316

1782

29

Journal or Diarie
for the year
1782

425

Foujdaree Adalut January 1849

No 3 To

The Session Judge of Tellicherry

Sir

1 With reference to the Proceedings of the Court under date the 7th November 1848, I am directed by the Judges of the Foujdaree Adalut to request that you will immediately report what progress has been made in the investigation into the Charges pending against the Moosty Sudder Ameen of the Zillah Court and within what period they may expect to be informed of the result

2 If however the investigation has been brought to a close, the Judges desire that you will lose no time in submitting your Report on the same.

5th January 1849.

(Signed) T. H. Davidson

(No. 1)

To

The Officiating Secretary to Government in the

Judicial Department.

Sir,

1. In the course of the past year, a Head of Police in the Chingleput District, reported that certain persons resident within the limits of Madras, had been accused before him of having stolen property of considerable value from the house of a party resident in the same District, and the Extra Assistant Magistrate, on that Report, issued a Warrant which the Chief Justice of Her Majesty's Supreme Court at Madras declined to countersign, as it did not appear that the warrant was grounded on affidavit of the party interested therein.

2. On this circumstance being reported to the Foujdaree Adalut, by the Magistrate of Chingleput, the Judges directed the Magistrate to retransmit the Warrant to the Sheriff of Madras, and at the same time to point out to him that under the latter part of Section XIII. Regulation IX of 1816 of the Madras Code, a Magistrate is authorized to issue Process to apprehend a person for whose apprehension a sufficient cause may appear upon the Report of a Police Officer, and that likewise, a Police Officer, in this Presidency, is not legally competent to administer an oath, in any criminal matter pending before him, and that accordingly, therefore,

therefore, could be made before such Officer, on the "oath," either of the "interested" or any other party.

In reply to those instructions, the Magis-

3. trate forwarded to this Court a letter from the Chief Justice of Her Majesty's Supreme Court, in which his Lordship admitted that, under the Provision above cited, a Magistrate might issue process for the apprehension of parties. "But then," his Lordship observed "the Warrant, if intended to be founded on the report of a Police Officer, should recite that sufficient cause for apprehending the party, appears to the Magistrate, upon the report of such Officer."

4. The Magistrate of Chingleput, on forwarding this communication, objected that "the fact of a Magistrate forwarding the Warrant, of itself proclaims his opinion of its necessity;" but the Judges of the Foujdaree Adalut, while admitting the validity of that argument, communicated to him their opinion that every proper means should be adopted to meet the objections of the Chief Justice, especially when such measure is apparently sanctioned, if not absolutely required, by the existing Law, as was the case in the instance under consideration: and the Judges accordingly directed the Magistrate to certify on the back or at the foot of the Warrant, in the very words of the Regulation

Regulation, that in his (the Magistrate's) opinion, sufficient cause appeared, upon the Report of the Police Officer, for the apprehension of the accused: and the Judges likewise directed that the same course should be observed in all future cases of a like nature.-

5. No further correspondence on this matter passed and the Judges have reason to believe that the scruples of the Chief Justice being satisfied, the warrant was executed without further objection.-

6. But towards the close of the past year, the Magistrate of Chingleput forwarded to this Court, a warrant issued by the Extra Assistant Magistrate, which had been forwarded to the Sheriff of Madras for the countersignature of a Judge of Her Majesty's Supreme Court: but which had been returned by the Sheriff with an intimation that the Chief Justice had declined to endorse it, on the ground that it did not appear on the face of the Document itself, that the same was issued upon sworn information: and the Judges then directed the Magistrate to amend the warrant by inserting in the body thereof, the precise form of words above cited, as on the former occasion: and then to re-transmit the warrant to the Sheriff, with a Letter pointing out that the requisition of the Chief Justice, as above explained had been fulfilled.-

7. This was accordingly done: but the warrant was returned, unexecuted, by the Sheriff with the following endorsement by the Honorable Sir William Burton the Puisne Justice of Her Majesty's Supreme Court.- This warrant is insufficient There must be information on oath of the felony to warrant the apprehension.-

8. The Government will observe that this warrant was issued upon evidence taken before a Native Head of Police, who, as the Government are aware and as has been explained to the Sheriff of Madras for the information of the Judges of the Supreme Court, is not authorized by the existing Law, to take Deposition upon Oath, and that the Extra Assistant Magistrate, in issuing the warrant, certified on the face of it, that from the substance of the Report of the Head of Police he considered it necessary to issue the Process thus fulfilling the requirements of the said Chief Justice as intimated on the former occasion. Moreover the Judges of the Foujdaree Adalut have carefully reviewed act XXIII of 1840 and are unable to discover in what respect the warrant in question contravenes that act or fails to fulfil the requirements of its Provisions. Under these circumstances, the Judges being wholly at a loss what to do in the present Juncture, and having caused to be done by the Magistrate, all that it seems to them, to be in his power to do, they deem it their duty to submit this report on the subject for the consideration and orders of the Right Honorable the Governor in Council.-

5th January 1849.

(Signed) J. H. Davidson-
Register

No 6

Memo

6 Printed forms of the Half yearly Criminal Statement No 3

6 —— do —— of the —— do — Statement of persons in Confinement for Debt

12 —— do —— of the Monthly Labor of Convicts

12 —— do —— of the Statement created under Regulation X of 1832.

Forwarded to the Sub Judge of Mangalore with reference to his letter dated the 18th December 1848.

By order of the Court of Foujdaree Udalut.—
8th January 1849. (Signed) T. H. Davidson
Regr

No 7.

To
The Officer in charge of the Jail at Guindy

Sir

I am directed by the Judges of the Foujdaree Udalut to request that you will have the goodness, at your earliest convenience, to furnish them with a Report,— containing a full and minute account of the System followed in the Jail at Guindy, in respect of the working, dieting, guarding &c &c of the Prisoners under your charge; and specifying the hours of work, rest & meals Shutting up &c and also how often, in the Course of each month, you personally visit the Jail.—

I have the honor to be &c
9th January 1849
(Signed) T. H. Davidson
Register

No 8

To
The Sessions Judge
of
Chingleput.

Sir

I am directed by the Judges of the Foujdaree Udalut to request you will have the goodness, at your early convenience, after the receipt of this letter to visit in person, the Jail at Guindy— and submit to this Court, a full report on its condition in every department, accompanied by any suggestion that may occur to you respecting its management and general condition: and further that you will visit the same Jail, and all other gangs of Convicts located within your Jurisdiction, though not attached to your Jail, every six months, and immediately after such Periodical visit, that you will furnish this Court with a full report on all matter relating thereto, which may seem to you to require notice.—

I have the honor to be &c
9th January 1849.— (Signed) T. H. Davidson.
Register.—

I &

No 9

To,

The Acting Session Judge of
Cuddalore.

Sir,

In reply to your letter of the 28th December 1848 I am directed by the Judges of the Toyjdaree Adalut to inform you that it is not incumbent upon you to report Specially the case in which you exercise the powers vested in you by Clause second Section IX Regulation VII of 1827; provided the nature of each case is fully explained in the periodical reports.

9th January 1849. (Signed) A. J. Arbuthnot.
Head Asstt. to the Regr.

No 10

To,

The Session Judge of Masulipatam.

Forwarding copy of an Order of Government dated the 2d Instant, requesting the Military Board to cause the Indent for sundry articles required for the Session Court of Masulipatam to be complied with.

9th January 1849. (Sent usual Letter No

No 11

To,

The Session Judge of Masulipatam.

Sir,

1. In acknowledging the receipt of your Letter of the 11th December 1848 requesting sanction for the issue of a warrant of commission for the examination of a witness in

in Case No 36 of 1847 on the file of the Criminal Court in the village in which he resides and from which the State of his health prevents his being removed; I am directed by the Judges of the Toyjdaree Adalut to inform you that the issue of commissions for the examination of witnesses in Criminal Cases is unauthorized by Law, the provisions of Act VII of 1841 having restricted the issue of such commissions to Civil cases alone.

2. Under these circumstances and adverting to the lengthened period that the prisoner has been under confinement, the Judges consider it to be desirable that you should make arrangements for proceeding in person to the village in which the witness in question resides and there holding a Court for his examination in the presence of the prisoner, and in the adoption of this course the Court infer that no difficulty will exist as the Village referred to is stated to be only ten miles distant from Masulipatam.

9th January 1849. (Signed) A. J. Arbuthnot.
Head Asstt. to the Register.

No 12.

To,

(No 2.)

The Officiating Secretary to Government in the Judicial Department.

Sir,

With reference to the Extract from the Minutes of

of Consultation in the Judicial Department under date the 2d Instant No 6, I am directed by the Judges of the Foujdaree Adalut to forward, for transmission to the Honorable the Court of Directors, the accompanying Copy of an Extract of their Proceedings under date the 7th December 1847 on the trial No 21 of the Bellary Calendar for 1847.

9th January 1849. /Signed/ T. H. Davidson

Registered.

No 31

To,

The Sessions Judge of Tellicherry.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your Letter dated the 4th ultimo, and in reply to inform you that the price should be given to the Prisoner, as formerly according to the standard fixed in respect weight.

13th January 1849. /Signed/ F. Lushington

Acting Senior Dy Register

No 32

To,

The Magistrate of

Coimbatore.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your Letter dated the 15th December last, enclosing copy of one from the Head Assistant Magistrate of Malabar,

and

and requesting sanction for paying to two individuals named Ramaswamy Patter and Rammair the sum of Rupees 50 each as a reward for their meritorious conduct in the apprehension of four of the Perpetrators of a Gang Robbery committed on the 1st of November 1848, and to state, that under the circumstances represented in your Letter the Judges are pleased to authorize you to make the disbursements solicited.

13th January 1849. /Signed/ F. Lushington

Acting Senior Deputy Registered.

No 36

Memo:

6 Printed forms of the Annual Jail Returns.

6 ... Do ... of the Half yearly Statement of Convicts.

Forwarded to the Magistrate of Chingleput with reference to his letter dated the 8th Instant.

By Order of the Court of Foujdaree Adalut.

16th January 1849. /Signed/ T. H. Davidson.

No 48

Registered.

Memo:

With reference to the Memorandum from the Officiating Chief Secretary to Government under date the 16th Instant the Register to the Court of Foujdaree Adalut has the honor to transmit the Original Warrant alluded to in the

Courts

Courts letter of the 5th Idem No 7.

17th January 1849. (Signed) T. V. Davidson.

No 49 To (No 3.) Registered.

The Officiating Secretary to Government.

Transmitting with Courts recommendation an Indent dated the 6th instant from the Magistrate of Malabar, for Tools required for the use of the party of Convicts located at Paulghaut.

17th January 1849. (Sentensual Letter No

No 50 Memo.

12 Printed forms of the monthly labor of Convicts forwarded to the Sessions Judge of Coimbatore with reference to his letter dated the 8th September last.

By Order of the Court of Foujdaree Adalut.

18th January 1849. (Signed) J. V. Davidson.

No 52 To Registered

The Magistrate of Masulipatam.

Sir

In acknowledging the receipt of your letter under date the 1st Instant submitting copies of a correspondence which has passed between yourself and Captain G. Ramsay Extra Assistant to the Superintendent for the suppression of Thuggee at Nagpoor relating to certain

certain confessions which have been made before that officer regarding the Murder and robbery committed at the Talook Cutchery at Ellore on the 25th March 1838; I am directed by the Judges of the Court of Foujdaree Adalut to request that you will procure from Captain Ramsay and submit for their consideration authenticated copies of the confessions to which that officer refers.

19th January 1849. (Signed) A. J. Arbuthnot.

Head Asst to the Register.

No 53 To

The Sessions Judge of Chittoor.

Sir,

I am directed by the Judges of the Foujdaree Adalut to request that you will have the goodness, at your early convenience, after the receipt of this letter, to visit, in person, the Gangs of Convicts now employed at Vellore and Arcot, and submit to this Court a full report on their condition in every department, accompanied by any suggestion that may occur to you respecting its management, and general condition. The Judges further request that you will visit the same Gangs once in every six months and immediately after such periodical visit that you will furnish the Court with a full report on all matters relating thereto which may seem to require notice.

19th January 1849. (Signed) F. Luskington.

Sr Assistant Dy Register To

No 71

To The Acting Magistrate of Tanjore.

Sir,

In reply to your letter under date the 21st Instant applying for authority to refund to certain parties a sum levied from them as fines, I am directed by the Judges of the Tanjore Adalut to state that, with reference to the Circular Order No 5 they authorize you to make the required refund.

23rd January 1849. (Signed) T. H. Davidson.

Register

No 72

Memo

12 Printed forms of the Monthly Criminal Reports No 6.

12 ——do—— of the ——do—— Labor of Convicts.

6 ——do—— of the Half yearly Criminal Statement No 7

6 ——do—— of the ——do—— ——do—— No 2.

6 ——do—— of the ——do—— ——do—— No 3.

6 ——do—— of the ——do—— ——do—— No 4

Forwarded to the Sessions Judge of Chingleput with reference to his letter dated the 5th Instant.

By Order of the Court of Tanjore Adalut.

23d January 1849. (Signed) T. H. Davidson.

Register

No 73

To

The Sessions Judge of Salem

Sir,

In reply to your letter under date the 9th instant,

instant, forwarding Copy of one from the Magistrate of the District wherein that officer requests sanction for the disbursement of Rupees 92-9-0 ninety two and annas nine on account of the cost of 204 sets of Hand cuffs manufactured under his own superintendence, I am directed by the Judges of the Tanjore Adalut to inform you that under the authority vested in them by the Order of Government of the 28th July 1843, published at page 608 of the Official Gazette of that year, they authorize the Magistrate to make the disbursement solicided.-

23rd January 1849 (Signed) T. H. Davidson

Register

No 74

To

The Session Judge of Calicut

Sir.

In reply to your letter under date the 5th Instant, I am directed by the Judges of the Tanjore Adalut to convey to you their authority for the destruction of the records therein adverted to.-

23d January 1849. (Signed) T. H. Davidson

Register

No 75

To The Session Judge of Trichinopoly.

Sir,

With reference to your letter of the 4th Instant reporting the escape of 4 Prisoners while at work on the new Gaol, I am directed by the Judges of the Tanjore

Tonjdaree Udalut to observe that you should have addressed your application for their recapture not only to the Magistrates of Trichinopoly and Coimbatore but to all those in the Southern Division.—

2. This course you will therefore immediately adopt.—

24th January 1849. (Signed) J. H. Davidson
Register

(No. 4.)

No. 78. To The Officiating Secretary to Government.

Transmitting with the Court's recommendation an Original letter from the Sessions Judge of Trichinopoly requesting sanction on Indent in duplicate on the Commissary of Ordnance at Trichinopoly for the supply of Casks to be used as water Casks on the roads under repair.—

24th January 1849. (Sent usual letter)

No. 83 To The Sessions Judge of Chingleput

Sir

1. With reference to your letter under date the 2nd September 1848 transmitting for submission to Government a Manuscript prepared by Dr. Hunter, the Village Surgeon, entitled "Amusement for Idle Hours and Hints for improving the resources of India," I am directed by the Judges of the Tonjdaree Udalut to observe that the proper channel for submitting the paper in question to Government is the Chief Secretary, to whom you will be pleased to advise Dr. Hunter to address the same.—

2. The Manuscript is accordingly returned.—

25th January 1849 (Signed) J. H. Davidson Regr
Memo

Memorandum

4. Printed forms of the Half yearly Criminal Statement No. 1
4 do of the do do No. 2.
Forwarded to the Magistrate of Salem with reference to his letter dated the 19th Instant.

By Order of the Court of Tonjdaree Udalut.
(Signed) J. H. Davidson.
Register.
26th January 1849.

No. 87 To

The Acting Subordinate Judge of Salem.

Sir,

I am directed by the Judges of the Tonjdaree Udalut to request that, immediately upon the receipt of this communication, you will forward, under a suitable escort and with due regard to the standing orders on the subject a party of one hundred (100) able bodied convicts, to the Joint Magistrate at St. Thomas's Mount there to be employed on Military works.—

26th January 1849. (Signed) J. H. Davidson.
Register.

No. 88 To (No. 5.)

The Officiating Secretary to Government in the Judicial Department.

Sir

1. I am directed by the Judges of the Tonjdaree Udalut to report with reference to the Extract from the Minutes of Consultation in the Judicial Department under date the 20th

20th December 1848. № 832. that the Officer in charge of the Jail at Salem has been instructed to forward one hundred Convicts to the Joint Magistrate at St. Thomas's Mount to be employed on the Military Works referred to in the Minutes of Council.

2. The Magistrate of Chingleput reports that he has ascertained that suitable accommodation can be provided at the Mount for the safe custody of the party; and he suggests that the Prisoners be placed under the control of the Magistracy of the District in which case, he can arrange for the payment of the necessary expences, and their immediate superintendence through the Joint Magistrate.

3. The Judges are of opinion that this suggestion is judicious.

26th January 1849. (Signed) T. H. Davidson

Registered.

№ 89

To

The Magistrate of Chingleput

Sir,

With reference to your Letter of the 2nd instant I am directed by the Judges of the Foujdaree Adalut to inform you that the Subordinate Judge of Salem has been instructed to forward to the Joint Magistrate at St. Thomas's Mount one hundred convicts for employment on Military Works.

2. As in his Letter to you of the 30th ultimo the Joint Magistrate expresses an opinion that certain shifting

Repairs may be necessary to be made to the Building which is to be appropriated to those Convicts, the Judges deem it desirable that you should make arrangements for effecting such repairs as you may consider absolutely necessary to ensure their safe custody.

26th January 1849. (Signed) T. H. Davidson

Registered.

№ 90 To

The Session Judge of Chingleput.

Forwarding copy of para: 8 from a General Letter of the Honorable Court of Directors conveying observations relative to the labour of the Treadmill in the Chingleput Jail.

Central Letter №

27th January 1849.

№ 98 To

The Session Judge of Masulipatam.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter under date the 15th instant, and in reply to inform you, that under the authority vested in them by the Order of Government of the 28th July 1843, published at page 600 of the Official Gazette of that year, they sanction the amount of Batta paid to the Children of Convicts in the Jail under your charge, during the 4th Quarter of 1848, namely, Rupees (5-12-) five and Annas twelve.

30th January 1849. (Signed) T. H. Davidson.

Registered.

To

No 99 To The Sessions Judge of Nellore

Sir

1 I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of your letter of the 19th Instant, submitting copy of a correspondence which has passed between yourself and the Civil Engineer of the Divisions regarding the erection of a Gallows at Nellore, and requesting that the sanction of Government may be obtained for the construction of a Gallows upon the plan prepared by the Civil Engineer at a cost of Rupees 305 three hundred and five.

2 Before submitting this application for the orders of Government, the Judges of the Foujdaree Udalut desire me to request that you will report for their information whether the labor of the prisoners in the Jail under your charge may not be rendered available for the execution of a portion of the work referred to.

3 The Judges infer that the stone work of the Gallows might be executed by the Prisoners and that the outlay to be entailed upon Government might thus be restricted to the purchase of wood materials.

30th January 1849 (Signed) T H. Davidson

Register

No 107 Memorandum

12 Sheets of the Printed Calendars forwarded to the Sessions Judge of Cuddapah with reference to his letter dated the 20th Ultimo.

By Order of the Court of Foujdaree Udalut

1st February 1849. (Signed) T H. Davidson

Register

No 108 Memorandum

8 Printed forms of the Half yearly Criminal Statement No 4

12 do. of the Monthly Criminal Reports No 6.

12 do. of the do. Labor of Convicts

Forwarded to the Sessions Judge of Tellicherry with reference to his letter dated the 19th Ultimo.

The Statement required by Circular Order No 77, is not furnished, there being none in store.

By Order of the Court of Foujdaree Udalut

1st February 1849. (Signed) T H. Davidson

Register

No 112 To The Sessions Judge of Chittoor

Sir

1 I am directed by the Judges of the Foujdaree Udalut to request that you will furnish forms of statements required by this Court's letters dated 25th July 1838 and 25th July 1843 to the Officer in charge of Convicts at Arcot and call upon him to submit to this Court at the stated periods the statement shewing the manner in which the services of Convicts were disposed of for the 2d half of 1848 and the Jail Return for the year 1848 and to continue the same in future.

I am

2. Same further directed to request that you will also furnish a form of Jail return to the Officer Commanding Vellore and request him to submit to this Court the information therein required for the year 1848 and to continue the same for the future - this Officer however does furnish to this Court the statement required by Circular letter dated 25th July 1838 -

6th February 1849 - / Signed / T H Davidson
Register

N: 113. To
The Session Judge of Chingleput

Sir

With reference to this Court's letter of the 9th Ultimo I am directed by the Judges of the Fanjdaree Udalut to request that you will furnish to the Officer in charge of the Jail at Guindy with copies of all the orders in force regarding the custody of Convicts and the discipline to be observed in the Jail under this Presidency, which the Judges desire may in future be strictly attended to in the Jail at Guindy -

6 February 1849 / Signed / A J Arbuthnot
Asst to the Regr

N: 114 To
The Session Judge of Mangalore

Sir,

Adverting to the Statement dated the 19th Ultimo of servants dismissed or suspended from Office in the Subordinate Court of Mangalore during the Quarter ending the 31st December 1848 I am directed by the Judges of

of the Fanjdaree Udalut to communicate to you their opinion that the Circular Order of the 7th June 1834 - relating to servants in the Judicial Establishments, was not intended to include Jail Peons at all - and still less "Extra Jail Peons" the class of persons to which the servant mentioned in the said Statement is described as belonging -

6th February 1849 - / Signed / T H Davidson
Register

N: 115 Memorandum

With reference to the Memorandum from the Subordinate Judge of Combaconum under date the 7th Ultimo the Register to the Court of Fanjdaree Udalut has the honor to return the Cadjan documents which accompanied the letter from the late Provincial Court in the Southern Division under date the 14th May 1840 -

6th February 1849 - / Signed / T H Davidson
Register

N: 131 Memorandum

2 Printed forms of the annual Jail Returns forwarded to the Session Judge of Chingleput for the use of his Court -

By Order of the Court of Fanjdaree Udalut -

8th February 1849 - / Signed / T H Davidson
Register

N: 132 Memorandum

2 Printed forms of annual Jail Returns forwarded to the Subordinate Judge of Combaconum for the use of his Court -

By Order of the Court of Fanjdaree Udalut

8th February 1849 - / Signed / T H Davidson
Register

To

No 133. To

The Sessions Judges of Trichinopoly

Communicating Order of Government for the despatch to him of certain Casts for the use of Prisoners.

8th February 1849. | Signed | T H Davidson

Register

No 136 To

The Magistrate of Malabar

Sir,

The Statement of Contingent Charges for fasly 1257 called for by this Court under date the 26th September last, not having as yet been received I am directed by the Judges of the Fanjdaree Adalut to request that you will forward the same without delay.

10 February 1849. | Signed | F Lushington

Ag Senior Dy Regr

No 139 and 140 To

The Sessions Judges of Cuddalore and Chittoor

Sir,

With reference to my letter of the 23d December last, requesting you to hold in readiness a party of Convicts for employment on certain works at St Thomas's Mount, I am directed by the Judges of the Fanjdaree Adalut to request that you will consider that requisition as withdrawn the Subordinate Judge of Salem having been required to furnish the requisite number.

12th February 1849. | Signed | T H Davidson

Regr

No 141 To

The Magistrate of Salem

Sir,

I am directed by the Judges of the Fanjdaree Adalut to acknowledge the receipt of your letter of the 19th Ultimo submitting for their orders, a copy of a correspondence with the Joint Magistrate in which that Officer applies for instruction as to whether certain lands attached by him under the provisions of Section XVIII Regulation IX of 1816, should be released or not and to inform you that, with reference to the Circular Order of the 26th November 1822, the question should be submitted through the Sessions Judge, in order that that Officer may have an opportunity of recording his opinion on the point at issue.

12th February 1849. | Signed | T H Davidson

Register

No 145 To

The Acting Sessions Judge of Cuddalore

Sir,

1 With reference to the annexed copies of an Extract from a * Letter from the Secretary to the Medical Board to the * para 16 Chief Secretary to Government, and of the * para 11 Extract from the Minutes of Consultation held thereon, I am directed by the Judges to request that you will, in communication with the Medical Officer at your Station, submit a full report upon the causes, to which in your opinion may be attributed the unfavorable results noticed by the Medical Board in respect to the health of the Prisoners confined in the Cuddalore Jail.

The

2. The Judges further request that you will submit your opinion in regard to the recommendation of the Medical Board, for an increased allowance of rice, and ammunt for dals to the Convicts subjected to hard labor.

13th February 1849. | Signed | J. Lushington
Ag. Senior Deputy Regr.

N. 146 To Circular
The Several Sessions Judges.

Sir,

1. I am directed by the Judges of the Court of Tanjadore Udalut to request that you will in future visit twice a year each of the gangs of Convicts detached from the Zillah Jail in the District under the Jurisdiction of the Court over which you preside.

2. On these occasions you will be pleased to report for the information of the Judges of the Tanjadore Udalut whether the rules in force for the safe custody of prisoners and the preservation of Jail discipline, appear to be duly observed in regard to the several gangs referred to.

| Signed | A. J. Arbuthnot
Hd. Asst to the Regr.

N. 147 To
The Magistrate of Salem

Sir

I am directed by the Judges of the Tanjadore Udalut to transmit to you the accompanying copy of a Role of a Convict who is supposed to have deserted from Prince of Wales

Wales Island, in view to his recapture, if he shall appear in your District.

13th February 1849. | Signed | T. H. Davidson
Register.

The same to the Magistrates of

Tanjore	Rajamundry
South Arcot	Vizagapatam
Tinnevelly	and
Masulipatam	Ganjam

N. 148 To
The Magistrate of Chingleput

Communicating Order of Government adopting a suggestion that the body of Convicts ordered to St. Thomas's Mount for the execution of certain Military works may be placed under the Superintendence of the Magistracy of Chingleput.

13th February 1849. | Signed | T. H. Davidson
Register.

N. 149 To
The Superintendant of Government Roads
at Guindy

Sir,

In acknowledging the receipt of your letter of the 12th Instant reporting the occurrence of 6 deaths from Cholera in the Jail at Guindy, I am directed by the Judges of the Court of Tanjadore Udalut to inform you that under the circumstances therein stated they are pleased to sanction the issue of a double allowance of condiments to the prisoners in the Jail for such a period as the Medical Officer in charge may consider it to be required.

13th February 1849. | Signed | A. J. Arbuthnot
Hd. Asst to the Regr.

No 151. To

The Magistrate of Chingleput

Sir,

With reference to your letter under date the 27th October 1848, reporting on the refusal of the Puisne Judge of Her Majesty's Court of Judicature to endorse a process issued by the Ecclesiastical Assistant Magistrate of Chingleput for the apprehension of a party resident within the limits of Madras, I am directed by the Judges of the Fauzdaree Udalut to transmit to you the accompanying Copy of a letter from the Judges of the said Court to the Right Honorable the Governor in Council, on the subject.

I am also directed to return the original warrant which accompanied your letter, under notice, which you will now retransmit to the Sheriff of Madras for the purpose of being served on the party referred to.

16th February 1849. I have the honor to be &c

(Signed) J H Davidson

Register.

No 152 To

The Magistrate of Malabar.

Communicating Order of Government on his Student for certain books.

16th February 1849. (Signed) J H Davidson

Register

F

No 153. To

The Magistrate of Canara

Sir,

I am directed by the Court of Fauzdaree Udalut to state that in the Statement of Contingent Charges submitted by you under date the 6th November last, for fusly 1257, a charge of Rupees 9-15-1 incurred on account of Extra Servants employed to guard the Convicts and entered in the Statement for fusly 1256 has been omitted, this omission has however been supplied in this Court and marked Item No 4, and the Judges request that a corresponding entry may be effected in the records of your Office, and that you will also be pleased in future to have the particulars of Charges exhibited in one and the same Statement as the present practice of submitting separate enclosures is likely to lead to much confusion.

16th Febuary 1849. (Signed) F Lushington

for Senior Deputy Regr

No 158 To

The Register of the Nizamut Udalut

Calcutta

Sir,

I Section III of Act XIX of 1848, an act "for better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras" provides that the Nizamut Udalut or Fauzdaree Udalut, in "any case in which it shall appear to either of them, upon a "review of the Abstract Statements or Calendars of Prisoners "furnished without reference, that the verdicts or Judgment

pronounced

pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of that Court in which the conviction was had to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the Verdict, Judgment or sentence and thereupon, the Nizamut Udalut or Fouzdaree Udalut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe; and in either case, shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Udalut or Fouzdaree Udalut, and, if necessary, amend the record in accordance therewith.

2. When the Fouzdaree Udalut at Madras were invited by the Supreme Government to submit their opinion on the merits of this Act they, in their reply, observed that the course of proceeding indicated in Section II was precisely what had been pursued for many years in this Presidency - but that Section III professed this further advantage - that it gave the Fouzdaree Udalut liberty (besides mitigating sentences deemed to be too severe) to annul any verdict, judgment or sentence upon a review of the abstract statements or Calendars, calling upon the Judge of the Lower Court (should they see fit so to do) - for further information or explanation -

The

3. The Fouzdaree Udalut at this Presidency, whose reply to the reference was dispatched so far back as the 1st July 1818 - and who have never received any intimation from the Supreme Government that their construction of the Law was incorrect and inconsistent with the views and intentions of the Legislature in framing that Law - have ever since acted upon that construction and accordingly mitigated sentences which, upon a review of the abstract statements or Calendars appeared too severe, without calling for further information from the Lower Court.

4. But a Sessions Judge of this Presidency has recently urged that this course of Proceeding is contrary to the intendment of Act XIX of 1818 - and that under that Act, a sentence of a Subordinate Court cannot be either mitigated or annulled unless the Record - at least so far as each Prisoner in whose favour the sentence is proposed to be mitigated or annulled - be first called for and he has supported this position with arguments of such cogency as to induce the Judges of the Fouzdaree Udalut to solicit of the Court of Nizamut Udalut at Calcutta - a reply to the following questions - First: What is the construction put by the Nizamut Udalut upon Section III of Act XIX of 1818 - so far as it respects the point above mooted - Secondly - What was the practice in force before that Act was passed -

5. It has occurred to the Judges of the Fouzdaree Udalut that there may be some difference between the "abstract Statements or Calendars" referred to in the Act of Bengal and Madras - and I am therefore directed to forward to you a

Copy

copy of one received from Calicut for the purpose of showing the manner in which such Statements are prepared in this Presidency.

20th February 1849. / Signed / T. H. Davidson

Register

N. 167. To N. 6.

The Secretary to Government
in the Judicial Department.

Sir

1. Adverting to the Extract from the Minutes of Consultation in the Judicial Department under date the 18th November 1848 N. 756 forwarding for their report a copy a letter from the Secretary to the Government of Bombay in which information is requested as to the practice of the Madras Presidency in regard to the transmission to Government of Petitions which are addressed to it by Convicts and whether such Petitions are transmitted through the Sudder Udalut, and if so, whether it is imperative, or otherwise, on the Court to forward them, in every instance, to their address - I am directed by the Judges of the Fouzdaree Udalut to state that there are no Rules in force in this Presidency relative to Petitions excepting only those contained in the Printed Orders of Government dated the 16th May 1837.

2. There are no Rules in existence requiring that Fouzdaree Udalut to forward Petitions to Government. If Convicts or others who may petition this Court against the sentences or orders of the lower Courts be dissatisfied with the

the way in which their appeals are disposed of, it is open to them to prefer a final appeal to the Government, in accordance with the Rules above cited.

3. The fact is, however that no Petitions are ever sent in the first instance to the Fouzdaree Udalut, for transmission to Government. It is believed that Petitions from Convicts are not frequently sent direct to Government who then dispose of them in any manner they may deem proper.

26th February 1849. I have the honor to be &c.

/ Signed / T. H. Davidson

Register

N. 170 To

The Acting Sessions Judge
of Salem

Sir,

I am directed by the Judges of the Fouzdaree Udalut to acknowledge the receipt of your letter of the 2d Instant and in reply to inform you that they authorize the release of "Nundy" the prisoner in Case N. 36 of the Calendar of the Sessions Court of Salem of 1848 upon his sons entering into satisfactory security to take charge of him and prevent his doing injuries to the community.

27th February 1849. / Signed / T. H. Davidson

Register

(No 7)

N. 183 To

The Secretary to Government

Forwarding an Indent by the Zillah Judge of Combaconum for certain Articles -

1st March 1849 - (Signed) T. H. Davidson

Register

N. 184 To

The Session Judge of Combaconum

Sir,

In reply to your letter of the 16th Ultimo I am directed by the Judges of the Court of Foujdaree Udalut to inform you that it is their wish that each of the Jails in the several Zillahs under their jurisdiction should be visited by the Session Judge with once in the course of each year -

1st March 1849. (Signed) A. J. Arbuthnot

A. Assistant to the Regr

N. 185 To N. 8.

The Secretary to Government

in the Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Udalut to return the Petition addressed to Government by Prabaccaren Iyer - the Agent of Gazoora poody Gounda pah arrack Renter of the Talook of Goorrumconda in the Zillah of Cuddapah to which is annexed an order dated the 7th January 1849 requiring the Judges to report their opinion of the Proceedings

of the Magistrate of Cuddalore in the Petitioners Case, with reference to the observations of the Subordinate Judge before whom he was tried -

2. The Judges observe that the Petitioner makes no complaint against the proceedings of the Magistrate in the Case alluded to in the Extract from the Proceedings of the Subordinate Court under date the 17th June 1847 - If he had been aggrieved, he might then have complained - The present representation appears to be to the effect that he apprehends that harsh usage may be used towards him by the Magistrate in reference to a complaint which has recently been preferred against him -

3. But the Judges observe that if the Petitioner should really experience any improper usage from the Magistrate, he should immediately represent the same, in the usual course, either to the Sessions Court or the Court of Tanjore Udalut, when it will receive all due consideration -

2d March 1849 - (Signed) T. H. Dandeson
Register

No 197. Memorandum

The Sessions Judge of Trichinopoly is informed, that the Cases referred to in paras 1 and 2 of the Extract from the Proceedings of the Tanjore Udalut, under date the 2d Instant, are No 125 and 126 of the Criminal Report for the Month of January last -

By Order of the Court of Tanjore Udalut -

3d March 1849 - (Signed) T. Lushington
Ag Senior Deputy Reg

To

No 198. To

The Sessions Judge of Trichinopoly

Sir,

1. I am directed by the Judges of the Tanjore Udalut to return for amendment the annual Jail Return for the year 1848 submitted by you on the 3d Ultimo -

2. In column No 10 of this Return, I am directed to observe, the same error occurs, which appeared in the Jail Returns for the years 1845 1846 and 1847 and which

† L. Cs. Letters dated 10th March 1846 " " 4th Feby 1847 " " 8th " 1848 -

† was on each occasion pointed out to the Sessions Judge, with a request that it might be avoided in future -

This frequent repetition of the same mistake, appears to the Judges to evince great carelessness on the part of your Establishment; as well as a want of proper supervision, and they request that you will adopt measures to prevent its recurrence -

3. I am further directed to observe that the number of Prisoners entered in Column No 11 does not appear to correspond with that entered in Column No 2. This error you will be pleased to correct, and in retransmitting the Statement, you will also be pleased to explain whether the 328 Cases of sickness in the year entered in Column No 14 are the number of admissions in the Hospital during the year - or, if such be not the case, upon what principle this item is calculated -

5th March 1849 - (Signed) T. Lushington
Ag Senior Deputy Register

To

N: 207 To

N: 9

The Secretary to Government
in the Judicial Department

Sir,

1 I am directed by the Judges of the Fouzdaree Udalut to state that in Case N: 6 of the Calendar of the Sessions Court of Cuddapah of 1849 three persons were charged with Gang Robbery by open violence in having on the night of the 24th December 1848 proceeded in company with others armed with Axes Swords Clubs &c and with lighted torches to the Prosecutor's house and having broken it open plundered them from property valued at Rupees 1356 10.

2 The Prisoners were convicted and sentenced to Imprisonment with hard labour in Irons for fourteen years.

3 It seems from the evidence that on the approach of the Gang, the Prosecutor the owner of the house) escaped but Cassavcoloo Reddy the Village Moonsif and his three sons and Nephew with a few other Inhabitants of the Village, immediately upon being informed of the occurrence, went forth and attacked the Gang, drove them back and recovered a considerable portion of the property which the Robbers had already secured.

4 So vigorous was the resistance, that it appears that no less than eight of the Robbers were found dead in the immediate neighbourhood of the Prosecutor's house, and the three

three Prisoners who as above stated were convicted and sentenced, were themselves wounded during the fight.

5 It is also to be noticed that the Village Moonsif and three of his supporters also received wounds during the encounter.

6 The Magistrate recommends (and his recommendation is supported by the Sessions Judge) that the sum of Rupees (800) eight hundred should be divided amongst the persons mentioned in the Margin, and in the proportions indicated against their respective names.

		Rs
1	Cassavcoloo Reddy Village Moonsif	300
2	Ramareddy son of	100
3	Gungareddy son of	100
4	Pedalanah son of	100
5	Chenchoobutloo alias Chenchareddy Nephew of	100
6	Besta Ramavcloo a Ryot	25
7	Besta Vencata	25
8	Besta Gungavcloo	25
9	Nagasem	25
		Rupees 800

7 In consideration of the very meritorious service rendered by the parties on this occasion and of the effect which it cannot fail to have in encouraging the inhabitants of Cuddapah to oppose a determined resistance to the attacks of Gang Robbers which are now unhappily too prevalent in that District the Judges of the Fouzdaree Udalut beg leave to recommend that the special sanction of Government be granted for the disbursement of the sum above mentioned in the way there indicated and they would respectfully suggest that the best effects might be expected to follow if the Government on this occasion would allow it

it to be intimated to the parties in question, by the European authorities of the District, that their courageous resistance to the Gang had elicited the approbation of the Government

7th March 1849 | Signed | T H Davidson
Register

N. 209 To The Sessions Judge of Tinnevelly

Sir,

I am directed by the Judges of the Fayzabad Udalut to inform you in reply to your letter of the 15th Ultimo, that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, they sanction the amount suspended in raising parapet walls round two wells in use by the Convicts at Palamcottah - namely Rupees (3-14-1) three annas fourteen and pie one.

9th March 1849 | Signed | T H Davidson
Register

N. 210 To The Secretary to Government in the Judicial Department

N. 10.

Sir,

1 I am directed by the Judges of the Fayzabad Udalut to return the Petition forwarded to Government by certain Ryots of the Chennoor Talook in the Zillah of Cuddapah complaining of certain illegal acts on the part of the Magistrates of that District - which was referred

referred to this Court for disposal -

2 The Petition was sent to the Magistrate for his Report - and as the Reply of the Joint-Magistrate in charge contains some important statements in regard to the manner in which signatures to it were procured - the Judges have deemed it their duty, with reference to previous correspondence, to lay the annexed copy of it before Government -

9th March 1849 - | Signed | T H Davidson
Register

N. 214 Memorandum

6. Printed forms of the Half yearly Criminal Statement N. I.

6 ____ do. ____ of the ____ do. ____ N. II.

