criminal Judge the necessity of using precision as well as conciseness in drawing up his "Abstract of crimes or charges."

11th December 1827. (Signed) John Walker Esq. Sd Register

No 333 To the First Judge Talk on Circuit in the Western Division

Sir,

1. I am directed by the Judges of the Court of Zuydaree Adalut to acknowledge the receipt of your letter dated 7th instant and in reply to inform you that as the Bills therewith forwarded contain Charges of an immoral nature and such as do not come within the rules of the Service they cannot recommend them for the sanction of the Government.

2. The Bills which accompanied your letter are herewith returned.

11th December 1827. (Signed) A. Maclean A/ Dy Register

1066

No 334. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Zuydaree Adalut to acknowledge the receipt of your letter dated the 4th Instant, and to transmit to you to be laid before the Governor in Council the accompanying copy of an Extract from their proceedings dated the 7th Ultimo, together with the original letters therein referred to.

The latter contain one or two letters not specified in the Extract from Mr. Baber's letter enclosed

by

by you; but appear necessary to compleat the subject.

11th December 1827.

/Signed/ G. I. Casamajor. Register

No 338. To the First Judge of the Court of Circuit in the Centre Division.

Sir,

I am directed by the Judges of the Court of Toydaree Adalut to acknowledge the receipt of your letter dated the 19th Ultimo, transmitting the proceedings of the trial before you in Case No 8 of the Chittor Calendar, 2d Quarterly Sessions of 1827, and to desire that you will forward without delay the English translation of the proceedings held in that case before the Criminal Court.

13th December 1827.

/Signed/ G. I. Casamajor. Register

No 340. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Toydaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter and enclosure from the 2d Judge of the Provincial Court requesting instructions under Section IV Regulation II of 1827 whether the Jail of the Criminal Court at Tinnevelly is to be delivered separately on the ensuing Circuit Sessions or a general jail delivery for the whole Zillah held at Madura.

2. As all the prisoners committed at Tinnevelly have been already sent to Madura, owing to the want of means to secure them at Tinnevelly, the Judges recommend that a general jail delivery for the whole Zillah may be held at Madura.

14th December 1827.

/Signed/ G. I. Casamajor. Register

No 341. To the Provincial Court of Circuit in the Centre Division.

Gentlemen,

I am directed by the Court of Toydaree Adalut to call your attention to my circular letter under date the 18th January last, and to state that the returns from all the other Provincial Courts have been received above six months ago.

The

The Judges desire that if the returns to your Court from any of the subordinate Courts or officers are being still waited for, you will issue further processes fixing a short period for the return; & report to this Court immediately the period so allowed and specify the defaulting Court or Magistrate.

/Signed/ G. I. Casamajor Register

14th December 1827. 1/No 68/

No 342 To the Secretary to Government in the Judicial Department

Sir,

1. I am directed by the Court of Toydaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter and enclosure from the 3d Judge of the Provincial Court of Circuit for the Centre Division, who was authorized by an order of Council bearing date the 26th October last to holst trials by Jury at the ensuing 4th quarterly Sessions at Chittore; reporting that, from the backward state of the Registration of persons qualified to serve, there is no probability of his being able to act upon the authority given to him, if persons cannot be summoned till the Register for the whole Zillah is completed.

2. The Judges think that it might have an ill effect if trial by Jury were not to take place after public expectation had been raised by an order especially authorising it. They therefore respectfully recommend, with reference to the last paragraph of the instructions to Collectors of which a draft was submitted with my letter of the 3d October, & which have been approved by Government (and issued, it is presumed, to the Collector of Chittore) that that officer may be instructed to send up separately to the Criminal Judge the lists of qualified persons for the one or two Talooks immediately surrounding Chittore, or for any one or two Talooks in the Zillah in which they can be most speedily compleated, as soon as he has put his final corrections to

to them, instead of waiting till the lists for the whole Zillah are ready to be sent altogether.-

3. Should the Governor in Council be pleased to approve of this suggestion; immediately on his pleasure being signified to this Court, the Judges will instruct the Criminal Judge of Chittoor to proceed respecting these lists in the same manner as he has been directed to proceed in regard to the lists for the whole Zillah when sent to him altogether, and on the requisition of the 3d Judge to choose by lot, 9 Summon Jurors from among the persons whose names are entered in them. No confusion or irregularity whatever is likely to be caused by this proceeding.-

