

COLLECTION  
OF  
CIRCULAR ORDERS  
TO  
CRIMINAL COURTS.

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Printed for the Use of the Officers of the  
Mysore Commission.

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# POLICE HOOKUMNAMAH.

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Police Hookumnamah.  
9th October 1834.

It having become necessary to define the duties of the Candachar Peons and the control which is to be exercised over them in every Talook, all authorities concerned are hereby commanded to attend to the orders prescribed in the following Hookumnamah.

To all Amildars and others whom it may concern.

1. The duties of the Candachar Peons not being well defined, it is necessary that they should be clearly understood to be Police Peons, exclusively belonging to that department, but to be employed in rotation in the collection of the Revenue under the Amildars.

2. Proper enquiry should be made as to the number absolutely necessary for the service in each Talook, and a putty forwarded to the Hoozoor specifying the number of Peons selected to be stationed at each Hobly and Fort, as well as at the Talook Cutcherry.

3. The persons selected as fit for this service should be robust, brave and trustworthy, and be taken from the Military classes only. Should improper men be entertained, whether from bad character, habitual idleness or bodily infirmities, the persons who entertained them shall be held responsible, and compelled to refund whatever pay may have been drawn for them.

4. Description rolls shall be kept of the Candachar Peons, and none shall be permitted to act by substitute. These Description rolls should shew the name of the Peon's father and grand-father, and the men will be compared with these rolls whenever they may come for their pay.

5. The Amils will see that the Candachar Peons are protected in the enjoyment of the immunities and exemptions from taxes to which they are entitled by ancient mamool, but at the same time guard against the extension of such privileges to persons who have no claim to them. For this purpose a certificate must be given to each Peon stating the exact extent of exemption to which he is entitled, and the claim of no one not producing such certificate will be attended to. These certificates to be resumed by the amils on the death, desertion or discharge of the peons.

6. When a sufficient number of these peons are thus fixed upon, they are to be placed immediately under the Duffadar and Hoblydar, and liable to the special control of the Killadar. The three officers last mentioned are to be considered as the inferior Police officers of the district, under immediate orders of the Amildar, who is hereby declared to be the Head of the Police in his own Talook, and who will accordingly be held responsible that the Police duties are duly performed by all the inferior officers of that department.

7. In every Hobly of a Talook there should be stationed two Peons to see that no thefts are committed any where, that no robbers (when a robbery takes place) ever escape detection, and that the village police servants do not neglect their duties.



8. All passes, by-roads and by-paths, through the jungle, are to be watched by the Peons, with the assistance of the Tulwars, Toties &c., of the villages to which the aforesaid places are contiguous.

9. All the forts and principal towns should be diligently watched by night, and for this purpose a proper number of Peons should always be stationed in them.

10. The Peons are not to be changed from one place to another as has before been customary, without permission from the European Superintendent.

11. The Peons that are stationed at the Talook Cutcherry, Forts and Hoblies, are to wear swords, and those placed in the Frontier passes and in Jungles, should also have matchlocks. They are to keep their dress and arms clean and in good order, and to shew them in that condition at the time they receive their pay at the Cutcherry.

12. The Peons who are required to keep matchlocks will be provided with powder and ball, according to mamool, the same being mustered when the Peons receive their pay.

13. If any of the Peons are found guilty of any offence, it should be enquired into by the Duffadar or Hoblydar, and a report sent to the Amil through the Killadar. The Amil will, in all such cases, ascertain the fact, and make his report to the European Superintendent, or inflict a slight punishment, according to the nature of the case. But no Peons should be dismissed from the service without an order from the Superintendent to that effect.

14. The "Candachar Serishtadars" are to be always with the Killadars, and prepare the Hazir putties, Barawards, &c.

15. The Barawardy, or Monthly Pay Abstracts, are to be prepared by the aforesaid Serishtadars, and to be given to the Amils every month, under their own signatures, and that of the Killadar. The Amil will then cause them to be examined in his office, and if correct he will forward them to the Cutcherry of the Superintendent, requesting an order for the payment of the amount accordingly. This sum when received, the Amil will cause to be distributed to the people in the public Cutcherry, the Killadar, the Serishtadar and other servants being present, each man shall affix his signature to the Butwara putty, or acquittance roll, and on no account is the pay of one man to be given into the hands of another.

16. The usual returns to be prepared as at present by the Serishtadars, but these will be certified to be correct by the Killadars, who will accordingly be responsible. The Killadar will send them in duplicate to the Amildar, who will forward one copy to the Candachar Cutcherry at the Hoozoor, with his own signature. Killadars will report to the Buckshee of the Candachar whenever the men receive their pay, and whether the whole have received their dues. The Buckshee will make a monthly report to the Hoozoor, pointing out any delay in the payment of the men at the usual time, and all other irregularities that may be reported to him by the Killadars or Serishtadars of the Illaka.

17. The Amil is at liberty to give leave to the

inferior police officers for eight days, but if required for a longer period, he will apply to the Superintendent.

18. Amildars are allowed the service of Candachar Peons to aid them in the collection of the Revenue, but never exceeding the proportion of two peons for every 1,000 Canteroy Pagodas of the Talook Bereiz. The Amildar will be responsible however, that these peons are not detained on this duty longer than six months at a time, when they will be relieved by others; half of the peons being relieved every three months, that is, one half alternately, so that each half shall serve six months in the execution of Revenue duties, but only one half be relieved at the same time.

19. The Candachar Peons are not to be employed on any other extra duties in time of peace, beyond those of the Revenue, as provided for in the foregoing paragraph, with the exception of occasional escort duties, with Treasure or with Prisoners, and on duty at the Jails.

20. Should any of the Peons employed on such duties require an advance, it may be given to them at the rate of 2 or 3 gold fanams each, in presence of the Killadar and Serishtadars, the accounts being adjusted when the next monthly payment is made, no unsettled accounts beyond a single month will be permitted in this department.