Forwarded to the Sessions Judge of Guntoor with reference to his letter dated the 26th Ultimo -

By Order of the Court of Fayzabad Udalut

10th March 1849 - | Signed | T H Davidson
Register

N. 215 Memorandum

8. Printed forms of the Half yearly Criminal Statement N. III

8 ____ do. ____ of the ____ do. ____ N. IV

Forwarded to the Sessions Judge of Canara with reference to his letter dated 13th Ultimo -

By Order of the Court of Fayzabad Udalut -

10th March 1849 - | Signed | T H Davidson
Register

To.

No. 11.

No. 216 To

The Secretary to Government
in the Judicial Department

Sir,

1. With reference to Sections III and IV of Act No. IV of 1849 "An Act for the safe Custody of Criminal Lunatics" I am directed by the Judges of the Fanjdaree Udalut to report that in Case No. 29 of Log of the Calendar of the Sessions Court of Tinnevelly a Brahmin named Iyacoodanmen was acquitted of the Crime of Murder on the ground that at the time the act was committed, the prisoner was not in a sound state of mind.

2. After his acquittal he was placed in the Jail Hospital under the observation of the Zillah Surgeon and that Officer having reported his opinion, at the end of six Months, and again, after the expiration of a year, that the individual in question was sane, and might be restored to his friends without danger to the community, his relations were sent for and they having engaged to be answerable for his safe keeping and conduct, the Sessions Judge gave him over to their charge on the 16th December last.

3. On the following morning it was reported that the man had decamped from his father's house, and his relations having recaptured him on the 18th December, they took him back to the Court House, declaring

declaring that they could no longer be answerable for his conduct, unless they were permitted to put him in Irons.

4. As, when he appeared in Court, the man refused to speak or even to walk without assistance, he was again placed under the observations of the Zillah Surgeon who, in a letter to the Sessions Judge dated the 20th February last, reports that he sees no ground to modify the opinion he gave in two former letters dated 5th June and 14th December 1848 to the effect that the man was perfectly sane.

5. It appears, however, from the sentence recorded in the Calendar, that the mans relatives and neighbours stated before the Sessions Court, that for three years before, he had been liable to periodical attacks of Insanity, and that on the occasion when the crime for which the prisoner was tried, was committed, he had escaped from his fathers house in which he had been put under restraint.

6. The age of man is thirty years and his father is an old man and unequal to such a charge. The man's father in law is the person to whose care he was before made over and he was refused to receive and be answerable for his son in laws conduct, unless he be authorized to hand cuff him or chain him to the house.

7. The Sessions Judge adverting to the opinion of the Medical Officer that the man is not a fit subject for a Lunatic Asylum, states that with reference to the serious crime he committed (an act he admits which can be accounted for only by the supposition that the man was not in his right senses at

at the time) he cannot recommend that he be again discharged unless due measures be taken for his safe custody.

8. The Judges solicit the instructions of Government in regard to the disposal of the individual in question.

10th March 1849. | Signed | T H Davidson

Register

No. 219. To

The Acting Sessions Judge of Coimbatore

Sir,

1. I am directed by the Judges of the Fanjdaree Udalut to acknowledge the receipt of your letter of the 3d Instant requesting instructions as to the mode in which the Provisions of para 3d of the Circular Order No. 185 should be carried out - and also as to the propriety of forwarding with the Monthly Report from the Session Court a Report of the Sentences passed by the Magistracy, under Section LIV of Act VII of 1843.

2. The Judges observe that it is not necessary for the Subordinate Court to forward the Proceedings and those of the Police to the Sessions Judge, in order that the Sentences may be reviewed - The course of proceeding indicated in para 4 of your letter is that which should be observed.

3. Adverting to para 3 the Judges observe that a Monthly Report in Form B, of Sentences passed by the Magistracy under the Provisions of Section LIV of Act VII of 1843, ought always to be forwarded together with the Monthly Statched Report from the Session Court.

12th March 1849. | Signed | T H Davidson

Register

No. 220 To

The Session Judge of Masulipatam

Sir,

I am directed by the Court of Fanjdaree Udalut to return to you the Jail Return for 1848 and to state that the sum of Rupees 145 4 87/16 entered in Column 16 is divided by 243 Prisoners whilst the total number of Prisoners in Column 2 is only 234 - You are therefore requested to have the statement amended or furnish an Explanation of the discrepancy.

12th March 1849. | Signed | T H Davidson

Register

No. 221 To

The Subordinate Judge

of Rajahmundry

Sir,

I am directed by the Court of Fanjdaree Udalut to return to you the Jail Return for 1848 because the entries in Columns 7 and 8 and 11 and 12 do not respectively correspond with that in Column 2 - You are therefore requested to have the Statement amended and retransmitted without delay.

12th March 1849. I have the honor to be &c

| Signed | T H Davidson

Register

To

N. 223. To

The Subordinate Judge of Chittoor

Sir

In acknowledging the receipt of your letter under date the 17th August 1848 submitting copies of letters which have passed between yourself and the Officer Commanding at Arcot and the Superintendent of Police at Vellore regarding the issue of advances to those officers for the provision of the Monthly supplies required for the Convicts under their charge; I am directed by the Judges of the Tanjore Udalut to inform you that they consider the issue of the advances in question to be unobjectionable, and accordingly authorize you to continue them.

13th March 1849. (Signed) A J Arbuthnot

Asst to the Regr.

N. 224. To

The Subordinate Judge of Cuddapah

Sir,

I am directed by the Court of Tanjore Udalut to return for amendment the annual Jail Return for the year 1848, because the reasons for non employment of prisoners with reference to Column 12 have not been stated. This omission you will now be pleased to supply, and, in retransmitting the statement, you will also be pleased to explain whether the 310 Cases of sickness in the year entered in Column N. 11, are the number of admissions in the

the Hospital during the year, or, if such be not the case, upon what principle the item is calculated

13th March 1849. (Signed) T H Davidson

(N. 17) Register

N. 229 To

The Secretary to Government

in the Judicial Department

Sir

1 I am directed by the Judges of the Tanjore Udalut to report that a communication has been received from the Sub Collector in charge of the District of Coimbatore, soliciting sanction for an expenditure amounting to Rupees (3 . . .) on account of certain Convicts transferred from Ootacamund to Salem in the Month of January 1845.

2 The expences are represented to have been incurred for a period of 16 days namely from the 7th to the 23rd January 1845.

3 The Judges of the Tanjore Udalut beg to recommend that the sanction of Government be granted for the Charges in question

14th March 1849. (Signed) T H Davidson

Register

N. 230 To

The Sessions Judge of Chingleput.

Sir,

1 I am directed by the Judges of the Tanjore Udalut to return to you the Jail Return for 1848 because the Entries in Columns 7 and 8 do not correspond with

with that in Column 2 and the charge of Rupees 11-3-6 entered in Column 16 appears to be incorrect

2 You are therefore requested to have the statement amended and re transmitted without delay.

14th March 1849 (Signed) T H Davidson

Register

No 231. To

The Sessions Judge of Tellicherry

Sir,

I am directed by the Court of Fouzdaree Udalut to return for amendment the Jail Return for 1848 because the entry in Column 11 does not tally with that in Column 2. This error you will be pleased to correct, and, in re transmitting the statement, you will also be pleased to explain whether the 104 Cases of sickness in the year entered in Column No 11 are the number of admissions in the Hospital during the year, or, if such be not the case, upon what principle this item is calculated.

14th March 1849 (Signed) T H Davidson

Register

No 232 To

The Principal Sudr Ameen of Cochin

Sir

Adverting to the Jail Return for the year 1848 I am directed by the Court of Fouzdaree Udalut to request that you will explain whether the 56 Cases of sickness in the year entered in Column No 11 are

the number of admissions in the Hospital during the year, or, if such be not the case upon what principle this item is calculated.

14th March 1849 (Signed) T H Davidson

Register

No 233. To

The Officer Commanding Vellore

Sir,

1 I am directed by the Judges of the Fouzdaree Udalut to return the Jail return for the year 1848, with a view to its being filled up in one of the five printed forms herewith furnished, and to state that the Columns 3-4-5 and 6 should correspond with the Column 2 of the printed statement.

2. In transmitting the statement you will explain why so large a sum as that of R 1 10 4 per each prisoner for a week has been expended while it is observed in similar statements from other Officers, that the expense for a prisoners subsistence and Cost of Guard amounts only to about 12 annas a week; and you will also explain how so large and a similar sum as R 1 10 4 a year per each prisoner for Clothing and bedding has been expended.

14th March 1849 (Signed) T H Davidson

Register

No 234. To

The Sessions Judge of Combaconum

Communicating sanction of Government to an Indent for working tools for the Convicts under the

the Subordinate Judge and returning the Indent.

14th March 1849. | Signed | T H Davidson

Register

N. 236 To

The Session Judge of Cuddapah

Sir,

1. With reference to your letter of the 27th January last, I am directed by the Judges of this Fanjdarree Udalut to inform you that under section XXXVII Regulation VIII of 1802. you are at liberty to employ an Extra Translator in translating the Records of the Trials which have been referred to, or called up by this Court.

2. So soon as you shall be able to dispense with his services, (and the Judges feel assured that you will not retain him longer than is absolutely necessary) you will be pleased to submit for the special sanction of Government through this Court, a statement of the expenditure incurred.

15th March 1849. | Signed | T H Davidson

Register

N. 238.

Memorandum

30 Sheets of the Printed Calendars forwarded to the Acting Session Judge of Cuddalore with reference to his letter dated the 11th December last.

By Order of the Court of Fanjdarree Udalut

16th March 1849. | Signed | T H Davidson

Register

To

N. 239 To

The Officer in Charge of the Jail

at Cuddapah

Sir,

1. I am directed by the Judges of the Court of Fanjdarree Udalut to request that you will direct the daily attendance until further orders of twenty prisoners from the Jail under your charge at the Sudder Court House for the purpose of removing prickly pear from the Court House compound and performing other work with a view to the improvement of the premises to which the Judges consider that the labor of the prisoners may with propriety be applied.

2. The Judges desire that the attendance of the prisoners in question may commence on the morning of the 19th Instant: when one of the officers of the Court will be in readiness to point out to the Duffadar in charge the work upon which they are to be employed.

16th March 1849. | Signed | A J Arbuthnot

Dy. Agt. to the Register

N. 240

Memorandum

The Calendar referred to in para 13 of the letter of the Session Judge of Salem under date the 1st Instant is herewith forwarded to that Officer.

By Order of the Court of Fanjdarree Udalut

16th March 1849. | Signed | T H Davidson

Register

To

No: 241 To No: 13

The Secretary to Government
in the Judicial Department

Sir,

1 The Sessions Judge of Chittoor having been desired under the Order of the Court of Tanjadore Udalut to inspect the Gangs of Convicts stationed at Vellore and Arcot and to report upon their condition, has suggested among other improvements that some walls standing in the yard attached to the Building in which the Arcot Prisoners are confined, should be removed, as they cause much obstruction and are apparently of no use, and he suggests, therefore, that an inspection should be made by the Civil Engineer with the view of ascertaining whether there would be any objection to their being down.

2. If the Right Honorable the Governor in Council sees no objection to this course, the Judges beg that authority may be granted for calling upon the Civil Engineer to make the necessary inspection of the Building in question.

16th March 1849. (Signed) T H Davidson
Register

No: 242. Memorandum

24 Sheets of the Printed Calendars forwarded to the Sessions Judge of Madura with reference to his letter dated

last the 8th Ultimo.

By Order of the Court of Tanjadore Udalut
(Signed) T H Davidson
Register

16th March 1849.

No: 243 Memorandum

*In two Parcels 150 Sheets of the Printed Calendars forwarded to the Subordinate Judge of Chittoor with reference to his letter dated the 28th Ultimo.

By Order of the Court of Tanjadore Udalut
(Signed) T H Davidson
Register

16th March 1849.

No: 244 Memorandum

*In two Parcels 55 Sheets of the Printed Calendars forwarded to the Acting Sessions Judge of Coimbatore with reference to his official Memorandum dated the 8th Instant.

By Order of the Court of Tanjadore Udalut
(Signed) T H Davidson
Register

16th March 1849.

No: 251 To
The Subordinate Judge of Combaconum

Sir,

I am directed by the Judges of the Tanjadore Udalut to return the statement showing the manner in which the Convicts under your charge have been employed for the 2nd half of 1848, with a view to its being filled up in one of the five printed forms hereunto furnished and to state that the number of persons employed on the several works particularized in

in the Statement should correspond with the total -

17th March 1849 | Signed | T H Davidson

Register

N. 252. To

The Session Judge of Trichinopoly

Sir,

I am directed by the Court of Fanjdaree Udalut to return the Statement shewing the manner in which the Convicts were employed for the 2d half of 1848, with a view to its retransmission filled up in one of the five printed forms hereunto furnished, and to state that it appears from the Jail Report annexed to the Criminal Reports for the Month of December 1848 that there were 447 Convicts on the 31st of that Month including the 30 persons who were held to security; whereas the Statement of Convicts under review shews 426 prisoners on that date, instead of 417 -

The Column No 2 of this Statement should shew only the number of Convicts exclusive of prisoners in Confinement in default of finding security -

17th March 1849 | Signed | T H Davidson

Register

N. 258 To

The Session Judge of Mangalore

Sir,

1 I am directed by the Judges of the Fanjdaree Udalut to acknowledge the receipt of your letter of the 23d Ultimo, transmitting copy of a letter from the Subordinate

Judge, and reporting the escape of two Convicts from the Jail on the Morning of the 20th Ultimo

2. The Judges consider the explanation of the manner in which the Convicts effected their escape to be far from satisfactory, and they request that the Subordinate Judge may be instructed to issue immediate Orders for placing the Prisoners in Hospital under the same strict surveillance as those confined in the Jail -

3. The Session Judge will also be pleased to direct the removal of the gratings now placed on the drains, and the substitution of others of a stronger description

20th March 1849 | Signed | F Lushington

Ag. Senior Dy Regr.

N. 265. To

The Acting Session Judge of Coimbatore

Sir,

1 I am directed by the Court of Fanjdaree Udalut to return the Statement shewing the manner in which the services of Convicts were disposed of for the 2d half of 1848 and to state that the total number of Convicts on the 31st December last does not correspond with the Jail report annexed to the Criminal reports for the Month of December 1848 -

2. You are therefore requested to cause the Statement amended or furnish an explanation of the discrepancy -

22d March 1849 - I have the honor to be &c.

| Signed | T H Davidson

Register

To

Fouzdaree Diary 22d & 23d March 1849

N. 266 To

The Session Judge of Nellore

Sir,

I am directed by the Court of Fouzdaree Udalut to return the statement shewing the manner in which the services of Convicts were disposed of for the 2d half of 1848 and to state that the total number of Convicts on the 31st December last does not correspond with the Jail report annexed to the Criminal reports for the Month of December 1848.

2. You are therefore requested to return the statement amended or furnish an Explanation of the discrepancy

22d March 1849. (Signed) T H Davidson

Register

N. 272. Memorandum

13 Printed forms of the Half yearly Criminal Statement No 1.

13 ——— do ——— of the ——— do ——— No 2.

Forwarded to the Session Judge of Madura with reference to his letter dated the 10th Instant.

The remaining Printed forms of the above will be forwarded as soon as they are received from the Press.

By Order of the Court of Fouzdaree Udalut.

23d March 1849. (Signed) T H Davidson

Register

To

Fouzdaree Diary 23d March 1849

N. 273 To

The Session Judge of Chingleput

N. 274 Memorandum

5 Printed forms of the Jail Returns forwarded to the Officer Commanding at Vellore with reference to his letter dated the 17th Instant.

By Order of the Court of Fouzdaree Udalut.

23d March 1849. (Signed) T H Davidson

Register

To

No 278. To

The Magistrate of South Arcot

Sir

I am directed by the Judges of the Fouzdaree Udalut to request that you will inform them, at what period, and under what authority the Dresser now attached to the Amurkanum Jail was first entertained.

This information I am directed to observe is required for submission to Government, who object to the charge made for the Salary of the Dresser in the Criminal Statement of Contingent charges for Fusly 1256, and it is requested that you will afford the same at your earliest convenience.

Mems No. 15 of 96 — ×

24th March 1849. (Signed) F. Larkington

acting Senior Pt Register

No. 282. To

The Session Judge of Tinnevelly

Communicating order of Government dated 20th March 1849 relative to the disposal of an Insane Criminal for whom his relatives refuse to be responsible.

26th March 1849. (Signed) T H Davidson

Register

No. 283. To

The Acting Session Judge of Coimbatore

Sir,

I am directed by the Judges of the Fouzdaree Udalut to acknowledge the receipt of your letter of the 16th Instant.

Instant reporting the escape of a convict from a working party and the result of the Inquiry subsequently held by the Principal Sudr Ameen into the matter and to call your attention to the Proceedings of this Court under date the 9th June 1847 in para 3 of which it is declared that Session Judges vested with the charges of Jails under Section XLVIII Act VII of 1843 are competent to investigate all matters relating to either the prisoners or Peons under their authority.

26th March 1849. (Signed) T H Davidson

Register

No. 287.

Memorandum

12 Printed forms of the Monthly Criminal Reports B

6 " 49 of the Half yearly Criminal Statement No 3.

Forwarded to the Acting Principal Sudr Ameen of Tellicherry with reference to his letter dated the 15 Instant.

By Order of the Court of Fouzdaree Udalut

27th March 1849 (Signed) T H Davidson

Register

No. 288 To

The Session Judge of Trichinopoly

Sir,

The Judges of the Fouzdaree Udalut have been furnished by Government with a copy of a correspondence between yourself and the Civil Engineer of the 6th Division relative to a party of Convicts employed under the orders of that Officer on Public Works now being carried on in the Trichinopoly

Trichinopoly District and they have been requested to issue such orders and will prevent you from exercising "needlessly and frivolously impeding the Public service"

2. On referring to the Papers relating to this subject, the Judges observe that the Convicts in question were clearly made over to the Civil Engineer for employment on Public Works: and they therefore request you will abstain from any further interference in regard to them.

27th March 1849. (Signed) J. H. Davidson
Register

No. 111

V. 298

To

The Secretary to Government
in the Judicial Department.

Sir,

1. I am directed by the Judges of the Fayzdaree Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation under date 7th November 1848, transmitting copy of a letter from the Secretary to the Medical Board, and communicating the Orders of the Right Honorable the Governor in Council on review of the General Statement of Sickness in the Jails and Medical Institutions in the Madras Presidency during the year 1847.

2. With reference to the remarks recorded in Para 7 of the foregoing Extract, in which the Right Honorable the Governor in Council, adverting to the wanton use of weapons

Para 7.

weapons by Peons attached to the Jails of Chittoor and Bellary on two recent occasions of Prisoners attempting to escape from Custody, proceeds to draw the attention to, and direct the early compliance of the Court of Fayzdaree Adalut with the suggestion of the Honorable Court of Directors, that an "improved system of custody may be introduced," I am directed to observe that, since the receipt of the Honorable Court's dispatch, the careful attention of the Court of Fayzdaree Adalut has been given to the subject; but, after much anxious consideration, the Judges are not disposed to think that any new rules or measures which they could suggest would be more conducive to the safe Custody of Prisoners, or more efficacious in preventing a recurrence of the evils deprecated, than a strict observance of the rules now in force, and which are laid down for the guidance of officers in charge of Jails in Fayzdaree Adalut Circular Orders dated 18th April 1831 and 22nd May 1837.

3. That these rules, however are not always strictly attended to, and that to the partial violation of them may in a great measure be attributed the recent escapes from custody there is every reason to believe. The Judges therefore, with the hope of guarding as much as possible from further instances of neglect, have issued Circular instructions to the several judicial authorities, directing their particular attention to the views and wishes of Government,

and

and informing them that it will be their imperative duty to observe that the requisitions contained in the foregoing Circular Orders are, in future, unhesitatingly attended to.

4. All officers in charge of Jails will at the same time be instructed strictly to enjoin their subordinates to abstain from any act of unnecessary violence and to warn them that on proof being adduced of such having been used the offender will be immediately dismissed from his situation, and will be further subjected to criminal prosecution.

5. Beyond this, unless indeed extra labor be totally prohibited, the Judges see no remedial measures, which might, with any prospect of success, be resorted to, and it can hardly be conceived that any rules however stringent they might be in their nature, would be adequate to control the angry impulses of men laboring under the excitement with which Peons, required to effect the recapture of Prisoners who have escaped from their custody usually act.

Paragraph 6. With reference to the 6th Para of the Extract in which the Court of Fayedaree Undertint are required to explain under what circumstances the transfer of sick Prisoners from the Jails of Cuddalore and Salem was considered necessary, I am directed to state that the transfer in question was carried into effect under the orders of the

the Court in consequence of the extremely crowded state of both of those Jails, which rendered the removal of some of the Prisoners desirable with a view to the prevention of disease, and the Chittoor Jail was selected for their transfer as being the nearest which could afford accommodation for so large a body of men.

7. That the Salem Prisoners were otherwise than in a healthy condition at the time of their arrival at Chittoor the Judges have up to this time had no reason to believe: but on receiving a report from the authorities at that station, that the Convicts detached from Cuddalore had been injudiciously selected, and that in consequence several had died shortly after their arrival, and that a large number of the others were in a bad state of health, the Judges deemed it their duty to call upon the Sessions Judge, and a Medical Officer at Cuddalore to submit an immediate report upon the health and condition of the Prisoners at the time of their quitting that station.

8. The explanation afforded by those officers in reply to the Courts requisition was deemed perfectly satisfactory. They both concurred in stating that all the Convicts transferred to Chittoor "were up to the day before they left Cuddalore, regularly working on the roads," and that they were all apparently physically capable of travelling" and the Sessions Judge added with perfect

correctness

correctness that provided that was the case he conceived it to have been quite immaterial, what description of men they were".

9. The Sessions Judge further explained, with reference to the complaint made by the Chittoor authorities that many of the Prisoners were "small" and "of under size", and "not capable of performing the full work of robust Convicts", that he selected about thirty of the Convicts for transfer on account of their being Irulers, a tribe of people with whom the Coast climate never agrees well that none of the Irulers then sent were able bodied men, but they were not in Hospital, and he thought the climate of the Interior likely to improve their appearance that all the other Convicts sent were as able bodied men as the average of those in the Jail, and were selected on account of their sentences having a long time to run".

10. The Judges were of opinion that this explanation satisfactorily refuted the imputations cast upon the Cuddalore authorities, and all the fatal results which unhappily ensued from the transfer of the Convicts in question was a matter for deep regret. The Judges were satisfied that no blame could be attached to the Sessions Judge or Medical Officer in respect to their selection of the Convicts in question, and whose removal was only effected under circumstances of imperative necessity.

The

Tanjadore Diary 29th March 1849.

11. The next point which appears to demand notice from the Court is the reference made in para 11 of the Extract to the increased ratio of deaths observable in the Cuddalore Jail.

12. Before submitting their own opinion to Government upon this subject the Judges deemed it proper to call upon the Acting Sessions Judge in communication with the Medical Officer in charge of the Jail, to submit a full report upon the causes to which in their opinion might be attributed the unfavorable results noticed by the Medical Board in respect to the health of the Prisoners confined in the Cuddalore Jail.

13. The Acting Sessions Judge was further requested to report upon the recommendation of the Medical Board for an increased allowance of Rice and animal food to the Convicts subjected to hard labor.

14. The annexed Report was received in reply to this requisition, and it so fully confirms the previous opinion and experience of the Judges, that they think fit to submit the same for the consideration of the Right Honorable the Governor in Council, and they will only add that they entirely coincide with the opinion expressed by the Acting Sessions Judge, regarding the inexpediency of making any addition to the already ample allowance of food furnished to the Convicts.

15. In regard to the Salem Jails I am directed to observe

observe that only 103 Prisoners are now confined therein -
The Judges have thought fit to reduce the number to this
extent with reference to the representations of the Medical
Board, as there be no doubt but that the evils complained
of, arise chiefly from the unfavorable nature of the site on
which the Jails in question are erected -

16 These buildings are situated close to the
Town, and near to a small River, which renders them damp,
and unless the Government are prepared to erect other buildings
in a more favorable situation the Judges have but little
hope that any suggestions, which either they or the Medical
Board could offer, would effect much towards the improve-
ment of the sanatory condition of those Jails -

Paras 10-14. 17 The orders conveyed in the 10th and 14th paras
of the Extract will be duly attended to -

29th March 1849 - (Signed) J H Davidson
Register

No 299 To
The Magistrate of Salem

Sir,

1 I am directed by the Judges of the Tanjadore
Adawlut to acknowledge the receipt of your letter of the
13th Instant forwarding further consideration, a Corres-
pondence with the Officiating Sessions Judge of Salem
relative to the Murder of one Rungummah and the
robbery of her house at Soliyanum in the Dendicottah
Talook -

Talook -

2 The Judges cannot ascertain either from
the Correspondence or the Papers which accompanied it,
which is the 4th Prisoner alluded to in the last para of
your letter to the Sessions Judge of the 6th Instant. The trans-
lation of his confession before the Police, mentioned in the
same para does not accompany the Correspondence -

3 The Judges request you will have the
goodness to record at length the names of the Prisoners on
whose behalf you recommend a Conditional pardon In
no two of the Papers received with your letter, are the names
of the parties spelt alike -

4 The Judges regret to observe that the exceedingly
confused manner in which the Papers relating to this
case, have been submitted, has been occasioned much
trouble and inconvenience which has not been attended
with any commensorate advantage -

5 The Judges further observe that excepting
two unimportant Papers, all the inclosures of your letter
were sent up untranslated - and were translated in this
office should the same thing occur again, the Papers will
be immediately returned for translation -

I have the honor to be &c
29th March 1849 - (Signed) J H Davidson
Register

To

No. 301 To

The Magistrate of Chingleput.

Sir,

With reference to my letter of the 23d December 1848, and to the order of Government of the 2d February 1849 No. 83. I am directed by the Judges of the Tanjore Udalut to request that you will immediately take measures for transferring from the Building at St. Thomas's Mount to the Jail at Cuddalore the one hundred Convicts recently forwarded from the Jails at Cuddalore and Chittoor for employment on Military Works at Mount.

30th March 1849. (Signed) J. H. Davidson

Register

A like Copy sent to the Superintendent of Government Roads Guindy for his information and guidance.

(Signed) J. H. Davidson

30th March 1849

Register

No. 303. To

The Sessions Judge of Chittoor

Communicating Order of Government dated 9th Instant authorizing the Revenue Board in the Department of Public Works to attend to a recommendation of this Court with respect to an alteration thought necessary in the Building appropriated for the confinement of the Convicts at Arcot.

30th March 1849. (Signed) J. H. Davidson

Register

To

No. 304 To

The Principal Sudder Ameen of Chingleput.

Sir,

1 I am directed by the Judges of the Tanjore Udalut to acknowledge the receipt of your letter of the 22d Instant applying for sanction to offer a conditional pardon to Maumea Pillay and Rungasawmy Iyengar the 3d and 5th Prisoners in Case No. 21 of the Criminal file of your Court.

2 Before complying with this application the Judges wish to see the statements made by those prisoners before the Police; of which you will accordingly be pleased to send up Translations.

3 The Judges request you will at the same time explain on what grounds those prisoners were at first suspected.

31st March 1849. (Signed) J. H. Davidson

Register.

No. 305. To

The Magistrate of Malabar

Sir

1. I am directed by the Judges of the Tanjore Udalut to acknowledge the receipt of your letter of the 21st Instant (received yesterday) and to inform you that under the authority vested in them by Section XII Regulation XIII of 1832, they sanction the offer of a pardon to Karoomally Kooty Athen and Tahil Maideen the prisoners therein referred.

referred to, on the terms and conditions specified in Section XX Regulation VIII of 1802.

2. The Judges request you will in all future cases of this nature, specify distinctly in your letter the names of the parties whom you may recommend for the offer of a conditional pardon.

I have the honor to be &c.

31st March 1849. (Signed) J. H. Davidson
Register.

No 306 To (No 15.)

The Secretary to Government in the Judicial Department

Sir

1. I am directed by the Judges of the Tavoy Adalut to submit for the special sanction of Government the accompanying Extract of Petty Establishments from the Accounts of the Collector of Madras on account of certain expences incurred during Fusly 1255, which the Civil Auditor declines to admit on the ground that the authority quoted by the Collector does not sanction the expenditure, to the extent particularized by that Officer.

Order of Government 13th November 1848 No 824.

2. The charges objected to, which are for Iron Hand Cuffs Government to Rupees (211-7-) two hundred and eleven and annas seven, but it appears that the sanction of Government was only for Rupees (191-13-) one hundred and ninety one and annas thirteen but the Magistrate explains that on the receipt of an Order to send back the prisoners employed at Tavoy to their respective Districts, the late Magistrate Mr Blackburne found it necessary to direct the preparation of the Chains and Centre Rings, charged at Rupees 21-5-, in the Bill, whence the increased charge above the estimate.

3. Under this explanation, the Judges of the Tavoy Adalut

Udalut beg to recommend that the Civil Auditor may be authorized to pass the charge in question

2nd April 1849. Signed T. H. Davidson

Register.

No. 307. To

The Magistrate of Cuddapah.

Forwarding copy of an Extract from the Minutes of Consultation in the Judicial Department under date the 24th Ultimo No. 192.

intimating conviction on the part of Government that the Petition supposed to have been addressed by certain Ryots of the Cuddapah District to the Governor in Council complaining of certain Magisterial Proceedings, is not a genuine production.

2nd April 1849. (Instructional Letter No.

No. 308. To

The Zillah Surgeon Nellore.

Sir,

With reference to your letter under date the 24th ultimo. I am directed by the Judges of the Poojdaree Udalut to return to you your letter of the 23rd Idem and its four enclosures.

I have the honor to be &c.

2nd April 1849. Signed T. H. Davidson.

Register.

To

No. 309 To

The Sessions Judge of Trichinopoly.

Sir,

I am directed by the Judges of the Poojdaree Udalut to return the indent which accompanied your letter of the 12th February last, and to request that you will submit a revised one, omitting the following articles, namely

12 Cats nine tails

6 Muskets with Bayonets

3 Pistols

31 Spotted Cartridges

5 Swords.

for the first of which you will indent on the Military Board direct, with reference to the Circular Order of the Poojdaree Udalut under date the 20th July 1829 A, and for the rest apply to the Magistrate of the District in conformity

25th November 1834 Official Gazette Page 835. to the order of Government noted in the margin.

2nd April 1849. Signed T. H. Davidson

Register.

No. 310 To

The Sessions Judge of Masulipatam

Sir

I am directed by the Judges of the Poojdaree Udalut to acknowledge the receipt of your Letter

Letter of the 17th Ultimo applying for instructions for the disposal of Case No 36 of 1847 on the Criminal File of your Court, in which the evidence is insufficient for the prisoner's conviction, and there is no other evidence forthcoming; and to communicate to you their opinion that, under the circumstances, it will be expedient to send back to the Jail at Shahapore where it is probable, he may be identified.—

2nd April 1849.— (Signed) T. H. Davidson.
Register.

No 311

To

The Magistrate of

Sir,

Masulipatam.

1. I am directed by the Judges of the Tonjdaree Adalut to acknowledge the receipt of your Letter dated 3rd ultimo, transmitting copies of a letter from the Assistant Resident at Nagpore, and of the depositions taken from certain approvers, confessing their participation in the attack on the Ellore Cutcherry in the year 1838.—

2. Before taking further steps in the matter, the Judges deem it advisable that depositions should also be taken from the individuals named "Gowra" and "Punjab"

who are stated to be now at Patna, and they request that you will in communication with Captain Ramsay obtain and forward the same with as little delay as possible.

2nd April 1849. (Signed) T. Lushington,
Ag. Senior Dep. Register.—

No 312.

To

The Sessions Judge of Chicacole.

Sir,

1. I am directed by the Judges of the Tonjdaree Adalut to acknowledge the receipt of your Letter of the 8th ultimo relative to a report from the Assistant Surgeon Scales on the badness of the water used by the Convicts in the Jail at Vizagapatam.

2. As the Reports show that the Prisoners at Vizagapatam are generally in good health, the Judges do not think it necessary to recommend to Government to sanction the proposed expenditure for the purchase of a Cart for the conveyance of other water to the Jail.—

3. If other water be necessary, it occurs to the Judges that the convicts might, with advantage, be employed in digging a new well, either on the Jail Premises or in its vicinity.—

4. The Judges observe that, at Vizagapatam, the Prisoners are allowed Salt fish with their Rice. They presume that there is some sufficient reason for this departure from the ordinary practice in this respect.

(Signed) T. H. Davidson.
Register to

2nd April 1849.

Nos. 315, 316, and 317.

To

The Sub. Collector in charge of Coimbatore
Sessions Judge of Chicacole and
Subordinate Judge of Madura.

Forwarding copy of an Extract from the Minutes of Consultation in the Judicial Department under date the 20th March 1849. No. 88. sanctioning a charge of 3 Rupees incurred by the Collector of Coimbatore in the removal of certain Convicts in 1845-a charge of Rupees 290-4-0 incurred in Madura in providing tools for the Convicts in the Madura Jail and a third expenditure of Rupees 33-1-10 being the allowance paid to the Cuddee Ameen of Chicacole for the period occupied in proceeding to his station from Vizagapatam.

3d April 1849. (Sentencial Letter No.

No. 329

To

(No. 76.)

The Secretary to Government in the
Judicial Department.

Sir,

1. The attention of the Judges of the Foujdaree Adalut has been attracted to the Draught of proposed Act dated the 26th September 1846 and published in the Calcutta Gazette of the 3d October 1846 entitled "An Act to enable the Bengal Courts of Nizamut and Sessions to punish certain offences by Fine."

The

2. The Judges observe that in this Presidency also doubts have arisen and still exist whether, under the existing Code, the Courts of Foujdaree Adalut and of Sessions have power to punish by Fine, at the discretion of the Court, offenders convicted before them of any offences which by the Mahomedan Law renders them liable to discretionary punishment.

3. Not a few references on this point have been made to the Foujdaree Adalut by the Sessions Courts in the Provinces: and the Judges have had it in contemplation to promulgate their opinion that under the general discretion vested in them by the 4 Provisions of Clause Seventh Section II and Clause third Section VII Regulation XV of 1803, this Court and the Sessions Courts are authorized to punish cases of the description above referred to, by Fine.

4. But as it appears that an Act is about to be published declaring and enacting the competency of the Courts in Bengal to punish such offences as are above indicated by Fine, the Judges beg leave to suggest that an early reference be made to the Supreme Government with the view of having the Provisions of the proposed Act extended to the Presidency of Fort St. George.

10th April 1849. (Signed) J. H. Davidson.
Register. To

Tonjalaree Diary 10th April 1849.—

No. 330

To The Sessions Judge of Tinnevelly.

Sir,

1. I am directed by the Judges of the Tonjalaree Adalut to acknowledge the receipt of your Letter of the 20th ultimo forwarding a communication from the Magistrate of Tinnevelly in which that officer applies for instructions as to the course he should pursue in respect of a person apprehended by him under a warrant issued by a Justice of the Peace in Ceylon for an offence committed in that Island.—

2. If the Magistrate received the complainants statement in the usual course, and upon that statement, arrested the man, his Proceedings would appear to be correct, and the parties should be sent to Ceylon.—

3. But observing that the Prisoner himself declares that he was never in Ceylon, the Judges are of opinion that before sending him to that Island, the Magistrate should ascertain from the Head of the Prisoner's Village how far that declaration is true: and should it be eventually determined to send him, the Prosecutor should be called upon to pay Batta &c. for the Peons who may go in charge of him.

10th April 1849.— [Signed] J. H. Davidson.

Registrar.

Tonjalaree Diary 11th April 1849.—

No. 334

To The Secretary to the Military Board.

Sir,

1. I am directed by the Judges of the Tonjalaree Adalut to acknowledge the receipt of your Letter of the 23rd ultimo requesting information as to the circumstances under which the Officer in charge of the Jail at Tinnevelly was instructed, in a Letter from this Court dated the 16th ultimo, to send a party of twenty Convicts to be employed in the Compound of the Court of Cuddalore Adalut.—

2. The Judges observe that they are vested with a general control over all Convicts sentenced to labour: and it is by virtue of this authority and of the general Provisions of the Regulations that they are furnished with Periodical Returns from, and issue orders to Officers in charge of Jails even when transferred from their own Jails for employment on particular works.—

3. The Compound of this Court has long been in a very objectionable not to say disreputable condition: and the Judges having reason to believe that a small party of the Convicts at Tinnevelly might be spared without public inconvenience, requested Captain Worster to place twenty at their disposal for the purpose of restoring it to decent order.—

4. Should the Military Board be unable to concur in the view of the matter explained by the Judges in para: 2 of this Letter, the Judges will be happy to make a reference on the subject to Government: and, if necessary, to submit a special application for authority to employ the party in question, or if requisite, a greater number, until the desired object shall be effected.—

11th April 1849.— [Signed] J. H. Davidson,

Registrar.—

No 341 To,

The Acting Sessions Judge of Coimbatore.

Sir,

Adverting to your letter under date the 24th ultimo I am directed by the Judges of the Tanjadore Adalut to inform you that they receive under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year to sanction the expenditure of Rupees 17-12-0 seventeen and Annas twelve in making 30 new pickaxes for the use of the Prisoners in the Jail under your charge.

14th April 1849. Signed T. H. Davidson.

Register.

No 343. To,

The Collector of Madura.

Forwarding copy of an Order of Government dated the 11th instant. No 221 authorizing the admission of a charge retrenched from the accounts of the Collector of Madura, amounting to Rupees 213-2-0 expended in making up 198 Iron hand cuffs.

16th April 1849. Centesimal Letter No

No 344 Memorandum

In two Parts. 50 Sheets of the Printed Calendars forwarded to the Subordinate Judge in charge of the Sessions Court of Tinnevelly with

with reference to his letter dated the 2d Instant.

By order of the Court of Tanjadore Adalut.

16th April 1849. Signed T. H. Davidson.

Register.

(No 7.)

No 345 To,

The Secretary to Government in the Judicial Department.

Sir,

1. Adverting to the Extract from the Minutes of Consultation in the Judicial Department under date the 10th January 1848 No 29 I am directed by the Judges of the Tanjadore Adalut to return the extra copy of the "Justices Manual" by Mr R. Montgomery of Cawnpore in which have been made such alterations as are deemed necessary to make the work applicable to this Presidency.