4. The Judges will also authorize the 3d Judge to use his discretion in delaying the quarter Sessions till the preparatory measures for effecting which are in a sufficient state of forwardness.-

5. The Judges think that the Zedl. displayed by Mr Dacre in preparing translations of the Jury Regulation into the Tamul and Teloogoo languages is deserving of the notice and commendation of the Governor in Council. In the last paragraph of my letter dated the 7th March 1827, the Judges presumed to suggest the propriety for reasons there stated of not promulgating any Regulation till the authorized translations were ready. The greatest injustice and violence might be the consequence of the opposite practice; and with the means which the Government translators must be supposed to have at command, the promulgation of few Regulations need be delayed for more than a week, or two at furthest, by the translations being waited for.

6. In the case of the Jury Regulation, the Judges would suggest whether it might not be worth while if

if the Government translations are not in a state of forwardness, to direct Mr Dacre to send up copies of the translations prepared by him; which after examination by the Government translators might be pointed if found correct. Mr Dacre is well known to be intimately acquainted with the Tamul language as spoken in his Division; and the Judges have no doubt that the translations which he has prepared will be found to be well executed.-

7. Since the foregoing paragraphs were dictated a further letter has been received from Mr Dacre, of which a Copy is also inclosed. It accords entirely with the recommendation in para. 2 of this letter.-

17th December 1827. (Signed) G. L Cockburn Register

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

Returning the Summons duly served on the person which was sent up by him on the 8th Instant.

17th December 1827. (No 69) Sent usual letter.

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

Sir,

1. I am directed by the Court of Foydaree Adalut to transmit to you to be laid before the Governor in Council the accompanying Petition and original documents with translations.

2. Pet. № 16 of 1827.
Misc. № 18 in Pet. № 16 of 1827.
№ 19 in Do - - - - - Do
№ 20 in Do - - - - - - Do
№ 21 in Do - - - - - - - Do
№ 22 in Do - - - - - - - Do
№ 23 in Do - - - - - - - Do
№ 24 in Do - - - - - - - Do
Extract from the Proceedings of the Court of Circuit dated 27th February 1826.
Extract from the Proceedings of the Foydaree Adalut dated 26th April 1827.

It appears that the Petitioner who is a Devange and of some authority in a certain Caste, interposed a marriage procession in which white Cloths were used, as he considered the parties not entitled to that distinction: but his interference having occasioned a slight breach of the peace, he and the other party were each fined one Rupee; and the late Collector

Collector of Chittore; with the consent of both sides, ordered a Punchayat to be assembled to decide the question at issue, and both parties signed Muchilkas to abide by the award. The Petitioner however afterwards refused to submit to the Punchayat; the cause was decided ex-parte; and the Magistrate levied a fine of 20 Rupees from the Petitioner for his non attendance and refusal.-

3 The object of the Petition is to get this and the former fine restored. The Petitioner applied to the Judge who held the 4th Quarterly Sessions; the Judge called for the Magistrates Proceedings; the Magistrate declined submitting them, stating that the punishment was inflicted under section XXXII Regulation IX of 1816; all punishments under which section are exempted by section VIII Regulation IX of 1821 from being entered in the Magistrates' Calendar laid before the Judge of Circuit. Unable to obtain redress, the Petitioner applied to this Court; but this Court has as little power as the Judge of Circuit; the power of both being confined to cases coming before the Judge of Circuit in the Calendar prescribed by Section XL Regulation IX of 1816, as modified by section VIII Regulation IV of 1821.-

4. The proceeding however of the Collector and Magistrate of Chittore was altogether irregular and the fine unwarranted. The Collector had no authority to assemble a Punchayat in such a case - and refusal to submit to the Punchayats award, after formally agreeing to do so, was not a criminal offence at all, or cognizable by the Magistrate. The case is very incorrectly represented in the late Magistrates' return dated the 3rd March 1826 to the Judge of Circuits first precept, the effect of that representation is to make it appear that the fine of

of 20 Rupees was levied for a breach of the peace united with refusal to attend the Punchayat: and under this apprehension of the case, the Court rejected the petition in the month of April last, before they had seen attested copies of the original Documents. It now distinctly appears that the fine was levied, as stated in the 2d para, solely for refusal to attend and submit to the Punchayat.-