21. Whenever the Candachar are required for field service, they will receive their orders to proceed to the points fixed on for their assembly, by orders to be sent to them through the Amildars, and these orders may be sent direct from the Hoozoor, or from the European Superintendent, according to circumstances.

22. The Kalihat Candachar when not posted as bearers, to be employed in the repair of roads, tanks, and other Sirkar works, under orders from the Hoozoor, and a monthly report of the work performed, prepared by the Serishtadars, to be made to the Buckshee.

23. The Peons are to be encouraged to kill Tigers in their respective Talooks, and will receive ten rupees per each skin and set of nails complete of a large Tiger, delivered at the Cutcherry, and five rupees for those of a small one or Cheeta.

24. Whenever European gentlemen or their baggage, or other Travellers of respectability arrive at a village, every care should be bestowed upon them by the Candachar Peons, and one Peon should always accompany them to the next stage.

25. No public functionary of any description is allowed to employ the Candachar Peons for domestic purposes, or on their private affairs, and any violation of this rule will subject the offending individual to fine and dismissal from office.

26. No Candachar servant of whatever rank is permitted to rent a village, hold a contract, or to become security for a contractor

27. Any Candachar Peons applying for lands to the amount of half of their pay, should have their wishes complied with, and those not possessing lands should be paid half in money and half in grain, should there be grain in store, otherwise, the whole in money.

28. The Peons in charge of the Jail and those who take the Prisoners out to work on the roads, &c., should be very careful in securing them; and if any of them

allow a Prisoner to escape, it is determined that he shall be made to take the place of such Prisoner, at the discretion of the Superintendent, to whom all the circumstances will be reported by the Amil.

29. The bound hedges of villages should be kept in repair by planting the Seega and Gajeega bushes wherever required, and the inhabitants of villages destitute of bound hedges should be encouraged to plant them, as affording a great protection from robbers.

30. When villages are thus protected with a bound hedge, a gate should be built at a proper point, and guarded every night by the village watchers, assisted by the inhabitants, according to ancient mamool. Strangers arriving should be looked after, and suspicious characters, who cannot give a satisfactory account of themselves, should be committed to custody, and a report of the same be made to the Amil.

31. Among the ryots and the other independent inhabitants of villages, there may be some who have been punished for robberies; the Amil is therefore to keep a list of such ryots, and also of all suspicious characters, directing them all to be present every evening at the choultry of the village police. If any of them wish to be absent, they should obtain permission to be so, from the Shanbogue and Potail of the village, and give an account of their proceedings upon their return.

32. The Peons stationed at the Hoblies should be very careful in obtaining information of every secret plan formed by robbers, and take notice of what is going on in the villages, reporting any extraordinary proceedings in the village. The Toties, Tulwars and other village

servants, should be directed to assist the Police Peons in preserving the peace of the country, and in checking the depredations of robbers.

33. It is the duty of the Killadar to visit the villages of the different passes and frontiers, and such particular parts of the jungle as are said to be frequented by thieves, examining into the circumstances of the people residing there, tracing the movements of any new comers, and giving instructions to the local Police Officers on the spot, to allow no depredations to take place in any part of the country under their superintendence.

34. The Killadar should do this during the dark quarters of the Moon, i. e. for fifteen days; the remainder of the month, he should remain at the Talook or Fort Cusbah, causing the best and most effectual arrangements to be made by his subordinate officers in the districts. Nevertheless, if the presence of the Killadar be urgently required to suppress depredations in any place during the moonlight nights, he should proceed to the spot immediately, and make the necessary arrangements. If any thefts or robberies, whether important or otherwise, are committed in a village, it is pretty certain that they could not happen unless some of the people of the village are secretly connected with the robbers. The Amil will therefore apprise the villagers of this, and receive Moochilkas from them engaging to try their utmost to prevent all thefts and other depredations, under pain of being made answerable if they fail in so doing.

35. The village servants, such as Tulwars, Toties, Neergunty, &c., should be very particular in watching

over the village, and in patrolling every street, in order to notice the movements of any new comers, and to prevent, as far as possible, any thefts on property, whether public or private.

36. In case any thefts are committed, in spite of all the exertions above directed, no time should be lost in endeavouring to effect the immediate seizure of the robbers, and to deliver them to the Duffadar and Hoblydar for the purpose of being immediately sent to the Amildar. The batta of the prisoners will be paid by the Amils, to whom must be delivered all stolen property that may be found.

37. In the event of any gang or torch robbery being committed, the villagers should not fail to try their utmost in suppressing them, but if the party be so strong as to render it impossible for the villagers to do so, immediate notice should be given to the people of the neighbouring villages for help, and with their co-operation the depredators should, by every possible means, be captured.

38. When it is not possible, even with the assistance of the people of the neighbouring villages, either to oppose or seize the gang robbers, the villagers should secretly follow in pursuit of them till day break, when it will be easy to discover or ascertain the place, whether a village or the jungle, in which they may have taken up their abode.

39. In some instances it may be necessary to endeavour to trace thieves by their footsteps. In cases of this nature, one Amildar is to communicate with the other, and mutually assist each other, without waiting for any orders from the Hoozoor.

40. Whenever Brinjaries or Calla Corburs may have established themselves in the jungles, &c., a strict supervision should be exercised over their conduct, and a moochilka taken from the head men, binding themselves to be jointly and severally responsible for any depredations that may be committed by themselves or their followers.

41. If any body bring jewels or other valuable effects to the shopkeepers or bazar people, in payment of the value of any articles purchased, it is to be considered as a matter of suspicion, and due enquiry is to be immediately made about the character of the person bringing them.

42. Amils will take care to establish a strict, though secret and discreet, supervision over all arrack and toddy shops, in order that the names, characters and places of abode, of those frequenting them, may be ascertained, and the conduct of all suspicious characters narrowly watched.

43. It is the duty of the Candachar Peons to keep an eye over the sandal trees, to prevent their being clandestinely cut down, to be present when the wood is cleaned and assorted, and to report the same to the Amil, who will in like manner report to the Superintendent of the department.