2. I am directed at the same time to submit for the consideration of Government an additional Series of Rules for the guidance of Justices of the Peace, drawn from the existing Circular Orders Regulations and Acts of Government.

3. These Rules have been drawn up with much care in this office and it appears to the Judges that to render the "Justices Manual" complete they should be appended to or incorporated with it, and that without them, it would be hardly expedient to give currency to that work in this Presidency

Should

4r Should the Government approve of the proposed additional Rules, the Judges beg leave to suggest that sanction be granted for a reprint of the original work with the Rules in question incorporated therewith.

16th April 1849. /Signed/ J. H. Davidson.
Registrar

41. Persons appointed in any commission of the Peace, may act as Justices of the Peace, upon taking the prescribed oath in any Civil or Criminal Court, whether the Officer presiding in such Court, be a Justice of the Peace or not.

x Regn. II of 1820. x 53 Geo: III Cap: 155 Sec: CXII Sec: I Act XVI of 1841.

42. Persons whose names are entered in the Commission of the Peace, are not intended to act under it, unless called upon by Government to qualify, or are required to do so by the Rules or Regulations applicable to their office. This only is in such cases that Justices of the Peace in the Provinces, who have already qualified, should administer the oaths of qualification to others.

Order of Govt. dated 6th January 1835, circulated by the S. D. on the 9th idem.

43 Although a person may have qualified to act as Justices of the Peace, by taking the prescribed Oath under Act XII of 1841, he cannot legally act while his name is not enrolled in the Commission.

S. D. Dy. 16th May 1844.

Magistrate,

44 Magistrates, Joint Magistrates and Criminal Judges in the Provinces, having duly qualified as Justices of the Peace, are empowered by Government to exercise the jurisdiction described in Sections CV and CVI, 53 Geo: III Cap: 155; except in cases arising at the Station of the Zillah Court, or where the Magistrate or Joint Magistrate is residing at such Station, in which cases, the complaint should be preferred to the Criminal Judge, and tried and determined by that authority.

x See page 918 of the Official Gazette for 1834.

Order of Government dated 23rd December 1834.

45 At the Stations of the Zillah Court, the powers of Justices of the Peace, should be exercised ordinarily by the Criminal Judge, and by the Magistrates and Joint Magistrates at other places within the limits of their ordinary jurisdiction respectively, excepting Military Stations where the Superintendent of Police is in the Commission of the Peace, at which Stations, unless they are also Stations of Zillah Courts, the functions of Justices of the Peace, should be exercised ordinarily by the Superintendent of Police.

Order of Govt. dated 6th January 1835, circulated by the C. D. on the 9th idem.

46. It is intended by the above orders that the Magistrate should exercise the powers of Justice of the Peace, at the Station of the Zillah Court, in cases of Complaints of Assault against Europeans, that may have taken place beyond such Station.

S. D. Dy. 19th October 1836.

Duteing

47. During the absence of a Criminal Judge from the Zillah Station, it is the duty of the Magistrate or Joint Magistrate, in his capacity of Justice of the Peace, to receive and dispose of cases existing at the station of the Zillah Court, and having once entered upon the investigation of a case, it is no longer competent for him to transfer it to the Criminal Judge for disposal, should the latter Officer in the meantime return or arrive at the station.

Extract Minute of Cons: dated 29th Sept: 1837, circulated by the S.A. on the 12th Oct: 1837.

48. As by Act VII of 1843 the Subordinate Judge has taken the place of the former Criminal Judge, the duty of acting as Justice of the Peace under Regulation II of 1820, belongs to the Subordinate Judge, but at stations where a Subordinate Judge is not located, it belongs to the Sessions Judge.

S.A. Pro. Circ. 4th March 1846 and
P.A. — " — 26th October 1843.

49. Justices of the Peace in the Provinces shall have Jurisdiction in Cases of Assault, trespass or other injury accompanied with force, not being felony committed by British subjects on the Natives of India; and shall punish the offender with a fine not exceeding 500 Rupees to be levied by distress; if not paid, imprisonment in some secure place, for a period not exceeding 2 months.

53 Geo: III Cap: 155 Section CV

* Reg: II of 1820.

50. If a Justice of the Peace, before whom a Perjury may have been committed, be also Criminal Judge, he is competent

competent to commit the offender to trial before the Local Court (as Criminal Judge) without the intervention of the Magistrate.

P.A. Dy. 30th May and 18th June 1842.

51. A Justice of the Peace in the Provinces, under 53 Geo: III Cap: 155, Section CV, has jurisdiction only on complaint of Natives against European British subjects; his jurisdiction beyond the local limits of the Supreme Court of Judicature, is altogether confined to the Acts and offences committed by Europeans, or committed by other subjects of the Crown at sea.

Opinion of the Advocate Gen: circulated by S.A. in C.O. No 13 dated 1st Oct: 1844.

52. A Justice of the Peace, acting beyond the limits of Madras, must proceed as regards Summary Convictions, and generally in the preservation of the peace, according to the course prescribed for Justices in England, as far it is applicable in India.

Opinion by the Advocate Gen: circulated by S.A. in C.O. No 13 dated 1st Oct: 1844.

53. A Magistrate exercising his office beyond the jurisdiction of the Supreme Court, has legally no discretion in regard to the committal or bailing for trial, any British subject charged with the commission of a petty theft, if upon the investigation before him, he is conscientiously satisfied from the evidence, of the guilt of the party charged, and the wishes of the Prosecutor cannot legally sway his determination on the subject.

Opinion of the Advocate Gen: in P.A. Dy. 31st March 1836.

A.

54. A Magistrate cannot, as Justice of the Peace, take cognizance of offences committed by Natives, against Act XVII of 1847, but should send up such cases to be tried by the Local Courts.

F. P. C. Dy. 16th March 1842.

55. In his proceedings for committing persons accused of Murder on the high seas, the Magistrate acts as a Justice of the Peace, and for his Acts in that capacity is responsible to the Supreme Court of Judicature.

F. P. C. Ro: 24th January 1816.

56. In cases of offences committed at sea, the nearest Justice of the Peace should be resorted to on disembarkation, and he, or whatever Justice of the Peace be referred to, must examine into the case in the same way as he would into any offence committed on land by a person subject exclusively to the jurisdiction of the Supreme Court, and commit the offender (or bail him) to take trial there at the next Sessions, and bind over the witnesses to attend and give evidence at such Sessions.

Opinion of the Advocate Genl circulated by the F. P. C. in C. O. dated 31st July 1834.

57 As Acts 5 and 6 William IV Cap: 19 Section 38 give only jurisdiction to 2 Justices over cases of Common Assaults committed at Sea, a single Justice can only act on his general jurisdiction as Justice of the Peace, that is, by committing parties charged before him of Crimes of any quality to take their trial

of

(if British subjects) before the Supreme Court, or holding them to bail to appear to any such charge. Such course can never be adopted except in Assaults of a felonious or of the most aggravated quality. —

Opinion of the Advocate Genl in F. P. C. Dy. 2d Feby. 1843.

58. A party charged with robbery committed within the limits of the jurisdiction of the Supreme Court, and apprehended by a Magistrate in the Provinces, should be either sent to a Justice of the Peace at Madras, or if the Magistrate has qualified as a Justice of the Peace, he may himself commit the offender for trial before the Supreme Court.

F. P. C. Ro: 10th February 1809.

59. When any person brought before a Magistrate charged with a Criminal offence claims to be a British subject, his birth and parentage, ought to be most minutely investigated.

F. P. C. 8th October 1835.

60. The powers vested in a Justice of the Peace give him no authority over the general Police of the District, nor warrant any interference with the Magistracy in the preservation of the public peace. —

F. P. C. Dy. 18th July 1832.

61 A Justice of the Peace may issue a Warrant to search the house of a European, on an affidavit, that a

European

European soldier, (a deserter) was supposed to be concealed therein.

F. St. D. Pro. 14th June 1845.

62. Fines imposed by Justices of the Peace, shall be paid in the first instance to the Magistrate, and by him transmitted to the Clerk of the Crown

* Regn. II of 1820

53 Geo. III Cap. 155 Section CV.

63. In all Acts passed by the Governor General of India in Council, the terms "fine" and "fines," extend to all "penalties" and "forfeitures," and the term "Magistrate," extends to all "Joint Magistrates," "Persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."

Act II of 1839 Section IV

64. In all actions cognizable by a Justice of the Peace, under Section CVI, 53 Geo. III Cap. 155, Bonds and other Instruments executed on unstamped papers, are admissible as evidence.

F. St. D. Dy. 24th April 1822.

65. All Commissariat officers at a Military Station are not required to qualify as Justices of the Peace, but only the Senior Commissariat Officer who alone can exercise the Police duties at such stations, under Section IV. Regulation VII of 1832.

F. St. D. Dy. 19th February 1835.

(Signed) T. H. Davidson.

Register.

No. 346. To (No. 78.)

The Secretary to Government in the Judicial Department.

Sir,

1. Adverting to the Extract from the Minutes of Consultation in the Judicial Department under date the 5th July 1848. No. 440. requiring the Fort St. David Establishment to call for Returns of all State Prisoners under the charge of the several Judicial and Magisterial Officers in this Presidency, I am directed by the Judges to submit the following Report.

2. The Magistrate of Chingleput reports that the only State Prisoner under his charge is Sutrookarla Veerabadra Ranze who was removed to Chingleput from Vizagapatam under the authority of a Warrant issued by Government under date the 2nd March 1821. This Warrant was issued in consequence of the Prisoner having been concerned in creating disturbances in the District of Vizagapatam. The Prisoner is now merely under the surveillance of a Guard of Peons. He is permitted to go where he likes during the day accompanied by one Peon, and is allowed every freedom consistent with his safe keeping. The Prisoner's conduct has always been respectful, subordinate.

3. The Magistrate of Bellary has the following Prisoners in confinement or under surveillance.

Ramchy

namely.

In Confinement.

1st Moozuffer Khan Ex-Nabob of Kurnool.

2d Pedda Juggiah (Female) of the Polemdah Family.

3d Dora Bissoye of Goorsoor

Under Surveillance.

The Family of the late Anuntabhopaty of Polemdah.

4. Regarding the release or otherwise of the said Prisoners the Magistrate refers to a correspondence he had had with the Government of the date noted in the margin.

Ext Home Cons dated 6 November 1815 N 116
Letter from Magte of Bellary dated 28th Nov 1835
Ext Jud Cons dated 16 January 1846 N 30
Letter from Magte of Bellary dated 4th Nov 1846 N 27
Ext Home Cons dated 4th December 1846 N 113

5. The Magistrate of Tanjore reports that there under his charge 13 persons the descendants &c of the former King of Kandy who are styled "Kandian Prisoners" receiving from 2 to 40 Rupees per mensem for maintenance.

6. These parties are under no restraint or surveillance the only liberty debarred them being a prohibition against their leaving Tanjore without permission.

In addition to these persons there are twenty "Kandian Pensioners" who are under similar restrictions: and the Magistrate further wishes to be informed whether the 13 Kandians are to be considered as "State Prisoners".

7. The Magistrate of Guntoor reports that in that District there is only one State Prisoner named Passem Ramanappah who was transferred to his charge from

from the Magistrate of Bellary in the month of February 1847. This man was taken in the service of one of the refractory Zemindars, Pyke Row, in Vizagapatam having received a wound in action which required the amputation of his leg. He was permitted by Government, on account of his age and decrepitude, to return to his native Village Sorjiengamidlah in the Guntoor District where he resides - his family receiving a monthly allowance for their subsistence of 2 Rupees 4-6. He is in good health and has conducted himself well.

8. The Magistrate of Salem reports that there is only one State Prisoner under his charge - namely Comaramaka Kandian - who was transferred to Salem from Vellore in accordance with the Extract from the Minutes of Consultation under date the 13th July 1847 and drawing a monthly stipend Rupees 15-8 - from the Treasury of the Collector of Salem.

9. Under the Magistrate of Vellore there is only one "State Prisoner" named "Yetta Venkatasawmy" a Kandian who was forwarded to the former Judge and Magistrate of Vellore with a Letter from the Chief Secretary to Government dated the 7th September 1816. He is under the surveillance of the Magistrate, but not in confinement. He is in the receipt of a monthly allowance from the Treasury of the Collectorate,

&

of Rupees 3-0-0.—

10. Information regarding this individual was furnished by the Collector of Nellore to Government in a Letter addressed to the Chief Secretary to Government under date the 7th August 1847.—

11. With these exceptions all the other Judicial and Magisterial Officers have reported that they have no Prisoners under their charge.—

16th April 1849.— /Signed/ T. H. Davidson.
Register.

No 352 To /No 19/

The Secretary to Government in the
Judicial Department.

Sir,

1. Under the provisions of Act. No IV of 1849, I have the honor by desire of the Judges of the Tanjore Adalut, to solicit the instructions of the Right Honorable the Governor in Council in respect to the disposal of an insane person, who was charged in Criminal Case No 76 on the file of the Subordinate Court of Salem with having stolen a Bullock, but was acquitted by the Subordinate Judge on the ground of insanity.—

2. The Certificate of the Zillah Surgeon declares "the Prisoner to be in a state of idiotcy, and quite harmless" and it appears that he has been labouring under this malady

malady for the last 10 years: his age is stated to be sixteen.—

17th April 1849.— /Signed/ T. H. Davidson.
Register.

No 353. To

The Sessions Judge of Chicacole.—

Sir,

With reference to your Letter dated the 2nd inst. 6th instant relative to the trial of the Peon charged with connivance at the escape of two Convicts, I am directed by the Judges of the Tanjore Adalut to inform you that the Calendar should be prepared from the Record of the Trial held before the Court of Sessions.—

17th April 1849. /Signed/ T. H. Davidson
Register.

No 354. To

The Magistrate of Cuddapah.

Sir,

1. I am directed by the Judges of the Tanjore Adalut to acknowledge the receipt of your Letter dated 24th ultimo forwarding for submission to Government an explanation relative to the observations contained in the Extract from the Minutes of Consultation under date 24th November last.

2. The Judges do not consider it to be within their

their province to forward your explanation to Government, and I am therefore directed to return the enclosures of your Letter in order that the same be submitted, (if you think fit) directly to Government thro' the Secretary in the Judicial Department.

17th April 1849. (Signed) J. Cushington
Sy. Senior Dy. Registr.

N° 364. To (N° 20)

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 the Extract from the Minutes of Consultation in the Judicial Department under date the 26th March 1849 - N° 793 - communicating for their consideration and report a Letter from the Mysore Commissioner in which it is suggested that, in extension of the practice at present existing in the Bangalore Division, permission be granted to the local Native Police Officers in Malabar and Coimbatore, to effect at once and without reference to the Magistrates under whom they serve, any Warrants for the apprehension of offenders which they may receive from the Police or Magisterial Officers of the Divisions of Mysore, bordering on those Districts.

The

The Judges observe that they see no legal objection

2 whatever to the adoption of the course indicated.

18th April 1849. (Signed) T. H. Davidson
Registr.

N° 365 To

The Secretary to the Medical Board.

Sir,

1. With reference to your Letter of the 12th December last, forwarding a Table of admissions and mortality in the Salem Jail from 1829 to 1847 inclusive, and requesting the opinion of the Court respecting the Jail in question, I am directed by the Judges of the Foujdaree Adalut to observe that they have already communicated their opinion to Government, that the unhealthiness of the Salem Jails is chiefly to be attributed to the very unfavorable nature of the site on which those Buildings are erected, and that unless the Government are prepared to erect other Buildings in a more favorable situation the Judges have but little hope that any suggestions which they could offer would effect much towards the improvement of the Sanatory condition of the Salem Jails.

2. I am however directed to observe that with the view of guarding as much as possible against the approach of disease the Judges have ordered the removal of a large body

body of Convicts to the Mount, and the Prisoners now confined in the Jails amount to only 185 persons. With this limited number the Judges see reason to hope that the ratio of mortality will not be so great as in former years.—

19th April 1849.— /Signed/ F. Luchington.
Acting Senior Dy. Registrar

No. 373. To

The Magistrate of Salem —

Sir,

I am directed by the Judges of the Fouzdaree Adalut to acknowledge the receipt of your Letter of the 5th instant, and to state, that upon consideration of all the circumstances, they resolve, in exercise of the power vested in them by Section XII Regulation XIII of 1832, to authorize you to offer a pardon to R. Vencatrammuna the 4th prisoner and Mungummanah the 5th prisoner, charged with being concerned in the Murder of one Rungunnah as reported in your Letter of the 13th ultimo, on the terms and conditions specified in Section XX Regulation VIII of 1802.—

I have the honor to be &c.

25th April 1849.— /Signed/ T. K. Davidson.
Registrar

To

(No. 21)

No. 374. To

The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut to state for the information of Government that there are at present in the Jail at Chinglepute 8 Convicts awaiting their sentences of transportation and to suggest that tenders be invited for their passage to Singapore.—

1. Narrain alias Narroo
2. Mandjee Natoolal Dauneegundoo
3. Seerungom.
4. Bommun.
5. Bheer Bustwa.
6. Dyem Dauneegundoo.
7. Gnas Saib.
8. Esteen alias Bauldo.

23d April 1849.— /Signed/ T. K. Davidson.
Registrar

No. 383

Memorandum.

A Printed Form of Statements shewing the number of Cases forwarded to the Criminal Court, by each Head of Police, and the manner in which they were disposed of required under Circular Order No. 175 are herewith forwarded to the Sessions Judge of _____

By Order of the Court of Fouzdaree Adalut.

24th April 1849.— (Signed) A. J. Arbuthnot
Asst. to the Regr.

To

The several Sessions Judges and Agents.

(No. 22)

No. 384 To

The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut

Tanjore Diary 24th April 1849.

Addalut to request that the Right Honorable the Governor in Council will be pleased to authorize the preparation by the Civil Engineer of the Division of an estimate for repairing the Jail at Cuddalore; the Acting Sessions Judge having reported that certain repairs will be required for that building previous to the commencement of the ensuing monsoon.

24th April 1849. (Signed) T. K. Davidson.

Registered

No. 385. To No. 23.

The Secretary to Government in the Judicial Department.

Sir,

1. I am directed by the Judges of the Tanjore Addalut to submit to be laid before Government the accompanying estimate, forwarded through the Sessions Judge by the Subordinate Judge of Combaconum, of the cost of sundry repairs to the Buildings connected with the Jail at that station.

2. The estimate is said to be prepared by the Assistant Civil Engineer of the Division on an inspection of the Buildings in question, but no previous authority was asked for the purpose. The attention of the Sessions Judge has been called to this irregularity.

3. The estimate amounts to Rupees 291-7-0 two hundred and ninety one and annas seven, and the Judges of the Tanjore Addalut beg to recommend that the sanction of Government be granted for its being transmitted to the Board of Revenue in the Department of Public Works for a check and examination

Tanjore Diary 24th April 1849.

examination, and for eventual submission to Government.

24th April 1849. (Signed) T. K. Davidson.

Registered

No. 386. To

The Sessions Judge of Combaconum.

Sir,

1. With reference to your letter under date the 27th Ultimo enclosing a letter from the Subordinate Judge and an Estimate of the cost of certain repairs to the Jail Buildings under his charge, I am directed by the Judges of the Tanjore Addalut to call your attention to the order of Government of the 31st July 1838 published at page 530 of the Official Gazette of that year, wherein it is required that in all cases of repairs to Public Buildings a report shall in the first instance be made to this Court and permission be obtained to call on the Civil Engineer to prepare the necessary Plan &c.

2. In the case under noticed the Judges of the Tanjore Addalut observe that these orders have not been conformed to.

3. As this irregularity has arisen with the Subordinate Judge you will call that Officer's attention also to the subject. The estimate has however been recommended for the sanction of Government but in any future instances of similar irregularity the Judges will be constrained to insist upon the adoption of the prescribed course.

24th April 1849. (Signed) T. K. Davidson.

Registered

Mem.

№ 391

Memorandum.

The Original Record in Case № 11 of 1849 on the Madura Calendar, is herewith returned to the Sessions Judge of Madura.

By Order of the Court of Foujdaree Adalut

26th April 1849. Signed T. H. Davidson.

Register.

№ 392. To the Session Judge of Chittoor

Sir,

With reference to my letter under date the 6th February last, I am directed by the Court of Foujdaree Adalut to request that you will accelerate the transmission to this Court of the two statements therein required from the Officer in charge of Convicts at Arcot.

26th April 1849. (Signed) T. H. Davidson

Register

№ 393. To

The Session Judge of Combaconum.

Sir

I am directed by the Court of Foujdaree Adalut to request that you will call upon the Magistrate of Tanjore to submit the statement required under the orders of the Court of Foujdaree Adalut dated 25th July 1838 shewing the manner in which the convicts under his charge were employed for the 2d half of 1848 as well as the Jail return for 1848 if he has not already done so, and transmit them to this Court without further delay

26th April 1849. Signed T. H. Davidson

Register

№ 394. To

The Session Judge of Tellicherry.

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Foujdaree Adalut to request that you will forward without delay the Duplicate Copies of certain Proceedings and Calendars noted marginally of which duplicates have not been received by this Court.

Extract Proc: Sess: Ct. Dated 26th Jany 7th and 28th Feby 1849 and the 11 Magtes returns for Feby 1849 on State of Police Officers for last half year for 1848.

Do dated 7th and 28th Feby 1849 and the 2 Magtes returns dated 12th Feby 1849 on Magtes Cases for 4th Quarter 1848.

Do dated 31st Jany 2d 5th 24th Nov 28 Dec 1848 and 24th Jany 1849 and the 6 Magtes returns for Jany 1849 or Offenders preferred against their orders of Magistracy &c.

Extt from the Calendars furnished by 11 Magtes from 1st Octr to 31st December 1848.

Do Committals to Jail Do Do

I have the honor to be &c

26th April 1849. (Signed) T. H. Davidson.

Register

To

No 395. To,

The Sessions Judge of Calicut.

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Poyjdaree Adalut to request that you will forward without delay the Duplicate Copies of certain Proceedings and Calendars noted marginally and which have not been received by this Court.—

No 2. Calr of Persons punished by the Magts and his Assistants for the 1st July to 30th Septr 1848.
Extl Pan Sessions Ct 24th Novr 1848 and the Magts return dated 19th Decr 1848 and the Acadl Asst Magts Memo of 1st December 1848, on the Magts Calrs for the 3rd Quarter of 1848.—

26th April 1849.— (Signed) T. H. Davidson

Register.

No 396 To

The Sessions Judge of

Masulipatam

Sir,

I am directed by the Court of Poyjdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate copies of Statements Nos 1 2 3 & 4 or to that submitted under Circular order No 175 but to all Reports &c connected therewith.

26th April 1849. (Signed) T. H. Davidson

Register

No 397. To,

The Sessions Judge of Tinnevelly

Sir,

I am directed by the Court of Poyjdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 2 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith and to request that you will furnish to this Court without delay the Duplicate copies of only the Sessions Report and Magistrates Calendars &c.

26th April 1849. (Signed) T. H. Davidson.

Register.

No 398. To,

The Acting Sessions Judge of Cuddalore.—

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Poyjdaree Adalut to request that you will forward without delay the Duplicate copy of the Report of the Acting Joint Magistrate dated 1st March 1849 on the State of the Police for the year 1848, which has not been forwarded with the Criminal Reports for the 2d half 1848.

26th April 1849.— (Signed) T. H. Davidson.

Register

To,

No 399 To The Acting Sessions Judge of
Coimbatore

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 2 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith, and to request that you will furnish the Duplicate Copies of the Calendar of persons punished by the Joint Magistrate on the Neilgherries from 4th July to 30th September 1848 and of the proceedings of the Sessions Court dated 29th December 1848.—

26th April 1849. (Signed) J. H. Davidson
Register

No 400 To The Agent to the Governor of Fort St George
at
Kurnool

Sir

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last does not allude to Duplicate Copies of Statements Nos 1 & 2 or to that submitted under Circular order No 175 but only to the Reports &c connected therewith

(Signed) J. H. Davidson
Register

No 401 To
The Agent to the Governor of Fort St George
at
Vizagapatam

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 and 2 or to that submitted under Circular Order No 175. but only to the Reports &c connected therewith and to request that you will furnish without delay a duplicate of your letter dated 20th February 1849.—

26th April 1849 (Signed) J. H. Davidson
Register

No 402 To The Superintendant of Government Roads
Guindy

Sir, I am directed by the Court of Foujdaree Udalut to request that you will submit to this Court the Jail Return for the year 1848 filled up in one of the five printed forms herewith furnished and to continue the same for every year as other Officers in charge of Convicts.—

26th April 1849 (Signed) J. H. Davidson
Register

To

Nos 404. 405 406 and 407.

To

The Sessions Judge of Bellary

Sir,

The same to the Sessions Judge of Rajahmundry Chingleput and Guntoor

I am directed by the Court of Fouzdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1, 2, 3, and 4 or to that Submitted under Circular Order No 175, but to all reports &c connected therewith and to request that you will furnish to this Court without delay the Duplicate Copies of only the Sessions and Magistrates Reports Calendars &c

27th April 1849. (Signed) T H. Davidson

Register

No 408. To

The Magistrate of North Arcot

Sir,

1. I am directed by the Judges of the Court of Fouzdaree Udalut to acknowledge the receipt of your letter under date the 7th Instant requesting the issue of certain instructions for the guidance of the Criminal Courts at Chittoor in the disposal of Cases committed to them for trial.—

2. The Judges desire me to return to you your letter now under acknowledgment in order that it may be forwarded through the Sessions Judge through whom all references made by the Magistracy to the Court of Fouzdaree Udalut in matters connected with the local Courts should be transmitted.—

3. The Judges at the same time direct me to observe that they are not prepared to issue any specific instructions upon references of the very General nature of that which is contained in your letter now under reply.—

27th April 1849. (Signed) Ad. S. Arbuthnot.—

H. Sgt. to the Registr

No 409 To

The Sessions Judge of Chingleput

Sir,

I am directed by the Judges of the Fouzdaree Udalut, to desire you will immediately dispatch to the Presidency, for transfer to the custody of the Chief Magistrate and Superintendant of Police all the Convicts now under your charge awaiting Execution of their Sentences of transportation.—

You will be pleased to transmit to this Office by Tapaul, the usual Calendar of the Convicts who may be forwarded to the Presidency under these orders.—

27th April 1849. (Signed) T H. Davidson

Register

No. 410, To

The Sub Judge of Rajahmundry

Sir,

In reply to your letter of the 9th Instant, I am directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the order of Government of the 25th January 1845, they sanction the expences incurred in repairing the Cooking Sheds &c. in use by the Prisoners in the Jail under your charge, amounting to Rs. (35-12-0) thirty five and annas twelve.—

27th April 1849.— (Signed) T. H. Davidson
Register

No. 411 To

The Session Judge of Masulipatam

Sir,

Adverting to your letter under date the 12th Instant I am directed by the Judges of the Foujdaree Udalut to inform you that they resolve under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that

year to sanction the expenditure of Rupees 5-10-0 five and annas ten, in Batta paid to the Children of Convicts in the Jail under your charge, during the 1st Instant of 1849.

27th April 1849. (Signed) T. H. Davidson
Register

No. 412 To, The Subordinate Judge of Chittoor

Sir,

Adverting to your letter under date the 14th Instant, I am directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year they sanction the disbursement of Rupees (32-0-0) thirty two, as batta to the Witnesses, who from Pondicherry, attended the Session Court to give evidence in cases Nos. 14 and 15 of that Court's Calendar for 1849

27th April 1849.— (Signed) T. H. Davidson
Register

No. 413 To The Session Judge of Chittoor

Sir,

I. I am directed by the Judges of the Foujdaree Udalut to request you will immediately report whether the Convicts now working under the orders of Lieutenant Colonel A. Mansey Commanding arrest, are those made available

available to the Military authorities by the order of Government of the 15th February 1845 No. 134 for the purpose of repairing the principal roads in the Contonment of Arcot— and if so— how much longer they are likely to be detained on that duty, and the means adopted for their accommodation conveyance and safe custody.—

2. Pursuant to instructions received from Government, the Judges further request you will instruct Colonel Mansey to employ twenty of the convicts under his charge, in opening the paths and cleaning the compound of the Bungalow occupied by the Sub Collector at Old Arcot.—

27th April 1849. (Signed) T. H. Davidson
Register

No. 414. To The Session Judge of Rajahmundry

Sir,

The Judges of the Foujdaree Adalut have received from Government a copy of a letter dated the 2nd April 1849 to your address, from the Subordinate Judge of Rajahmundry reporting the attempt on the 22d Ultimo, of certain prisoners to escape while being escorted, preparation to their return to the Jail, from the working at Cantonment.

Adverting

2. Adverting to the circular order of the 20th May 1834— the Judges request you will explain why no report of the circumstance has been made to this Court—

3. The Judges further request that translations of any deposition which may have been taken in regard to the matter, may be immediately forwarded to this Court.—

27th April 1849. (Signed) T. H. Davidson
Register

No. 415 To The Magistrate of Cuddapah

Communicating copy of the observations and orders of Government, on the letter addressed by him to Government, relative to the case of Atchut Row &c.—

27th April 1849 } (Sent usual letter) No.

No. 419 To The Session Judge of Tinnevelly

Sir,

Adverting to your letter under date the 13th Instant, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843. published at page 608. of the Official Gazette of that year to sanction the expenditure of Rs. 1. 2. 8) fifty one annas two & price eight in the repair of 8 Bandies in use by the Prisoners in the Jail under your charge.—

28th April 1849. (Signed) T. H. Davidson
Register

(№ 24)

№425 To the Secretary to Government in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation under date the 26th Instant №263,— I am directed by the Judges of Foujdaree Udalut to state, that in obedience to the orders therein contained, 8 Convicts under sentence of transportation are reported to have been despatched from Chingleput on the 28th Instant, to the charge of the Chief Magistrate and Superintendant of Police at Madras in view to their embarkation.—

2 The usual Calendar of these Convicts accompanies this Communication.—

30th April 1849 (Signed) T. H. Davidson
Regist

№26

№438 To,
The Secretary to Government
in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation in the Judicial Department under date the 2d March 1849 №116 and to the order of Government of the 24th April 1849 №248 forwarding a Copy of the proposed Draught Act "for better defining the law as to the removal of prisoners."

2 The Judges have no observations to make on, or objections to offer to the proposed Draught.

3d May 1849. (Signed) T. H. Davidson
Regr

№439 To,
The Subordinate Judge of Rajahmundry

Sir,

With reference to your letter under date the 18th Ultimo I am directed by the Judges of the Foujdaree Udalut to inform you that they resolve under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, to sanction the expenditure incurred in the repairs of a Bandy in use by the

the prisoners in the Jail under your charge, amounting to Rupees (17-2-) Seventeen and Annas two.

3d May 1849. /Signed/ T. H. Davidson
Register

No. 1410 and 1411.

To,

The Magistrates of
Malabar and Coimbatore

Sir,

I am directed by the Judges of the Fonjdaree Adalut to state that they have communicated to the Government their opinion, that consistently with the Provisions of Section XXXIV and XXXV of Regulation XI of 1816 and in extension of the practise at present obtaining in the Bangalore Division of the Mysore Country permission may be granted to the local Native Police Officers in Malabar and Coimbatore, to execute at once and without previous reference to the Magistrates under whom they serve, any warrants for the apprehension of offenders which they may receive from the Police or Magisterial Officers of the Division of Mysore bordering on those Districts: and to request that you will immediately issue the requisite instructions to the several Heads of

of Police under your authority enjoining them to act accordingly.

2. You will be pleased to observe, and to require your native Police Subordinates to bear in mind, that in the Case of the Parties being British subjects, or otherwise within the description in Section II Act I of 1849 their subsequent disposal will be regulated by the act.

4th May 1849. /Signed/ T. H. Davidson
Register

No. 1449.

Circular

Memorandum

Our Printed Copy of the observations by Sir Laurence Peel Knight on the Indian Penal Code, forwarded for the use of the several Sessions Subordinate and Assistant Judges, Principal Sudder Ameens of Cochin and Vizagapatam, and Trichinopoly and to the several Magistrates and Joint Magistrates

By Order of the Court of Fonjdaree Adalut

7th May 1849. /Signed/ T. H. Davidson
Register

No. 450

To,

The Session Judge of Calicut

Sir,

With reference to your letter under date

date the 16th Ultimo forwarding an estimate prepared by the Principal Sudder Ameen of Cochin of the Cost of repairing the building occupied as a dwelling house by the European Jailor at that station, I am directed by the Judges of the Foujdaree Udalut to call your attention to the order of Government of the 31st July 1848, published at page 530 of the Official Gazette of that year, wherein it is required that in all cases of repairs to public buildings, a report shall in the first instance be made to this Court and authority be obtained to call in the Civil Engineer of the Division for the necessary estimate &c.

2. In the Case under notice the Judges observe that this order has not been attended to.

3 They therefore return the estimate which accompanied your letter in view to the adaption by you of the Course prescribed by the order of Government above referred to.

7th May 1849 (Signed) T. H. Davidson
Register

No. 151. To,

The Sessions Judge of Mangalore.

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 20th Ultimo and to state that under the Circumstances therein represented they resolve in exercise of the power vested in them by Section XII Regulation XIII of 1832, to authorize you to offer a pardon to the 3rd Prisoner Sonbroya in Case No. 17 of the Calendar of the Sessions Court of 1849. on the terms and conditions specified in Section XX Regulation VIII of 1802.

2. In regard to the 2nd prisoner, the Judges observe that she allows that she aided in the murder - and there are circumstances which would seem to indicate that she was more engaged in the affair than she admits.

3 The Judges therefore think it right decline sanctioning the offer of a Conditional pardon to that prisoner

4 The Record is returned.

7th May 1849. (Signed) T. H. Davidson
Register

To,

No. 458 and 459 To,

The Magistrates of Salem and Tanjore

Forwarding Copy & Extract Para 5 of

of Government, Dated 4th Instant, conveying observations and orders on the report submitted by the Foujdaree Adalut upon the state Prisoners under the charge of the General Judicial and Magisterial Officers of the Madras Presidency.

Sent the Usual letters Nos

9th May 1849

No. 460. To,

The Sessions Judge of Combaconum.

Forwarding Copy of an order of Government under date the 1st Instant, referring to the Revenue Board an estimate of the Cost of certain repairs required to the Jail at Combaconum.

/ Sent Usual Letter No /

9th May 1849.

No. 461. To,

The Acting Sessions Judge of Cuddalore

Forwarding Copy of an Order of Government under date the 1st Instant, referring to the Revenue Board an application that the Acting Sessions Judge of Cuddalore may be permitted to call upon the Engineer Department for an estimate of the Cost of repairs required to the Jail at that station.

/ Sent Usual Letter No /

9th May 1849

(No. 37)

No. 463 To, The Secretary to Government

in the Judicial Deptt.

Recommending for the sanction of Government an Indent by the Sub. Judge of Calicut for certain tools.

/ Semi-annual letter No /

10th May 1849.

Memorandum

No. 464.

12 Printed forms of the Half Yearly Criminal Statement No. 3

12 Do. of the Do. Do. No. 4.

Forwarded to the Sessions Judge of Chicacole with reference to his letter dated the 28th Ultimo.

By Order of the Court of Foujdaree Adalut.

/ Signed / T. H. Davidson

Register

10th May 1849.

No. 466. To,

The Sessions Judge of Salem,

Sir,

With reference to Mr. Stoney's Communication of the 29th March 1849, relative to the insane Prisoner in Case No. 46 of 1849 on the file

one Rupee for four hundred words, there being twenty thousand and seventy throughout the papers translated.

The Judges of the Tonjdaree Udalut beg to recommend that the sanction of Government be granted to the Bill in question.

11th May 1849. Signed T. H. Davidson Register

No 1169. To,

The Sessions Judge of Trichinopoly.

Forwarding his Indent for tools on the Commissary of ordnance at his Station passed by His Military Board.

12th May 1849. Sent usual letter No.

(No 30)

No 1175. To,

The Secretary to Government in the Judicial Department

Sir,

1 The Government will recollect that by its order dated the 23d June 1848 No 419 The Tonjdaree Udalut were required to submit their opinion on the Draught of a proposed Act "for

file of the Sessions Court the Judges of the Tonjdaree Udalut under instructions from Government direct me to inform you that as the person referred to is declared to be harmless, it will be sufficient to make him over to his friends, on their agreeing to enter into a Moochilka to take care of him

2. You will therefore take the measures necessary towards this arrangement.

11th May 1849. Signed T. H. Davidson Register

(No 28)

No 1167 To,

The Secretary to Government in the Judicial Dept.

Sir

I am directed by the Judges of the Tonjdaree Udalut to submit for the special sanction of Government the accompanying Bill, amounting to Rupees (50) fifty, submitted by the Session Judge of Cuddapah, of the cost of remuneration to an extra Translator employed by that Officer in the Translation of two very important referrible Cases

2. His remuneration has been calculated at

for defining the Law as to remission of the sentences of Subordinate Criminal Courts" which has since become Law as act XIX of 1848.

2. The Judges in their letter of the 1st July 1848, observed that the Course of proceedings prescribed in Section II of the Draught, is precisely and in every particular, that which had been observed for many years in this Presidency; and that the same might be said of Section III, so far as it respects the mitigation of sentences deemed to be too severe. But the Judges added it further provides that the Foujdaree Adalut shall be at liberty to annul any verdict, Judgment or sentence, upon a review of the said abstract statements or Calendars, after calling upon the Judge of the lower Court, (should they see fit so to do) for further information or explanation. This seemed to the Judges to be a great improvement upon the then existing law, which, in this Presidency, had always been construed to preclude the Foujdaree Adalut from setting aside a sentence of a Sessions Court (in a case not referrible) without first calling for an English Translation of the entire Record of such case, however

however clear it might be either from the abstract of evidence in the Calendar or from the Judge's own showing, that the Conviction and Judgment were contrary to the evidence and it was with reference to these views that the Judges submitted their opinion that the proposed Act would be a very beneficial one.

93 The Foujdaree Adalut who have never received any intimation from the Supreme Government that their construction of the Law as above stated was incorrect and inconsistent with the views and intentions of the legislature in framing that Law, have until a recent period, acted upon that construction and accordingly mitigated sentences which upon a review of the Abstract statements or Calendars, appeared too severe, without calling for further information from the lower Court.

4 But a Sessions Judge of this Presidency has recently urged that this Course of Proceeding is contrary to the intendment of the Act in question, and that under that Act, a sentence of a Subordinate Court cannot be either mitigated or annulled unless the Record at least so far as regards such Prisoner in whose favor the sentence

sentence is proposed to be mitigated or annulled be first called for and he supported his view with arguments of sufficient cogency to induce the Fouzdaree Adalut to make a reference to the Court of Nizamut Adalut at Calcutta for the purpose of ascertaining - First what was the construction put by that Court upon Section III of the act, so far as it respects the point above mooted and Secondly what was the practice in force in Bengal before that act was passed.