5. As this was an altogether arbitrary and illegal exaction, the Judges recommend that the Governor in Council may be pleased to direct that the Magistrate of Chittoor shall refund to the Petitioner, Dhanapala Comara Vencatachella Chetty Desayi, the 20 Rupees unjustly levied from him by the late Magistrate; and also paying him 10 Rupees additional as a compensation for his pains and expence in obtaining redress.-

19th December 1827. (signed) G. J. Casamajor Register

No 346. To the First Judge of the Provincial Court in the Centre Division

Sir,

1. I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter dated the 6th October with the explanations of the Criminal Judge of Chittore as to his having addressed the Government direct respecting a certain case of murder.-

2. The Judges observe with much satisfaction the anxiety manifested by Mr. Waters to secure the ends of justice from being defeated - and by no means concur in the remarks made in the 4th and 5th Paragraphs of your letter. The Abstract of the evidence given in Mr. Waters's letter to Government attaches the strongest possible suspicion to the Zemindar; and efforts to obtain conclusive proof, under such circumstances, ought not to be represented on "prejudice and prejudgement" nor are they the least inconsistent with a "calm and unbiased" state of mind;

to

so far as the Criminal Judge's situation admitted such a state of mind, which is rather the virtue of the Judge of Circuit who tries the cause than of the committing officer who hears only the evidence against the accused and whose duty it is to make that evidence as complete as possible.

3. The Judge desire that you will instruct Mr Waters that his addressing Government direct was irregular. He states that he had three objects in doing so—1 to obtain the removal of the Zemindar from the superintendence of the Police of his Zemindary. 2 to obtain the appointment of a Commission of European public Servants to enquire into the case on the spot. 3. to engage the direct exercise of the authority of Government to procure certain witnesses whom the Zemindar had withdrawn and concealed.

4. The first of these objects was the duty of the Magistrate not of the Criminal Judge, who interfered with the Magistrates functions in offering a recommendation at all upon the subject. If the evidence before him induced the opinion that the good of the country required the removal of the Zemindar, the proper course was for the Criminal Judge to communicate his opinion, and the grounds of it, to the Magistrate, who has power to adopt the measure, if he thinks fit, without reference to Government.

Sect. II Reg. III of 1816.

5. The second object is rather of a novel kind. Mr Waters considered the Zemindar, when invested with the superintendence of the Police within his Zemindary, as a native public servant of Government, within the intendment of Regulation VIII of 1822; and still more, if he did not so consider him, his recommendation should have been submitted thro the Provincial and Sudr Courts. The Regulations do not give to criminal Judges, as they do to Magistrates, the liberty to correspond direct with Government on any subjects.

See: LVI Reg: LII of 1816.

6. With regard to procuring witnesses, it might have

have perhaps appeared to the Criminal Judge that under the Circular orders of this Court 15th June 1826 it was regular for him to take any measures respecting witnesses to be summoned by him, which the Magistrate might take respecting the witnesses originally sent up. This is however a mistake. the Criminal Judge, in any difficulty about witnesses, should apply, not to Government, but to the Magistrate, who can command for better means of discovering them and enforcing their attendance than the Criminal Judge.

Signed G. J. Casamajor Register

19th December 1827.

No 347. To the Provincial Court of Circuit in the Southern Division

Transmitting copy of a letter from Government stating that at the ensuing Sessions a general Jail Delivery for the whole Zilla Madura is to be held at the Station of the Zilla Court.

Sent usual letter

5th December 1827. No 270

No 352. To the Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to acknowledge the receipt of your letter of the 2d Ultimo and agreeably to the requisition contained therein, to transmit to you thirty six printed copies of the statement of crimes and punishments submitted to Government in my letter of the 18th October last.

The Court have caused 100 Copies of the statement to be printed, at the Government Press, and will cause a sufficient number to be circulated to the Courts in the Provinces.