44. The property of strangers or travellers who die, is to be carefully lodged in the Amil's Cutcherry, and a list of the same forwarded by the Amil to the Superintendent, as well as a statement of all claims that may be made to the same.

45. The Buckshee of the Candachar and his



Cutcherry will aid the sole Commissioner in every way in giving full effect to this Hookumnamah, and to use every means under his discretion in rendering the department complete and efficient.

46. It will be seen that the main object of these rules is to provide for the efficiency of the Police of the country. A second Hookumnamah will however yet be prepared, for the interior management of the Candachar, as relates to their pay, arms, clothing, &c. &c.

The Killadar to be subordinate to the Amildar.

Ishti'ar,  
20th April 1835.

The efficiency of the Police being greatly impaired by the frequent misunderstanding which arises between the Amildars and the Killadars on the subject of their relative authority, the Commissioner has directed that the 6th Paragraph of the Police Hookumnamah be again published for general information.

“When a sufficient number of these Peons are thus fixed upon, they are to be placed immediately under the Duffadar and Hoblydar, and liable to the special control of the Killadar. The three officers last mentioned are to be considered as the inferior police officers of the district, under the immediate orders of the Amildar, who is hereby declared to be the head of the police in his own Talook, and who will accordingly be held responsible that the police duties are duly performed by all the inferior officers of that department.”

It will be seen by the above, that the Amildar is the head of the police in his own Talook, and that it is

the duty of the Killadar to pay ready obedience to his orders in the police department, at the same time taking care that his own subordinates, the Duffadar, Hoblydar and Peons, discharge the duties required of them in a proper manner.

It is to be clearly understood that the Killadar has no authority independent of the Amildar, and that any act of disobedience of the Amildar's orders, will subject the Killadar to immediate dismissal.

Candachar petty Officers. Superintendent authorized to impose fines for neglect of duty, &c.

Circular,  
3d August 1838.

Gives to the Superintendents of Divisions the power of punishing irregularities among the petty officers of the Candachar Department, such as neglect of duty, absence without leave, &c. without reference to the Hoozoor.

Abolition of the Hoozoor Candachar Cutcherry.  
9th August 1841.

The practical inconvenience to the public service which has been found to arise from the Candachars in the Divisions being subject to the control of the Hoozoor Elakha Candachar Cutcherry, as well as to that of the Superintendents of the Divisions in which they are employed, has been on several occasions brought to the Commissioner's notice, and the great advantage to the police of the country generally, of separating them from that connection and bringing them under the undivided authority of the Superintendents, having been strongly urged, the Commissioner has resolved on not further

delaying the abolition of the Hoozoor Candachar Cutcherry from the 1st proximo, from which date the Candachar establishment of the Divisions will be placed under the immediate management, be mustered and paid by the Amildars of Talooks, in the same manner as the Uttwany and other establishments.

2. Superintendents will also from the same date assume full authority to entertain, promote, discharge and punish all servants of the Candachar department, in the same manner as obtains in all other Departments now subject to them, except in the case of Killadars, Naib Killadars and Thanadars, whose appointments and removals will remain in the Commissioner's hands as heretofore.

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Killadars, &c. appointed  
by Superintendents.  
9th March 1844.

The Commissioner having had under his reconsideration the subject of the appointments and removals of Killadars, Naib Killadars, and Thanadars of Talooks, which by the second Para of Circular letter, No. 36 of the 9th August 1841 were reserved for the sole disposal of the Commissioner, and deeming it advisable to strengthen the Superintendent's authority in the police branch, as much as possible, the rule adverted to is annulled, and Superintendents will henceforward exercise the same power in appointing and removing Killadars, Naib Killadars, and Thanadars, as they now possess in the case of revenue and the other Police servants, a measure which will afford them the means of promptly rewarding merit, and of punishing supineness or other irregularity in the above class of public servants.

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Enam villages must  
assist the police.

Ishtihar.

19th May 1835.

It having been brought to the notice of the Hoozoor that persons holding Survamanya and Jodee villages have in many instances failed to give information to the Amildars and other police officers of their respective talooks, of murders, gang, highway or other robberies, which have taken place within the limits of their villages; and that they have in other respects shown themselves neglectful of the Amildar's authority: It is hereby notified to all individuals of the above classes, that they are to consider themselves in all respects amenable to the civil and criminal jurisdiction of the Amildars in whose Talooks they reside, equally with all other heads of villages in the Mysore country, and that they will be held responsible to the Hoozoor if they fail hereafter to give immediate information of any murder, robbery or other offences, which may take place any where within the limits of their several Survamanya and jodee villages.

They are moreover required to hand over to the nearest Police authority any offenders who may have been found within their "surhuds," and further to give every assistance in their power to the Amildars, &c. to secure any persons accused or suspected of offences, and known or believed to be within their villages or village limits.

The above Survamanyadars, &c. will also pay prompt attention to any warrants, summonses or other Judicial processes, which the Amildars or other public authorities may have occasion to serve on themselves or on individuals living in their villages.

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Enam Villages to re-  
port crimes, &c.,  
Circular and Ishtihar.  
25th October 1843.

The Énamdars are prohibited from exercising any Police authority in their villages, excepting under the special warrant of the Superintendents, but it is their duty to bring all crimes and offences committed in their villages to the immediate notice of the Sheikdar of the Hoblies, and the Amildars of the Talooks in which their respective villages are situated, any wilful connivance or concealment of crime or offence committed in their villages, or counteraction of the lawful efforts of the Police authorities for the preservation of peace and good order, will expose the Enamdars to any penalties, even to the forfeiture of their Enams.

Gang robbers may be  
repelled with fire-arms,  
&c., &c.  
2d May 1835.

The Proclamation issued by the Commissioner under date the 20th of July and 7th of August 1833, not appearing to have been fully explained to the people by the District authorities, it is hereby again notified that the inhabitants of the Mysore country are authorized and enjoined to defend themselves and their property by the use of fire arms or other weapons from robbers, especially those who proceed to commit depredation in gangs and by torch-light. That the heads of villages are required to communicate with each other all the information they can obtain, relative to robbers and suspected persons, and mutually to assist each other in affording defence against robbers, and in endeavouring to apprehend them. That the people of each village are required to co-operate with the public

servants and with one another in resisting robbers, and when a robbery has been committed, successively to take up the pursuit until the robbers are apprehended.