5 The Nizamut Adalut in their reply state that in the few instances of their interference with sentences under the new law, which have occurred, no sentence has been altered on its merits, without first calling for an explanation from the Sessions Judge and requiring such parts of the evidence as referred to the prisoner, regarding the propriety of whose conviction or sentence the Court had doubts. They have further stated their opinion that the terms of the law enjoin this Course of procedure, and that they have no power, under Section III act XIX of 1848, to alter or mitigate a sentence

Fouzdaree Diary 15th May 1849

merely upon a perusal of the Sessions Judge's remarks in the Abstract Statements of Trials and they have informed the Judges that before the act a sentence was never altered on the merits, whether mitigated, enhanced or annulled, without calling for the Record" and that it was only in Cases in which the sentence was manifestly illegal that an alteration was directed without calling for the record.

The Fouzdaree Adalut have hitherto exercised the power of mitigating sentences upon a perusal of the Calendars furnished by the Sessions Courts, and it seems to the Judges very desirable, on every account, that that power should be continued to them. The Course prescribed by the new law must frequently entail considerable delay, and greatly and inconveniently add to the labours of the Trans. lators' Department in the Sessions Courts. In those Courts, there is only one Translator and if in voluminious Cases including many prisoners, the Fouzdaree Adalut as frequently happens, see fit to mitigate the sentences of all the Prisoners, both before they can do this, an english Translation of the record is to be called for, it is obvious that one Translator cannot be equal to the Extra work and it will be necessary frequently to

to employ Temporary additional Translators, as has already happened at Cuddapah and Salem.

7 Moreover, the Judges remark that they never mitigate "merely upon the remarks" of the Sessions Judge, but after a careful review of the abstract of evidence given in the Calendar, and of the Futwah of the Mooftummudan Law Officer which always contain a very full and complete statement of the evidence - That abstract is, in fact, an epitome - a condensation of all that is taken evidence before the Lower Court, both for the prosecution and defence - and the remarks of the Judge are merely a summing up of - or comment upon that evidence. The abstract contains all that is important to the Case in the evidence of each witness and in this respect the Calendars of the Madras Courts differ materially from those of Calcutta of which a Specimen has been furnished to this Court by the Nizamut Udalut. The latter it will be observed contains no abstract of evidence at all: and to this difference

Note Copies of that received from the Nizamut Adalut and of one submitted by a Madras Sessions Judge are submitted for all the Consideration of Government.

difference, the Judges would beg leave to call particular attention in the disposal of this question.

8. Under all these circumstances, the Judges would strongly urge a reference to the Supreme Government with the view of obtaining a modification of the Law so far as to allow of an order for mitigation being passed without calling for the record whenever from the abstract of evidence, such mitigation may appear guilt and expedient.-

15th May 1849. (Signed) J. H. Davidson
Register

No. 476. To.
The Acting Sessions Judge of Cuddalore
Communicating Copy of a Petition from Parthasarathy Iyengar late a Clerk in the Customs Office at Port Novo with report and correspondence on the subject of that individuals trial and conviction by the Magte of the District on the charge of embezzlement, and desiring him to report, on the matter.-
15th May 1849. (Sent usual letter No.)

To.

No. 477. To

The Sessions Judge of Combaconum.

Sir.

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Fouj.dareé Udalut to request that you will forward — without delay the Duplicate Copies of Certain Calendars and proceedings noted in the Margin which have not been forwarded with the Criminal Reports for the 2d half of 1848.

Copy of Cases Nos 1-6-20-27-28-34-40 & 41 on the Calr of persons punished by the Magy during the 3d quarter of 1848.—
Copy of Case No. 17 on the Calr of persons released
" No. 9 do. punished by the Mag. during the 4th Qr. of 1848
" No. 24 do. released do.
Extt from Proc: Sessn Ct dated 30th Decr 1848 on the Calr. do.
" " " 19th Jany 1849 do.
" " " 22d " " do.
" " " 12th April do.
Memo from the Spl. Asst Magte 15th Jany 1849 do.
Letter from the Asst. Magte 17th Jany " do.
" " 18th " " do.
Extt from Proc: Sessn Ct dated 30th March 1848 on several Police reports for the 3d Quarter of 1848.

Signed J. H. Davidson
Register.

17th May 1849.

No. 31.

No. 478. To

The Secretary to Government in the Judicial Department

Sir

1. Adverting to the sanction granted by the Government of India, under date the 4th of July 1848, for the continuance for a further period of 12 Months of an additional Police Establishment in the District of South Arcot, at a Monthly charge of Rupees 88——, I am directed by the Judges of the Fouj.dareé Udalut to annex the accompanying Memorandum received from the Magistrate of

District, shewing the amount of Crime perpetrated during the past year in Tirunallie, and the other adjacent Talooks in which the additional Police force have been mainly employed.—

2. From this Return it will be observed that the amount of Crime has been greater in the past, than in the previous year, and this increase is, in the opinion of the Magistrate, "owing to a greater number of released Convicts going about that part of the country, and their apprehension made difficult by the shelter & affordeé them by the jungles." another cause is stated to be "the great demand for money owing to the depressed state of the market."

3 The Judges of the Fouj.dareé Udalut fully concur with the Magistrate in his opinion that, under existing circumstances, the continuance of this body of Police is most desirable, and that their withdrawal cannot be effected with any degree of safety to person and property.—

4 The Judges accordingly beg to — recommend that sanction may be granted for the continuance of the Additional Police Establishment for the further period of twelve Months.—

Signed F. Cushington
Sens. Dy. Regr.

17th May 1849.

№ 479. Memorandum.

The Original enclosures which accompanied the letter from the Magistrate of Salem, dated the 13th March last, are herewith returned to that Officer, with reference to his letter dated the 11th instant.

By Order of the Court of Foujdaree Udalut

(Signed) T. H. Davidson.

17th May 1849.

Register

№ 481. Memorandum

1 Printed Copy of additional Rules for the guidance of Justices of the peace, forwarded for the use of.

By Order of the Court of Foujdaree Udalut.

18th May 1849 (Signed) A. J. Arbuthnot

Asst Sect. to the Regr

Sr. Js. Judges.	Sub. Judges.	Magistrates	Asst. Magistrs	P. S. Asses
Honore	Calicut	Masulipatam	Malabar	Cochin.
Tellicherry	Combaconum	Malabar	South Arcot	Vizagapatam
Masulipatam	Salem	Tanjore	Tanjore	
Calicut	Mangalore	South Arcot	Salem	
Combaconum	Madura	Salem	Canara	
Cuddalore	Rajahmundry	Canara	Coimbatore	
Salem	Chittoor	Coimbatore	Ootacamund	
Mangalore	Cuddapah	Tinnevelly	Tinnevelly	
Coimbatore	Bellaree	Madura	Madura	
Tinnevelly		Rajahmundry	Rajahmundry	
Madura		Guntoor	Nellore	
Chicacole		Nellore	St. Thomas Mount	
Rajahmundry		Chinglepat	North Arcot	
Guntoor		North Arcot	Cuddapah	
Nellore		Cuddapah	Bellaree	
Chinglepat		Bellaree		
Chittoor		Trichinopoly		
Cuddapah		Vizagapatam		
Bellaree		Ganjam		
Trichinopoly		Kurnool		

To.

No 487. To,

The Sessions Judge of Mangalore.

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1, 2, 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith and to request that you will forward without delay the Duplicate Copies of the Magistrate's and Joint Magistrate's reports dated 31st March and 14th February, as well as of your letter of the 17th April 1849.

19th May 1849. (Signed) T. H. Davidson
Register

No 488. To,

The Sessions Judge of Chicacole

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 2 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith and to request that you will forward without delay the Duplicate Copies of the Proceedings of the Sessions Court dated 23rd April 1849 and of the Reports of the Magistrates of Vizagapatam and Ganjam dated 6th and 28th Feb 1849.

19th May 1849 (Signed) T. H. Davidson
Register

No 489. To,

The Sessions Judge of Madura

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 2 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith and to request that you will forward without delay the Duplicate Copies of the Magistrates' report dated 20th March as well as of your letter of the 23rd March 1849.

19th May 1849 (Signed) T. H. Davidson
Register

No 490 To,

The Sessions Judge of Honore.

Sir,

I am directed by the Court of Foujdaree Udalut

Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 and 4 or to that submitted under Circular Order No. 175 but to all Reports &c. connected therewith and to request that you will forward without delay the Duplicate Copies of the reports of the Sessions Judge and Magistracy, Extract of the Calendar of persons punished by the Magistracy during the 4th quarter of 1848 with Proceedings of the Sessions Court and of the Appendix containing the abstracts and figured Statements compiled from the Calendars of Cases disposed of during the year 1848.

19th May 1849. /Signed/ T. H. Davidson
Register

No. 491

To,

The Sessions Judge of Salem.

Sir,

Adverting to the Circular Letter of the 5th October last, I am directed by the Court of Foujdaree Udalut to request that you will forward without delay the Duplicate Copies of the Magistrates petty Calendars and of the Proceedings of the Sessions Court held thereon which were

were forwarded with the Criminal Statements for the 2nd half of 1848.

19th May 1849 /Signed/ T. H. Davidson
Register

Nos. 492 & 493

To,

The Sessions Judges of Chittoor and Cuddapah

Sir,

The half yearly Criminal Reports due from you for the last half of 1848 not having as yet been received by this Court I am directed by the Judges of the Foujdaree Udalut to request that you will forward the same without delay, and to inform you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 & 4 or to that submitted under Circular Order No. 175 but to all Reports &c. connected therewith.

19th May 1849 /Signed/ T. H. Davidson
Register

No. 494

To,

The Agent to the Governor of Fort St. George
at Ganjam

Sir,

I am directed by the Court of Foujdaree Udalut to request that you will without further delay forward the Criminal Reports due from you for the last half of 1848.

19th May 1849 /Signed/ T. H. Davidson
Register

To,

No 498.

To,

The Agent to the Governor of Fort St George
at Vizagapatam

Sir

I am directed by the Court of Tonjdaree Udalut to return the Statement No 1 for the 2d half of 1848 and to state that 29 persons are entered under the head of Petty theft, as their Cases were not disposed of by the District Police at the close of the last report while the Statement for the previous half year contain nothing of that kind.

2 You will be pleased to transmit the Statement duly amended or furnish an explanation of the discrepancy.

22d May 1849. (Signed) T. H. Davidson
Register

No 499. To,

The Sessions Judge of Chingleput

Sir

1 I am directed by the Court of Tonjdaree Udalut to return the statement shewing the number of Cases forwarded to the Criminal Court by each Head of Police for the 2d half of 1848 and to state that in the similar Statement for the preceding half

half year, one Case containing one person is entered as under examination of those forwarded by the Head of Police of Poonamaly, but of which there is no corresponding entry in the Statement under review.

2. You are therefore requested to have the Statement amended and retransmitted without delay.

22d May 1849 (Signed) T. H. Davidson
Register

No 500. To,

The Sessions Judge of Madura

Sir,

I am directed by the Court of Tonjdaree Udalut to return the Statement No 3 for the 2d half of 1848 and to state that the total number of persons charged with the Criminal of Gang robbery, attended with aggravating Circumstances, escaping from Custody, Perjury, and False and Malicious accusations of Crimes and offences preferred to a Native Police Officer and entered in Columns 5 do not Correspond with the particulars of their respective disposal.

2. I am further directed to point out to you that in the Statement No 2, 3 persons were included

included in 1 Case charged with the Crime of Perjury in opposition to Circular Order dated 6th August 1832 which requires that each individual charged with that crime should be tried separately.

3 You are therefore requested to have the Statement amended and retransmitted without delay.

22d May 1849 /Signed/ T. H. Davidson
Register

No. 501. To,
The Sessions Judge of Mangalore

Sir,

I am directed by the Court of Foujdaree Udalut to return the Statement No. 4 Shewing the operations of your Court for the 2nd half of 1848, and to request that you will cause the 1 Cases of Culpable Homicide, and 1 Case of Murder and Robbery entered in Column 8 to be exhibited in either of the succeeding Columns 9-10-11 & 12 as the case may be, and to state that 2 trials of Murder appear in Column 8 to have been referred to this Court whilst in Column 11 only one trial is entered.

2. You are therefore requested to have the Statement amended and retransmitted without delay.

/Signed/ T. H. Davidson
Register

22d May 1849.

No. 502. To,
The Sessions Judge of Canara

Sir,

I am directed by the Court of Foujdaree Udalut to return to you the Statement No. 1 for the 2nd half of 1848 in view to the exhibition therein by a Memorandum of the extent and degree of supervision and control exercised by the Magistrate over the proceedings of his Assistants as required by this Court's Circular Letter of the 12th April 1843.

22d May 1849 /Signed/ T. H. Davidson
Register

No. 503. To,
The Magistrates.

Circular Sir

I am directed by the Judges of the Foujdaree Udalut to transmit to you the accompanying Copy of a roll of three Convicts, named Ganiga Simmappah Bhundaree alias Gundwamy Vencatah, Jokrliah, who are reported to have effected their escape from Province Wellesley in Prince of Wales' Island, in view to their apprehension should they appear in your District.

22d May 1849 /Signed/ T. H. Davidson
Register

To

(No. 32.)

No. 504. To,

The Secretary to Government
in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Order of Government dated the 5th May 1849 No 388 referring to their opinion the Draught of a proposed Act "to punish tampering with the Army or Navy"

2 The Judges are of opinion with reference to Section I of the Draught, that there should be an punishment between Seven years imprisonment and Transportation for life.

3 In this Presidency, the Sessions Courts in Cases of Gang robbery and some other Crimes, can pass sentense of fourteen years imprisonment in banishment and the Judges are of opinion that the Act would be improved if the same power were given to the Sessions Courts in regard to the Offences indicated in this Act.

4 The Judges also recommend that all Cases in which the Sessions Courts may deem a Sentence of fourteen years imprisonment inadequate to the degree of Criminality established against the accused

accused should be referred for the final Judgment of the Foujdaree Udalut, who alone, under the existing Code, have authority to sentence to transportation for life.

5 The Judges would likewise observe that the wording of Sections I and II is somewhat obscure, as it regards the Courts by which the final Sentences are to be passed; and they suggest that that point be made more distinct inorder to avoid future doubts and references.

22nd May 1849. (Signed) T. H. Davidson
Register

No. 505. To,

The Chief Magistrate and Superintendant of Police at Madras.

No Original

N.506. To,

The Subordinate Judge of Combaconum.

Sir,

The Government having been pleased by an order in the Public Works' Department dated the 10th. May 1849. N.93 to order the transfer of the Myaveram Convicts to Negapatam for the purpose of being employed on certain works in the Fort of that Town, for three Months, at the expiration of which time they are to return to the Myaveram Jail, and at the same time, expressed a wish that the strength of the Negapatam Jail should afterwards be increased till the work proposed be completed. I am directed by the Judges of the Tonjdaree Adalut to request that you will, without delay, report how many Convicts you will be able at

at the end of three Months, to transfer from the Jail under your charge to that at Negapatam and how many additional Convicts the latter Jail is capable of containing with due regard to their health and safe Custody.

I Signed J. T. H. Davidson
Register

23d. May 1849.

(N.533)

N.507. To,

The Secretary to Government
in the Judicial Department

Sir,

Adverting to the Extract from the Minutes of Consultation in the Public Works Department under date the 7th. April 1849. N.77. I am directed by the Judges of the Tonjdaree Adalut to state that the Officer Commanding Arcot has reported that the Convicts made available to the Military authorities by the Order of Government N.134 of the 15th. February 1845, are still employed in making roads clearing the Cantonment and Parade ground of the 1 light Cavalry "and yet there is such quantity of work to be done, that it is impossible to say when their Services can be dispensed with"

2 The Commanding Officer reports that the Jail in which they are accommodated is a large

and

and healthy barrack and there is a guard furnished by the 52d. Regimt Native Infantry of 1 Havildar 6 Naigurs and 30 Privates for their safe Custody, exclusive of the usual Jail prons which are attached to them, and the whole are under the Controul of the Staff Officer of the station."

3 In obedience to the order of Govermt above citd, the Judges of the Fouzdaree Udalut directd that twenty of the Convicts Colonel Munsey should be employed in opening the paths and clearing the compound of the Bungalow occupied by the Sub Collector at old arcot: and Colonel Munsey has reportd that that number of Convicts has been employed accordingly.

23d. May 1849. (Signed) T. H. Davidson Register

No. 508. To,

The Magistrate of Madura

Sir,

I am directed by the Judges of the Fouzdaree Udalut to acknowledge the receipt of your letter of the 17th. Instant and to inform you that under the Provisions of Section XXI. Regulation IX of 1816, they authorize the offer of a reward of Rupees (500) five hundred for the discovery and apprehension of the

Offender

offender or offenders Concernd in the murder reported in that communication.

23d. May 1849. (Signed) T. H. Davidson Register

No. 510. To,

The Sessions Judge of Cuddapah

Communicating sanction of a Bill of the cost of remunerating an extra Translator employed in the translation of two important referrible Cases.

25th. May 1849 (Signed) T. H. Davidson Register.

No. 511. To,

The Magistrate of Masulipatam

Sir,

I am directed by the Judges of the Court of Fouzdaree Udalut to return to you the Statement of Contingent charges which accompanied your letter of the 10th. March last in order to its retransmission in Duplicate.

The Judges observe that the designation of the authority, though whom the sanction of the Government was conveyed to you for the charges entered as No. 2 and 3 of the Statement now returd, should be specified, together with the date of the Communication by which the orders in question were transmitted.

2

The

23 The Judges desire to be informed why no statement was submitted of the Contingent charges incurred by you during Fusly 1256, which it is observed amounted to Rupees 227 - 7 - 5 Two hundred and twenty seven, annas seven, pice five.

25th May 1849 (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 512. To,

The Sessions Judge of Honore

Sir,

In reply to your letter of the 16th Instant reporting the transfer of 20 Convicts from the Jail under your charge to the Jail at Sircy, I am directed by the Judges of the Foujdaree Adalut to inform you that the Prisoners in question having been permanently transferred to the Jail at Sircy, the peons under whose charge they have been sent should be entered upon the Sircy Jail establishment, and that their pay should be reduced to that received by the other peons attached to the Jail at Sircy.

25th May 1849 (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 522. To,

The Magistrate of Malabar

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adalut to return to you the statement of Contingent charges incurred by you in Fusly 1257 in order to its resubmission in an amended form by the insertion of those charges incurred in the preceding Fusly 1256 for which no corresponding items are to be observed in the statement under reference.

2 The Judges desire me to request that you will furnish them with an explanation of the delay which has occurred in the transmission of the statement now returned, which it is observed although dated the 11th July 1848 did not reach the Court of Foujdaree Adalut until the 20th April 1849.

29th May 1849. (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 523. To,

The Acting Sessions Judge of Coimbatore

Sir,

With reference to your letter of the 16th

16th Instant soliciting sanction for the expenditure of a further sum of Rupees (14 3 -) fourteen and annas three in the manufacture of certain pickaxes for the use of the Prisoners in the Jail under your charge. I am directed by the Judges of the Fouzdaree Udalut to inform you that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Fort St. George Gazette of that year they sanction the expenditure of that amount

29th May 1849. (Signed) T. H. Davidson
Register

No 524 To,

The Sessions Judge of Rajahmundry

Sir

Adverting to Mr Irvines Letter of the 5th Instant. Explaining, in reply to the communication from this Court of the 27th Ultimo why no Report was made to the Fouzdaree Udalut of the attempted escape of certain prisoners while being conducted preparatory to their return to the Jails from the works at Cantaroo Jaun directed by the Judges to observe that this Circular Order of the 20th May 1831 requiring that the report to be made direct to Government shall be a Copy of that made to the Provincial Court (under

the present system. the Fouzdaree Udalut) and that if it was not necessary to report the matter to this Court, it was obviously unnecessary to report it to Government.

2 I am directed to add that the Judges are awaiting the Translations of the Depositions taken in the Case, which are required to enable them to submit to Government their opinion on certain points relating to the Conduct of the Peons on the occasion.

(Signed) T. H. Davidson
Register

29th May 1849.

No 525 To,

The Acting Subordinate Judge
of Cuddapah

Sir,

I am directed by the Judges of the Fouzdaree Udalut to request that on the receipt of this Communication, you will make preparation for the immediate transfer of one hundred (100) able bodied Convicts from the Jail under your charge to that of the Subordinate Judge of Rajahmundry, for the purpose of their being employed on the Anicut in that District

29th May 1849 (Signed) T. H. Davidson
Register

To

No. 526. To,

The Acting Subordinate Judge
of Rajahmundry

Sir,

Adverting to Mr. Irvine's letter of the 9th instant I am directed by the Judges of the Fouj.daree Udalut to inform you that they have instructed the Acting Subordinate Judge of Cuddapah immediately to transfer to your charge, one hundred (100) Convicts, to be employed on the Engineer works in the District of Rajahmundry.

29th May 1849 (Signed) T. H. Davidson
Register

No. 527. To

The Magistrate of Masulipatam

Sir,

I am directed by the Judges of the Fouj.daree Udalut to acknowledge the receipt of your letter of the 12th Instant, and in reply to inform you that, with reference to the Circular order of the Sudder Udalut No. 8 they authorize you to disburse the sum of Rupees 260 being the amount of fines levied from the parties convicted in the case referred to in the Proceedings of the Sessions Court of Masulipatam under date the 28th April 1849 for the purpose of its being refunded to the parties in question agreably to the instructions of the Session Court.

29th May 1849. (Signed) T. H. Davidson
Register

No. 528. To,

The Session Judge of Tellicherry

Communicating Minutes of Consultation by the Government declining interference in the Judgment arrived at by this Court regarding Kunayet Ally Khan Moofty Sudder Ameen of the Zillah Court.

29th May 1849. (Signed) T. H. Davidson
Register

No. 529 To,

The Session Judge of Calicut

Forwarding his Indent for tools passed by the Military Board.

(Sent Usual Letter No.)

30th May 1849.

To

No 537 The Subordinate Judge

of Calicut.

Sir,

In reply to your letter of the 11th Ultimo, I am directed by the Judges of the Foujdaree Adalut to observe that the Rules in force respecting the arms of the Peons must be strictly attended to it will remain, therefore, with you to adopt such measures as you may deem best calculated to render the guards efficient.

2d June 1849.

/Signed/ F Lushington

Acting Sen.r Dp.r Register.

To

No 538 The Session Judge

of Honore

Sir,

Adverting to your letter under date the 11th Ultimo, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the Authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year to sanction the Expenditure of Rupees 16 8 a Sixteen and annas Eight, in making up 4 irons Bars for the purpose of Securing those Prisoners who have once effected their escape from the jail under your Charge.

2d June 1849.

/Signed/ J H Davidson

Register.

No. 547.

To

The Principal Assistant Magistrate

Sir, in Charge of Ganjam

With reference to your letter of the 18th Ultimo, applying for the Sanction of Government for the Sum of Rupees 25 — twenty five being the amount of a Reward paid during Fusly 1257 to certain parties for the recapture of a Prisoner Bhoye Naik in Case No 9 of 1847 of the Agents file, who effected his escape in the Zillah of Masulipatam while under escort to Nellore. I am directed by the Judges of the Foujdaree Udalut to observe that as the Reward in question appears to have been paid in conformity with a Specific provision of the Regulations, the Special Sanction of Government is not required for the same but in submitting the accounts to the Civil Auditor, the Regulation under which it was offered and paid should be distinctly set forth.

4th June 1849. (Signed) J. H. Davidson
Register

No. 551

To

The Magistrate of

Madura.

I am directed by the Judges of the Foujdaree Udalut to request that, under the Circumstances mentioned in your letter of the 24th Ultimo, you will consider as cancelled the Sanction of the offer of the Reward of Rs. 500 — Communicated in my letter of the 23d Ultimo.

5th June 1849. (Signed) J H Davison
Register

No. 552

To

The Several Sessions and Sub Judges

Principal Sudder Ameens and

Magistrates.

Sir,

1 I am directed by the Judges of the Court of Foujdaree Udalut to transmit for your guidance the following instructions in regard to the preparation of the Statements of contingent charges annually forwarded to this Court.

2 The Judges desire that in future the Statements in question may exhibit the number of Prisoner in confinement in the Jail under your Charge in each of the years under comparison, in order that it may be clearly apparent from a perusal of the Statement itself, whether or not any explanations offered for an increase or decrease observable in the amount of the Charges incurred for the diet ing of Prisoners, are sufficient.

3 All Charges passed by the Court of Sudder Udalut under the authority vested in them by the Resolutions of Government dated 28th July 1843 and 25th January 1845 you will be pleased to insert in the annual Statement of contingent Charges, in order that the Statements in question may present at one view the entire amount of Contingent expenditure incurred during the

the periods to which they refer.

4 The Judges desire that no Charges incurred on account of repairs of public buildings but those of a trifling or emergent nature accounted within the limit prescribed by the orders noted in the margin, and regarded as "contingencies," may in future be exhibited in the annual Statements.

5 The notification of the instructions conveyed in the Circular Order of the Sudder Adalat dated the 30th October 1824 the Judges direct that the Statement of Charges incurred in the pending Fusly to which no corresponding items are to be observed in the Fusly under review, be in future confined to the aggregate amount of such Charges the Government Considering the detailed Statements hitherto inserted under this head to be unnecessary.

6 The Right Honorable the Governor in Council having observed that many of the annual Statements recently submitted are encumbered with useless details which might have been better furnished in separate account particular, which others contains an unnecessary repetition of terms in the discription

of

of the Several Charges incurred, I am directed to request that the Statements in question may in future be prepared in a form as concise and condensed, as may be consistant with perspicuity.

7 In conclusion the Judges of the Foujdaree Adalat direct that the Estimated value of such articles as are manufactured by the Convicts, and used for Public purposes, and also of Prisoners labor when employed upon public works may be noted at the foot of the annual Statements to which these Constructions refer.

I have the Honor to be
Sir
Your Most Obedient Servant
(Signed) A. J. Arbuthnot
Ad. Asst. to the Register.

6th June 1849.

To

(№ 34)

№ 553

To

The Secretary to Government

in the Judicial Department.

Sir

I am directed by the Judges of the Court of Foujdaree Udalut to report for the information of the Right Honorable the Governor in council that the Session Judge of Calicut at the request of the Principal Sudr Ameen of Cochin has suggested that the Civil Engineer of the Division may be authorized to frame an Estimate for the execution of certain Repairs which the Principal Sudr Ameen reports to be required to the building occupied as a dwelling house by the jailor and constable at Cochin.-

2 The Judges of the Foujdaree Udalut to recommend that the Civil Engineer may be authorized to prepare an Estimate for the Execution of the repairs referred to.-

6th June 1849. (Signed) J.H. Davidson

Register.

(№ 35)

№ 558

To

The Secretary to Government

in the Judicial Department.

Sir

I am directed by the Judges of the Foujdaree Udalut to submit the accompanying List, forwarded through the Session Judge by the Principal Sudr Ameen of Chingleput, of unclaimed property connected with certain Criminal Cases disposed of by that Officer, and which property has accumulated

accumulated since the establishment of his Court in the year 1843, and to recommend at the suggestion of the Principal Sudr Ameen that it be sold by Public outcry and the proceeds be remitted to the Collector's Treasury for the purpose of being carried to the credit of Government, together with the Sum of Rupees (4-1-1) four anna one and Pie one, property of the same discription, being in ready Money.-

7th June 1849. (Signed) J.H. Davidson

Register.

№ 559.

To

The Acting Session Judge of

Cuddalore.

Sir,

With reference to your letter of the 29th Ult. applying for instructions as to the exctent of the investigation you are required to make in the matter of Parthasawratty Iyengar. I am directed by the Judges of the Foujdaree Udalut to inform you that all that you are required to do is to go into the Record of the Single Case in which that Individual was "convicted" and to Report your opinion on the same.-

7th June 1849 (Signed) J.H. Davidson

Register

(№ 36)

№ 562.

To

The Secretary to Government

in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Order of Government

of

of the 29th May 1849. No 335. Forwarding a letter from the under Secretary to the Government of India, dated the 12th May 1849. and to Submit as required the accompanying Draught of an act for extending the provisions of act XVII of 1840 to Head Officers of Police, to enable them to adjudicate Petty Breaches of the Salt Laws.

8th June 1849. (Signed) J H Davidson
Register

Act No

An act for amending Act XVII of 1840, in regard to penalties for certain breaches of the Salt Laws.

Whereas inconvenience has been experienced in consequence of Head Officers of District Police in the Madras Presidency being prohibited from taking cognizance of petty offences against the Salt Laws.-

I It is hereby enacted, in modification of Act XVII of 1840, that it Shall be competent to those of District Police to hear and determine cases of offences against the Salt Laws when the value of the Article in question Shall not exact five Madras Rupees and to inflict punishment not exceeding ten days imprisonment with labour or a fine not exceeding three Rupees commutable, if not paid, to imprisonment with labour for a period not exceeding ten days.-

II And it is hereby enacted that whenever a Head of District Police investigating under the authority vested in him by this Act Shall be of opinion that the punishment which

which he is empowered to inflict is not adequate to the offence committed he Shall report the case to the Magistrate for his final orders. Stating precisely the nature and exclent of the punishment he recommends to be inflicted. and the Magistrate Shall, at his discretion either issue his orders in writing to the Head of Police to inflict such punishment as the Magistrate may deem Sufficient not exceeding that declared in act XVII of 1840. Recording his reasons, if it is at variance with the opinion of the Head of Police, or he Shall order the Head of Police to forward the parties & witnesses to him for further investigation.-

III Provided always and it is hereby enacted that if at the expiration of thirty days from the date and day of dispatch of any reference from a Head of District Police to a Magistrate no answer or order of the Magistrate Shall have been received by the Head of Police then, the Head of Police Shall release the offenders, and the Confinement which they have so had Shall be considered a Sufficient punishment for the said offence, and they Shall not be liable to be again tried for the Same.-

IV And it is hereby enacted that Heads of District Police Shall report to the Magistrates in the Mode prescribed by Clause Second Section XXXIII Regulation XI of 1816, all punishments which they may inflict by Virtue of the authority vested in them by this Act.-

8th June 1849. (Signed) J H Davidson
Register.

No. 565. To

The Magistrate of

South Arcot.

Sir;

1 With reference to your letter of the 10th April last requesting sanction for the continuance of the additional Police Establishment in South Arcot. I am directed by the Judges of the Foujdaree Udalut to forward to you the annual copy of his Extract from the Minutes of consultation under date the 2d Instant and to request you will lose no time in furnishing this Court with the fullest information on the subject.

2 You will be pleased to pay particular attention to the opinion recorded by Government as to the expediency of locality an Assistant Magistrate in the Talooks in which crime is most prevalent and report what steps you have taken or propose to take, with reference to that opinion.

3 You will likewise be placed particularly to bear in mind the opinion of Government that a more energetic Superintendence of the Police by the Magistracy of South Arcot is very requisite. On opinion in which the Foujdaree Udalut cannot but entirely concur.

11th June 1849. (Signed) J H Davidson

Register

No. 566. To

The Session Judge of Chittoor

Sir,

Adverting to your letter of the 12th Ultimo, I am directed by the Judges of the Foujdaree Udalut to request you will immediately take

take measures to obtain and forward to this Court answers to the following questions relative to the employment of the convicts under the Officer Commanding Arcot.

1 What work (exactly) has been executed by convicts labour from the 11th March 1845 to the present time.

2d What is the State of the Existing roads in the contonment.

3d What is the Estimated value of the work performed in the last twelve Months.

What is the number of Convicts, the strength of the Jail Guard, and the Exctra Cost, all Items included, of the maintenance of the convicts, and 5th Whether the Detachment of the 52 Regement is required Solely for their safe Custody.

11th June 1849. (Signed) J H Davidson

Register.

No. 567

No 573..... To

The Officer Commanding

Arcot

Sir,

I am directed by the Court of Foujdaree Udalut to return to you the Statement of Convicts for the 2d Half of 1848 and to request that you will exhibit at the bottom of it the date of the Authority of Government placing convicts under your control and retransmit it by return of Post.-

I have the Honor to be

Sir,

Your Most Obedient Servant

13th June 1849. /Signed/ J H Davidson

Register

No 576 To The Session Judge

Sir of Coimbatoor

Communicating orders of Government sanctioning an Estimate for repairs to the Jail at his Station.

11th June 1849. /Signed/ J H Davidson

Register

No 577 To

The Session Judge of

Sir Chingleput.

I am directed by the Judges of the Foujdaree Udalut to request you will forward to the Jail at Guindy twelve able bodied convicts in addition to those already there under the care of the Magistrate of Chingleput.-

14th June 1849. /Signed/ J H Davidson

Register

No 578 To The Magistrate of Chingleput.

Sir,

I am directed by the Judges of the Foujdaree Udalut to inform you that they have instructed the Session Judge of Chingleput to send twelve convicts to the Guindy Jail, in addition to those now under your orders. and to request you will made the same arrangements for their safe custody &c as you have done for the others. and further that you will take measure for having them sent every morning early to the Sudder Court the compound of which they are to be for a while employed in repairing and clearing, which is the property of Government.-

14th June 1849. /Signed/ J H Davidson.

Register

No 579 To Captain W. R. Worster

Superintendent of Roads.

Sir,

I am directed by the Judges of the Foujdaree Udalat

Udalut to inform you that the Sessions Judge of Chingleput has been instructed to send to the Guindy Jail, twelve convicts in addition to those now under the Charge of the Magistrate: and that from the date of their arrival at Guindy It will not be necessary for you to send to the Sudder Court, the party of Prisoners applied for in the Letter from this Office of the 16th March last.

14th June 1849. (Signed) T. H. Davidson
Register

No. 580 To The Principal Sudder Ameen
in Charge of the Sessions Court of Trichinopoly.

Sir,

With reference to your Letter of the 5th Instant, reporting the escape of two Prisoners on the morning of the 4th Instant, I am directed by the Judges of the Foujdaree Udalut to request that you will lose no time in submitting for their Consideration a report of your enquiring into the Circumstances under which the escape was effected, together with translations of the depositions taken from the parties examined before you.

2 The Judges observe that Foujdaree Udalut Circular Order No. 60 expressly forbids the detachment of Convicts to the Jungle and they direct that such practice be immediately discontinued in the Trichinopoly Jail.

14th June 1849. (Signed) F. Lushington
Acting Sen. Dy. Register

No. 584. To (No. 38)
The Secretary to Government
in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation in the Public works Department under date the 10th May 1849. No. 93. directing the temporary removal of the Convicts stationed at Myaveram to Negapatam, and expressing a wish that the Strength of the Jail at the latter Station may hereafter be encreased. I am directed by the Judges of the Foujdaree Udalut to state that a reference had been made to the Subordinate Judge at Combaconum to ascertain whether any convicts could be spared from that Jail, but that Officer has reported that the continued decrease of the number of Prisoners at Combaconum in 1846 amounted to 401 and is now but 233 has disabled him already from maintaining a part of the work performed in 1845 and 1846, and any further reductions will make it necessary to abandon much which even now is maintained with difficulty within the Town itself, and which, such is the nature of the Soil, without timely and incessant repairs, will speedily fall into decay. The Subordinate Judge adds that the whole number of available convicts for public works in the Jail under his Charge falls short of 120.

2 At Cuddalore and Salem the number

of

of Convicts is also small: and at Trichinopoly they are employed upon important public works ordered by Government.

Under these circumstances, the Judges apprehend that it will not be in their power for some time to come, to order the transfer of any Convicts to Negapatam from the Neighbouring Jails.

15th June 1849. /Signed/ J H Davidson
Register.

No 585.

Memorandum.

4 Printed forms of the Half yearly Criminal Statement No 1
4 Do of the Do Do No 2
4 Do of the Half yearly Statement of labor of Convicts
4 Do of the Jail Returns.

Forwarded to the Sessions Judge of Combaconum with reference to his letter dated the 28th Ultimo.

By Order of the Court of Foujdaree Udalut.
15th June 1849. (Signed) J H Davidson
Register

No 586.

Memorandum

5 Dozens of Printed Calendars forwarded to the Sessions Judge of Nellore with reference to his letter dated the 5th Instant.

By Order of the Court of Foujdaree Udalut.
15th June 1849. /Signed/ J H Davidson
Register

To

(No 39)

No 593 To The Secretary to Government.
in the Judicial Department.

Sir,

With reference to the order of Government dated the 25th July 1840 No 351/604, I am directed by the Judges of the Foujdaree Udalut to transmit for Submission to the Government of India, the accompanying Copy of the Criminal Report for the 2d half of 1847.

18th June 1849. /Signed/ J H Davidson
Register.

No 594 To The Sessions Judge of Chingleput.

Sir

Sanctioning the disposal in the manner proposed by the Principal Sadder Ameen of the unclaimed property received by that Officer in Criminal Cases since 1843.

18th June 1849. /Signed/ J H Davidson
Register.

No 601 To The Secretary to the Board of Revenue
in the Department of Public Works.

Sir,

With reference to the order of Government of the 1st Ultimo No 272, I am directed by the Judges of the Foujdaree Udalut to transmit for examination and check and for eventual Submission to Government the accompanying Estimate of the repairs required to the Jail &c at Cuddalore.

19th June 1849. /Signed/ J H Davidson
Register.

To

(No. 40)

No. 604. To The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Extract from the Proceedings of this Court dated the 15th Instant No. 37, I am directed by the Judges of the Foujdaree Udalut to transmit to you for the purpose of being laid before the Right Honorable the Governor in Council the accompanying Statement, exhibiting the number of Trials disposed of by them, from the 1st July to 31st December 1847, and shewing the number of days occupied from the date of apprehension to the final disposal of each case, as required by para. 23 of the Extract from the Minutes of Consultation dated 7th April 1848. No. 258.

20th June 1849. (Signed) J.H. Davidson
Register.

No. 605. To The Acting Sub Judge in Charge of
the Session Court of Cuddapah.

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to return to you the Copies of the letter of the Magistrate of Cuddapah under date the 8th May 1849 forwarding the Comparative Statements of crimes Committed in that District during the year 1848 in order that the letter may be retransmitted to the Magistrate for amendment by the omission of

Paras 17, 18, 19, 20, 21, and 23 which it is observed, convey certain Suggestions for the alteration of the law regarding the Offence of Perjury.

2 The Judges desire me to state that Magistrates in this Presidency were on a former occasion directed to inform the observations contained in the letter Submitted by them with the annual Police Reports to a review of the State of the Police in their respective Districts, abstaining from inserting therein any propositions or Suggestions of a general nature, which it was observed, Should invariably be submitted in Separate Communications.