Signed J. Walker Actg Supt & Reg.

22d December 1827.

No 353. To the Criminal Judge in the Zilla of Chingleput

Returning the Summons only served on the person which was sent up by him on the

22d December 1827. Sent usual letter.

No 355. To the Secretary to Government in the Judicial Department
1827

Sir,

With reference to my letters under date the 25th August and 11th September 1826 Nos 32 & 35, I am directed by the Court of Fuydaree Adalut to transmit to you to be laid before the Governor in Council the accompanying Copy of a letter this day received from the Criminal Judge of Chica= =cole, reporting another serious breaking of Jail, the lamentable consequence of which is a list of 5 Prisoners killed and 16 wounded, many severely & dangerously, to= =gether with one of the Jail guard.

The Judges learn with extreme regret that nothing appears yet to have been done to remedy the defects and make the improvements pointed out in my letter of the 11th September 1826, and of which, in the reply of the Chief Secretary under date the 21st following, it was stated to be the intention of Government to commit the execution to the Military Board. A survey of the Jail appears to have been taken - but no alterations to have been made.-

With reference to the 7th paragraph of the Criminal Judge's letter, the Judges beg to refer to the beginning of the 4th paragraph of my letter dated the 11th September 1826. They think however that arms are not the natural or proper security against attempts to break Jail; such attempts are never made but when they are invited by the prospects of escape from some defects in the Jail itself. When the building is such as it should be, the hopelessness of breaking jail is found to deter from the attempt, and such scenes as the enclosure describes do not occur, unless from some palpable carelessness in the internal arrangements; which there appears no ground to suspect in the present or late jail-breaking at Chicacole.-

The Judges recommend that the rewards stated in para 8 of the enclosure to have been offered by the Criminal Judge, for the reapprehension of the two fugi= =tives who escaped, may be sanctioned.-

(signed) G. J. Casamajor Register

27th December 1827.

No 356. To the Secretary to Government in the Judicial Department
1827

1. I am directed to transmit to you to be laid before the Governor in Council the annexed copy of a letter from the Northern Provincial Court suggesting that the Additional Judge may be appointed to the Court of Circuit as well as to the Court of Appeal.-

×12th Dec 1826. 2. From the letter× in which Mr Money's appointment was communicated, the Judges do not understand that he was to be only a Judge of the 4 Appeal Courts; and such a separation of the Appeal and Circuit functions [illegible] Section IV Regulation VII of 1802. but it has been thought best that the letter should be submitted to Government to avoid the possibility of any mistake.-

(signed) G. J. Casamajor Register

27th December 1827.

No 357. To the Secretary to Government in the Judicial Department

Sir,

With reference to para 3d of your letter dated the 29th June last I am directed by the Court of Fuydaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter and enclosure from the Provincial Court of Circuit for the 4th Centre Division; and to state the recommendation of the Judges that only 2 cases and 5 Prisoners had been committed on the 8th instant by the Joint Criminal Judge of Cuttack for trial at the ensuing Sessions of the Court on Circuit, the

Governor

No 355. To the Secretary to Government in the Judicial Department
1827.
Sir,

With reference to my letters under date the 25th August and 11th September 1826 Nos 32 & 35, I am directed by the Court of Fuydaree Adalut to transmit to you to be laid before the Governor in Council the accompanying Copy of a letter this day received from the Criminal Judge of Chicacole, reporting another serious breaking of Jail, the lamentable consequence of which is a list of 5 Prisoners killed and 16 wounded, many severely & dangerously, together with one of the Jail guard.

The Judges learn with extreme regret that nothing appears yet to have been done to remedy the defects and make the improvements pointed out in my letter of the 11th September 1826; and of which, in the reply of the Chief Secretary under date the 26th following, it was stated to be the intention of Government to commit the discussion to the Military Board. A survey of the Jail appears to have been taken - but no alterations to have been made.-

With reference to the 7th paragraph of the Criminal Judge's letter, the Judges beg to refer to the beginning of the 4th paragraph of my letter dated the 11th September 1826. They think however that arms are not the natural or proper security against attempts to break Jail; such attempts are never made but when they are invited by the prospects of success from some defects in the Jail itself. When the building is such as it should be, the hopelessness of breaking Jail is found to deter from the attempt; and such scenes as the enclosure describes do not occur, unless from some palpable carelessness in the internal arrangements; which there appears no ground to suspect in the present or late jail-breaking at Chicacole.-

The

The Judges recommend that the rewards stated in para 8 of the enclosure to have been offered by the Criminal Judge, for the reapprehension of the two prisoners who escaped, may be sanctioned.-

(signed) G. J. Casamajor Register
27th December 1827.