Gang robberies—reward of silver bangle.  
6th June 1833.

A silver bangle with an appropriate inscription, will be prepared and forwarded for presentation to Chickoor Chalwa Gowda of Banawar Talook, in token of the Commissioner's high approbation of his exemplary zeal, activity, and bravery, as brought to notice.

2. In any similar instances of zeal and intrepidity of which there may hereafter be received undoubted information and proof, the opportunity should be embraced of conferring such marks of distinction as may animate the exertions of the people generally in the defence of their own, and the property, &c. of their villages.

Villagers to defend themselves from robbers.  
Circular,  
4th December 1835.

Copy of a Neeroop addressed from this office to the Amildars in each Division, relative to the Inhabitants of villages defending themselves and property from robbers, by the use of fire arms or other weapons.

In gang robberies, &c., persons active in detecting them to be reported, also those criminals who have been guilty of special violence.

Circular,  
8th September, 1835.

In the investigation of cases of gang robbery and other offences of an atrocious nature, to endeavour to ascertain and to distinguish those who may have exerted themselves in arresting and detecting the robbers,

as well as those who may have been guilty of having exercised much violence in the act of perpetrating these crimes, and directing the same information to be required of the several subordinate officers within their jurisdiction.

Villagers to defend  
themselves from gang  
robbers.

Ishtihar & Circular,  
20th September 1836.

Whereas it has come to the knowledge of the Commissioner that several daring gang robberies have taken place lately in different talooks of the Mysore Territory, and that considerable property has been plundered; and there being reason to believe from the circumstances which attended them, that the persons whose houses and property were attacked by the robbers made no attempt to oppose them, and that the people of the village did not unite in resisting and striving to apprehend the thieves.

2. The Commissioner once more calls the attention of the people generally throughout the country to the successive Proclamations of 20th July and 7th August 1833, and to that of the 1st May 1835, wherein they were told to assist each other and to defend their persons and property with fire arms and other weapons, from the assaults of gang and torch robbers, and the Commissioner considers that, until the people will act in concert and with courage, it will be difficult to secure them against similar attacks and that they therefore owe it to themselves and to the Sirkar, to exercise with firmness and resolution the authority given to them by the above Proclamations, to use fire arms and other weapons, in

defence of their persons and property, when either may be assailed or in danger from the above causes.

3. The Commissioner moreover hereby cautions the people, that if the necessary precautions and other means for the prevention of robberies or the apprehension of the robbers, continue to be neglected as they have hitherto been, he will feel it necessary to put in force the former practice of holding the residents of every town and village responsible for all property stolen or destroyed by robbers within the limits of such town or village, as threatened in the last part of the 34th Paragraph of the Police Hookumnamah.

Gang robberies.  
10 December, 1834.

It has been brought to the notice of the Commissioner by the Superintendent of Astagram, from enquiry made on the spot, that on a recent occasion of a gang robbery which took place at Ramnadpore, the cusbah of the Krishnaraj Kuttay Talook, the Amildar of the Talook neglected to take the proper measures to prevent the outrage or to apprehend the robbers, although he was fully apprized of the depredations going forward, and had the means at hand of protecting the property, by which culpable indifference to his duty, the property of several individuals of the above town was plundered to the amount of Pagodas 673-8-8. The Killadar of the same Talook is also reported to have evinced a great want of activity and zeal in pursuing or tracing the robbers after he was made acquainted with the circumstances, and that he has wholly neglected the orders laid down for his guidance in the new police regulations.



It is hereby made known that to mark his displeasure at such criminal neglect of their duty, the Commissioner has directed the dismissal from their offices of the Amildar and Killadar of the above talook and he calls upon all Sircar servants to take warning by this punishment to pay implicit attention to the orders published by Government for their guidance and to remember that it is their sacred duty to give protection to the lives and property of the people.

Suppression of gang  
robberies.  
Circular,  
18th July 1837.

Gang and torch robberies have been of more frequent occurrence within the last three or four months than has been known in this Territory for many years, and it is matter of the deepest concern to find that the several Proclamations, which have been issued on the subject, have so entirely failed in their object.

2. As this great increase of crime and of outrage on property and even on person, is as much to be attributed to the culpable lukewarmness of the District Officers, as it may be in part ascribed to the unmanly passiveness of the ryots themselves in shrinking from the use of those measures of self and mutual defence, and to the neglect of all proper precautions which have been so frequently authorized and enjoined upon them, it has become in consequence necessary to adopt steps of a different character towards both parties, and which it is hoped may operate as a remedy for an evil, which at once reflects discredit on the Government and inflicts so much suffering and injury on the people.

3. From the date of the receipt of this letter, the Superintendent will consider it as a general rule, liable however to such exceptions as in his own discretion may be determined, that on the commission of a gang or torch robbery in any Talook of the Division, the Amildar and Killadar with the village officers are to be warned, that unless the robbers are traced and apprehended within a given time, to be indicated by him they will be fined to the extent of one half of their monthly salary or other Government allowance, and that on the occurrence of a second robbery within the talook, and of the perpetrators of it not being apprehended, they will be fined a month's pay, and on the recurrence of a third, that the whole of the Police servants of that talook, from the Amildar to the village talarie, will be dismissed from office.

4. In the case of Killadars, he will place them, in the above case, under suspension, and their dismissal will be ordered, as a consequence from the Hoozoor.

5. In like manner, the inhabitants of the villages or towns are to be cautioned, in the case of a gang or torch robbery, that, in the event of the robbers not having been boldly resisted at the first call for help, or subsequently traced and apprehended, the whole village will be liable to be summoned to the Division Hoozoor, and an assessment laid upon them to the amount of the loss sustained, and that this measure will be renewed on each occasion, unless it shall appear to the Superintendent's satisfaction that there are circumstances connected with the case which justify a remission of the assessment.