20th June 1849. (Signed) J.H. Davidson
Register.

No. 606 To The Session Judge of
Calicut.

Sir,

Communicating order relative to the repairs of the Jailors Quarter at Cochin.

20th June 1849. (Signed) J.H. Davidson
Register.

No. 608. To The Agent to the Governor of
Fort St. George at Ganjam.

Sir,

Adverting to this Courts Circular letter dated 5th October last, I am directed by the Court of Foujdaree Udalut to request that you will forward without further

delay

delay the duplicate Copy of your report dated the 18th May 1849 forwarding the Criminal returns for the last half year.

21st June 1849. /Signed/ T.H Davidson

Register.

No 609. To

The Subordinate Judge

of Calicut.

Sir,

With reference to your letter under date the 8th Instant requesting Sanction for the expenditure of a sum amounting to Rupees (73-15-9) Seventy three Annas fifteen and Pice nine in certain repairs to the Jail and to the Cooking utencils in use therein I am Sam directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the Order of Government of the 28th July 1843 published at Page 608 of the Official Gazette of that year, they can sanction only the Charges on account of the iron Cooking utencils and the tubs (large and small) requisite for use in the Jail and the Hospital, together with amounting to Rupees 19-8-0 Nineteen and annas Eight.

2d The Charges for repairing the drains and the roof of the Jail which amount in the aggregate to Rupees 54-7-9 Fifty four annas Seven and Pice nine being of a nature different from the foregoing and involving an Expenditure beyand the Sum which the Judges are empowered to authorize for the repairs of Public Buildings, I am directed to state that you must Submit a Separate application through

through this Court for the special Sanction of Government for those charges, accompanied by the necessary explanations.

21st June 1849. /Signed/ T.H Davidson

Register

No 610. To

The Secretary to the

Medical Board

Sir,

With reference to your letter of the 11th February 1843, I am directed by the Court of Foujdaree Udalut to transmit to you to be laid before the Medical Board the accompanying General Statement of Prisoners in the Several Jails under this Presidency for the year 1848.

21st June 1849. I have the honor to be &c.

/Signed/ T.H Davidson

Register

Statement

| | | |

| | | |

| | | |

| | | |

| | | |

| | | |

| | | |

| | | |

| | | |

| | | |

No 612 To

The Session Judge of Chittoor

Sir,

Adverting to the Circular Letter from this Court dated 5th October last I am directed by the Court of Foujdaree Udalut to request that you will without further delay forward the Duplicates of all the papers submitted with your Report of the 9th Instant, with the exception only of statements Nos 1, 2, 3 and the end of that submitted under Circular Order No 175. the Duplicates however of the Reports of the Magistrate and Sessions Court have been furnished by you

2 I am further directed to return for amendment the Calendar of Persons punished by the Magistracy during the 4th quarter of 1848 and to state that no copy of Case No 4 remarked upon in para 3 of your Proceedings of the 26th March last, as well as of your Proceedings in Case No 3 appears to have been annexed

3. The reason for the delay in submitting the Report has not been stated, which you are requested to furnish

22d June 1849. /Signed/ T H Davidson

Register

No 613. To

The Session Judge of Combaconum

Sir,

I am directed by the Judges of the Foujdaree Udalut to return to you the Jail returns prepared by the Subordinate Judge and the Magistrate of Tanjore for the year 1848 and to request that you will call upon those Officers to explain the Cause of the direct contradiction and inconsistency between the notes entered at the foot of the statements furnished by them

You will be pleased to retransmit the statements with the required explanation without

without delay in order that the transmission of the same to the Medical Board may not be delayed any longer.

22d June 1849. /Signed/ T H Davidson

Register

No 614. Memorandum

6 Printed forms of the Half yearly Criminal Statement No 3 forwarded to the Principal Sudder ameen of Cuddalore with reference to the late Acting Principal Sudder ameen's letter dated the 15th June 1849.

By Order of the Court of Foujdaree Udalut.

/Signed/ T H Davidson

22d June 1849. Register

No 615. Memorandum

4 Printed forms of the half yearly Criminal Statement No 1

4 ——— do ——— of the ——— do ——— do ——— No 2

Forwarded to the Magistrate of Rajahmundry with reference to his letter dated the 11th June 1849.

By Order of the Court of Foujdaree Udalut.

/Signed/ T H Davidson

22d June 1849. Register

To

No 66. To

The Session Judge of

Bellary.

Sir,

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your letter of the 11th Instant, and to state that in forwarding the Duplicate Copies of the Reports &c required in their letter of the 27th April last, you have by mistake subjoined thereto Extracts of Petty Calendars disposed of by the Magistracy during the 1st and 2d Quarter of 1848 and of the proceedings held thereon by you, the submission of which, with the Reports for the 2d Half of 1848 is not required.

You are therefore requested to transmit a Duplicate Copy of what has already been submitted with the reports for the 2d half of 1848. The Duplicates in question are herewith returned.

I have the honor to be,

Sir,

Your Most Obedient Servant

22d June 1849.

/Signed/ T H Davidson

Register.

To

(No 41.)

No 67. To

The Secretary to Government

in the

Judicial Department.

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to report for the information of the Right Honorable the Governor in Council that an individual, named Seruu Rookiah committed for trial before the Sessions Court of Rajahmundry upon a charge of High way Robbery in Case No 21 of 1849 on the file of the Sessions Court the Calendar of which is herewith transmitted has been acquitted by the Sessions Judge in concurrence with the Futwah delivered by the Mohammedan Law Officer, on the Ground that the Prisoner has been proved to have been insane at the time of the Commission of the Robbery laid to his Charge.

2 The Medical Officer has certified that the Prisoner is of sound mind at present, but the Sessions Judge consider the evidence sufficient to Establish the Prisoner's insanity at the time of the Commission of the Offence Charged against him; and states that he had been under Medical treatment in the Village of Saitagontah

from

from which he had effected his escape on the very day that the Robbery occurred.-

3 Under the provisions of Act IV of 1849 the Judges of the Fouydaree Udalut direct me request that they may be favored with the Orders of the Right Honorable the Governor in Council in regard to the disposal of the individual referred to.-

Have the honor to be,

Sir,

Your Most Obedient Servant.

/Signed/ A J Arbuthnot

23d. June 1849. Hd. Asst. to the Registr.-

Memo.

No. 620

Memorandum

1 Copy of Nezamut Udalut Reports Vol: VI Part 3 from 1846/49

1 do. ——— do. ——— do. — Vol: VI Part 4 for 1848 forwarded for the use of the Session Court of ———

By Order of the Court of Fouydaree Udalut.

25th June 1849. /Signed/ a.J. arbuthnot

Hd. Asst. to the Register

No. 621. To The Session Judge of Salem.

Sir,

I am directed by the Court of F.U. to acknowledge the receipt of your letter dated 25th May last, and to state that it appears from the Calendars of the Mag.cy originally forwarded to this Court that you have omitted to insert the case No. 28 in the Duplicate Copy of the Calendar of Persons released by the Magistracy during the 4th Quarter of 1848, and that the Case No. 18 entered in the Duplicate Copy of the Calendar of Persons furnished by the Magistracy during the 3d Quarter of 1848 does not appear in the one originally forwarded.-

2 The Judges therefore direct me to return the duplicate Copies of the Calendars in question and to request that you will transmit without further delay a Duplicate Copy of what has already been submitted with the Criminal reports for the 2d Half of 1848.-

25th June 1849. /Signed/ J.H. Davidson

Register

A° 622. To The Subordinate Judge in Charge of the Session Court of Cuddapah.

Sir,

In Acknowledging the receipt of your letter dated the 14th Instant, reporting the escape of three Security Prisoners from custody on the 6th Instant. I am directed by the Judges of the Foujdaree Udalut to observe that the detachment of Prisoners to jungly places at a distance from the jail is strictly prohibited by Foujdaree Udalut Circular Order A° 60 dated 29th January 1856, and to request that you will immediately direct the discontinuance of such parties in the jail at Cuddapah.

26th June 1849. /Signed/ J H Davidson
Register

(A° 42.)

A° 629. To The Secretary to Government in the Judicial Department.

Sir,

Forwarding an Indent by the Sub judge of Mangalore for working implements.

27th June 1849 /Signed/ J H Davidson
Register

(A° 43)

A° 632. To The Secretary to Gov^t in the Judicial Dep^t.

Sir,

Forwarding an Indent by the Acting Magistrate of Bellary for 40 Hand Cuffs of Prisoners.

28th June 1849. /Signed/ J H Davidson
Register

A° 633 To The Secretary to Government in the Judicial Department. (N° 44)

Sir,

In reply to the Order of Government dated 5th June 1849. A° 357. referring for this Report a Letter from the Secretary to the Government of India dated the 12th May 1849. and an Extract from dispatch from the Honorable the Court of Directors dt 9th 1849 (L.D.) dated 14th March in which the Honorable Court desire to be informed of the result with which experiments with regard to the effect of Solitary confinement of classification of Prisoners of the entire exclusion of their friends of compulsory labour and of the deprivation of employment have been attended I am directed by the Judges of the Foujdaree Udalut to state that in this Presidency no experiments have been made on any of the points of Prison Discipline enumerated by the Honorable Court.

/Signed/ J H Davidson
Register

29th June 1849

A° 634 To The Magistrate of Chingleput.

Sir, I am directed by the Judges of the Foujdaree Udalut to inform you that they have fined one of the Jail Peons named Soobbee Said of Salem who accompanied the party of Convicts to work in the Court Compound this day, in the sum of one Rupee for neglect of duty and to request that you will stop the same from his Salary for the current Month

Month and carry it to the credit of Government.
30th June 1849.

/Signed/ A.J. Arbuthnot
Vd af.t to the Register

A.o 835

To

(No 45)

The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Order of Government dated 23d June 1838, No 636, I am directed by the Judges of the Court of Foujdaree Udalut to transmit to be laid before the Right Honorable the Governor in Council, the accompanying General Statement made up to the 31st December 1848, Shewing the number of Convicts Sentenced to labor on Public works throughout the Madras Territories, the number allotted to each discription of work, their Age, the authorities under whom they are placed, and, where destined from Officers in charge of Jails, the date of the Authority of Government under which convicts were placed under their Controul.

I have the honor to be
Sir
Your Most Obedient Servant
/Signed/ T.H. Davidson
Register.

30th June 1849.

A.o 836

To

(No 46)

The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Extract from the Minutes of Consultation in the Public works Department, under date the 2d June 1849 A.o 106 calling for information respecting the Convicts employed under the Officer Commanding arcot. I am directed by the Foujdaree Udalut to state that Colonel Mansey has reported that no journal was kept of the works done by the convicts previous to my 1847. and that since that period, they have been employed in the following works. Cutting down an immense quantity of Prickly Pear and Aloes in and around the Sepoys Lines. Assisting in building a new watering Grough, repairing & clearing out the well. Digging a new Well in the Horsekeepers Lines. Repairing the Tank at the House called the Commandants Quarters. Making the Roads and Cutting down a large Quantity of Prickly Pear in the Compound. Making a Foot Parade for the Regiment between the Barracks and Sick Stables, which is described to have been a very arduous piece of work, large Masses of Rock requiring to be removed. Making a new Road from the Horse Lines to the Officers Quarters. Repairing the High Road to Madras as well as the numerous

numerous Roads within the contonment and Civil limits-
Cutting and Splitting Rock and forming it into Slabs for
covering drains and making Bridges- Making a Road from the
main Road to the Military Bazar which was a dessicult work
as there were numerous large Rocks to be blown up and removed
and Several Gillahs bridged over: Removing a number of Huts
in the immediate Neighbourhood of the European Barracks as
they were considered detrimental to health- Cutting down an
enormous quantity of Prickly Pear in and around the contonment
and making Several new drains to carry off the Stagnant
water from low and unhealthy places-

2 Colonel Munsey States that the contonment Roads
at present require repair owing to the recent rains as well as to the
Convicts having had other employment on hand-

The estimated value of the work done by the Convicts
is Stated to be about 2120 Rupees for the last twelve Months-

1 At present the number of Convicts is 99 of whom
8 are, on an average in Hospital, and 2 employed as Jail Attendants, besides 20 under the orders of the Sub Collector at Ole
Arcot leaving by effection Mem: There are 1 Dafadar
1 Naique 26 Peons. It is Stated that there is no Extra Cost
to Government on account of these Convicts, beyond the Simple
Item of marching Batta for the infantry Guard to and from
Vellore amounting to about Rupees 73 8 . per annum-

5 Colonel Munsey adds that the Infantry Guard
is

Toujdaree Diary 30th June 1849.

is solely for the Safe Custody of the Convicts-

/Signed/ J H Davidson
Register

№649 To

The Sessions Judge of
Masulipatam

Sir

With reference to your letter of the 21st Ultimo I am directed by the Judges of the Foujdaree Udalut to request you will without delay forward a certificate by the Zillah Surgeon of the state of mind of the Prisoner in Case №14 of 1849 and you will be pleased to inform the Medical Officer that his opinion on the subject must be distinct and positive

(Signed) T. H. Davidson
Register

3d July 1849

№654. To

The Sessions Judge of
Rajahmundry.

Communicating order of Government directing that the Individual who was charged with highway Robbery, and was acquitted of that offence by the Sessions Judge on the ground of insanity but who is now represented to be of sane mind, be made over to his friends on their responsibility for his quiet demeanour

(Signed) T. H. Davidson
Register

5th July 1849

(No. 47.)

No 658 To

The Secretary to Government
in the Judicial Department

Sir

I am directed by the Judges of the Fouj: daree Udalut to request that the Sanction of the Right Honorable the Governor in Council may be accorded to the disbursement of a pecuniary reward to Adda Sungum of the Tallook of Tripatoor in the District of Salem. Prosecutor in case No. 9 on the calendar of the Sessions Judge of that Zillah to his three sons the 1st 2nd and 3d Witnesses therein to the families of a fourth son named Symbiryyan and of one Ragovan for the spirited resistance made by them to a gang of robbers by whom the house of the Prosecutor was attacked on the night of the 29th January last and the Prosecutor his four sons and Ragovan severely wounded, Symbiryyan and Ragovan having died from their wounds the one on the following day and the other on the third day after the robbery took place.

2. The Prosecutor and his sons having been for several weeks disabled from working, in consequence of the wounds they received in resisting the gang by whom their house was attacked the Magistrate of Salem upon the representation of the Head Assistant Magistrate by whom the case was committed to the Criminal Court has recommended that the liberality of Government should be extended to them as a reward for the manly resistance made by them, and as some compensation for the injuries they have sustained, and this recommendation is supported by the Sessions Judge.—

3. On perusal of the Abstract of the evidence as contained in the Calendar, the Judges of the Foujdaree Udalut are satisfied that the Individuals referred to have shewn themselves to be deserving of the consideration of Government and deverting to the advantages likely to result from marking with approbation such instances of a brave resistance to the attacks of robbers as are brought to the notice of the authorities; the Judges beg to recommend that the Magistrate of Salem may be authorized to disburse the sum of Rupees 300 three hundred in equal shares to the Prosecutor and his three surviving sons, and the families of the two individuals whose deaths have resulted from the wounds they received.—

7th July 1849. (Signed) T. H. Davidson
Register

№659. To the Sessions Judge of Tellicherry.—

Sir.

Adverting to your letter under date the 18th Ultimo, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, to sanction the expense incurred on account of the Confinement of the prisoner referred to in your letter amounting to Rupees (4. 13.-4.) one annas thirteen and pice four—

The Judges are of opinion that this trifling charge might have been included in the annual Contingent Statement without an application for special sanction.—

7th July 1849.—

(Signed) T. H. Davidson

Register

№660. To

The Sessions Judge of Chingleput

Sir.

Adverting to your letter under date the 25th Ultimo I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year to sanction the expenditure of Rupees (51- 15-0) fifty one and annas fifteen in repairing 12 old Jail Carts

7th July 1849.

(Signed) T. H. Davidson

Register

To

№665 To.

The Agent for the Governor

at Kurnool

Sir

1 I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 25th Ultimo requesting authority to expend a sum not exceeding forty Rupees in completing certain alterations in the Jail at Kurnool.

2 As the work is not of an emergent nature the Judges are of opinion that it may be completed by the Convicts and that with due care, it will not be attended with any risk.

3 The Judges therefore decline to sanction any Money for the purpose.

Signed T. H. Davidson

10th July 1849 Register

№669- To

№48-

The Secretary to Government

in the Judicial Department

Sir

With reference to the Extract from the Minutes of Consultation in the Revenue Department under date the 4th May 1849 №452 transmitting to

&c

the Tondiaree Udalut a Petition № 1849 of 1848 presented by Parthasarady Iyengar with the report and correspondance thereon received from Board of Revenue with a view to the same being remitted by the Sessions Judge of Cuddalore for full inquiry and for his opinion as to the guilt or innocence of the Petitioner on the different charges on which he has been tried and punished; I am directed by the Judges to forward for the information of Government the annexed Copy of a letter from the Acting Sessions Judge communicating the result of this inquiry into the only case in which the Individual in question was convicted

2 The original enclosures are herewith returned

Signed / J H Davidson
Register

11th July 1849.

№ 678.

To
The Secretary to Government
in the Judicial Department

Sir

1 I am directed by the Judges of the Court of

of Tondiaree Udalut to request for the information of the Right Honorable the Governor in Council that a Sum of Rupees 54-7-9 fifty four Annas Seven and pice nine has been expended by the Sub Judge of Calicut in the construction of a drain in the Jail at that Station and in repairing the Roof and Shutters of the Jail and Hospital -

2 The Subordinate Judge represents that the works in question being of an Emergent Nature he deemed it necessary to order this Execution previous to the commencement of the South West Monsoon, and the Judges accordingly beg to recommend that the Sum expended may receive the Sanction of Government.

Signed / A J Arbuthnot
13th July 1849 Actg Agt to the Register

№ 682

To
The Sessions Judge
of Chicacole

Sir

I am directed by the Judges of the Tondiaree Udalut to request that you will without delay report your opinion whether there be any necessity for a Jail being kept up at Itchapore and whether any objection exists to the transfer of all Prisoners from Itchapore to the Jail at Chicacole

Signed / J H Davidson
Register

17th July 1849.

№ 683.

The same to the Magistrate
of Ganjam.

№684 To

The Magistrate

of South Arcot

Sir

I am directed by the Judges of the Tongdaree Udalut to call your attention to the letter from this Office of the 11th Ultimo and to request you will lose no time in furnishing the information therein required; respecting the additional Police force in the District of South Arcot.

Signed/ J H Davidson

17th July 1849 Register

№685 Memo

6 Printed forms of the Half yearly criminal Statement № 1

6 ——— Do — of the ——— Do ——— Do — № 2

6 ——— Do — of the ——— Do ——— Do — № 3

6 ——— Do of the ——— Do ——— Do — № 4

4 ——— Do of the Statement Shewing the number of cases forwarded to the Criminal Court by each Hd of Police

4 ——— Do of the Half yearly Labor of Convicts —

Forwarded to the Session Judge of Nellore with reference to his letter dated the 2d Instant

By Order of the Court of Tongdaree Udalut

Signed J H Davidson

Register

17th July 1849.

To

№686 Memo

20 Printed forms of the Monthly Criminal reports № VI

20 ——— Do ——— of the Statement of the Labor of Convicts

20 ——— Do ——— of the Statement created by Regulation X of 1832

10 ——— Do ——— of the Half yearly Criminal Statement № IV

10 ——— Do ——— of the ——— Do ——— Statement of Convicts —

20 ——— Do ——— of the Statement of Batta paid to Prosecutor and Witnesses. Forwarded to the Session Judge of Tinnevelly with reference to his Official Memo dated the 7th Instant.

By Order of the Court of Tongdaree Udalut

/Signed/ J H Davidson

Register

17th July 1849

№698 To

№ 49.

The Secretary to Government

in the Judicial Department

Sir

I am directed by the Judges of the Tongdaree Udalut to acknowledge the receipt of the Extract from the Minutes of Consultation in the Judicial Department under date the 14th April 1849 № 233 forwarding copy of a letter from the Subordinate Judge of Rajahmundry relative to an attempted out break amongst the Convicts at that Station. and with reference to the Statement of the Subordinate Judge, that the Ryots appear to have behaved with

with great steadiness and not to have used more violence than was absolutely necessary to repress the out break" requiring the Judges to report whether the conduct of the Peons especially those that were wounded, has entitled them to pecuniary reward from Government.

2 The record of the trial having been set down for reference to the Tongdaree Udalut for their final judgement. The Judges awaited its arrival before submitting the required report to Government.

3 The attempt at escape appears to have been confined to two prisoners.

4 Three Peons named N Venkatachellum M Veeramah and A Lutchmoodoo were severely wounded. It appears indeed from the certificate of the Zillah Surgeon that the two first named persons were dangerously wounded.

5 A Duffadar named Lunga Sobaroyadoo and three Peons named Jenooga Canakiah Shaik Adam and Cassetty Venkatsawmy appear by the deposition taken to have behaved well.

6 The rest of the Peons present on the occasion were not called upon to act, as the attempt of the two prisoners above referred to to excite the gang to a general outbreak was not successful.

7 The seven Peons above named appear to have acted with much firmness and at the same time with much forbearance. and adverting to the wounds inflicted upon the first three the Judges of the Tongdaree Udalut beg leave to recommend that each of them receive gratuity of three months pay

8 The Judges likewise recommend that the remaining four persons receive each a gratuity of one months pay.

9 It may be added that of the two prisoners whose cases were referred to the Tongdaree Udalut on account of their share in this outbreak one was sentenced by this Court to imprisonment for fourteen years with 195 Lashes and the other to imprisonment for three years with one hundred Lashes

/Signed/ J H Davidson
Register

21st July 1849-

No 699 To No 50.

The Secretary to Government
in the Judicial Department

Sir

With reference to the order of Government dated

dated the 12th July 1849 No. 452 authorizing the Magistrate of Salem to disburse to certain parties, the sum of three hundred Rupees, as a reward for their spirited resistance on the occasion of an attack by Gang Robbers on the house of the Prosecutor in case No. 9 of the calendar of the Sessions Judge of Salem, and desiring to be informed how far the resistance was successful and what number of the Robbers have been brought to justice through the exertion of the Police.

I am directed by the Judges of the Tondiarey Udalut to state that it appears from the calendar that the evidence was deemed by the Sessions Court, insufficient for the legal conviction of the accused of whom, however, three were considered liable to strong suspicion and were accordingly required to find security for their future good behaviour for three years.

/Signed/ J H Davidson
Register

21st July 1849

No 701

Memorandum

6 Printed forms of the Half yearly Statement of convicts forwarded to the Subordinate Judge of Salem with reference to his letter dated the 13th Instant.

By Order of the Court of Tondiarey Udalut
/Signed/ J H Davidson
Register

23d July 1849.

No 708—

To
The Subordinate Judge
in charge of the Sessions Court
of Cuddapah

Sir

In reply to your letter of the 14th Instant reporting the escape of two security prisoners on the occasion of their having been sent to procure twigs at a place about five miles from Cuddapah; I am directed by the Judges of the Tondiarey Udalut to direct that the practice of sending prisoners to procure twigs may be discontinued, as such work can only be performed in jungly places to which the detachment of prisoners has been prohibited

Signed/ J H Davidson
Register

24th July 1849

Memorandum

No 714

1 Printed copy of Extracts from Selections from Public correspondence relative to Tuema bag Thugs.

Forwarded for the use of the several Sessions Judges Magistrates and Joint Magistrates.

By Order of the Court of Tondiarey Udalut
/Signed/ A J Arbuthnot
Ag. Supt to the Regr.

25th July 1849—

To

№ 713

Memorandum

12 Printed forms of the Monthly Criminal Reports VI
12 D° D° of the D° D° B
12 D° D° of the Statement created by Regulation X of 1832
12 D° D° of the Monthly Statement of Labor of Convicts
2 D° D° of the Half yearly Statement of Convicts
2 D° D° of the Half yearly Criminal Statement III
2 D° D° of the Annual Jail Returns.

Forwarded to the Subordinate Judge of Rajahmundry with reference to his letter dated the 16th Instant.

By Order of the Court of Sondaree Adalut

(Signed) J H Davidson
Register

25th July 1849.

To

№ 720 The Subordinate Judge of Calicut

Communicating for his information with reference to his letter dated the 29th June 1849, copy of an order of Government dated 13th July 1849 Sanctioning a charge of Rupees 54-7-9 incurred by the Subordinate Judge of Calicut in the execution of certain emergent repairs to the jail under his charge

(Signed) J H Davidson
Register

26th July 1849

№ 722

To

The Session Judge of Masulipatam

Sir

In reply to your letter of the 12th Instant forwarding copy of a communication from the Sudr Ameen of Ichapoor regarding the Prisoner in case № 36 of 1849 on the file of the late Principal Sudr Ameen Court of Masulipatam who was forwarded to Ichapoor for the purpose of being identified before the Sudr Ameen of that Station;

I am directed by the Judges of the Sondaree Adalut to inform you that as the witnesses named by the prisoner for his defence are represented to be inhabitants of the Zillah of Chicacole, they consider it desirable that the case should be disposed of by the Session Judge of that Zillah, to whom you will be pleased to forward the depositions which have been already taken in the case, requesting the Sudr Ameen of Ichapoor to forward the prisoner and his witnesses to Chicacole

(Signed) A J Arbuthnot
Hd Asst to the Regr

27th July 1849.

№ 727 To

The Session Judge of Masulipatam

Sir I am directed by the Judges of the Sondaree

Tondaree Udalut to acknowledge the receipt of your letter under date the 16th Instant and in reply to inform you that under the authority vested in them by the order of Government of the 28th July 1840 published at page 608 of the official Gazette of that year, they sanction the sums disbursed as Batta to the children of Convicts during the 2nd quarter of 1849 amounting to Rupees 15-11-../ five and annas eleven

/Signed/ J H Davidson
Register

28th July 1849.

No 728

To

The Sessions Judge
of Trichinopoly

Sir

With reference to your letter of the 11th Instant I am directed by the Judges of the Tondaree Udalut to observe that it is competent to you to decide as to the expediency of placing upon his trial the Jail Peon — therein referred to for connivance at the escape of two convicts who effected their escape on the 4th Ultimo and that they therefore deem it necessary to furnish you with any instructions on the subject.

/Signed/ A J Arbuthnot
Asst to the
Register

28th July 1849.

To

No 726. To

Sessions Judge of
Mangalore

Sir

I am directed by the Judges of the Tondaree Udalut to acknowledge the receipt of your letter of the 16th Instant, applying for sanction to admit as approvers the 11th and 12th prisoners in case No 28 of the Calendar of the Session Court

2 The Judges have carefully considered the Record which accompanied your letter, and not being of opinion that there is sufficient grounds for admitting the prisoners in question as approvers they are compelled to decline compliance with your request.

3 The original papers are returned.

/Signed/ J H Davidson
Register

28th July 1849

Memorandum

Nº731

Memorandum

The Registar to the Court of Foujdaree Udalut has the honor to forward the papers alluded to in the Memorandum of the Secretary to Government in the Judicial Department under date the 25th Instant relative to the Dhakoity perpetrated at Ullore in the year 1838

/Signed/ J H Davidson
Registar

30th July 1849.

Nº Nº732 To,

The Secretary to Government
in the
Judicial Department

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to submit for the consideration of the Right Honorable the Governor in Council the accompanying Calendar of Case Nº 20 of 1849 of the Sessions Court of Honore wherein a prisoner named Budapa charged with having wounded three individuals with a Mamety has been acquitted by the Sessions Judge in concurrence with the Mahomedan

To be returned

Mahomedan Law Officer on the ground that he is insane.—

2. It will be observed that the Zillah Surgeon reports that he considers the prisoner in a state of idiocy; and that he was so at the time the act charged against him was committed has been proved by the evidence of three witnesses examined by the Sessions Judge.—

3. Under the provisions of act IV of 1849. the Judges of the Foujdaree Udalut beg that they may be furnished with instructions in regard to the disposal of the prisoner referred to.—

4. With reference to the orders of Govt. under date the 26th Ultimo, Nº 413. directing that the reports of cases of this nature should in future be accompanied by a certificate from the Medical Officer, the Judges desire me to state that circular instructions to this effect have been issued to the several Judicial Officers in the provinces; but that as the Calendar of this case was dispatched from Honore before instructions in question would have been received and as the insanity of the prisoner in the case now under notice appears

to

to have been fully and satisfactorily Established they have deemed it unnecessary in this instance to call for the certificate of the Medical Officer — which however on all future occasions will be transmitted —

(signed) S H Davidson
Register

30th July 1849

No 736

To

The Magistrate of
Trichinoply

Sir

1 I am directed by the Judges of the Foujdaree Adalut to state that their particular attention has been called by government to the state of the Lock up Room attached to the Cutwals Choultry at Trichinoply, in which a Brick contractor named Naga Pillay appears to have been confined when Mr. William Elliot was Acting Magistrate of the District, and to request that you will lose no time in taking measures for putting it in such a condition as shall render it fit for a place of confinement.

2 It is observed also that notwithstanding the circular order of the 28th September 1844 perforated logs of wood" are still occasionally used in the Trichinoply District as a substitute for Iron hand cuffs, and the Judges request you will immediately make an inquiry into this matter and issue the most peremptory instructions to your Native Police officers, prohibiting the use of such wooden handcuffs in future

3 It is further observed that the late Cutwal of Trichinoply reported that the Police Annees Syed Mohomed Sahib apprehended under a warrant a person

person named Caroopen and another named Appavoo and took them to the Choultry, and ordered him (the Cutwal) personally to confine them in the godowns; and he accordingly confined them for 25 days; It is added that the Police Peons took them every day to the Police Ameens Cutchery, and again brought and confined them in the Choultry but no Investigation ever took place

4 The Judges observe that under Section XXVII Regulation XI of 1816, a Prisoner may not be kept in custody by a District officer of Police during the investigation of the case in which he is concerned beyond forty eight hours, without an explanation of the delay; and the Judges request you will report under what circumstances this infringement of the law took place in the case in question and that you will further issue circular instructions to all your native Police officers strictly enjoining an adherence to the provisions of the law above stated.

5 And the Judges further request that you will send your early convenience, submit a Report upon what you may have done in pursuance of these instructions

(Signed) J H Davidson
Register

31st July 1849-

Memorandum

№ 738- The Register to the Court of Fongdaree Adalut has the honor to forward the calendar of case № 9 of 1849 of the Session Court of Salem referred to in the Courts letter of the 21st Ultimo № 50 and called for in the Memorandum of the Secretary to government in the Judicial Department under date the 31st Ultimo

Signed J H Davidson
Register

1st August 1849

№ 739 To
The Session Judge of
Rajahmundry

Communicating for his information and guidance copy of an order of government sanctioning the grant of certain rewards to the several Peons who were instrumental in defeating an attempted outbreak on the part of the Prisoners in Rajahmundry

(Signed) J H Davidson
Register

1st August 1849-

№ 741 To
The Several Session Judges and Agents.

Sir

The Criminal Reports due from you for the 1st half of 1849. not having as yet been received I am directed by the Judges of the Fongdaree Adalut to call your attention to their Circular Order dated 10th June 1835 № 74

and

and to request that you will forward the same without delay together with any explanation you may have to offer regarding the delay.

/Signed/ J H Davidson
Register.

2d August 1849.

No 54.

No 743 To the Secretary to Government
in the Judicial Department

Sir

With reference to the order of Government dated the 25th July 1840 No 351/604 I am directed by the Judges of the Foujdaree Udalut to transmit for submission to the Government of India the accompanying copy of the Criminal Report for the 1st half of 1849.

/Signed/ J H Davidson
Regr

3d August 1849

Memo

No 745. 24 Sheets of the Printed Calendars forwarded to the Sessions Judge of Masulipatam with reference to his letter dated the 27th Ultimo.

By Order of the Court of Foujdaree Udalut
/Signed/ J H Davidson
Regr

4th August 1849.

No 746 To
The Sessions Judge of
Honore

Sir

Adverting to your letter under date the 19th Ultimo I am directed by the Judges of the Foujdaree Udalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843 published at page 606 of the official Gazette of that year, to sanction the expenditure incurred by the Seuds Ameen of Sirsy in making certain Iron tools and a cart for the use of the Prisoners in the Jail at that Station amounting to Rupees 25-- -8/ twenty five and piece eight

/Signed/ J H Davidson
Register

4th August 1849.

To

No 747 The Secretary to Government
in the Judicial Department

No 55.

Sir

I am directed by the Judges of the Foujdaree Udalut to forward for the consideration of Government the accompanying Calendar which it is requested may be returned/ of case No 14 of 1849 of the Sessions Court of Masulipatam respecting which the decision of Government is required with reference to the

Provisions

Provisions of Act No IV of 1849.

2 Accompanying are a letter dated the 7th Ultimo from the Civil Surgeon and a Certificate from the same officier dated the 23d Ultimo, called for this Court regarding the State of mind of the Prisoner in the Case in question

/Signed/ J H Davidson
Register

4th August 1849

No 749. To
The Secretary to Government
in the Judicial Department
No 56.

Sir

With reference to the Provisions of Act No IV of 1849 I am directed by the Judges of the Saugdaree Adalut to submit for the orders of Government the accompanying Calendar* of case No 16 of 1847 of the Sessions Court of Rajahmundry and a copy of the correspondence forwarded by the Sessions Judges relative to the State of mind &c of the Prisoner in that case

*to be returned

/Signed/ J H Davidson
Regr

6th August 1849.

No 755. To
The Sessions Judge
of Honore.

Forwarding copies of Resolution of Government dated 25th January 1845 and of the order of Government dated 28th September 1838 No 974

/Signed/ J H Davidson
Regr

8th August 1849.

No 760 To
The Sessions Judge of
Chittoore

Sir

1 I am directed by the Judges of the Saugdaree Adalut to request that you will immediately on the receipt of this letter, make arrangement for the transfer to Vellore for employment on certain public works at that Station of 40 Convicts of those placed under the orders of the Officer Commanding Arcot, and recall the rest to the Jail under your charge, there being no further necessity for their services at Arcot.

2 You will observe that the 40 Convicts above mentioned are to be added to the party of 60 placed under the orders of the Resident Assistant Magistrate at Vellore under the Instructions from this of 27th July 1849.

/Signed/ J H Davidson
Register

11th August 1849.

No 763 To

The Sessions Judge of
Tinnevelly

Sir

I am directed by the Judges of the Tuticorin Udalut to inform you in reply to your letter of the 24th Ultimo, that under the authority vested in them by the order of Government of the 28th July 1843 published at page 618 of the Official Gazette of that year, they sanction the disbursement of Rupees 24-8/ twenty four and annas eight, on account of the purchase of tools referred to in your letter

(Signed) J H Davidson
Register

13th August 1849.

No 769 To

The Sessions Judge
of Trichinopoly

Sir

I am directed by the Judges of the Tuticorin Udalut to transmit to you the accompanying address* received by Tappal from the Adt Dessavadar Coporasu Saumy Mootelly and two others in the establishment of the Jail at Trichinopoly and to request that you will state at your earliest convenience whether there be any truth in allegations set forth

address* to be returned

(Signed) J H Davidson
Register

15th August 1849.

No 771 To

No 37.

The Secretary to Government
in the Judicial Department

Sir

I am directed by the Judges of the Tuticorin Udalut to forward the accompanying record of evidence received from the Magistrate of Chingleput, and to request that the same may be referred to the Honorable Compa. ons Solicitor for his opinion whether there is sufficient evidence to commit the Prisoner John Leahy for Trial before Her Majesty's Supreem Court on a Charge of assault of an aggravated Nature

(Signed) J H Davidson
Register

16th August 1849.

No 787 To

The Magistrates of
Malabar and Masulipatam

Sir

With reference to the delay which occurred in the transmission of the Statement of contingent charges incurred by you for Fusly 1257 I am directed by the Judges of the Tuticorin Udalut to request that you will adopt measures for expediting the preparation of these Statements in future years.—

(Signed) A J Arbuthnot
Asst to the Register

23d August 1849.

№788 L. № 59.

The Secretary to Government

in the Judicial Department

Sir

I am directed by the Judges of the Court of Faujdaree Adalut to submit for the consideration of the Right Honorable the Governor in Council, the accompanying Statement of contingent charges incurred during Jusly 1257 by the Magistrates of Malabar and Masulipatam

2 The Judges beg to recommend that the charges in question amounting respectively to Rupees 164-1-9 / sixty four annas one and pice nine, and to Rupees 701-15-5. Seven hundred and one, annas fifteen and pice five may receive the Sanction of Government.

3 Adverting to the delay which has occurred in the transmission to the Court of Faujdaree Adalut of the two Statements now submitted, the Judges desire me to state that the Magistrates of Malabar and Masulipatam have been requested to adopt measures for expediting the preparation of these Statements in future years.

/Signed/ A J Arbuthnot

23d August 1849. } Dy Asst to the Register

№789 L. № 60.

The Secretary to Government

in the Judicial Department

Sir

I am directed by the Judges of the Faujdaree Adalut to state that an application has been received from the Acting Magistrate of Bellary for the sanction of Government for a charge amounting to Rupees 11-5-3 eleven annas five and pice three incurred on account of Lamp oil &c. used in lighting the Cutcherry walls Cavelry and a portion ~~of the Infantry~~ of Lower Fort at Gooty, where at his requisition guards of Sepoys had been placed for the Protection of the Town.

2 The amount in question is represented to have been incurred from 5th September 1848, to 31st April 1849 by the Commissariat at that Station and charged to the Police Department, and the Magistrate requests that he may be authorized to discharge any further demands which may hereafter be made on the same account for the subsequent period that is from 1st May to 30th June.

3 The Magistrate further requests that the Civil Auditor be authorized to pass as an ordinary charge any further amount he may expend for the same purposes which however he states will not be above Rupees (2) two a month for cotton and oil, as well as arrears of expenditure from the 1st July 1849.

4 The Judges of the Faujdaree Adalut beg to recommend that the Sanction of Government be accorded to the application

application of the Acting Magistrate --
/Signed/ J H Davidson
Register
23d August 1849.

No 791 To

The Magister of
Malabar --

Sir

I am directed by the Judges of the Tuydaree Adalut to acknowledge the receipt of your letter of the 9th Instant, and to state that they sanction the rewards you have deemed it right to offer in two cases of Gang-Robbery attended with aggravating circumstances which lately occurred in Shernaud and Willawanad. --

/Signed/ J H Davidson
Register
23d August 1849.

No 790 To The Sessions Judge of
Coimbatore --

Sir

Adverting to your letter under date the 16th Instant reporting the result of your visit to the Jail at Paulghaut in the District of Malabar I am directed by the Judges of the Tuydaree Adalut to inform you that it is intended by their Circular letter of the 13th February 1849. that you should only visit those bodies of convicts who have been detached from the Jillah Jail, to localities within the District under your own Jurisdiction.