No 356. To the Secretary to Government in the Judicial Department
1827.

I am directed to transmit to you to be laid before the Governor in Council the annexed copy of a letter from the Northern Provincial Court suggesting that the additional Judge may be appointed to the Court of Circuit as well as to the Court of Appeal.-

*12th Dec 1826. From the letter in which Mr Money's appointment was communicated, the Judges do not understand that he was to be only a Judge of the Appeal Courts; and such a separation of the Appeal and Circuit functions would not be consistent with Section IV Regulation VIII of 1802. but it has been thought best that the letter should be submitted to Government to avoid the possibility of any mistake.-

(signed) G. J. Casamajor Register
27th December 1827.

No 357. To the Secretary to Government in the Judicial Department
Sir,

With reference to para 3d of your letter dated the 29th June last I am directed by the Court of Fuydaree Adalut to transmit to you to be laid before the Governor in Council the annexed copy of a letter and enclosure from the Provincial Court of Circuit for the Centre Division; and to state the recommendation of the Judges that only 2 cases and 5 Prisoners had been committed on the 8th instant by the Joint Criminal Judge of Cuttack for trial at the ensuing Sessions of the Court on Circuit, the

Governor

Governor in Council may be pleased to determine, under Section IV Regulation II of 1827, that a general Jail delivery for the whole Zillah of Cuddapah shall be held at the station of the Criminal Court.-

27th December 1827. /signed/ G. I. Casamajor Register

№358. To the First Judge Tate on Circuit in the Western Division

Sir,

1. I am directed by the Court of Fuydaree Adalut to acknowledge the receipt of your letter dated the 27th October respecting 9 Prisoners in the Calicut Jail, detained in default of finding security, who petitioned you when on Circuit to be released on their own Muchilkas.-

2. The Judges direct you to instruct the Criminal Judge to release upon their own Muchilkas such of these Prisoners as he considers may be safely released; and to report to this Court how many he releases and how many he continues to detain, specifying particularly the reason why the latter cannot safely, in his judgement, be released.-

27th December 1827. /signed/ G. I. Casamajor Register

№363 To the Provincial Court of Circuit in the Northern Division

Transmitting copy of a letter to Government and copy of its reply of the 28th Instant declaring the appointment of the Additional Judge of the Northern Prov. Court to be originally intended to the Circuit Court as well as to the Appeal Court.-

29th December 1827. sent usual letter

№364 To the 4 Provincial Courts of Circuit

Gentlemen,

A statement of the crimes usually committed and the punishments usually administered under the Regulations and the Mohomedan Law in the Territories of this Government having been framed for the use of Courts Martial

Martial according to Art VI, Section XII Regulation V of 1827; and it being considered that the same may be of use in the different Criminal Courts as a kind of manual and index to the Criminal Regulations, I am directed by the Court of Fuydaree Adalut to transmit 3 Copies for the use of your Court.-

/signed/ J. Maclean. A.J.D.C. Register

2 Copies for each Zilla Court.
1 Do for the Auxiliary Court.

29th December 1827.

The same to all the Zillahs and Auxiliary Courts.-

№369. To the Judge of the Provincial Court in the Southern Division

Gentlemen,

(In answer to your letter, dated the 10th Instant) I am directed by the Court of Fuydaree Adalut to inform you that on circulating the orders of the 7th instant relative to the preparation of the Quarterly Criminal Reports it was not the intention of the Court to cancel their orders of the 4th September 1820 dispensing with the Report №10 prescribed by Regulation X of 1816.-

/signed/ J. Walker A.J.P. & A.C.J. Register

31st December 1827.

The same to the other 3 Provincial Courts of Circuit excepting the words between brackets.