6. These rigorous measures, should be continued,

until a decided amendment in the Police details shall appear, both in the diminution of crime and in the increased energy and activity of the Police establishments, and of the inhabitants of the country generally.

7. The substance of these instructions may be formed into a Proclamation for publication in the Division omitting however the punishment to be awarded to the superior District Officers, which it would be more advisable to frame into a separate Circular letter to Amildars, with orders to explain its contents to the parties concerned.

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Suppression of gang  
robberies.  
Circular,  
16th March 1838.

The Circular letter, No. 80 of the 18th August last, was not intended to be indiscriminately applied to all cases of robbery; those rules leave it to the discretion of the Superintendents to carry them into effect in such cases only, as they might consider necessary, and the measures therein enjoined were only to be continued until a decided amendment should be observable in the Police details generally.

2. The particular object in view in providing for the punishment of the public servants and others, and at the same time in leaving to the Superintendents a discretionary power in enforcing them, was to impress on the public mind the knowledge that such a power existed, and that it would be used on proper occasions for the protection of the people, as of itself likely to obviate the necessity for its frequent exercise.

3. The operation of these rules (though conformable to ancient custom) requires to be narrowly watched,

both to prevent the concealment of offences, and the punishment of the innocent.

Gang robberies, neglect  
by Talook servants.  
Circular,  
1st August 1843.

As in cases where a considerable number of offenders have been implicated, the Talook servants, by exercising ordinary vigilance and energy, can nearly always succeed in discovering the perpetrators, the Commissioner is prepared to sanction any recommendations for discharge which under the provisions of the above Circular you may deem it fit to forward.

Refugees, &c. in foreign states.  
21st December 1835.

Extract from a letter from the  
Honorable the Court of Directors,  
No. 19 date 27th May 1835.

You appear to us to have taken on the whole a sound view of those questions on the subject of the mutual surrender of fugitives; the rule "you say" which it is the wish of the Supreme Government to establish, is to confine our requisitions for the surrender of refugees, and our compliance with those of our neighbours, to the cases of heinous offenders, such as murderers, highway robbers, &c. leaving the privilege of asylum inviolate as regards debtors, defaulters, and civil and petty offenders of every kind, and the same rule ought of course to be observed where we have occasion to interfere to regulate the intercourse of different native states between each other.

34. We have on former occasions intimated to you

our opinion that except under peculiar circumstances, it is no less inadvisable to claim from other states our own revenue defaulters than to surrender theirs, we consider the abandonment of their native villages by the established cultivators as a sure indication of our assessment, or of oppression, demanding the early interference of the local European authorities.

35. The non-surrender of revenue defaulters is in point of fact a check against the continuance for any long period of such over assessment and oppression.

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*Questions.*

Apprehension  
of offenders in  
British Terri-  
tories.  
4 April 1835.

Whether the Amils of the Madras & Mysore Governments are allowed to correspond on matters connected with their respective duties?

Whether there is any authority to communicate with each other, when suspicious persons may have assembled on their frontier, or to put down the system of gang robbery which is so prevalent on the boundaries?

*Replies.*

If this is intended to refer to correspondence relative to the apprehension and seizure of offenders the question is answered, below.

This is not provided for by existing usage or regulations, but the Commissioner sees no objection to it, provided the Amildars in all cases, forwarded a copy of their letters to the Tahseeldars on such subject to the Superintendent, and that the communication be limited to asking or affording information, without

Whether thieves may on a hue and cry be followed from one province to the other, and forthwith apprehended and escorted back to the Talook where they committed the robbery, on acquainting the Amildar of the Territory wherein they were seized of the circumstance and obtaining his permission for the purpose?

Whether the Amildars may mutually require from each other the apprehension and transmission of individuals against whom a charge or complaint may have been laid before them?

involving the concerting or undertaking of any active measures.

This rule is in exact accordance with the practice now in force, and may therefore continue to be observed, but in all practicable cases, a Warrant should be sent with the pursuing party.

Amildars under such circumstances as are here stated should send a Warrant with a party of Police Peons, and if possible some individuals with them to identify the offenders. The Tahseeldars of the Company's districts have authority to make over such refugee offenders under certain restrictions, on the production of the warrant for their seizure. The same rule will of course be observed *mutatis mutandis*

by the Amildar of Mysore, but in all doubtful cases, they will be required to solicit the orders of the Superintendent, keeping the accused in custody, pending the receipt of his instructions.

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Directs that on all occasions in which it is necessary to issue a Warrant for the apprehension by hue and cry of persons who have committed depredations in Mysore and taken refuge in the adjoining Territories of the Honble: Company, the Superintendent will without loss of time intimate to the Magistrate of the District so to be entered, the steps he has taken.

Apprehension of Criminals, Do.  
11th November, 1842.

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Under the Bombay Regulations the Magistrate is competent to give the requisite order, for the arrest and removal of the accused, without reference to the Session Judge.

Apprehension of Do. in Bombay Territories letter from Dharwar Session Judge.  
16th March, 1859.

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Transmits for information and guidance copies of a letter received from the Superintendent of the Bangalore Division dated 1st December last, and of its enclosures, from which it will be perceived that the Sudder Court at Madras has decided that under

Apprehension of Do. in Madras Territories.  
18th February 1859.

Act I. of 1849 the sanction of the Session Court in the zillahs of the Madras territories is necessary before the magistrate can permit persons apprehended in those territories, on a warrant issued by an authority in Mysore, to be conveyed into the Mysore territory.

Under these circumstances it becomes necessary that when warrants are issued for apprehension of parties in such zillahs, a letter should be addressed to the magistrate enclosing a copy of the warrant, and requesting that it may be executed, and stating that the Session Judge has been applied to; also that a letter should be addressed to the Session Judge applying for his sanction for the execution of the warrant, and enclosing copy of the letter to the magistrate, in order that the warrant and the offenders named may be identified.