/Signed/ J H Davidson
Register
23d August 1849.

No 798 To

The Sessions Judge of
Masulipatam

Communicating for his information with reference to his letters dated the 9th and 24th July 1849. copy of an Extract dated 21st August 1849. from the Secretary to Government Conveying instructions for the disposal of the Lunatic Prisoner in Case No 14 of 1849. on the Masulipatam Session file and directing the Tuydaree Adalut to add their own opinion in future reports of a similar nature.

/Signed/ J H Davidson
Register
24th August 1849.

No 799 To

The Magistrate of
Malabar

Sir --

I am directed by the Judges of the Tuydaree Adalut to acknowledge the receipt of your letter of the 7th Instant forwarding for the Court's consideration and Judgment an appeal which the Sessions Judge of Calicut declined to submit relative to the sudden death of a person named Sheen Mohomed while under custody in Ernaad Talook Cutchery.

2 The Judges request you will submit at your earliest

earliest convenience a translation of the proceedings held in the enquiry into the sudden death of Ahmen Mohomed which is the only point to which at present it seems necessary that their attention should be given, They also request you will furnish them with an accurate plan of the room in which the deceased died. shewing the dimensions &c and the means and extent of ventilation.

3 If the Session Judge should deem the orders you have issued in Cases Nos 93 and 94 in any respect objectionable, he will doubtless make a representation on the subject to the Tuydaree Udalut.

(Signed) J H Davidson

24th August 1849. Register

No 800. To The Sessions Judge of
Rajahmundry

Communicating for his information with reference to his letter dated the 13th Ultimo Copy of an Extract dated 21st Instant from the Secretary to Government, directing that the Lunatic Prisoner in case No 16 of 1849 on the Rajahmundry file be not released but retained under surveillance with however such allowance of exercise &c as may be deemed proper by the Zillah Surgeon for the benefit of his health.

(Signed) J H Davidson

24th August 1849. Register

No 803. To No 62
The Secretary to Government
in the Judicial Department

Sir

Adverting to the extract from the Minutes of Consultation under date the 22d June 1849 No 351 (Judicial Department) calling for further information in regard to the necessity of maintaining the extra Police establishment in South Arcot. I am directed by the Judges of the Tuydaree Udalut to submit for the consideration of Government the annexed copy of a letter from the Magistrate of that District with the papers which accompanied it which letter it is requested may be returned.

2 It appears to the Judges that the Magistrate has made out a strong case in support of his application for a continuation of the extra Police Force, and they beg leave to repeat their recommendation that sanction for the same be granted.

(Signed) J H Davidson

25th August 1849. Register

No 802 To No 61.
The Secretary to Government
in the Judicial Department

Sir

Under the Provisions of Act III of 1849 I am directed

directed by the Judges of the Fauydaree Adalut to submit for the consideration and orders of Government the accompanying Calendar of Case No 21 of 1849 of the Sessions Court of Nellore.

2 The case was referred for the final Judgement of the Fauydaree Adalut.

3 The Prisoner was charged with wilful murder

4 The Sessions Judge is of opinion that the evidence establishes strong suspicion against the Prisoner of culpable Homicide and he recommends that he should be imprisoned with hard labor for life —

5 The Sessions Judge has no doubt that the Prisoner was in a sound state of mind when he was put upon his trial; but in respect of his previous state of mind notwithstanding the testimony adduced suffices to show that there was a general impression among the Prisoner's neighbours of his being of unsound mind, the Sessions Judge states that it does not appear to him that the symptoms spoken of by any of the witnesses indicate that he was either a madman or an Idiot and the impression made on him is that he had found playing the fool, an easy mode of gaining his livelihood, and that he was at last tempted to carry his sport a little too far.

6 The Judges of the Fauydaree Adalut concur with

with the Sessions Judge in thinking that the Prisoner is convicted of killing the deceased; but they differ from him in his judgement as to the deceased's state of mind at the time he committed the act, they are clearly of opinion that the evidence adduced on the Trial satisfactorily proves that the Prisoner was not of sound mind; and entertaining this view of the case, they have acquitted him on the ground of insanity, and beg leave to recommend to Government that orders be issued for his detention in safe custody for the rest of his natural life; being decidedly of opinion that he cannot be set at liberty with safety to the Community.

(Signed) J H Davidson

Register

25th August 1849.

No 811

Memo

12 Printed forms of the monthly Criminal Report No VI.

12 ___ Do ___ of the ___ Do ___ Labor of Convicts. ___

2 ___ Do ___ of the ___ Annual Jail returns. ___

Forwarded to the Subordinate Judge of Mangalore with reference to his letter dated the 17th Instant.—

By Order of the Court of Fauydaree Adalut.

(Signed) J H Davidson.

Register.

28th August 1849.

№ 810

Memorandum

100 Printed forms of letters reporting the release of the Prisoners. Forwarded to the Subordinate Judge of Rajahmundry with reference to his letter dated the 13th Instant.- The remaining Printed forms of the above will be forwarded as soon as they are received from the Press.-

By Order of the Court of Foujdaree Adalut.

/Signed/ J H Davidson

28th August 1849.

Register

№ 809

№ 63.

To The Secretary to Government

in the Judicial Department

Sir

With reference to the Order of Government of the 18th July 1849 № 464 I am directed by the Judges of the Foujdaree Adalut to transmit 10 Copies of the Rules for the management of Jails.

/Signed/ J H Davidson

28th August 1849.

Register

№ 814

Memorandum

1 Printed Copy of Rules for the management of Public Jails forwarded for the use of the. *

By Order of the Court of Foujdaree Adalut

Signed/ R I Perkins

29th August 1849.

Dy Rgstr to the Register

* 20 Sessions Courts

3 Agents

9 Subordinate Courts

2 Provincial Sudder Ameens (Cochin and Vizagapatam

1 Sudder Ameen Tirey

7 Magistrates Calicut, Chingleput, South Arcot Salem Rajahmundry and Tanjore and Head Assistant Magistrate of Dindigaul.

3 Officers in charge of Convicts, Gundy Vellore and Paumbum.

№ 818.

(№ 64)

To

The Secretary to Government.

In the Judicial Department.

Sir

Adverting to the Extract from the Minutes of Consultation dated the 31st July 1849 № 754 directing the withdrawal of the Convicts employed under the Military Authorities at Arcot I am directed by the Judges of the Court of Foujdaree Adalut to report for the information of the Right Honorable the Governor in Council that they have received from the Subordinate Judge of Chittoor a Copy of a letter dated the 17th Instant from the Officer Commanding Arcot reporting that 40 of the in question should be despached to Vellore as directed by the Court of Foujdaree Adalut and representing that as a large gang has been employed for some times past on a work

work in the lines of the 1st Regiment of Light Cavalry rendered necessary by a recent operation of Castrating the whole of the horses of that Regiment under the Orders of Government he trusts that there will be no objection to the rest of the Convicts remaining at Arcot untill the completion of this work which may be expected about the end of next month.—

2 She Judges request that they may be favored with the orders of Government in regard to the retention of the Convicts in question at Arcot for the completion of the work Adverted to.—

(Signed) A J Arbuthnot

30th August 1849.— Head Assist. to the Register.—

To

No 824

The Subordinate Judge

of Mangalore.

Sir

I am directed by the Judges of the Tongdasee Adalut to inform you in reply to your letter of the 13th Instant that under the Authority vested in them by the order of Government of the 28th July 1848 published at at page 608 of the official Gazette of that year, they Sanction the expenditure of Rupees 90 ninety in the Construction of the two Carts referred to in your letter

(Signed) J H Davidson

Registrar

3d August 1849.—

No. 827 To, The Secretary to Government in the
Judicial Department

Sir,

With reference to the order of Government dated the 25th July 1840 No. 357/604, I am directed by the Judges of the Foujdaree Udalut to transmit for submission to the Government of India, the accompanying copy of the Criminal Report for the 2d half of 1848.

1st September 1849. /Signed/ J. H. Davidson
Register

No. 830 To, The Sessions Judge of
Chicacole

Sir,

I am directed the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 18th Ultimo reporting for their instructions, certain circumstances relating to the Prisoner in Case No. 36 of 1847 on the file of the late Principal Sudder Ameen at Masulipatam – respecting which case a correspondence has already passed between yourself and this Court.

2 The Judges direct me to state that you must reexamine anew the evidence for the prosecution and defence and then pass such order as to you may seem just.

3 September 1849. /Signed/ J. H. Davidson
Register

To

Fouj dary Diary 3d September 1849.

№ 831 To, The Session Judge of

Honore

Sir,

I am directed by the Judges of the Foujdary Adaulut to inform you in reply to your letter of the 17th Ultimo that under the authority vested in them by the Order of Government of the 25th January 1845 they sanction the disbursement of Rupees 17-7-2½ Seventeen annas seven and a Pice two on account of the repairs made to the roof of the Court House of the Sudder Ameen of Sircy and the additions to the Jail under the charge of that Officer.

3 September 1849. Signed J. H. Davidson

Register

№ To

№ 68

№ 842 To The Secretary to Government in the

Judicial Department

Sir,

1. I am directed by the Judges of the Foujdaree Adaulut to submit to be laid before the Right Honorable the Governor in Council the accompanying memorandum forwarded by the Subordinate Judge of Chittoor of the probable Cost of 4 Carts which he requests permission to purchase for the use of the Prisoners in the Jail under his Charge for the Conveyance of Sand and earth, the present method of carrying them in wicker baskets being found to occasion a great waste of time and labor.-

2. The estimate amounts to Rs (120-----) One hundred

hundred and twenty for the Carts, and Rs. 6 " " Six for Carrying hire, altogether amounting to Rs. 126 " " One hundred and twenty Six, and the Judges of the Foujdaree Udalut beg to recommend that the Subordinate Judge of Chittoor be authorized to expend a Sum not exceeding that amount for the purpose abovementioned.—

6th September 1849 (Signed) T. H. Davidson
Register

(№ 69)

№ 845 To, The Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Udalut to state for the information of Government that there are at present in the Jail at Chingleput 8 convicts awaiting execution of their sentences of transportation and to suggest that tenders be invited for their passage to Singapore.

7th September 1849. } (Signed) T. H. Davidson
Register

1 Cantamulla Appadoo.
2. Yoonoomoola Yommadora
3 Ratnum Gungadoo.
4 Byrance Gungadoo
5 Shivagnea.
6 Shanthany Rammen
7. Dher Vera
8. Woolsaveur Gondia

To

№ 846 To, The Session Judge of Salem.

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to request that you will transmit with the least possible delay the depositions given by the Zillah Surgeon in regard to the state of the mind of the prisoner in Case № 22 of 1849 on the file of the Session Court.—

2. In all future cases of a similar nature you will be pleased to submit a copy of the depositions given by the Medical Officer with the Calendar of the Case.—

7th September 1849. (Signed) T. H. Davidson
Register

№ 848 To, The Secretary to the Board of Revenue in the Department of Public Works

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter dated 22d Ultimo submitting a Plan and Estimate of certain proposed additions to the new Jail at Trichinopoly and in reply to state that the Judges are of Opinion that the proposed works would greatly add to the

General

General utility and value of the Suit and they would therefore strongly recommend their construction

The Original enclosures are herewith returned.

8th September 1849. / Signed/ F. Lushington
Senior Deputy Register

(70)

No 852 To The Secretary to Government in the Judicial Department

Sir,

With reference to the Provisions of Act No IV of 1849 I am directed by the Judges of the Fouj daree Adalut to submit for the consideration of Government the accompanying original Papers relating to the Prisoner in case No 25 of the Calendar of the Sessions Court of Mangalore of 1849.

The Prisoner was convicted of Arson but acquitted on the ground Insanity. The Fouj daree Adalut point out to the Sessions Judge that in passing the sentence of acquittal he had overlooked the general provisions of Act IV of 1849 and in returning to him the Calendar directed him to cause a Special verdict to be entered that he did the act charged against him being then of unsound mind so as to excuse him according to Law

The Sessions Judge has submitted the necessary

necessary Document and further states that the Magistrate had informed him that he is of opinion that the boy might be set at liberty without danger to the community, and that his relations are willing to take the charge of him in such a manner as will prevent his doing any mischief hereafter

The Sessions Judge therefore recommends that the boy be discharged out of custody.

Under the circumstances of the case, the Judges approve of the recommendation and beg leave to recommend that it be adopted.

10th September 1849. / Signed/ J. H. Davidson
Register

No 853 To The Sessions Judge of

Trichinopoly

Sir

I am directed by the Judges of the Fouj daree Adalut to inform you in reply to your letter of the 29th Ultimo that under the authority vested in them by the order of Government of the 28th July 1843 published at Page 608 of the Fort Saint George Gazette of that year they sanction the charge of Rupees 1 — — — One monthly on account of the maintenance of a daughter of a female convict

10th September 1849. / Signed/ J. H. Davidson
Register

To

№ 857. To The Magistrate of Malabar

Sir,

I am directed by the Judges of the Fouzdaree Adawlut to acknowledge the receipt of your letter of the 29th Ulto and to state that under the circumstances therein represented they are pleased in exercise of the power vested in them by Section XII Regulation XIII of 1832 to authorize you to offer as pardon to

Pootan paddiathel

alias

Annayan hot Alavi and

Syed ally Son of

on the terms and conditions specified in Section XX Regulation VIII of 1802

The Judges request that in future you will specify in your letters the names of the parties on whose behalf you recommend the offer of a conditional and that you will yourself have the goodness to conform and cause your Assistants to conform to the circular order of the Court which requires that the paragraphs of all letters addressed to the Sudder and Fouzdaree Adawlut shall be numbered

11th September 1849. (Signed) J. H. Davidson

Register

To

№ 863 To, The Subordinate Judge of Chittoor

Communicating Order of Government authorizing a temporary retention at Arcot of a portion of the Gang of Convicts recently ordered to be withdrawn from thence.

17th September 1849. (Signed) J. H. Davidson

Register

№ 864 To, The Sessions Judge of Tellicherry

Communicating Order of Government sanctioning an Indent for tools for the use of the convicts under his charge.

17th September 1849. (Signed) J. H. Davidson

Register

№ 865 To, The Sessions Judge of Cuddalore

Communicating observations and orders by the Government relative to the case of the Customs Writer at Porto Novo who was punished and dismissed for fraud by the Revenue Authorities of the Cuddalore District.

17th September 1849. (Signed) J. H. Davidson

Register

To

№ 871 To,

The Subordinate Judge of

Mangalore

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter of the 6th instant and to state that under the circumstances therein represented they are pleased in exercise of the power vested in them by Section XII Regulation XIII of 1832 to authorize you to offer a pardon to

Ak Koo

3d Prisoner in Criminal № 140 of 1849, on the terms and conditions specified by Section XX Regulation VIII of 1802

19th September 1849. (Signed) J. H. Davidson

Register

№ 872 To,

The Session Judge of

Trichinopoly

Sir,

I am directed by the Judges of the Foujdaree Adawlut to inform you in reply to your letter of the 3d instant that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, they authorize the disbursement of annas Ten, for the repair of a Cart and annas twelve for

for the purchase of a new lantern for the use of the Jail under your charge.

19th September 1849. (Signed) J. H. Davidson

Register

№ 873 To,

The Session Judge of

Honore

Sir,

I am directed by the Judges of the Foujdaree Adawlut to acknowledge the receipt of your letter under date the 27th ultimo and in reply to inform you that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year they sanction the charges incurred by the Sudder Ameen of Sirey in making certain iron tools for the use of the convicts under his charge amounting to Rupees 2 – 15 – 8 two fifteen annas and eight pice eight

19th September 1849. (Signed) J. H. Davidson

Register

№ 874 To,

The Subordinate Judge of Chittoor

Communicating copy of an Order of Government authorizing a disbursement not exceeding Rs 126 One hundred and twenty five in procuring 4 Carts for employment by the convicts

convicts at Chittoor with reference to his letter dated the 25th ultimo.

19th September 1849. [Signed] J. H. Davidson
Register

№ 886 To,

The Subordinate Judge of
Madura

Sir, Memorandum

I Printed Copy of the Rules for the Management of public Jails forwarded for the use of the Subordinate Court of Madura with reference to his letter dated 11 Instant

By order of the Court of Fouzdaree Adawlut

29th August 1849.

24 September 1849. [Signed] A. J. Arbuthnot
Head Assist.t to the Reg.r

№ 898 To

The Session Judge of
Calicut

Sir,

I am directed by the Judges of the Fouzdaree Adawlut to request that immediately upon the receipt of this communication, you will furnish the Magistrate of Malabar with a copy of your letter to my address under date the 11th Ultimo, for which that Officer has applied direct to this Court

The

4

The Judges of the Fouzdaree Adawlut are of Opinion that in omitting to furnish a copy of that letter to the Magistrate, you have not exhibited that courtesy — which should always obtain between the Officers of Government whose only object should be the advancement of the public Interests.

27th September 1849. [Signed] J. H. Davidson
Register

№ 899 To,

The Magistrate of
Malabar

Sir,

With reference to your letter of the 13th instant I am directed by the Judges of the Fouzdaree Adawlut to state that the Session Judge of Calicut has been instructed to furnish you immediately with a copy of his letter to my address of the 11th Ultimo

If you should on perusal on perusal of that letter, deem it necessary to reply to any point not before noticed by you the Judges request you will do so — without delay and as briefly as possible

27th September 1849. [Signed] J. H. Davidson
Register

To

Foujdaree Diary 1st October 1849.

No 907 To

The Sessions Judge of Chingleput

Sir,

I am directed by the Court of Foujdaree Adalut to desire you will immediately dispatch to the Presidency, for transfer to the Custody of the Chief Magistrate and Superintendant of Police, all the Convicts now under your charge, awaiting Execution of their Sentences of transportation

You will be pleased to transmit to this Office, by Tappaul the usual Calendar of the Convicts who may be forwarded to the Presidency under these orders.-

1st October 1849. Signed J. H. Davidson
Register.

No 913 To

The Principal Sudder Ameen
of Chingleput

Sir,

In acknowledging the receipt of your letter dated the 21st Ultimo, Submitting an abstract Statement of the Proceedings held in Case No 70 of 1849 on the file of the Criminal Court wherein one Soury Mootoo charged with house breaking and theft

has

has been declared by the Zillah Surgeon to be insane, I am directed by the Judges of the Foujdaree Adalut to request that you will ascertain and report for their information with as little delay as possible, whether the relatives of the Prisoner in question are willing to take charge of him.

3d October 1849. Signed/ A. J. Arbuthnot

Asst. Sr to the Register.

N° 914 To

The Acting Subordinate Judge of Cuddapah

Sir,

In reply to your letter of the 20th Ultimo requesting to be informed whether a provision for the guard of Security prisoners is not permitted under the existing rules, I am directed by the Judges of the Foujdaree Adalut to inform you that whenever Security prisoners are worked outside the Jail, the usual guard should be entertained.

3d October 1849 Signed A. J. Arbuthnot

Pr. Asst. to the Register.

To

N° 72

N° 915 To

The Secretary to Government in the Judicial Dispartment

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to submit for the consideration of the Right Honorable the Governor in Council the accompanying Calendar of case N° 22 of 1849 on the file of the Sessions Court of Salem, wherein the prisoner Cuvaud Chinama Naiken charged with wilful murder has been acquitted by the Sessions Court on the ground that he was insane at the time that the offence charged against him was committed.

To be returned

It appears to the Court of

2.

Foujdaree Adalut from the certificate and deposition of the Zillah Surgeon which are forwarded herewith, and from the evidence recorded in the Calendar, that the prisoner has been properly acquitted of the offence charged against him which seems clearly to have been committed under the influence of insanity, and the Judges beg to recommend that the prisoner be confined in safe Custody for life.

3d October 1849. Signed T. H. Davidson

Register.

№ 916 To

The Secretary to Government in the
Judicial Department

Sir,

With reference to the Order of Govern-
-ment dated the 29th Ultimo № 627. I am directed
by the Judges of the Foujdaree Udalut to State, that
in obedience to the orders therein Contained, ten
Convicts under sentence of transportation are re-
ported to have been dispatched from Chingleput
on the 2d Instant, to the Charge of the Acting
Chief Magistrate and Superintendant of Police
at Madras, in view to their embarkation.

2. The usual Calendar of these
Convicts accompanies this Communication.

3d October 1849. (Signed) J. H. Davidson
Register.

№ 917.

№ 74

To

The Secretary to Government in the
Judicial Department.

Sir

I am directed by the Judges of the
Foujdaree Udalut to submit for the consideration of
the Right Honorable the Governor in Council,
the accompanying Copy of the finding in Cases
№s 66 and 67 of 1849 on the file of the Sub:-
Criminal Court of Rajahmundry, wherein
the

the prisoner Chelacoory Gungadoo Charged with theft has been
acquitted on the ground that he is insane.

2. The Judges of the Foujdaree Udalut
beg to recommend that the prisoner in question may be
placed under the care of his relations, in the event of
their being willing to take charge of him.-

The Certificate of the Medical Officer
is submitted -

3d October 1849. (Signed) J. H. Davidson
Register.

x to be returned

№ 918

x In two parcels

Memorandum

40 Sheets of the Printed Calendars forwarded to the
Sessions Judge of Salem with reference to his letter dated
the 24th Ultimo.

By Order of the Court of Foujdaree Udalut.-

3d October 1849. (Signed) J. H. Davidson
Register.

№ 925 To

The Sessions Judge of Guntoor.-

Sir,

I am directed by the Judges of the Foujdaree
Udalut to inform you in reply to your letter under date the 18th Ultimo,
that under the authority vested in them by the order of Govern-
-ment of the 28th July 1843, published at page 608 of the Official
Gazette of that year, they Authorize the disbursement of Rupees
135-10- (thirty five and Annas ten) for the purchase of
11 Jats for the use of the Jail.-

5th October 1849. (Signed) J. H. Davidson
Register.

№ 926 To

The Magistrate of Malabar.

Sir,

I am directed by the Court of Foujdaree
Udalut to inform you that the Right Honorable the Governor
in Council has under date the 19th Ultimo, Sanctioned the
Magisterial Contingent Charges of your district for
Fasly

Fusly 1257, amounting to Company's Rupees 164-1-9. / Sixty four, anna One and pice nine.-

2. It is to be understood that the Sanction now granted is conditional, depending on the production of the requisite account particulars and vouchers to support them when they are examined and Checked in the Office of Audit.-

5th October 1849. /Signed/ J.F. Davidson
Register.

No 927 To
The Magistrate of Masulipatam.

Sir,

I am directed by the Court of Fouzdaree Adalut to forward to you the accompanying Copy of an Extract from the Minutes of consultation dated the 19th Ultimo No 599, and to inform you that the Right Honorable the Governor in Council has sanctioned the Magisterial Contingent Charges of your District for Fusly 1257, Amounting to Company's Rupees 219-15-5. / Two hundred and nineteen, Annas fifteen and pice five.

2 It is to be understood that the Sanction now granted is Conditional, depending on the production of the requisite account particulars and Vouchers to support them when they are examined and Checked in the Office of Audit.-

5th October 1849. /Signed/ J.F. Davidson
Register.

To

No 928 To
The Civil Auditor.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut to forward to you the Statements of Contingent charges incurred in Fusly 1257 by the Magistrates of Masulipatam and Malabar.

5th October 1849. /Signed/ J.F. Davidson
Register.

No 929 To
The Agent to the Governor of Fort St. George at Kurnool.

Sir,

In reply to your letter under date the 30th August 1849. I am directed by the Judges of the Fouzdaree Adalut to observe that the information therein sought for in respect to the salaries sanctioned for european jailors will be found in Rules 1 and 2 of Section IV Page 5 of the printed Jail Rules a copy of which has been sent to you.

5th October 1849. /Signed/ J.F. Davidson
Register

Circular

No 932 To
The Magistrates of
Canara
Ganjam
Malabar
Masulipatam
Nellore
Rajahmundry
Tanjore and
Trichinopoly

Sirs,

I am directed by the Judges of the Fouzdaree Adalut to transmit to you the annexed Copy of the Roll of a Convict who is reported to have effected his Escape from Singapore, and request that you will take the necessary measures for his recapture should he be found in the District under your charge.

6th October 1849. /Signed/ J.F. Davidson
Register.

List

List of Convicts arrived at Chingleput under Sentence of Transportation dispatched to the Acting Chief Magistrate and Superintendent of Police at Madras on the 19th December 1841.

Arrived at Singapore on the 7th February 1842.

Number	Name	From	Crime	Sentence	Date of Sentence	Remarks
5	Ummery Caisnamad	Vizagapatam	Rape	To receive 195 lashes with a Cat 9 Nine tails and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of his natural life—	1841 2d July	Absconded from work on the 4th August 1849-

Singapore, 15th August 1849

Chingleput 19th December 1841.
/Signed/ W Morehead
Criminal Judge

(True Copy)

/Signed/ H. Man Capt
Superintendent of Convicts & Roads

No 935. To (No 75)

The Secretary to Government in the
Judicial Department

Sir,

1. The Government was pleased, under date 7th of March 1848, to sanction an Estimate amounting to Rupees /721—15—/ Seven hundred and twenty one and Annas fifteen, for repairing and improving the Calicut Jail, and among the Items of Expenditure included in that Estimate was one of Rupees (132—5—) one hundred and thirty two and annas five, for "lining the wooden bars of the windows with iron straps.-

From

2. From a recent communication received from the Subordinate Judge incharge of the Jail, it appears, that, at his suggestion, the Execution of that portion of the work included in the above Item has been suspended, and that, consequently of the sum sanctioned in the Estimate, Rupees /132—5—/ One hundred and thirty two, and annas five remain unexpended. Mr Goodwyn states that he has adopted this course, as he considers it highly desirable that the present wooden bars should be altogether removed, and that others made of iron should be substituted for them both on account of the better ventilation and also the additional security which would be then afforded to the Jail.-

3. The Subordinate Judge has accordingly submitted an estimate prepared by the Civil Engineer for substituting iron bars for those of wood now in use, amounting to Rupees /650—10—/ Six hundred and fifty, and Annas ten, and in explanation of the delay in its preparation, reference is made to the orders of Government, directing the postponement of all outlays for a while.-

4. The importance of having the windows of the Jail more securely fastened has been for some time past apparent to the Judges of the Foujdaree Udalut, and the necessity thereof was

was more prominently brought to their notice on a recent occasion of the escape of a Prisoner. The Judges are also convinced that it would greatly add to the salubrity of the Jail, and they would, therefore recommend that the estimate may receive the sanction of Government.

5 In conclusion, the Judges have much pleasure in stating that the alterations which have been already made in this Jail under the sanction of Govenmt, have been attended with the most beneficial results on the health of the Prisoners, and that within the last 15 Months the annual mortality among them is represented to have decreased to about one third of the average annual mortality for the last twenty years.-

6th October 1849- /Signed/ J. H. Davidson

Register.

N°934

In two Parcels

Memorandum

50 Sheets of the Printed Calendars forwarded to the Session Judge of Madura, with reference to his letter dated the 28th Ultimo

By Order of the Court of Foujdaree Udalut.-

8th October 1849- /Signed/ J. H. Davidson

Register.

To

N°937 The Session Judge of Combaconum.

Sir, Forwarding Copy of an Extract from the Mim. of Cons: dated the 2d Instant, Requesting with reference to Extract from a General letter from the Honorable the Court of Directors that the Session Judge of Combaconum may be called upon to furnish record of proceedings in the Case of Wm Butler who was fined and imprisoned for offering a bribe to Sir Henry Montgomery-

9th October 1849-

To

N°938 The Session Judge of Nellore.

Sir, I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 29th Ultimo and to inform you that Prisoners sentenced to confinement for life as lunatics may be kept to work suited to their health and strength within the Jail.

9th October 1849- /Signed/ J. H. Davidson

Register.

To

N°939 The Session Judge of Madura

Sir, I am directed by the Judges of the Fouj-=daree Udalut to acknowledge the receipt of your letter of the 29th Ultimo, and to state that under the circumstances therein represented, they resolve, in exercise of the powers vested in them by Section XII. Regulation XIII. of 1832, to authorize you

you to offer a pardon to the parties mentioned in your com-
-munication, on the terms and conditions specified in
Section XX Regulation VIII of 1802.

2. The Judges request that in future
Cases of this nature, you will be particular in specifying
the names of the persons to whom you recommend the
offer of a conditional pardon: which was the more
necessary on this occasion has you have omitted to send
up the Depositions taken in the Case.

9th October 1849. /Signed/ T.H. Davidson
Register.

No 942. To
The Subordinate Judge of Calicut

Sir,

I am directed by the Judges of the
Tondaree Adalut to acknowledge the receipt of
your letter of the 22d Ultimo and to state that under
the Circumstances therein represented, they resolve,
in exercise of the power vested in them by Section
XII Regulation XIII of 1832, to authorize you to offer
a pardon to Vadovvan Moideen in Case No 166 of 1849
of the Criminal file of the Subordinate Court, on the
terms and conditions specified in Section XX Reg-
-ulation VIII of 1802.

10th October 1849. /Signed/ T.H. Davidson
Register.

To

(No 96)

No 943 To
The Secretary to Government in the
Judicial Department.

Sir,

I am directed by the Judges of the
Tondaree Adalut to state that an application has been
received from the Magistrate of Chingleput for the
special Sanction of Government for an amount due as
"Head Money" to the Medical Officer in charge of the
Convicts transferred from the Zillah Jail of Salem
for employment at St Thomas' Mount on the Military
Works referred to in the Extract from the Minutes of
Consultation in the Judicial Department under
date the 20th December 1848 No 832. The attendance
of the Medical Officer having been given to the
Convicts in question while they were located at St
Thomas' Mount, and continued after they had been
removed to the Guindy Jail under the orders conveyed
in Extract from the Minutes of Consultation in
the Judicial Department dated the 29th March
1849 No 199.-

2. The Magistrate does not state
definitely the period for which Head Money is due,
nor does he specify the amount Due on that account but he requests
sanction for the charge as "Monthly"

The

3. The Judges of the Foujdaree Adalut beg to recommend that the Civil Auditor be Authorized to pass the Charge accordingly

10th October 1849. /Signed/ T. H. Davidson
Register

No. 77

No 944 To The Secretary to Government in the Judicial Department

Sir,

With reference to the Order of Government under date the 16th February 1844, No. 120, Sanctioning an Estimate amounting to Rupees /270—0—0/ two hundred and Seventy, for the construction of six Carts for the use of the Prisoners in the Jail at Mangalore, I am directed by the Judges of the Foujdaree Adalut to state that a letter has been received from the Subordinate Judge of Mangalore, applying for the special Sanction of Government for that Amount, certified to have been actually expended in the construction of the Carts above referred to.

The Judges of the Foujdaree Adalut beg to recommend that the Sanction of Government be granted accordingly.

10th October 1849. /Signed/ T. H. Davidson
Register.

To

No 948 To The Sessions Judge of Mangalore.

Forwarding Copy of an Order of Government dated the 25th ultimo conveying orders for the disposal of the insane Prisoner in Case No. 25 of 1849.

11th October 1849.

No 950 To The Magistrate of South Arcot.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 6th Instant, intimating resolution to recommend the continuance of the extra Police in South Arcot and conveying certain observations on the Subject.—

12th October 1849.

Memorandum

No 951 With reference to the Official Memorandum from the Secretary to Government in the Judicial Department under date the 5th Instant, the Register to the Court of Foujdaree Adalut has the honor to forward the accompanying Copy of a Circular Communication addressed by this Court under date the 17th October 1842 to Several of the Judicial and Magisterial Officers in the Provinces, on the Subject of the Caste distinctions known as Right and Left Hand, and the replies of those Officers thereto.

By Order of the Court of Foujdaree Adalut.

12th October 1849. /Signed/ T. H. Davidson
Register.

To The Secretary to Government in the Judicial Department.—

To

No. 952 To (No. 78)

The Secretary to Government in the
Judicial Department.

Sir,

I am directed by the Judges of the Fouzdaree Udalut to submit the accompanying Extracts of Retrenchments by the Civil Auditor from the accounts of the Collectorates of Bellary and Chingleput for Fusly 1255.

2. The sums retrenched are certain fines levied in the Police and Magisterial Departments, which have been returned to the parties by order of the Magistracy and the Sessions Courts.

3. The Judges of the Fouzdaree Udalut beg to recommend that the Civil Auditor be authorized to pass the Items in question, amounting respectively as noted in the margin.

4. And they at the same time beg leave to suggest that as such refunds are made by Competent authority under the instructions contained in Circular Order of the S.R. No. 8, dated the 19th January 1835, the Civil Auditor be authorized to pass them on all future occasions without the special sanction of Government being obtained for the same.

12th October 1849.

/Signed/ J. F. Davidson
Register.

Bellary Rs. 9-6-12—
Chingleput 10-9-0—

/Remarks dispensed with/
/Sanctioned/

No. 958. To (No. 79)

The Acting Secretary to Government in the
Judicial Department.

Sir,

I am directed by the Judges of the Fouzdaree Udalut to acknowledge the receipt of the Extract from the Minutes of Consultation in the Revenue Department under date the 3rd September 1849. No. 830. Communicating the observations and Order's of Government in the Matter of Parthasarthy Iyengar, formerly a writer in the Sea Custom House at Porto Novo.

2. Pursuant to the instructions Conveyed in paragraph of the Minutes, the Judges have called for the Abstract prepared by Mr. McDonell, of the Examination held in this Matter: and the same is now submitted. The Judges at the same time Submit their opinion that under Act XI of 1844. no Charge of Theft can be tried.

The Act in question has reference only to the regulation of import and export Duties in the Presidency of Fort St. George. The alleged Theft of the Collumdar was therefore, in the Judgment of the Fouzdaree Udalut not Cognizable under that act.

Adverting

3. Adverting to parah 11 of the Minutes, the Judges are of opinion that Sections 64 and 65 inclusive of the Act in question, must have reference to the Collector of Customs. It is certainly not so stated in those Sections: but the Act does not appear applicable to any other officer - Magistrates cannot be intended: nor can the Courts, because as Magistrates are not to interfere in such matters, there can be no committing Officer; for the Collectors of Customs have not, by this Act, special powers given to them to commit to the Courts, as they have by Clause first, Section XVII Regulation IX of 1822. In regard to the general question raised in the same parah: the Court will observe that in every case, the nature and extent of the offence charged must determine the tribunal by which the same is to be tried.

Act VII of 1844. 4 It seems to the Judges that as the Act now stands, no satisfactory Conclusion can be arrived at as to the Authority by whom the powers conferred by the Sections above cited, are to be exercised. They would therefore suggest that a declaratory Act be passed to remove this doubt.

By

Foujdaree Diary 16th October 1849.

5. By Section XV of the Act it is provided that the Offences therein mentioned shall be inquired into, and disposed of by the Collector of Customs or by any Magistrate or Joint Magistrate: and the Judges are of opinion that it should now be provided by a fresh enactment that the powers indicated in the Sections above mentioned shall be exercised by the Collector of Customs or by any Magistrate or Joint Magistrate: and the Judges would suggest the addition of the words "or by any Justice of the Peace of the Town, District or Place where the Custom House may be established."

6 A Similar provision is to be found in Section XIII of Act XIX of 1836. and its insertion will render cognizable such offences if committed within the local limits of the jurisdiction of H. M. Supreme Court of Judicature.

7. This reference has led the Judges to a particular consideration of Act VI of 1844: and it seems to the Judges to be highly desirable that an enactment should be passed declaring distinctly the Tribunal by which the offences indicated in Sections 64 & 65 are to be tried and punished.

13th October 1849. (Signed) J. H. Davidson
Register.

To

№959 To
"The Session Judge of Trichinopoly.
Sir
I am directed by the Judges of the Tongdaree Udalut to inform you in reply to your letter of the 2nd. Instant, that under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year they Sanction the disbursment of Rupees /3-0-0/ three made during the last quarter on account of the maintenance of the Child of a female Convict.-
16th October 1849. /Signed/ T. H. Davidson
Register.

№963 To
The Subordinate Judge of Calicut
Forwarding Copy of an Order of Government dated the 13th Instant, sanctioning the proposed substitution of Iron inlieu of the wooden bars now in the windows of the Calicut Jail at an estimated expenditure of Rupees 650 and 10-0.
18th October 1849.

№964 To
The Subordinate Judge of Rajahmundry
Forwarding Copy of an Extract from the Minutes of Consultation dated the 13th Instant, directing that the Prisoner in No. 66 of 49 on the Rajahmundry Crimd. file be made over to his friends in the event of their being willing to take charge of him.
18th October 1849.

№965. To
The Session Judge of Salem.
Forwarding Copy of an Extract from the minutes of Consultation dated the 13th Instant, directing confinement for life of the insane Prisoner in Case No. 22 of 1849 on the Salem Session file.-
18th October 1849.

No. 972 Memorandum
12 Printed forms of the Monthly Criminal Report No. VI.-
12 Printed forms of the Statement of labor of Convicts Forwarded to the Subordinate Judge of Salem with reference to his letter dated the 10th Instant.-
19th October 1849. /Signed/ T. H. Davidson
Register

№973 To
The Magistrate of Chingleput
Forwarding Copy of an Extract from the minutes of Consultation dated the 28th August last, replying to the Courts letter sending for the opinion of the Advocate General certain depositions forwarded by the Magistrate and Justice of the Peace at Chingleput, relative to an assault of aggravated nature committed by a private Soldier.-
19th October 1849.

(№ 80)

№ 974 To The Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Fouydaree Adalut to acknowledge the receipt of the Order of Government dated the 10th October 1849 - № 661, referring for their report a Draft act "for restitution of the value of stolen property" and to state in reply that the act in question seems to the Judges to be in every respect, a most desirable one.

19th October 1849. (Signed) J. H. Davidson Register

№ 975 To The Session Judge of Salem.

Sir,

I acknowledging the receipt of your letter of the 2d Instant, I am directed by the Judges of the Fouydaree Adalut to state that before they can submit the Bills for travelling allowances and batta therewith received for the sanction of Government, it will be necessary necessary for you to explain for what for what purpose the services of the two officers of your Court by whom you

were accompanied were deemed requisite.-

2. On future occasions of your visiting detached Gangs of Convicts the Judges request that only one Goomashtah may be instructed to accompany you.

19th October 1849. (Signed) F. Lushington Senior Dep. Register.

(№ 81)

№ 977 To The Secretary to Government in the Judicial Department

Recommending for the Sanction of Government an Indent in duplicate on the Commissary of Ordnance of Trichinopoly, for the supply of Gramaties, Axes &c. in exchange for others, damaged to be returned into store, Submitted by the Session Judge of Trichinopoly under date the 10th Instant.-

20th October 1849.