№370. To the Acting First Judge on Circuit in the Southern Division

Sir,

I am directed to transmit to you the enclosed copy of a letter from the Secretary to Government in the Judicial Department dated the 27th instant. You are requested to send up the record of trial required without delay.-

/signed/ J. Walker

31st December 1827. A.J.P. & A.C.J. Register

To

No 371. To the Joint Magistrate in the Zilla of Madura

Sir,

1. I am directed by the Court of Tuydara Adalut to acknowledge the receipt of your letter dated the 16th Instant and to return the warrant enclosed in it, which is not in the form prescribed by No 3 in the Appendix to Regulation IX of 1816, as it ought to be under clause second section XII Regulation IX of 1816; and without which it is not a lawful process of arrest as described in section 13 of the Act of the 53d of Geo the 3d C. 155 as published in Regulation II of 1820.

2. The persons who brought your letter now acknowledged have been ordered to wait at this Court till a warrant in due form is received from you; when they will be enabled to execute it.

31st December 1827. /Signed

No 372. To the Criminal Judge in the Zilla of Chingleput

Sir,

I am directed by the Court of Tuydara Adalut to return the notice submitted in your letter of the 17th Instant, and to suggest to you, that as the person therein mentioned is a matroose to one of the Children in the Nabob's palace, the best mode of obtaining her evidence will be to forward a paper of the interrogatories you may wish to propose to my office. The answers will be obtained for you as soon as possible through the usual channel of communication with the Nabob.

/Signed A. Maclean
Acting D.J. Register

31st December 1827.

No 373 To the Provincial Court of Circuit in the Centre Division

Transmitting Copy of a letter from Government stating that at the ensuing Sessions a general Goal Delivery for the whole Zilla of Cuddapah is to be held at the Station of the Circuit Court.-

Sent usual letter.

31st December 1827.

No 374 To the Second Judge of the Provincial Court in the Western Division

Sir,

1. I am directed by the Court of Tuydara Adalut to acknowledge the receipt of your letter dated the 21st Instant and to state that under the circumstances therein represented the Judges will not object to your incorporating your report on the last quarterly Sessions with that on your approaching Circuit.

2. The remarks recorded by the Court on your last Circuit Report will be transmitted to you in a few days: a press of other business has occasioned the long delay in noticing it. /Signed A. Maclean Act Dy Regr

31st December 1827.

No 375. To the Criminal Judge in the Zilla of Chicacole

Transmitting Copy of a letter to Government and of its answer sanctioning the offer of certain rewards for the apprehension of two prisoners, escaped by breaking Jail at Chicacole.-

Sent usual letter

31st December 1827.

"desirable that all references respecting Jail deliveries under
"Section IV Regulation II of 1827 should be forwarded through
"the Foujdary Adalut, and requests that the Courts in the
"Provinces may be instructed to furnish on those occasions
"such information respecting the number of persons for
"trial at the stations of the Zilla and Auxiliary Courts
"and other matters proper to be considered, as will
"enable him, on the recommendation of the Foujdary Adalut
"to determine at what places the Jails shall be abo-
"lished."

27th August 1827.

/Signed/ G. S. Cavanagh Regr

No. 231. To the Magistrate of Coimbatore.

Transmitting Copy of a letter from Government sanctioning the statements of charges for 1236 on account of prisoners in Coimbatore Jail amounting to Rupees 4094.2.11.-

30th August 1827.

No. 232. To the Judges of the Provincial Court in the Centre Division.

Gentlemen,

I am directed by the Court of Foujdaree Adalut to transmit for your information two original Miscellaneous Petitions (Nos. 13 and 14 of 1827) and translations thereof presented to this Court by one Narrana Mooseliar of Chingleput.

2. It is stated in these petitions and corroborated by certain remarks contained in the Quarterly Reports of the Criminal Judge of Chingleput that Letters communications relative to the case of the Petitioner have been made to and from your Court collectively and individually.-

3. The Judges being unacquainted with the nature

nature of these communications request that you will forward, to be laid before them, all proceedings connected with the case in question together with any observations which you may wish to offer thereupon.-

4. The original Petitions and translations to be returned.-

/Signed/ A. Maclean Actg Register

30th August 1827.-