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*Extract from the proceedings of the Foujdaree Udalut under date the 9th November, 1858.*

Read letter dated the 16th September 1858, from the Acting Session Judge of Salem, submitting for the consideration and orders of the Foujdaree Udalut whether the provisions of Act XVII of 1856 extends to the processes issued by Officers holding appointments under the Government of the East India Company, and lawfully exercising the powers of a Magistrate within the limits of the Bangalore Division.

The Court of Foujdaree Udalut observe that Mysore is in law a "foreign state administered by her Majesty's servants." Native British subjects charged with offences committed therein, cannot be removed from British



territory for trial before such Officers without the sanction of the local Government or its Commissioner, who is in the present case the Session Judge of Salem. This course must still be followed Act XVII of 1856 notwithstanding; that enactment having reference only to processes issued by Magistrates in one part of Her Majesty's Dominions, intended to be executed in another part thereof.

Naiks of Lumbadies  
to give security.  
Circular,  
9th December, 1835.

Relative to the class of men named Lumbadies forming either the principals or accessories in so large a proportion of the cases of gang and highway robbery.

2. The habits of this class of people are notoriously predatory and the wandering mode of life which they pursue, gives them great facilities in committing robberies, and in evading justice when committed, as the surveillance of the local Police can be very slightly effective over persons who are migratory in their habits, and also have perhaps no settled residence in any spot, for any length of time, and then too, generally at a distance from any towns or villages.

3. All the circumstances prove strong temptations to a class of people, little accustomed to the restraints of laws or the rules of civilized communities, and whose propensities are, as before observed, predatory and licentious. With a view therefore to the general welfare of the country, and the protection of lives and property, so far at least as these are affected by the depredations of the Lumbadies, it seems necessary to have recourse

to a method of restraint upon these lawless tribes, which has been generally found successful where the ordinary restrictions of the law and Police have altogether failed.

4. In every tribe or tandah, as it is termed, of Lumbadies, there is a person called a "Naik," to whom deference is shewn by the members generally, and who exercises by suffrage a certain measure of power over them. He is considered as the representative of the body or "Tandah," and in all matters connected with their interests, he is looked upon as having full management and control over them.

5. The object of the Commissioner is to secure the active co-operation of these persons, as the auxiliaries of Government in keeping the Lumbadies in as great a degree of subordination to the laws as may be practicable. To this end, the Superintendent will ascertain with the greatest accuracy in his power who the Naiks are, and where they severally reside. He will then summon them to his Cutcherry, and after explaining to them in general terms the views of the Sirkar, as herein conveyed, he will point out to them that the Commissioner deems it necessary to impose on them some measure of responsibility for the acts of their respective Tandahs, knowing as he well does that no irregularities can be committed by any of the members without their knowledge.

6. As an encouragement to the Naiks to afford their useful services, the Commissioner authorizes the Superintendent to assure them that he will be prepared to confer marks of favor and distinction on such of them as may be brought to his notice by any of the Superinten-

dents, as having rendered themselves deserving of such tokens of the Commissioner's approbation, whether by their unremitting exertions to prevent the commission of robberies or other crimes, or by their zeal in tracing offenders and stolen property, and giving them up to the Sirkar authorities.

7. Enclosed is the form of a Moochilka which the Commissioner would wish to be taken from each Naik in the Division, whom the Superintendent may learn to possess such influence or authority over any body of the Lumbadies as may render it of importance to secure his services for the benefit of Government; should any Naik be found hereafter to have broken or evaded the fulfilment of the penalty annexed to this Moochilka, he will in such case be required to furnish good and sufficient security for the due execution of the terms of the Bond.

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Coormur Naiks. Security to be taken from them.  
Circular,  
23d September 1837.

Suggests the expediency of adopting the like measure with the Heads of the Coormur caste, who may be settled in the different talooks, a class of people who are perhaps more addicted to plundering than the Lumbadies.

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Gang robberies. Coormurs to be registered.  
Circular,  
18th May 1838.

Individuals of the Coormur caste having been the leaders in most of the daring gang robberies and other outrages committed within the Mysore territory.

Directs the formation of a register of all Coormurs, male and female, and of every age, resident whether permanently or temporarily as composing migratory camps, within the limits of the Division, on the 15th of June next.

Violence to extort confession.

Ishtihar,  
10th November 1835.

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In a Criminal case lately decided by the Commissioner, it appeared by the evidence adduced that certain violent measures had been resorted to, by the talook authorities, to extort a confession of guilt from the prisoners, a practice as repugnant to justice as it is in direct violation of the Orders of the Commissioner.

The Commissioner hereby notifies to all Talook and Division authorities that should any public servant or servants of this Government after this warning, be convicted either before himself or any of the Superintendents, of having had recourse to torture, corporal punishment, or violent means of any kind whatever, for the purpose of compelling persons suspected of or charged with the commission of crimes, to confess their guilt, the public servant or servants who may be so convicted will not only be removed from their office, but will be liable to such other punishment as from the circumstances of the case, they may be deemed to be deserving of.

A copy of this Ishtihar to be posted up at the Amildar's Cutcherry, and also in some conspicuous place in each village throughout the talook.

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Violence to extort confession.

Circular,  
8th May 1856.

In case of prisoners asserting that the confessions previously made by them were extracted by intimidation and torture.

The proper course is the one which is generally followed, viz. at once to question the prisoners regarding the proof which they can adduce of their allegation.

Mode to be pursued in taking confession.  
26th August, 1856.

Forward copy of a Circular order (in English) issued by the Superintendent of the Bangalore Division to the public authorities of that Division, for their guidance, warning them of the consequences of illegally extorting confession from accused persons, and prescribing the mode to be pursued in obtaining confessions from such accused persons as offer them voluntarily, and to request to circulate these instructions in Canarese to the Police Officers of the Division for their observance.

Two instances, one in the Goribednoor, the other in the Sreenewasspoor Talook, have come to the notice of the Superintendent, in which the supposed confessions of parties accused could not possibly have been freely and voluntarily made,—and although ill-treatment was not positively proved against the Talook Police, as the means by which these confessions were extorted, still the result leaves but the one conclusion, viz., that the confessions *were* extorted whether it be by ill-treatment, by threats, or by cajoling.