№ 978 To The Session Judge of Honore.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 16th August last, conveying observation and Orders relative to the case of the insane Prisoner in № 20 on the Honore Calendar, with general instructions for observation in all trials where the Prisoner proves to be insane &c.-

20th October 1849.

№ 979
"Circular"

To
The Several Session Judges and Agents.—
Forwarding paras 2 and 3 of the
Extract from the Minutes of Consultation
under date the 16th August last, conveying
general instructions relative to the disposal
of Cases in which insane prisoners are Concerned.

20th October 1849.

№ 980

To
(№ 82)
The Secretary to Government in the
Judicial Department

Sir,

In conformity with the
provisions of Act IX of 1849, I am directed by the
Judges of the Fouzdaree Adalut to solicit the
instructions of the Right Honorable the Governor
in Council in respect to the disposal of one "Sowry
Mootoo", who was charged in Criminal Case № 70 of 1849
on the file of the Principal Sudder Ameen of Chingleput,
with Housebreaking and Theft, but has been acquitted
on the ground of his Insanity.

2. The Principal Sudder Ameen, in
reply to a subsequent reference made from this
Court, states that no relatives of the insane person
have been discovered, and that none of his ac-
-quaintance are willing to take the charge of him

3 The Medical certificate granted
by the zillah Surgeon is herewith Submitted

25th October 1849. /Signed/ F. Lushington
Sent. Depy. Register.

№ 983

To
The Session Judge of Tinnivelly

Sir,

I am directed by the Judges of the
Fouzdaree Adalut to inform you in reply to your
letter of the 4th Instant, that under the authority
vested in them by the Order of Government of the
28th July 1843, published at page 608 of the Official
Gazette of that year, they sanction the disburse-
-ment of Rupees 54-— — / fifty four, for the repair
of the six Carts which are represented in your
letter to be in tolerable order—

2 And as the remaining four Carts
are reported to be altogether unserviceable, I
am directed by the Judges to request that you
will prepare and submit an Estimate of the
Cost of Constructing four new ones.—

22nd October 1849. /Signed/ J. H. Davidson
Register.

№ 987

Memorandum

12 Printed forms of the Monthly Criminal Report A.
12 Dº of the Dº Dº B.
12 Dº of the Dº Dº № VI.
12 Dº of the Monthly Labor of Convicts.
12 Dº of the Statement created by Regn X of 1832.

Forwarded to the Subordinate Judge of
Calicut, with reference to his letter dated the 13th Instant.—

By Order of the Court of Fouzdaree Adalut.
/Signed/ J. H. Davidson
Register

23rd October 1849.

(№83)

№988. To

The Acting Secretary to Government in the
Judicial Department.

Sir.

With reference to the Order of Government under date the 3d September 1849 №556, requesting further information previous to sanctioning a charge incurred by the Acting Magistrate of Bellary in lighting certain posts at Gooty held by Military Guards, I am directed by the Judges of the Foujdaree Adalut to submit a copy of the letter from that Officer furnishing the required information.

23d October 1849.

/Signed/ J. H. Davidson
Register.

№992 To

The Subordinate Judge of Mangalore.

Forwarding Copy of an Order of Government dated the 18th Instant, granting special sanction for a disbursement of Rupees 270-- expended by the Subordinate Judge of Mangalore in the construction of 6 Carts to be used in convict work.

24th October 1849.

№996 To

The Magistrate of Salem

Sir.

In acknowledging the receipt of your letter of the 8th Instant, requesting sanction for the employment of a Second Dresser with the Gang of Convicts located at Daramporam, I am directed by the Judges of the Foujdaree Adalut to inform you that under the circumstances stated in your letter now under reply, they see no necessity for the adoption of the measure suggested by the Sessions Judge.-

25th October 1849. /Signed/ A. J. Arbuthnot
Head Assistant & Register.

(№84.)

№1006 To

The Acting Secretary to Government
in the Judicial Department

Sir

I am directed by the Judges of the Foujdaree Adalut, to state that a Petition was presented to the Court in the Month of May last by one Soondersana Doss, an inhabitant of the Zillah of Vizagapatam, Complaining of certain injuries received by him at the hands of the Zemindar of Jeypoor, and intimating his belief, that one of his servants, who had been seized under the Orders of the Zemindar, and had been since missing, had met with a violent death.

This Petition was forwarded by the Court
2. to the Agent to the Governor of Vizagapatam with a Precept, requiring that Officer to hold an enquiry into the circumstances connected with the Case, and to submit a

a full report in respect to the several allegations set forth in the Petition.

3 In return to the Courts Precept the Agent has represented his inability to ascertain the exact amount of wrong suffered by the Petitioner, or to afford him redress.

He states that the officers of Government have, heretofore, exercised no Magisterial control in Jeypoor - that it is not possible to Execute or enforce any Court process upon the Zemindar or his principal Servants - that, in fact, the Zemindar may be said to be absolute in his Estate, and quite beyond the Agents control.

4 Under these circumstances it is manifest that neither the Agent, nor the Judges of the Foujdaree Adalut have power to proceed further in the matter, and they therefore submit this case for the consideration and orders of Government.

5 a translation* of the Petitioners address, together with Copies of the Proceedings of the Court of Foujdaree Adalut held thereon, and of the Agents Return are herewith forwarded

* which it is requested may be returned

26th October 1849. /Signed/ J. Lushington
Senior Dy. Register.

№ 1008. To
The Sessions Judge of Masulipatam

Sir,

Adverting to your letter under date the 11th Instant, I am directed by the Judges of the Foujdaree Adalut to inform you, that they resolve under the Authority vested in them by the Order of Government of the 28th July 1843, published at page 608 of the Official Gazette of that year, to sanction the expenditure in maintaining the Children of the Convicts referred to in your letter, during the 3d quarter of 1849, amounting to Rupees 3-4-. (three and Annas four.

29th October 1849. /Signed/ J. Lushington
Sent. Dy. Register.

№ 1010 To
The Magistrate of Chingleput

Forwarding Copy of an Extract from the Minutes of Consultation dated the 19th Instant, authorizing the Civil Auditor to pass to the Medical Officer in Charge of the Convicts at St. Thomas's Mount, such amount as he may be entitled to as Headmoney on that account under the Rules in force.

29th October 1849.

№s 1011 & 1012 To
The Magistrates of Chingleput & Bellary

Forwarding Copy of an Extract from the Minutes of Consultation dated the 25th Instant, Authorizing the Civil Auditor to admit certain refunds retrenched from the accounts of the Bellary and Chingleput Collectorates & as a rule to pass all similar cases if not opposed to regulation.

29th October 1849.

№ 1018 Memorandum

The Superintendant of Government Roads is requested to order the Jailor at Gundy to supply the Convicts employed in the Sudder Court Compound with any Implements they may occasionally require.

for

for temporary use.

By Order of the Court.

30th October 1849. /Signed/ A.J. Arbuthnot

Nº 1019 To Head Asst to the Register (Nº 851)

The Acting Secretary to Government in the Judicial Department

Sir

I am directed by the Judges of the Fouydaree Adalut to report, that the Magistrate of North Arcot has represented to this Court that in August last, he submitted to Government, through the Board of Revenue a recommendation that the whole gang of Convicts at Vellore should be placed under his charge and immediately under the Assistant Magistrate resident at that place, and also that a Jailor and Goomastah should be entertained for the Vellore Jail; and that he was instructed to submit his Application for the increase of Establishment through this Court.

2. The Magistrate now requests authority to entertain a Jailor and a Goomastah on a monthly Salary the former, of Rupees /17-8-/ seventeen and half the latter, of Rupees /8/ eight. The Goomastah

Goomastah is required to keep the Accounts.

3. Rule VI of the Rules for the Management of Convicts at a distance from the Zillah Jails, provides that when the number of Convicts in a Gang amounts to 120, the establishment shall comprise a Jailor besides the Ordinary Guard, and a Goomastah to keep the Accounts.

4. The Magistrate of North Arcot reports that the number of Convicts in the Jail at Vellore, is one hundred and eighty.

5. The Judges of the Fouydaree Adalut beg leave to recommend that the Application of the Magistrate receive the Sanction of Government.

6. The application in the prescribed form is herewith submitted.

30th October 1849 /Signed/ F. Cushington

Sent. Dept. Register.

Actual

№ 1020

To
The Session Judge of Cuddapah

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated the 20th instant, and, in reply, to state that under the circumstances represented in your letter, they are pleased to authorise you to employ an extra Translator in translating the Records of the referred Trials to which you advert

2. When the translation of the Records in question shall have been completed, the Judges request that you will submit for the special sanction of Government a Statement of the Expenditure incurred

30th October 1849. /Signed/ F. Lushington
Sen.r Dep.ty Register

№ 1021

To
The Joint Magistrate of Potacamund.

Sir,

In reply to your letter of 15th Instant, requesting that the sanction of Government may be obtained for the disbursement of the sum of Rupees 17-7-7 Seven, Annas seven being the amount of batta paid to certain peons attached to the Camba-

tore

Charges

Nos	Ordinary Establishments Pay	Casual or Extraordinary Charges for the month	
Nos 1 to 5 as per Statement	10 0 5/16		
No 6	1 4 6		
No 7	1 2 1 5/8		
No 8 as per Statement	1 0 1/2		
	Postage		
Nature of the Charge	Remarks	Sanction of Government for the month	
Batta of the Peons attached to the Camba-tore Office to which the Trials referred to in the Foujdaree Adalut Letter dated 20th Instant relate	Batta of 7 Peons for 30 days @ 2 Annas each per diem	17 5 0	
	Batta of 1 Peon for 30 days @ 2 Annas each per diem	1 2 6	
		25 8 -	

Signed/ F. Lushington
Sen.r Dep.ty Register

Foujdaree Adalut
Register's Office
30th October 1849

= tore Convicts stationed on the Railyseries
from the 1st to the 7th January 1845; I am directed
by the Judges of the Court of Foujdaree Adalut
to request that you will report for their information
under what circumstances the Application
for sanctioning the charge in question has
been deferred for so long a period; the disburse=
=ment having been made early in 1845=
30th October 1849.

/Signed/ A. J. c Inbuthnot
Dy Asst to the Register.

№ 1024 To

The Civil Judge of Trichinopoly

Forwarding Copy of an Order of Government dated the 24th Ultimo, Sanctioning an Indent for certain working tools by the Sessions Judge.

1st November 1849.

№ 1025 To

The Sessions Judges and Agents

Circular Sirs

In transmitting the accompanying revised Forms of Statements which are intended to supersede those hitherto used in exhibiting the administration of Criminal Justice in the Provinces, I am directed by the Judges of the Foujdaree Adalut to request that you will retransmit the same at the proper period correctly filled up for the 2d Half of the year 1849.

2. The present forms have been carefully prepared in accordance with instructions from the Honorable Court of Directors, communicated through Government, and it is hoped that in the designation of Offences you will confine yourself as much as possible to the headings which have been entered in the Statements.

1st November 1849. Signed J. Lushington

Sent. Dept. Register

(№ 86)

№ 1028 To

The Acting Secretary to Government in the
Judicial Department

Recommending for the Sanction of Govern=
=ment an Indent for certain tools required for
the use of the Prisoners. Submitted by the Sub.=
Judge of Salem under date the 17th Ultimo.

2d November 1849.

(№ 87)

№ 1029 To

The Acting Secretary to Government in the
Judicial Department

Sir,

1 I am directed by the Judges of the Tongdaree Adalut to state that a communication has been received from the Session Judge of Honore, reporting on the utter unsuitableness as Public Buildings of the Court House and the Jail at that station.-

2. In the correspondence - brought to the notice of Government in Court's letter of the 2d April 1846 № 31, - certain alterations were proposed to be made to the Jail in question and the Government by an Order under date the 1st June 1846 № 326 gave authority to call upon the Civil Engineer of the Division for the Plan and estimate of the Cost of the same. The Order of Government was in due Course communicated to the Civil Judge of Honore who thereupon - called upon the Civil Engineer for the necessary Plan and Estimate but it was not until lately that the matter was noticed by that officer. who wherein a letter addressed to the Civil and Session Judge, Copy of which has been transmitted to the Court, has reported that the Jail is "quite unworthy of repair," and that the materials of which it has been constructed are now so very decayed and rotten, that it will be a service of some hazard to those attempting to repair it he has therefore recommended that the Building be entirely pulled down, and that a new one be erected on its site.-

3 The Civil Engineer has at the same time reported that on inspection of the Court House he has found it to be much in the same condition as the Jail.-

4. And the Session Judge observing - that

that there are not two such unsuitable public Buildings in the Presidency, recommends that they both be pulled down and new ones be constructed in their stead, for which purpose he requests authority to call upon the Civil Engineer for Plans and Estimates.-

5 The Judges of the Fouzdaree Adalut beg to recommend that the Civil Judge of Honore be authorized to call upon the Civil Engineer of the Division for the required Plans and Estimate.-

2d. November 1849. (Signed) H. Lushington
Senior Dy. Regr.

No 1030 To.

The Magistrate of Cuddapah.

Sir,

1 I am directed by the Judges of the Fouzdaree Adalut to inform you that the Acting Superintendent of the Government Roads in charge of the Convicts at Guindy has reported that, a Convict named G. Peddanah, a copy of whose Descriptive Roll is herewith furnished has effected his escape from the Jail under the Charge of that officer.-

2. He is a Convict from the Zillah of Cuddapah, and as it is likely he may return to his

his District you will take the necessary measures for his recapture.-

2d. November 1849. (Signed) H. Lushington
Senior Dy. Regr.

No 1031 To.

The Magistrate of Salem.

№1032 To

The Principal Sudder Ameen

of Vizagapatam

Forwarding Copy of an Extract from the Minutes of Consultation dated the 28th August last, Passing Orders relative to the Boundary wall of the Vizagapatam Jail.-

2d November 1849. Sent usual letter

№1033 To.

The Session Judge of Honore.

Adverting to your letter of the 31st May last, I am directed by the Judges of the Foujdaree Adalut to request that you will report whether the increase in the Number of Prisoners confined in the Jail at Sirsy is likely to be permanent, and whether some temporary arrangement might not be made with the view of affording greater security to the Custody of the Prisoners.-

2. The Judges do not deem it expedient to apply for a Military Guard, and unless it be absolutely requisite they would wish to avoid the necessity of applying for a permanent increase to the Establishment of Peons, which could only be obtained through the Supreme Government.-

3. The Judges approve of your proposition to visit the Jail at Sirsy Quarterly instead of Half yearly, and they request that you will carry it into effect.-

Signed H. Lushington

Senior Dpy Registrar

№1039 To

The Session Judge of Cuddapah

Forwarding Copy of an Extract from the Minutes of Consultation dated the 27th Ultimo, communicating with instructions extract from a General letter from the Honorable Court of Directors recording their view of the proceedings held in reference to the transactions which resulted in the dismissal of the late Serristadar of the Zillah Court of Cuddapah and his brother.-

5th November 1849.

№1040 To

The Subordinate Judge of Bellary

Sir,

In reply to the letter of the late Acting Subordinate Judge under date the 3d May 1848, I am directed by the Judges of the Foujdaree Adalut to inform you that under the authority vested in them by the Order of Government of the 26th July 1843, published at page 608 of the Official

Official Gazette of that year, their sanction the disbursement of Rupees 56-4-/ fiftysix and annas four incurred in the feeding of two Bullocks being stolen property in Case No. 220 on the Criminal file for 1846, and taken charge of by the Court accordingly.

2. At the same time I am directed to observe that had those Bullocks been delivered to their Claimants, on their giving security to produce them before the Court when required, the abovementioned charge to Government might have been saved, and the Court be rid of the inconvenience of keeping them.

5th November 1849. (Signed) F Lushington
Sent. Dept. Register

No 1041 To
The Sessions Judge of Pulicinopoly

Sir

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter under date the 4th September 1849 and in reply to inform you that they approve of the design of the Hand Barrow, which accompanied your letter.

5th November 1849. (Signed) F Lushington
Sent. Dy Regr

Foujdaree Diary 5th November 1849.

No 1042 To
The Sessions Judge of Masulipatam

Sir.

1. I am directed by the Judge of the Foujdaree Udalut to return to you the Descriptive Roll of the Convict who is reported in your letter of the 23d Ultimo to have effected his escape from a working party, and to request that you will without delay prepare and submit one according to the form laid down in Rule 13 of Section XV of the Jail rules, a compilation of which was recently sent to you.

2. The Descriptive Roll received with your letter is defective in respect to the reward payable for the Convicts apprehension.

5th November (Signed) F Lushington
Senior Dy Regr

№1043 To The Principal Sudder Ameen of Chingleput

Forwarding Copy of an Extract from the Minutes of Consultation dated the 1st Instant, Ordering that "Souree Mootoo" the insane prisoner in Case № 70 of 1849 on the Chingleput Criminal file be kept in confinement for 6 months, and a further report regarding him then submitted.-

6th November 1849.

№1044 To The Secretary to Government in the (№88)

Judicial Department.

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Order of Government dated the 25th Ultimo, forwarding for their opinion the Draft of an Act "for regulating the sentences of Criminal Courts in certain Cases in the Presidencies of Fort William and Fort St. George.

2 The Judges, I am directed to state, №1050

consider the promulgation of that enactment to be very desirable as setting at rest the doubtful question of the competency of Sessions Courts to impose fines; and the only remark which it occurs to them to offer in respect to its provisions is to suggest, that the words "in irons" be added immediately after the words "hard labour" at the conclusion of Section III

6th November 1849. (Signed) F. Lushington

№1049 (№89)

To The Acting Secretary to Government in the

Judicial Department

Sir

Adverting to the Extract from the Minutes of Consultation under date the 1st May last № 272 sanctioning the Execution of certain repairs to the Jail at Cuddalore, I am directed by the Judges of the Court of Foujdaree Udalut to transmit for the Consideration of the Right Honorable the Governor in Council the accompanying Copy of a letter from the Sessions Judge of Cuddalore with its enclosure forwarding for the sanction of Govt a supplemental Estimate prepared by the Civil Engineer of the 5th Division for the repairs of the Jail at Cuddalore, the sum entered in the Estimate Originally submitted for the Execution of the repairs in question having been found insufficient in Consequence of the rafters and reepers having proved, when the buildings were unroofed to be altogether unservicable.-

Copy of a letter from the Collector of South Arcot to the address of the Civil Engineer is submitted herewith and the Judges of the Foujdaree Udalut beg to recommend that the supplemental Estimate now forwarded amounting to Rupees — (451—1—) Four hundred and fifty one and Annas one, be submitted to the Board of Revenue in the Department of Public Works for Examination and check and for eventual submission to Government.-

8th November 1849. (Signed) F. Lushington,

Senior Dpy Register

№90

To The Acting Secretary to Government in the

Judicial Department

Sir,

With reference to the provisions of Act IX of 1849 I am directed by the Judges of the Foujdaree Udalut to submit for the consideration and Orders of Government two accompanying documents to be returned relative to the case of one "Nagoo," who was charged in

in Cases Nos 135 + 136 of 1849 on the file of the Sub. Criminal Court of Combaconum with "Theft" and was acquitted by the Subordinate Judge on the ground of Insanity.

2. The Judges beg to recommend that the said "Rangoo" be placed under the charge of her relatives.

9th November 1849. /Signed/ F. Sushington
Senior Depy. Register

No 1053 To
The Magistrate of Bellary

Forwarding Copy of an Order of Government dated the 5th Instant, Sanctioning the charges incurred on account of lighting the post occupied by a Military Guard at Gooty and arranging the future adjustment of the accounts in regard to the same item of expenditure

10th November 1849.

No. 941

No 1054 To
The Acting Secretary to Government in the Judicial Department

Sir.

I am directed by the Judges of the Foujdaree Adalut, with reference to the Order Contained in the Extract from the Minutes of Consultation under date the 20th March last

No.

No. 184. relative to the disposal of the insane prisoner Iyacoodamien now in Custody at Tinnevelly, to transmit for the consideration of the Right Honorable the Governor in Council, the accompanying Copy of a letter from the Zillah Surgeon under date the 24th August last, to the Address of the Acting Sessions Judge, reporting upon the case of the Prisoner in question.

10th November 1849. /Signed/ F. Sushington
Senior Dy. Register.

No 1057 To
The Magistrate of Salem.

Sir

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 5th July last, forwarding Copies of Papers affecting the character of Ramakistna Iyah late Sahseeldar and Head of Police of Attoor, now under Suspension, on the ground that "his connivance complicity with Lawless acts of the Corawars was so obvious;" and recommending that he should be dismissed from his situation and declared incapable of re-employment in the Public Service.

2. The Judges observe that upon a mere report and without having before them a Record of the Case or Cases in which he may have

Exhibited

exhibited that misconduct which is considered to render him worthy of removal from his situation, they have no authority to dismiss an Head of Police, or to interfere, in any way, in regard to the matter.

The power to do so is vested in the Board of Revenue alone, to whom, therefore, you should report the character and proceedings of the Tahseeldar in question.

3. The Judges will be prepared to take into consideration and forward to Government, your application for an increase of the Police Force in the Salem District. but they request that you will submit a separate application for that purpose explaining generally and fully the reasons for the application, without reference to the particular case of this Head of Police.

4. In doing so, the Judges request you will state in what places you propose to fix the three additional Tannas suggested in para: 4 of your letter; and that you will likewise explain which those adjoining Districts are with the authorities in which you propose to cooperate. and furnish a full explanation of the particular circumstances which render necessary or desirable, Concert with those authorities in regard especially to the Cawars.

The

5. The Judges request your attention to the circular Order of the 4th September 1820 which requires that the paragraphs of all letters and Reports to the Sudder and Foujdaree Udalut shall be numbered.

12th November 1849. /Signed/ F. Cushington
Sent. Dept. Register.

№ 1060

To The Subordinate Judge of Bellary

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter under date the 8th September 1849, and in reply to inform you that they sanction the Monthly disbursement of Rupees 2-0-0 / two / for the maintenance of the Children of the Convict referred to in your letter until his release from imprisonment.

2. you will be pleased to submit as required by Circular Order № 50 quarterly Statements of the disbursements on the above mentioned account

13th November 1849. /Signed/ F. Cushington
Sent. Dept. Register.

№ 1061

To The Acting Sub: Judge of Rajahmundry

Sir,

I am directed by the Judges of

of the Foujdaree Udalut to inform you in reply to your letter of the 27th Ultimo, that, under the Authority vested in them by the Order of Government of the 25th January 1845, they sanction the expences incurred in reconstructing a Cooking shed for the use of the Prisoners in the Jail under your Charge, amounting to Rupees 25 - - / twenty five.

13th November 1849. /Signed/ F. Lushington
Sent. Dept. Register.

(No 92)

No 1064 To The Secretary to Government in the Judicial Department

Recommending for the sanction of Government an Indent for — tools required for the use of the Convicts in the Jail at Chittoor, submitted by H. A. Brett Esqre Subordinate Criminal Judge under date the 7th Instant.

15th November 1849.

No 1066 To The Magistrate of Salem.

Sir,

Adverting to your letter of the 8th of January last forwarding an application from Mr. Maltby the Joint Magistrate of Salem

Salem for permission to grant a reward of Rupees one hundred to the individual who gave information regarding the stolen property discovered in the house of one Veloyada Pillay in the Ashtoor Talook, I am directed by the Judges of the Foujdaree Udalut to state that they are pleased by virtue of the Authority vested in them by Section XXIII Regulation IX of 1816, to sanction the payment of the sum of one hundred Rupees to the individual in question in consideration of the services rendered by him.

16th November 1849. /Signed/ F. Lushington
Sent. Dept. Register.

No 1067 To The Session Judge of Rajahmundry

Sir,

Adverting to your letter of the 8th January last, soliciting at the request of the Subordinate Judge information respecting the authority to whom a case wherein — a British born subject has been tried for manslaughter and acquitted, should be reported, I am directed by the Judges of the Foujdaree Udalut to observe that in all cases of the nature to which you refer in which there is no conviction, it will be sufficient if they be Entered in the Monthly Criminal Returns transmitted to the Court of Foujdaree Udalut.

16th November 1849. /Signed/ F. Lushington
Sent. Dept. Register.

№1068- To

The Subordinate Judge of Bellary

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter under date 3d Instant, and in reply to inform you that under the authority vested in them by the Order of Government of the 28th July 1843, published at page 608 of the Official Gazette of that year, they sanction the charges incurred in repairing the Carts referred to in your letter, amounting to Rupees 5-12-0/ five and annas twelve -

16th November 1849. /Signed/ F. Sushington

Sent Dept Register.

№1069 To

The Sessions Judge of Coimbatore.

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated the 11th July last, forwarding Copy of a communication from the Acting Magistrate of Coimbatore, requesting that 100 Convicts may be made over to him to be employed on the public Roads in that District -

2. Under the circumstances represented by the Magistrate, the Judges see no objection to the transfer of 100 Convicts to his Charge,

charge, but if it be necessary that a temporary Dufter should be entertained, the Magistrate will be pleased to apply through the Court of Foujdaree Adalut for the special sanction of Government for the same -

16th November 1849. /Signed/ F. Sushington

Sent Dept Register.

№1070 To

The Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Court of Foujdaree Adalut to state for the information of Government, that there are at present in the Jail at Chingleput 8 Convicts awaiting execution of their sentences of transportation, and to suggest that tenders be invited for their passage to Singapore. -

1 Coruga
2 Chennuppa
3 Sunna Hanya
4 Kanakan Chema=
=nakadin Chalakkel
Chatin
5 Payaporate
Bombey Kotty
6 Bundapully Summundora
7 Chedorgee Sunnasreddy
8. Gubbada Mullobhotty July Dit.

16th November 1849. /Signed/ F. Sushington

Sent Dept Register.

Memo.

No 1075

Memorandum

24 Printed forms of the Monthly Labor of Convicts forwarded to the Session Judge of Coimbatore, with reference to his letter dated the 7th Instant.-

By Order of the Court of Foujdaree Adalut
17th November 1849. /Signed/ F. Lushington
Senr Dpty Register.

No 1076

Memorandum

2 Printed forms of the Half yearly Criminal Statement No 1
2 ——— Do ——— of the ——— Do ——— Do ——— No 2
2 ——— Do ——— of the ——— Do ——— Do ——— No 3
2 ——— Do ——— of the ——— Do ——— Do ——— No 4
3 ——— Do ——— of the Annual Jail Returns.

Forwarded to the Session Judge of Nellore with reference to his letter dated the 10th Instant

The remaining Printed forms of the Half yearly Criminal Statements will be forwarded as soon as they are received from the Press.

By Order of the Court of Foujdaree Adalut
17th November 1849. /Signed/ F. Lushington
Senior Dpty Register

Memo:

No 1077-

Memorandum.

In two Parcels 50 Sheets of the Printed Calendars forwarded to the Session Judge of Calicut with reference to his letter dated the 5th Instant.

By Order of the Court of Foujdaree Adalut
17th November 1849. /Signed/ F. Lushington
Senior Dpty Register.

No 1078 To The Session Judge of Salem.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 5th September last, Observations on the result of the trial in Case No 9 of 1849 on the Calendar of the Session Court of Salem.

17th November 1849.

No 1082 To The Governors Agent at Kurnool.

Sir

Adverting to your letter of the 23d August last, I am directed by the Judges of the Foujdaree Adalut to state that no convicts are at present available for transfer from other Jails, and they regret, therefore, that they are unable to comply with your requisition.

19th November 1849. /Signed/ F. Lushington
Senior Dpty Register.

To

№1088. To

The Sessions Judge of Honore.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 12th Instant, authorizing the zillah Judge of Honore to call upon the Engineer's Departt. for Plans and Estimates for the erection of a new Court House and Jail.

20th November 1849.

№1089 To

The Subordinate Judge of Salem.

Forwarding Copy of an Order of Government dated the 13th Instant, sanctioning an Indent for Tools from Salem.

20th November 1849.

/№94/

№1090 To

The Acting Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut to transmit for the consideration of the Right Honorable the Governor in Council the accompanying Copies of letters dated respectively the 15th Ultimo and the 3rd Instant from the Joint Magistrate at Cotacommund having reference to a retrenchment made by the Civil Auditor from the accounts of the Principal Collector of Coimbatore on account of certain Batta paid to the peons attached to certain Coimbatore Convicts stationed on the Neilgherries from the 1st to the 7th January 1845, Amounting to Rupees /7-7-"/ Seven and Annas Seven.

2. The Judges beg to recommend that the Civil Auditor may be authorized to pass the item in question.

20th November 1849 /Signed/ G. T. Beauchamp

Register.

/№95/

№1091 To

The Acting Secretary to Government in the Judicial Department.

Sir,

With reference to the Extract from the Minutes of Consultation in the Judicial Department under date the 28th September 1846 №617, I am directed by the Judges of the Fouzdaree Adalut to state for the information of Government, that a communication has been received from the Magistrate of South Arcot, applying, at the recommendation of the Magistrate of Salem, for an increased remuneration to an Individual named

named Ramasellay, in consideration of the risk and trouble he underwent in recapturing an escaped convict undergoing a sentence of 14 years Imprisonment in the Zillah Jail of Cuddalore, and who is represented as a desperate character.

2. The amount recommended to be paid to him is Rupees 50 — — / fifty, and the Judges of the Foujdaree Adalut beg to solicit the authority of Government for the payment of the same accordingly.

20th November 1849. /Signed/ G. J. Beauchamp

Register.

No 1094. /No 961

To

The Secretary to Government in the Judicial Department

Recommending for the sanction of Government an Indent in duplicate on the Commissary of Ordnance of Trichinopoly for the supply of 6 wheel Barrows of the description mentioned in the Foujdaree Courts letter of the 5th Instant with the drawing and dimensions, in exchange for six Ordinary wheel Barrows to be returned into stores damaged and

requesting

requesting that it may be submitted for sanction.

22d November 1849.

No 1101 /No 971

To

The Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation dated respectively the 18th and 19th October 1849 Nos 681 and 686 having reference to the Calendar of case No 32 of 1849 on the file of the Sessions Court of Bellary which was irregularly forwarded to Government by the Subordinate Criminal Judge, the prisoner who was charged with having severely wounded the Prosecutor with a sword having been acquitted on the ground of insanity.

2. Upon receiving the Orders of Government dated the 19th Ultimo, communicating a copy of a letter from the Zillah Surgeon to the address of the Subordinate Criminal Judge stating that the prisoner in the case in question was represented by himself to have been under the influence of bang,

when

when he committed the assault laid to his charge the Judges of the Fouydaree Adalut deem it necessary to direct that the Session Judge should ascertain whether or not the mental derangement under which the prisoner was said to have laboured when he committed the act charged against him, was to be attributed to the effect of intoxicating drugs.

3. The Judges likewise directed that a deposition should be taken from the Zillah Surgeon with reference to those of the witnesses examined to prove the state of the prisoner's mind, when the act charged against him was committed; in order that the opinion of the Medical Officer, as to the justness of the inference drawn by the witnesses, from the facts and circumstances deposed to, might be ascertained.

4. The return of the Session Judge, together with the documents therewith submitted, and the Calendar of the case are transmitted for the consideration of the Right Honorable the Governor in Council from which it will be observed that although

although the Zillah Surgeon considers the assault charged against the prisoner to have been committed under the influence of — bang, the Session Judge adheres to the opinion upon which he acquitted the prisoner of the offence laid to his charge, viz, that he was labouring under mental derangement, attributable to causes not within his competency to control.

5. The Judges beg leave to recommend under all the circumstances of the case, that the prisoner be detained in custody for the present, and that the Session Judge be directed to submit a report from the Zillah Surgeon at the expiration of six months, of the state of the prisoner's mind.

23rd November 1849. (Signed) G. T. Beauchamp
Register.

No. 1102

To
The Civil Auditor

Sir

I am directed by the Judges of the Court of Fouydaree Adalut to transmit with the necessary conection, the Statement of Contingent charges incurred in Fusly 1257 by the Magistrate of Sinnedelly.

25th November 1849

(Signed) G. T. Beauchamp
Register.

№1103

To

The Subordinate Judge of Chittoor

Sir,

In reply to your letter of the 10th Instant, I am directed by the Judges of the Court of Foujdaree Adalut to inform you that they sanction the disbursement of the sum of eight annas and eight piece in every six months, for the purchase of a cloth for the child of a female convict, who has been sentenced to two years Imprisonment in Case № 37 of 1849 on the file of the Sessions Court of Chittoor, and also of the sum of Rupees 2-3-2, paid to a nurse who was sent up by the Police, when the case was forwarded to the Criminal Court.-

2. In regard to your proposition, to allow one Rupee per mensem for the purchase of meat and other additional nourishment for another female Convict, to enable her to suckle the child in question, the Judges desire me to state that they consider the payment of money to convicts to be objectionable, and they suggest that an Extra allowance of food should be supplied to the convict in question for the purpose to which you refer.-

24th November 1849

/ Signed / A. J. Arbuthnot

№ 1st to the Register.

№1104

/ № 98 /

To

The Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to submit for the special sanction of Government, the accompanying Extract of Retrenchments from the accounts of the Principal Collector of Coimbatore for Fusly 1255, on account of the expence of certain convicts of that Zillah located at Palghaut, and employed under the Orders of the Magistracy of Malabar, Amounting to Rupees /2,025 -9 -4/ two thousand and twenty five, annas nine and piece four.

24th November 1849. / Signed / G. T. Beauchamp

Register.

/ № 99 /

№1105 To

The Acting Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Foujdaree Adalut to request that you will obtain the Sanction of Government, for inserting in the Official Gazette, the accompanying Descriptive Roll of a Convict named Goruvanady Venkanah alias Un Kodos, who is reported to have

have effected his Escape on the 18th Ultimo from a working party at Masulipatam.

24th November 1849. /Signed/ G.J. Beauchamp

Register.

№1107

To

The Sessions Judge Cuddalore.

Sir,

I am directed by the Court of Foujdaree Adalut to request, that you will call upon the Magistrate of South Arcot to submit the statement required under the orders of the Court of Foujdaree Adalut dated 25th July 1838, shewing the manner in which the convicts under his charge were employed for the 1st half of 1849 [if he has not already done so] and transmit it to this Court without further delay.

26th November 1849. /Signed/ G.J. Beauchamp

Register.

№1108

To

The Sessions Judge of Rajahmundry.

Sir,

I am directed by the Court of Foujdaree Adalut to request that you will call upon the Magistrate of Rajahmundry, to submit the statement required under the orders of this Court dated 25th July 1838, shewing the manner in which the Convicts under his charge

charge were employed for the 1st half of 1849. [if he has not already done so] and transmit it to this Court without further delay.

26th November 1849. /Signed/ G.J. Beauchamp

Register.

№1109

To

The Sessions Judge of Calicut.

Sir,

I am directed by the Court of Foujdaree Adalut to request that you will furnish some of statements required by this Courts letter dated 25th July 1838, to the Magistrate of Malabar and his Head Assistant, and call upon them to submit to this Court at the stated periods the statement shewing the manner in which the Services of Convicts were disposed of for the 1st half of 1849, and to continue the same in future.

25th November 1849. /Signed/ G.J. Beauchamp

Register.

№1110

To

The Sessions Judge of Madura.

Sir,

I am directed by the Judges of the Foujdaree Adalut to request that you will furnish a form of Statement required by this Court's letter dated 25th July 1838, to the Officer in Charge of Convicts at Paumbum, and call upon

upon him to submit to this Court at the stated periods, the statement shewing the manner in which the services of Convicts were disposed of for the 1st half of 1849. and to continue the same in future.-

26th November 1849. /Signed/ G.T. Beauchamp
Register.

No 1111 To
The Agent to the Governor of Fort St. George
at Rumnad.

Sir,

I am directed by the Court of Foujdaree Adalut to forward to you five printed forms of half yearly Statements, shewing the manner in which the Services of Convicts were disposed of, and to request that you will submit to this Court one of them filled up for the 1st half of 1849. and to continue the same in future.-

26th November 1849. /Signed/ G.T. Beauchamp
Register.

No 1112 To
The Sessions Judge of Cuddapah

Sir,

I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter dated the 16th Instant, forwarding copy of a communication from the Subordinate Judge, and recommending that 8 Runnegados

Security

Security Prisoners in Case No 3 on the file of the late Special Commissioner's Court at Cuddapah, may be discharged, as being unfit to work from old age.

2. The Judges desire me to state in reply, that they see no sufficient grounds for submitting your recommendation to the favourable consideration of Government.-

26th November 1849. /Signed/ F. Cushington
Senior Dy. Register.

No 1113 To
The Sessions Judge of Calicut.

Sir,

I am directed by the Judges of the Foujdaree Adalut to inform you in reply to your letter of the 27th June 1848, that under the circumstances therein represented they authorize the Sub Judge to write off from the Sail accounts the number of implements worn out by use in the Calicut Canal.-

26th November 1849. (Signed) G.T. Beauchamp
Register

№1124 To

The Magistrate of Chingleput

Sir,

Adverting to your letter of the 17th instant, I am directed by the Judges of the Foujdaree Adalut to request that you will immediately transfer the gang of Salem Convicts now under your charge to the Jail at Chingleput, to be there placed at the disposal of the Sessions Judge, who will be instructed to make the necessary arrangements for their reception.

27th November 1849. /Signed/ F. Lushington

Senior Dy. Register

№1125 To

The Sessions Judge of Chingleput

Sir,

The Magistrate of Chingleput having reported the completion of the work at St. Thomas Mount on which the Gang of Salem Convicts under his charge have been recently employed, I am directed by the Judges of the Foujdaree Adalut to request that you will make immediate arrangements for the reception of the Gang in the Jail at Chingleput

27th November 1849. /Signed/ F. Lushington

Senior Dy. Register

To,

/№100/

№1132 To

The Acting Secretary to Government in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to state, that the Sessions Judge of Guntoor has applied for authority to order the construction at Masulipatam, of Platform Carts for the use of the Convicts in the Jail under his charge, those hitherto in use having become unserviceable. Tho' the estimated cost of each Cart, amounts to Rupees /42--/ forty two. A sum which the Judges of the Foujdaree Adalut consider very high- yet as the Sessions Judge reports that they cannot be procured for less, the Judges beg to recommend that the authority of Government be granted for the construction of the required number of Carts at a cost not exceeding in the aggregate Rupees /252--/ Two hundred and fifty two.

28th November 1849. /Signed/ G.T. Beauchamp

Register.

№1133 To

The Sessions Judge of Cuddalore.

Forwarding Copy of an Order of Government dated the 21st Instant, Ordering transmission of the supplemental Estimate for the repair of the

the Cuddalore Jail to the Revenue Board for examination and check-

28th November 1849.

№1134 To

The Magistrate of Salem

Sir,

Adverting to your letter of the 16th Instant, I am directed by the Judges of the Foujdaree Adalut to request that you will make immediate arrangements for the reception in the Jail at Ossoor, of a Gang of 60 Convicts, whom the Session Judge has this day been instructed to forward to you.