The Talook Police authorities of all grades, from the highest to the lowest, are hereby warned, that confessions unsupported by any collateral evidence, are regarded by the Superintendent not only as undeserving of credit, but as raising the strongest suspicions that they have been improperly extorted. The conduct of the Police Officers therefore who take such confessions will in every case undergo the strictest scrutiny by the Courts in which these cases are finally decided—and the heaviest penalties are attached to the crime of extorting confessions by foul means.—

These orders are not to be supposed to prohibit the practice of taking confessions at all; they are issued to ensure their genuineness, and to protect innocent men from self crimination under ill-treatment or intimidation; and it is directed that the following process be in future conformed to in recording the confessions of accused persons.

When an offender, on being apprehended, or at any subsequent period of his detention, under accusation, is desirous of making any confession, he should be taken immediately to the Amildar or Peshcar of the talook; the peons who took the accused into custody are to retire and not to be allowed to be present; his declaration is then to be taken down in writing in the presence of at least two credible witnesses, who shall have been present during the whole period of the prisoner's examination, (and not merely when the signature of the prisoner is affixed to the paper.) The declaration should then be read over to the prisoner, and he should be required to state whether such is his free and voluntary

statement; and if he reply in the affirmative his signature or mark should be affixed to the paper, and then attested by the witnesses—and signed by the presiding Officer and the Goomasta who wrote out the declaration.

But the Head of Police is not to be satisfied with this declaration only; every effort is to be made to collect collateral and corroborative evidence in support of the Prisoner's declaration; which, with the clue which such a confession must necessarily in most cases afford, cannot be matter of great difficulty if ordinary intelligence and activity are exercised.

Charges of causing a  
abortion, not to be sought  
out.

Circular,  
10th August 1836.

In regard to females taking drugs for the purpose of procuring abortion, the Commissioner observes that he considers it desirable that the District authorities should be discouraged from seeking out and bringing forward cases of this nature.

2. The facility afforded to inferior Officers of Police of seriously injuring, by such an accusation, respectable females, the great difficulty, in the absence of medical evidence, of clearly proving the charge, and the fact that the practice was not noticed under the former administration in Mysore, are sufficient reasons for discouraging judicial enquiry into cases of this nature, which must be expected to be productive of little good to the community, and is capable of much abuse.

3. It is not contemplated by these observations to interdict the trial of any person or persons when accusation of such offence is laid by the relations or caste

people of the offending party: but it is considered most desirable, that the servants of the Sircar should be prevented from prying into family secrets with the intent of giving information on a subject of such a delicate nature—one so difficult of proof at all times, and of which the mere investigation is calculated to bring disgrace and obloquy not only on the accused, but which must be sensibly participated by the family at large.

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## CRIMINAL JUSTICE.

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Police and Criminal  
Hookumnamah.  
29th October, 1834.

XV. First. Shaikdars or Hoblydars, shall be authorized to place and keep in confinement for twenty-four hours, persons accused or suspected of the heinous offences of murder, gang, torch and highway robbery or burglary attended with violence, if necessary, for the purpose of making such enquiry into their cases, as may enable them to judge whether it is proper to release them or to bring their cases before the Amil.

Second. Shaikdars will be held responsible for any abuse on their part of the authority thus vested in them.

Third. In all minor cases of complaint, the Shaikdars will refer the complaints to the Amildar.

Fourth. In criminal cases in which the Shaikdar has cognizance, where longer detention than twenty-four hours is necessary, in order to obtain evidence, he will without delay either send the prisoner together with the witnesses, and a statement of the information he has obtained in the case, to the Amildar, or retaining the prisoner, send only the statement to the Amildar, with a view to his repairing to the spot to make further enquiry himself. After which the Shaikdar will be guided by any orders which he may receive from the Amildar.

XVI. First. The Amildar of each Talook shall have the general Superintendence of the Police, and shall have the power of determining minor cases of complaint for personal wrongs.

Second. The Amildar may punish petty offences as above, by confinement in the stocks in the day-time, for a period not exceeding twelve hours, or confinement not in the stocks or in irons, for a period not exceeding fourteen days.

XVII. First. All offences or occurrences of an extraordinary nature taking place within his Talook, shall be regularly and punctually reported to the Amildar by the village Tulwars, Toties, &c., as well as the Killadars and Candachar Officers, the whole being Police Officers, and the Amildar will lose no time in reporting such to the Superintendent.

Second. On the apprehension of any persons criminally accused, the Amildar, if he sees cause for public trial, will order a PUNCHAYET to be assembled in open Cutcherry, at which all respectable inhabitants, who have no connection with the parties, may at their option become Assessors, the proceedings when closed being sent to the Superintendent.

Third. Provided that in all cases, involving an accusation of murder, gang robbery or burglary, attended with violence, if the Amildar has reason to believe the charge to be true, he shall forward the parties to the Superintendent, with a record of his preliminary investigation, in no case detaining the parties for a longer period than seven days, without reporting to the Superintendent.

Fourth. For the purpose of securing the persons of criminals charged with grave offences, the Amildar shall have power to place them in irons, but he will be held responsible that this power is not exercised without necessity, and for no other purpose than that of preventing the escape of such prisoners, reporting the same to the Superintendent.

XVIII. In all cases specified in the preceding section, which are referred to the Superintendent by the Amildars of Talooks, the Superintendent will summon a Panchayet for the trial of the prisoners, at which he will either himself preside, or refer them to the Principal Sudder Moonsiff for that purpose.

XIX. The Principal Sudder Moonsiff shall have the power of sentencing to imprisonment for any term not exceeding two years, without reference to the Superintendent.

XX. First. The Superintendent shall have the power of sentencing to imprisonment, with or without labour, for any term not exceeding seven years, without reference to the Commissioner.

Second. The Superintendent shall also pass his decision both on the cases referred by the Amildar, and those at which the Principal Sudder Moonsiff has presided.