2. On the arrival of the Convicts, you will be pleased to employ them on the roads or other works of public utility in such manner as you may seem fit.

28th November 1849. /Signed/ F. Lushington

Senior Dy. Register.

№1135 To

The Session Judge of Salem.

Sir,

I am directed by the Judges of the Foujdaree Adalut to request that you will on receipt of this communication, forward under a suitable Escort to the Jail at Ossoor, a Gang of 60 Convicts, to be there Employed under the superintendence of the Magistrate, who has this day been instructed

instructed to make the necessary arrangements for their reception-

2. On the dispatch of these Convicts, you will be pleased to report how many remain in the Jail under sentence of more than one years' imprisonment

28th November 1849. /Signed/ F. Lushington

Senior Dy. Register.

№1136 To

The Agent to the Governor at Vizagapatam

Forwarding Copy of an Extract from the Minutes of Consultation dated the 14th Instant, conveying observations and orders relative to the case reported by this Court to Government, in which the Agent at Vizagapatam was represented as failing in an endeavour to execute a Judicial process in the territories of the Zemindar of Jeypoor-

28th November 1849.

№1137. Memorandum.

1 Printed form of the Half yearly Criminal Statement №1

1 ——— Dº ——— of the ——— Dº ——— Dº ——— №2

1 ——— Dº ——— of the ——— Dº ——— Dº ——— №3

1 ——— Dº ——— of the ——— Dº ——— Dº ——— №4

Forwarded to the Acting Session Judge of Tinnevelly with reference to his letter dated the 9th Instant-

The remaining Printed forms of the above will be forwarded as soon as they are received from the Press.-

By Order of the Court of Foujdaree Adalut

/Signed/ G.T. Beauchamp

Register.

28th November 1849.

№ 1138.

Memorandums

1 Printed form of the Half yearly Criminal Statement №. 3.

2 Printed forms of the annual Jail Returns.

2 ——— Do. ——— of the Half yearly Statement of labour of Convicts

Forwarded to the Principal Sudder Ameen of Cochin, with reference to his letter dated the 15th Instant.-

The remaining Printed forms of the Half yearly Criminal Statement №. 3 will be forwarded as soon as they are received from the Press.-

By Order of the Court of Foujdaree Adalut

28th November 1849 /Signed/ G. J. Beauchamp

Register.

№ 1144.

Memorandum

The Original of a letter from the Sessions Judge of Rajahmundry under date the 9th August 1848, relative to Case №. 80 of 1848 on the file of the Subordinate Criminal Court, having been mislaid, the Register to the Court of Foujdaree Adalut has the honor to request that the Sessions Judge will be pleased to furnish him with a copy of the same.

By Order of the Court of Foujdaree Adalut

29th November 1849. /Signed/ G. J. Beauchamp

Register.

№ 1145

To

The Sessions Judge of Coimbatore

Sir,

With reference to your letter under date the 15th Instant, wherein you Call the Courts attention to a previous communication relative to certain repairs and alterations required to the Jail and to the Jail Hospital, I am directed by the Judges of the Foujdaree Adalut to inform you, that sanction to effect the necessary repairs and alterations has already been applied for.-

29th November 1849. /Signed/ G. J. Beauchamp

Register.

Fouzdaree Diary 1st December 1849.

No 1156

To
The Session Judge of Rajahmundry
Sir,

I am directed by the Judges of the Fouzdaree Udalut to inform you in reply to your letter of the 15th Ultimo, that under the provisions of Section XXI Regulation IX of 1816 they sanction the reward offered by the Magistrate for the apprehension of the perpetrators of the Murders which form the subjects of Cases Nos 24 and 31 of 1849 of the Calendar of the Sessions Court.-

1st December 1849. (Signed) G. T. Beauchamp
Register

No 1157.

To
The Session Judge of Honore.
Sir,

With reference to your letter under date the 12th Ultimo, soliciting the Continuance as a temporary arrangement of the 4 additional peons entertained on the 1st May last on account of the increase in the number of prisoners in the Jail at Sirsy, I am directed by Judges of the Fouzdaree Udalut to request that you will prepare and submit a proposition to that effect according to the Form referred to in Parah 1 of the Courts Circular letter of the 8th April 1848.

1st December 1849. (Signed) G. T. Beauchamp
Register

No. 1159

Memorandum

12 Printed forms of the Monthly Criminal Report B.

12 Do. of the Do. Do. No VI

12 Do. of the Monthly Labor of Convicts.

1 Printed forms of the Half yearly Criminal Statement No 3

Forwarded to the Subordinate Judge Madura with reference to his letter dated the 15th Ultimo.

By Order of the Court of Fouj.dare Adalut

3d December 1849. /Signed/ G.J. Beauchamp

Register

No 1160 To

The Subordinate Judge of Chittoor

Forwarding Copy of an Order of Govern=ment dated the 26th Ultimo sanctioning an Indent for tools required for use by the Convicts in the Chittoor Jail.-

3d December 1849.

No 1161 To

The Session Judge of Combaconum

Forwarding Copy of an Extract from the Minutes of Consultation dated the 29th Ultimo Ordering that the Prisoner Saupor in Cases Nos 135 & 136 of 1849 on the Combaconum Criminal file be given over to her relatives on condition of their holding themselves responsi=ble for her safety and good conduct also that a

a report regarding her Vda made after six months.-

3d December 1849.

/No 101/

No 1162 To

The Acting Secretary to Government in the Judicial Department.

Sir

I am directed by the Judges of the Fouj.dare Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation of Government dated 9th April 1847 No 267 wherein the Judges are requested to take the Subject of the period of the sentences of imprisonment passed by the Judicial Tribunals under this Presidency, with reference to the views of the Honble Court of Directors communicated in the Extract from the Minutes of consultation of Government under dates 5th June and 28th November 1845 Nos 438 & 865, into their consideration- and also the Extract from the Minutes of Con=sultation of Government dated 4th April 1848 No 245 with which a letter dated 26th January 1848 to the Board of Revenue in the Department of Public Works by Capt. Sawford Civil Engineer 5th Division, who suggests the erection of workshops in

in the new Jail at Tiechinopoly for the instruct-
=ion of the younger and least hardened of the
Convicts in carpentry and similar trades, was
referred to the Court.-

2. I am directed to state that
although in practice the full period of im-
=prisonment warranted by Law is inflicted only
in cases of an aggravated nature the Judges are
yet of opinion that, with an improved and
more rigorous system of Jail discipline the
present sentences, might with great advant-
=age be much reduced and that in most
cases a sentence of 4 or 5 years would suffice-

3. The Judges would however observe
that in Gang Robberies by open violence
accompanied by severe wounding or torture
they consider that it would be advisable almost
invariably to transport for life the Leaders
or those shewn to have been the most active
in the Gang, sentencing the remainder
to the short periods of imprisonment men-
=tioned above, as it is the opinion of the Judges
that the most guilty in a heinous offence of
this description should not again be let loose
upon society.-

4. I am directed to add with reference
to Para: 6 of the Extract from the Minutes of
Conciliation of 5th June 1845 No 138 that
the Judges are aware of no cause which in
this country would prevent the adoption of
the system suggested by the Government of
working Prisoners in large Prison yards and
that in their opinion such an experiment
might advantageously be at once made in
the new Jail at Tiechinopoly which appears
to them to be well adapted for the purpose.-

5. But the Judges think that
the description of employment recommended
by Captain Lawford in for the reasons as-
=signed in Paras 242 @ 248 in the Report
of the Committee on Prison discipline as
objectionable and that Machine work,
for the reasons stated in Paras 250 @ 255 of the
same report, should be resorted to.-

6 The Judges further consider that
the opinions expressed in the above paras and
also in paras 233 @ 237 of the same report are
most just, and at the same time full of
practical hints, the adoption of which, as far
as possible, in any experiment that may
be

be attempsted, they would recommend.—

3rd December 1849. /Signed/ G.T. Beauchamp

Rejister.

N°1163 To N° 102.

The Acting Secretary to Government in the

Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Adalut to transmit, for the purpose of being laid before the Right Honorable the Governor in Council, the accompanying copies of a correspondence, which has passed between the Civil Auditor and the Sessions Judge of Salem, regarding a Bill for Travelling Allowance and Batta due to the late officer and 2 of the servants of this Court on account of expences incurred on the occasion of his visiting the Gang of Convicts stationed under charge of the Magistrate at Dharmpoory and Nangherry.

2. It will be observed that the Sessions Judge refers, in explanation of the circumstances under which the above expences were incurred, to the circular Instructions issued by the Court of Foujdaree Adalut requiring all Sessions Judges periodically to visite the detached Gangs of Convicts in their respective Zillahs, and to report upon their general condition; but in forwarding the accompanying Bills to

the Civil Auditor to be passed, the Sessions Judge of Salem erroneously quoted in support of the charge the Orders of Government under date 19th April 1845, which, as the Civil Auditor observes, are only applicable to the Courts of Chicacole Calicut and Honore.

3. The supervision by Sessions Judges of detached Gangs of Convicts appears to the Judges of the Foujdaree Adalut to be absolutely called for, and in forwarding the present Bills amounting in the aggregate to Rupees /73-12-4/ seventy three Annas twelve and three four, for the special sanction of Government they beg to recommend that the Civil Auditor may receive a general authority to pass all Bills forwarded by other Sessions Judges for expences incurred on the same account.—

3rd December 1849. /Signed/ G.T. Beauchamp

Rejister.

N°1164. (N° 103)

To The Acting Secretary to Government in the

Judicial Department

Sir,

I am directed by Judges of the Foujdaree Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation of

of Government under date 12th September 1849 No. 596 in which the Judges are requested to explain, in accordance with the requisition of the Supreme Government conveyed in the under Secretary's letter of the 25th August 1849 No. 367, their practice in respect to the requisition of complete translations of all the Records which come before them in Appeal, or which they may see reason to call for from the Lower Courts.-

2. The Judges desire me to state that complete translations of Records of the above discription are required when there appear ground for questioning the propriety of a Sentance generally, but that when they entertain doubts of the decision of a lower Court in the case of any particular Purmer a translation only of so much of the Record as bears upon that particular Purmer is called for.-

3. The number of complete and partial translations furnished by the Session Courts in Zillahs in which Telugu or Tamil is spoken from to October 1849 inclusive was 22. The preparation of these translations has been attended with no extra expense and, save in one instance, and that only to a very limited extent with no delay in the regular transmission of the case set down for reference by the Session Judge.

4. The Judges direct me to add that they are of opinion that the translations in question cannot be dispensed with without seriously retarding the dispatch of business in the Court so great is the disagreement in the style of hand-writing prevailing both in the Telugu and Tamil Districts that a practised Cornastah in one Zillah will be often quite at a loss when called upon to read a paper written in another and it is obvious that the difficulties experienced in the Provinces from this source must be greatly increased at the Presidency.

5. I am further directed to state that besides Telugu and Tamil, there are districts under this Presidency in which the record of Criminal trials are written in Arabic, Canarese, Telugu, Malayalam, and Concacry.-

3rd December 1849. (Signed) J. Beauchamp
Register.

No 1167

To [No 104]

The Acting Secretary to Government in the Judicial Department.

Sir,

1. The Government in the order passed under date 6th July 1849 upon the letter from the Foujdaree Adalut endosing a jeneral statement of Convicts sentenced to labor in the Madras provinces for the year 1848 dated 30th June 1849 No 45 expressed an opinion that it was unnecessary to maintain a jail at Itchapoor and that all prisoners might with great advantage be sent Chicacole, and the Judges of the Foujdaree Adalut were requested to report upon the proposition, and if they saw no objection, to at once issue orders for giving effect to it.-

2. The Judges on the receipt of this communication addressed the Sessions Judge of Chicacole and the Magistrate of Ganjam on the subject and I am now directed to report their opinion of the measure thus referred for their consideration.-

3. It appears that in the jail at Itchapoor are confined-

1st Cy The Prisoners sentenced by the Military Court at Berhampoor

2nd Cy Those sentenced by the Governor's Agent and his Assistants at Ganjam.

3rd Cy Those sentenced by the Agent of the Hill Tract of Orissa and

4th Cy Those sentenced by the Sudder Ameen at Itchapoor.-

4. To abolish the jail at Itchapoor appears to the Court to be a most impolitic measure one which will be attended with no saving to Government.-

5 The jail is said to be nearly new and if abandoned there will be no jail or place of confinement which can be depended upon in time of need further North than Chicacole, which accountance may hereafter have a very serious inconvenience to the State.

6 The sentences passed by the Sudder Ameen can never exceed 6 months- frequently they are much less- To make the Prisoners sentenced by him travel 99 miles to Chicacole to undergo a few days imprisonment will be a very objectionable Proceeding besides being attended

attended with considerable expense for guards-
Batta to and fro &c.

7 If however this is considered to
be no bar to the abolition of the jail it will remain
to be determined what is to become of the other
Prisoners usually confined at Tellicherry and
the Judges infer for a passage in a letter for the
Session Judge of Chicacole, who writes that the
Governor's Agent at Ganjam "has no jail or
sentable place to confine his Prisoners and intend
to apply for sanction to build a new one that it
cannot be contemplated that these also, some
even from Orissa, should be marched down to
Chicacole.

8 With reference to all these circum-
-stances I am directed by the Judges of the Fouj.dauee
Adalut to add they recommend that the
Jail at Tellicherry should be kept up.
4th December 1849. (Signed) G. T. Beauchamp
Register.

(No 105)

No 1168 To
The Acting Secretary to Government in the
Judicial Department

Sir,

I am directed by the Judges of the
Court of Fouj.dauee Adalut to acknowledge the
receipt

receipt of the Extract from the Minutes of Co-
-sultation of Government under date 22d November
1849 No 966 transmitting for their opinion Copy
of a letter dated 27th October 1849 from the Magistrate
of Malabar who, in reporting the Arrest within
the British limits of Two British Subjects charged
with the perpetration of a Gang Robbery in the
Territory of the Rajah of Cochin, suggests, with
reference to Act I of 1849 that they be given over
for trial to the Cochin Authorities.

2. The Judges are of opinion that
Act I of 1849 is not applicable to the case of the
parties in question, neither the Territory of
the Rajah of Cochin, nore the Courts therein
established being of the nature described in
Section V of the said Act.-
4th December 1849. (Signed) G. T. Beauchamp
Register.

No 1174 To
The Several Magistrates

Circular Sir,

I am directed by the Court
of Fouj.dauee Adalut, to request that in all matters
connected with the public health or Convenience
such as the improvement Towns and roads-
the establishment of Markets the provisions
of accommodation for travellers and of relief for
the

the sick and distitute you will in future correspond direct with Government -

5th December 1849. /Signed/ G. T. Beauchamp
Register.

N° 1178 To /N° 106/

The Acting Secretary to Government in the
Judicial Department.

Sir,

With reference to the Order of Government of the 21st Ultimo, N° 770 forwarding for the opinion of the Court of Tonjdaree Adalut a copy of the proposed act "for better defining the Law as to the removal of Prisoners," I am directed by the Judges to state that the Draft Act in question has already been under their consideration, and that it was reported in the Courts letter of the 3rd May 1849 N° 26 that they had "no observations to make on, or objections to offer to" it. -

7th December 1849. /Signed/ G. T. Beauchamp
Register.

N° 1179 To /N° 107/

The Acting Secretary to Government in the
Judicial Department

Sir,

I directed by the Court of Tonjdaree Adalut, with reference to their letter of the 25th January 1848 whereby the attention of the

Government was called to the necessity which exists of vesting on the Mofussil Courts situated on the Sea Coast some Jurisdiction over offences committed at Sea which however trifling they may be, can only under the Law, as it now stands, be tried in the Queens Courts, to state that a late application from the Magistrate of Calicut for instructions as to the disposal of a case of this nature has rendered it necessary to bring the question again prominently before the Right Honorable the Governor in Council. -

7th December 1849. /Signed/ G. T. Beauchamp
Register.

N° 1180 To

The Magistrate of South Arcot. -

Forwarding Copy of an Order of Government dated the 3rd Instant sanctioning payment of an Extraordinary reward of 50 Rupees to an individual named Ramaspillay "for his services in recapturing an escaped convict of desperate character the increased remuneration having been recommended by the Magistrate of South Arcot. -

7th December 1849.

No 1181 To

The Subordinate Judge of Rajahmundry

Sir,

1 With reference to your letter under date the 19th Ultimo, requesting permission to transfer 11 of the Convicts under your charge to the Magistrate, for employment on the roads, I am directed by the Judges of the Tonjdaree Adalut to inform you that, adverting to the crowded state of the Jail brought to notice in Para 3 of your communication, they authorize the transfer to that Officer of as many Convicts as, without detriment to the Public works at Rajahmundry you can dispense with.

2. Referring also to Para 4 of your letter I am directed to enquire, whether the Medical Officer of opinion that the number of Prisoners in the Jail should be reduced to 263.

7th December 1849 (Signed) G. I. Branchamp
Register

(No 108)

No 1182 To

The Acting Secretary to Government in the
Judicial Department.

Recommending for the sanction of Government an Indent in duplicate for certain tools required for the use of Convicts located at Polghaut.

7th December 1849.

No 1186 To

The Sessions Judge of Calicut.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 1st Instant, observations upon the reports submitted by the Magistracy of the Malabar District relative to the origin and progress of the late Moplah outbreak at Munjerry.

8th December 1849.

(No 109)

No 1190. To

The Acting Secretary to Government in the
Judicial Department.

Sir,—

I am directed by the Judges of the Court of Tonjdaree Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation of Government under date 26th October 1849 to you wherein, with reference to letters from Judges Advocate general of the Army dated 21st December 1848 and 3rd October 1849, was referred for the opinion of the Court the Question "whether Natives Natural born Subjects of the East India Company residing within the limits of the British Military Cantonment of Secunderabad are from the mere fact of residence subject to that and punishment by

by Courts Martial for capital or other offences against person or property under the convention subsisting between the British Government and the Nizam in like manner as native officers and soldiers'.-

2. The Judges of the Court of Foujdaree Adalut observe that the convention or treaty subsisting between the British Government and the Nizam refers exclusively to subjects of the latter residing within the Military contonments specified - and that, although Natives Natural Born Subjects of the East India Company residing in a Military Cantonment beyond the Frontier can be tried by a Court Martial under clause II Section XIII Regulation VII of 1832 for the Offences designated in the 1st clause of the same section no Regulation declares them amenable to trial by a Military Court for the more heinous offences - and consequently it is their opinion that persons of the class alluded to can only for crimes of a grave description, be dealt with under Act I of 1849.-

10th December 1849. /Signed/ G. T. Beauchamp

Register

No.

No 1191 To

The Joint Magistrate of Cotacamund -

Forwarding Copy of an Order dated the 4th Instant, sanctioning a charge of Rupees 7-7-" incurred in Fusly 1255 as Batta to the Peons in charge of the Coimbatore Convicts stationed on the Neilgherries.-

10th December 1849.

No 1192 To

The Session Judge of Masulipatam

Sir,

I am directed by the Judges of the Foujdaree Adalut to inform you in reply to your letter of the 24th Ultimo that under the authority vested in them by the Order of Government of the 25th January 1845 they authorize you to expend Rupees 5-5-4 / five annas five and pice four in shifting the Sides of the Cooking shed attached to the Jail under your charge.-

10th December 1849. /Signed/ G. T. Beauchamp

Register

No 1193

Memorandum:

The accompanying Extract from the Proceedings of the Foujdaree Adalut dated the 22nd November 1849. is herewith returned to the Session Judge of Salem, the necessary alteration

alteration having been made therein, as requested in his letter of the 3[1]st Ultimo.-

By Order of the Court of Fouzdaree Adalut
10th December 1849. /Signed/ F. Pushington
Senior Dy. Register.

№ 1194 Memorandum

With reference to the Memorandum from the Acting Secretary to Government under date the 8th Instant the Register to the Court of Fouzdaree Adalut has the honor to forward the Original letter of the Sessions Judge of Guntoor relative to the Platform Cart required by that officer.

It is requested that the letter may be returned
11th December 1849. /Signed/ G. T. Beauchamp
Register.

№ 1196 Memorandum

50 Sheets of the Printed Calendars.
12 Printed forms of the Monthly Criminal Reports &c.
12 —— Do —— of the —— Do —— labor of Convicts.
1 —— Do —— of the Half yearly Criminal Statements
In Two Parcels. Forwarded to the Sessions Judge of
Cuddalore with reference to this letter dated the 8th Instant
The fifty sheets of "Precepts" will be for-
=warded as soon as they are received from the Press.

By Order of the Court of Fouzdaree Adalut.
11th December 1849. /Signed/ G. T. Beauchamp
Register

[№ 110.]

№ 1197 To,
The Acting Secretary to Government
in the Judicial Department

Recommending for the sanction of Government an Indent, in duplicate for fifty Manoeuvres required for the use of the Convicts working at the Calicut Canal.

11th December 1849.

№ 1198 To,
The Sessions Judge of Tinnevelly

Forwarding Copy of an Extract from the Minutes of Consultation dated the 5th Instant, directing Confinement for life of a Bramin who was tried for murder in Case № 29 of 1847 before the Tinnevelly Sessions Court and acquitted on the ground of insanity.-

11th December 1849.

№ 1199 To,
The Magistrate of Malabar.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 6th Instant, sanctioning a charge of Rupees 2025-9-4 retrenched in the accounts of the Principal Collector of Coimbatore for Fusly 1255 being expenditure incurred on account of Subsistence &c. of Convicts employed at Palghaut under the Magistrate of Malabar.

11th December 1849.

№ 1200 To,

The Sessions Judge of Trichinopoly

Forwarding Copy of an Order of Govern-
ment dated the 4th Instant, sanctioning an Indent
from Trichinopoly for wheel barrows.

11th December 1849

To,

Certain Judicial Officers.

Sir

The same to the Sessions Judge of
Chingleput
Cuddalore
Chittoor
Salem
Tanjore
Paulghat
Arcot
Vellore
Coimbatore
Coimbatore

I am directed by the Court of
Sudder Adawlut to request you will submit
without any further delay a Statement of
your views regarding a more regular and
uniform scale of Dietary, Clothings
and Labour than that provided in
the Circular Order of the 2d June
1831. as called for in Extract from
their Proceedings under date the 24th
September 1849.—

(Signed) G.T. Beauchamp
Regr

14th December 1849.

Sessions Judge of Calicut
Cuddapah
Chittoor
Assistant Vizagapatam
Assistant Rajahmundry
Sircy
Agents Kurnool
Ganjam
Vizagapatam (Agent)
Magrs South Arcot
Salem
Tanjore
Officer in Charge of Jail at Paulghat
Arcot
Vellore
Coimbatore
Coimbatore

(№ 111)

To,

The Acting Secretary to Government
in the Judicial Department

Recommending for the sanction of Govern-
ment an Indent on the Commissary of Ordnance at
Masulipatam for certain Sundry articles required
in the Jail at Masulipatam.

11th December 1849

To.

To.

The Sessions Judges and Agents.

Circular

The Right Honorable the Governor in Council having in Minutes of Consultation under date 10th September 1849 resolved that the Criminal Statements shall hence forward be submitted annually and intimated that under this arrangement it is hoped that the returns for the current year will be placed before the Government at an earlier date than formerly, I am directed by the Judges of the Court of Foujdaree Udalut to request that the reports and statements which will become due on the 31st Instant may be made to embrace the whole year 1849, instead of the second half year only as under the practice heretofore obtaining would have been the case and to fill up the accompanying form of abstract Statements I to IX.

I am directed to add that in the event of the returns for 1849 not being submitted to this Court within the 15th February 1850 the Judges of the Court of Foujdaree Udalut will expect a full explanation of the Causes of delay.

15th Decmber 1849 (Signed) G. T. Branchamp
Register

To.

The Sessions Judge of Chinglepat

To,

(No 112)

The Acting Secretary to Government
in the Judicial Department

Sir,

The Government under date 28th November 1848 No 732 were pleased to Communicate to the Court of Foujdaree Adalut an Extract from the Minutes Consultation of Government in the Judicial Department under date 7th March resolving, with reference to a letter from the Secretary to the Medical Board of the 2nd March (No 193) that no insane persons should until further notice be forwarded to the Lunatic Asylum for the Provinces, and since that date all persons of the description have been retained in the Hospital attached to the Zillah Jail

2 The Sessions Judge of Tellicherry has however reported that a Mr Bacon, an east Indian residing at Cannanore has been forwarded to the Zillah Surgeon by the Joint Magistrate of Calicut, and been accommodated in a Board of the Jail Hospital usually appropriated to the reception of villagers and Cases of accidents. It appears further from a Correspondence which has passed between the Major

Major General Cundy Malabar and Canara and the Superintending Surgeon that Mr Bacon, the having lucid intervals, has been subject to occasional most severe during which he has offered violence to his relatives and friends and that he is utterly destitute

It further would appear that

3 the Hospital at Tellicherry is but ill adapted for a person of the class in question and that Mr Bacon cannot with safety be left to the Custody of prons or the ordinary Hospital attendants, but that an European or East Indian must be entertained to watch him.

Under these circumstances the Judges

4 of the Court of Foujdaree Adalut consider that it is advisable that Mr Bacon should be removed as soon as possible to the Lunatic Asylum, but with reference to the restriction alluded to in Para 1 they have directed me to lay his case before the Right Honorable the Governor in Council for orders.

15th December 1849

(Signed) G. T. Branchamp
Register

To,

(No. 113)

To,

The Acting Secretary to Government
in the Judicial Dept.

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adalut to transmit for the purpose of being laid before the Right Honorable the Governor in Council the enclosed plan & Estimate of a temporary Gaol which the Civil Engineer of the 1st Division proposes to build at Cantaroo for the accommodation of the 150 Convicts who have been for some time past employed in quarrying Lime Stone for the Godavery Anicut.—

2. From a correspondence which has passed between the Civil Engineer, the Sub Collector and acting Sub Judge of Rajahmundry it appears that the distance between Cataroo and the Zillah Gaol is two miles that much time is daily lost in marching the Prisoners to and fro and that the vigorious prosecution of the work during the approaching season depend in part upon a regular and increased supply of Lime from the Quarries in question.—

3. Under these circumstances the Judges of the Court of Foujdaree Adalut recommend that the sanction of Government be accorded to the location of 150 Prisoners alluded to at Cantaroo at an outlay of Rupees (160–2–0) One hundred and Sixty and annas two.—

15th December 1849. (Signed) G. T. Beauchamp
Register

No.

To,

The Sessions Judge of Bellary.

Forwarding Copy of an Extract from the Minutes of Consultation dated the 11th Instant approving of the Courts recommendation that the Prisoner in Case No. 32 of 1849 on the Bellary Calendar should be detained in Custody pending the submission of a further report in his Case after six months.

18th December 1849.

(No. 114)

No.

To,

The Acting Secretary to Government
in the Judicial Department

Sir

1 With reference to the letter from this Court dated the 16th Ultimo No. 93. I am directed by the Court of Foujdaree Adalut to report for the information of the Right Honorable the Governor in Council, that the Convicts in the Jail at Chingleput, awaiting execution of their sentences of transportation, have now accumulated to (12) Twelve.

2. The names of these additionals Convicts are.

Saul Khan
Khander alias Abdool Kander
Toolgaram and
Pillany.

(Signed) G. T. Beauchamp
Register

18th December 1849

To

No.

To,

The Several Sessions Judges

Sir,

Circular

I am directed by the Judges of the Court of Foujdaree Udalut to request you will submit without delay the supplemental statement of the quantity and value of articles manufactured by the prisoners under your charge during July 1257 as required in Para 4 of an Extract of the Court's Proceedings dated 17th November 1849.

The same to the Sept Judges of
Chicacole
Cuddalore
The Subordinate Judges of
Salem
Chittoor
The Principal Subordinate of
Vizagapatam
and to the Subordinate of
Sirey

19th December 1849

(Signed) G. T. Beauchamp
Register

No.

To,

The Session Judge of Salem

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter dated 5th Instant, transmitting copy of a Communication from the Subordinate Judge, and recommending that no more Convicts be at present removed from the Salem Jail.

The Judges, I am instructed to observe, regret that they cannot attend to your recommendation in the present instance, as the removal of the Convicts in question was solely directed with reference to the notorious insalubrity of the Salem Jail, and to the stringent orders of the Honorable Court of Directors, as well as of the local Government, that every precaution should be taken to prevent the further encroachment of disease.

The Judges request therefore that their previous instructions may be immediately carried out

Signed) T. Lushington
Sen. Dept. Register

17th December 1849

No.

Memo:

12 Printed forms of the Monthly Labor of Convicts
12 Do. of the Criminal Report
03 Do. of the Statement of Batta paid to Prosecutors and Witnesses

20 Sheets of the Printed Calendars.
4 Printed forms of the Half yearly Statement of Convicts

Forwarded to the Acting Session Judge of Masulipatam with reference to his letter dated the 12th Instant.

The 8 Printed forms of the Half yearly Criminal Statement from No 1 to 4 will be forwarded as soon as they are received from the Sessions.

By Order of the Court of Foujdaree Udalut

(Signed) G. T. Beauchamp
Register

21st December 1849

To.

Erratum.-

To,

The Session Judges and Agents

In the Circular letter of the Foujdaree Adalut dated the 15th December 1849 in the 2d para for: "date above specified" substitute "15th February 1850"—

By order of the Court of Foujdaree Adalut

(Signed) G. T. Beauchamp

Register.

22d December 1849.

To,

The Magistrate of Malabar

Forwarding Copy of an order of Government dated the 15th Instant directing compliance with an Indent from the Magistrate of Malabar for the supply of certain tools required for the party of Convicts at Paulghaut.

22d December 1849.

(No 115)

To,

The Acting Secretary to Government in the Judicial Departt

Sir,

I am directed by the Judges of the Court of Foujdaree Adalut to transmit for the purpose of being laid before the Right Honorable the Governor in Council the enclosed Original letters and the enclosures thereof received from the Magistrate of Malabar and the Subordinate Judge of Calicut as noted in the Margin together with Extracts

Letter from Magte of Malabar dated		2d October 1849
Do. ... Sub. Judge of Calicut	10th	Do. Do.
Extt Pro. of the Court of F. Dc.	23d	do. "
Letter from Magte of Malabar	2d	Novr "
do. Do. "	6th	do. "
do. do. "	7th	do. "
do. Sub Judge of Calicut	19th	Novr "
do. do.	21st	do. "
Extt Pro. of the Court of F. Dc.	8th	Decr "
Letter from Sub. Judge of Calicut	12	do. "
Extt Pro. of the Court of F. Dc.	21st	do. "
Letter from Magte of Malabar	7th	do. "
Extract Pro. of the F. Dc.	22d	do. "

Extracts from the Proceedings of the Court of Foujdaree Udalut thereon

2 I am directed to state that the opinion formed by the Judges of the Court of Foujdaree Udalut so early as the 17th Instant was, that the misunderstanding between the officers above alluded to, which the portion of these papers then before them had brought to light, was of so grave a character that the interests of the public service - the prosperity of the district and the welfare of the people demanded that either Mr. Conolly or Mr. Goodwyn should be immediately removed from the Province.

3 The Judges of the Foujdaree Udalut even then considered that a breach (the origin and first growth of which are so fully explained in Mr. Conolly's letter of the 2nd October 1849 that any recapitulation is deemed unnecessary) springing in the first instance out of a private expression of opinion, had widened step by step, until every hope of its being satisfactorily closed had been annihilated; and ordered that the whole correspondence should be submitted to Government.

4 But at the present date with reference to the whole tone and purport of the letter from the Subordinate Judge of the 12th Instant, in which that Officer has impeached not only, as was before the case, the sagacity and judgment of the Magistrate but exceeding wholly the line of duty marked out for him by law, has assailed the conduct of the Magistrate in reference to the Police administration of the District generally, they feel called upon to adopt the decided measure of suggesting to Government the immediate removal of Mr. Goodwyn from the Subordinate Judgeship of Calicut.

22nd December 1849 } (Signed) G. T. Branchamp
Register

(No. 116)

To,

The Secretary to Government
in the Judicial Department

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of the Extract from the Minutes of Consultation of Government under date the 4th December 1849 No. 805 - whereby a question submitted to Government by the Advocate General of the

the army the Adjutant General under date 15 November 1849 was referred for the opinion of the Court of Foujdaree Udalut.

2. The Judges of the Court of Foujdaree Udalut desire me to state that the precise point upon which their opinion is requested is not very clearly stated but that they infer that the Advocate General is in doubt as to whether claims between 20 and 400 Rupees are beyond the frontier, to be referred to a Court of Request or to a Court Martial direct. or in other words how far the Provisions of Section XLIII Regulation VII of 1832 are affected by act XI of 1841.

3 The Judges observe that Section XII Regulation VII of 1832 which first enacted provided for the decision of Civil suits beyond the frontier by Punchayet to any amount or value on cases not cognizable by the officer in charge of the Military Bazar, nor by Courts martial under Article VII Section XII Regulation V of 1827, the power of which Courts were extended to 400 Rupees by Section XXI Regulation VII of 1832. Thus Punchayets beyond the frontier in actions for debt or other personal property were precluded from Acting unless the claim exceeded 400 Rupees.

4 By Section 1 act XI of 1841 all regulations and parts of Regulations concerning Military Courts of Request are repealed and new Courts are established on their stead by Section II with the jurisdiction to the amount of 200 Rupees, before which and not elsewhere, must all Military claims be now sued.

5 It appears therefore to the Court of Foujdaree Udalut that until the doubt exceeds 200 Rupees Section XLIII Regulation VII of 1832 cannot be acted upon, that is to say, that no action for debt beyond the frontier unless it is for a larger sum than 200 Rupees can be referred by the Commanding Officer at the request of the parties to a Punchayet.

6 The Court further consider that where the sum at issue exceeds 200 Rupees and the Defendant will not consent to a Punchayet the Commanding Officer must refer the Plaintiff for redress to a Military Court constituted under Section XVII Act XI of 1841 because the power vested in Commanding Officer to assemble a Court Martial

Martial composed according to the provisions of Clause 3 Section XLII Regulation VII of 1832 to decide upon such Plaintiffs Claim when the Defendant might refuse to refer the claim upon him to the decision of the Punchayet has been virtually abrogated by Section 1. Act XI of 1841 as other means have been by Section XVII of the same act afforded to the Plaintiff by bringing his action against the Defendant which was not the Case when Clause 3 Section XLII Regulation VII of 1832 was enacted.

Should the parties however agree to abide by a Punchayet and should on an award being passed a Charge of partiality be preferred against the Punchayet, the Court are of opinion that under Clause 3 Section XLII Regulation VII of 1832 the Commanding Officer may assemble a Court Martial such as is therein provided for the purposes, firstly of disposing of the Charge of partiality, and should that charge be established then secondly deciding the such award on its merits. for the Court consider that the eventual resort to such a Court Martial is not debarred by Section 1. act

act XI of 1841 in as much as it must form an essential part of the system of trial by Punchayet beyond the frontier which mode of trial the same Section declares it is not intended to alter or affect.

26th December 1849

/Signed/ G. T. Beauchamp
Register

To,
The Secretary to the Board of Revenue
in the Department of Public Works

Sir,

A letter having been received from the Sessions Judge of Salem to the effect that the Jail at that station is in need of immediate repair. I am directed by the Judges of the Foujdaree Adalut to suggest that the necessary arrangements may be made for effecting the repairs required to the building in question.

The Judges observe that the estimate of the expense of these repairs, was transmitted to the Board with the letter from this office under date the 12th October last.

/Signed/ G. T. Beauchamp
Register

26th December 1849

To.

To.

The Sessions Judge of Salem

Sir.

In reply to your letter under date the 11th Instant, I am directed by the Judges of the Sunjdaur Adalut to inform you that a letter was addressed on the 12th October 1849 to the Board of Revenue in the Department of Public Works on the subject of the repairs required to the jail at your station, and that another communication will be immediately made to the Board on the same subject.

26th December 1849.

(Signed) G. I. Branchamp
Register

To.

The Sessions Judge of Cuddalore.

Forwarding Copy of an Extract from the Minutes of Consultation dated 19th Instant Communicating Copy of a letter from the Secretary to the Board of Revenue in the Department of Public Works containing notice of a supplemental Estimate for the repair of the Cuddalore Jail which has been forwarded to the Board being now rendered unnecessary under circumstances reported in a letter from the Collector of South Arcot.

26th December 1849

South Arcot Letter

No. 117

To.

The Secretary to Government
in the Judicial Department

Sir.

I am directed by the Judges of the Court of Sunjdaur Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation of Government under date 11th December 1849. No. 834 wherein the attention of the Court was called to the Extract from the Minutes of Consultation of Government, under date 1st Septr. 1849. No. 568 which with reference to the annual returns of Jail in the several Jails submitted by the Medical Board for 1848, requested information as to the accommodation and locality of the Jail at Coimbatore and the effects of the system of nursing in that at Mangalore, and directed the adoption of a more uniform scale of dirt clothing than that provided in the Circular Order Sunjdaur Adalut 2nd June 1831.

2. I am directed to state that, in consequence of many of the reports called for from Officers in charge of Jails not having been as yet received, it has been impracticable to prepare an amended scale of dirt clothing and that information upon the other points

points alluded to in the Extract from the Minutes of Consultation of Government of 6th September 1849 has been supplied by the officers in charge of the Jails at Coimbatore and Mangalore copies of whose reports and of the enclosures thereof, are annexed.

3 It will be observed that the Sessions Judge and Zillah Surgeon of Coimbatore concur in considering that the Jail at that station is eligibly situated that the accommodation by late improvements has been made ample and that there is little room for improvement in the system of diet and labour that only with reference to the employment of the weak and sickly amongst the Prisoners whilst further that the cases of Diarrhœa have during the present year decreased considerably both in number and violence.

From 1st to 31st	Number in Jail	Admissions	Deaths
Jan 1848	320	17	15
Do Do in 1849	304	13	4

4 The Zillah Surgeon of Mangalore states that he is quite satisfied both of the "propriety of the nursing system and of the good "effects which have arisen from its introduction into the Jail" and the his returns exhibit in connection

	Number admissions	Deaths
For the 6 Months previous to charge	1101	27
For the Do following Do	711	40

"connection with a decrease in the number of Cases "treated an increased ratio of deaths he considers "that this is easily accounted for by many fatal Cases "of small pox having occurred during the past "year as well as many Cases of long standing bowel "complaint having at last proved fatal in the "same period". It appears further that there were but 7 sick under treatment on the date of the Zillah Surgeon's report Viz. 5th November 1849 and the the number in confinement is not given, the Subordinate Judge states that it has but very slightly varied during the two periods which are above compared.

27th December 1849 } (Signed) G. L. Beauchamp Register