XXI. In all cases of murder, gang robbery, torch robbery and other offences of an aggravated nature, which may involve capital punishment, or a term of imprisonment exceeding that allowed to be passed by the XIX and XX Sections, the proceedings shall be referred by the Superintendent to the Commissioner for the final decision.

XXII. The Commissioner shall have full power to pass sentence of death on any prisoner or prisoners convicted of the crime of murder, and where the example is deemed necessary, the crime of gang or torch robbery, when attended with torture or other aggravated circumstances, may be also punished with death.

XXIII. First. As a general rule, it is to be understood, that the crimes of theft and robbery shall be punished with imprisonment, and hard labour in irons, for a period proportioned to the nature of the crime.

Second. Corporal punishment shall on no account be inflicted by the sentence of any Court. But the penalty of fine may be substituted on the following scale. Amils may fine to the extent of seven rupees. Principal Sudder Moonsiffs fifteen rupees. Superintendents thirty rupees. Fines to be awarded by the Huzoor Adawlut and the Commissioner at their discretion ; but those by the former authority to be subject to remission by the latter.

XXIV. In large Towns or other places, where the general system above described may not sufficiently provide for the administration of Justice, second Sudder Moonsiffs may be appointed for local duties, within certain limits, to be defined when such appointments are made.

XXV. It is to be generally made known to all the inhabitants of Mysore, that these Regulations for the conduct of the business coming before the several Courts, are in no way intended to prevent the inhabitants from settling their disputes, as in ancient times, by application to the Potails, Chetties or other head men, without the

interference of the public Officers, and without the payment of fees. It is the wish of the Government that all disputes should be settled by the people themselves, as the more of their disputes, of whatever description, are settled in this way, the more satisfactory will it be to the public authorities.

Explanations of the  
Judicial Hookumnamah,  
14th January, 1835.

1st. It is the intention of Section XVIII to enjoin the employment of a Panchayet on all criminal trials, whether conducted by the Superintendent or the principal Sudder Moonsiff.

2nd. The power of convening Panchayets is intended to be given to the principal Sudder Moonsiff equally with the Superintendent.

3rd. The Superintendent is not debarred from taking up criminal cases which come under his immediate cognizance when he considers it convenient or necessary to do so.

4th. It is not intended that Amildars shall employ Panchayets in trying the cases referred to in Section XVI.

5th. It is intended that Panchayets shall be limited to five members, but that all respectable inhabitants, unconnected with the parties, shall be permitted and encouraged to attend as Assessors.

6th. The Amildars must in all cases when they consider a public trial necessary, convene a Panchayet.

7th. It is intended that in all criminal trials by Panchayet, whether conducted by the Amildars, Princi-

pal Sudder Moonsiff or the Superintendent, the depositions of witnesses shall be taken down in writing.

8th. Though not expressly provided for in the criminal rules, the power herein defined is to be exercised by the Superintendent, and may by him be delegated to the Principal Sudder Moonsiff, when rendered necessary or considered expedient.

It may also be observed as a general rule that persons from whom security is required for a given period, on whatever account, will be liable, in default of security, to be detained for the same period for which such security was required of him.

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Powers of Principal  
Sudder Moonsiffs.  
21st June, 1835.

In regard to the Principal Sudder Moonsiff of Division having reference to an application to him from the Sudder Moonsiff for the apprehension of certain persons on a criminal charge; states that the latter officer has exceeded his powers in having addressed himself on such a subject to the Moonsiff of Division, the Regulations vesting him with no Magisterial nor Police authority.

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Proceedings in investi-  
gating crimes.  
Circular,  
16th August, 1837.

Directions drawn up for the guidance of the Magistrates Department in making preliminary enquiries in the Talooks.

1. In criminal cases the first point to be ascertained is, has the fact stated actually taken place? Has the house been burnt? Has the robbery taken place?

2. To arrive at the origin of a gang robbery, the public servant nearest the spot, will, when an offence is reported, immediately enquire what the nature of the violence used was, and what the extent of the gang, what articles were taken away, where they were kept, what their value was, when they were last seen, to whom the place of their custody was known, where each of the people knowing that place was during the robbery, who saw them at the place they mention, and with whom they associated for some time previously to the robbery. It would be difficult for a gang of robbers to accomplish a robbery without information from some neighbour of the person robbed, therefore the public servant will on such occasion see the Tularie and Toty of the village separately, and hear from each where he was at the time of the robbery, and for some days previously, who were absent from the village lately, and who have been loitering about it, and how the loiterers got food. The public servant should also see the Cundachar peons who may be in the village and make similar inquiries of them, noticing whether they turned out alertly on the cry of thieves being made, and the reasons they may assign for not turning out, or not making good use of their arms when out, what measures were taken to trace the robbers, how far they were traced, noting any Sirkar servant who declined to give aid, or who threw obstacles in the way of tracing the robbers.

3. The public servant in occupying his attention in this manner is likely to find some point whereon to fix investigation, that point he will explain to the PUNCHAYET, and he will lay the subject before the PUNCHAYET,

going on progressively from the fact of the occurrence of the robbery, until the articles identified as the property of the person robbed are, step by step, traced to the person charged with the robbery ; these articles, when identified, should be particularly specified in the proceedings of the Panchayet, and should be forthcoming at the ultimate trial. The names and places of abode of each of the robbers should also be specified, noticing particularly the leader of the gang, and how each was armed. The public servant who attends the Panchayet with such information as he may possess, will seek for all such further information as the Panchayet may desire, and will be responsible for withholding any within his knowledge, or within his reach ; and it is open to Panchayets to report any neglect of this nature that may come before them.

4. The enquiry should always be public, and it should be conducted by a Sirkar servant, who should collect witnesses and prepare as much of the business coming before the Panchayet as possible, before it meets, that the time of the members may not be unnecessarily occupied.

5. The Amildar or Peshkar will conduct the enquiry, if the subject be near them, otherwise the nearest Shaikdar will assemble a Panchayet and make the enquiry, reporting regularly to the Amildar, who will proceed to the spot, unless unavoidably prevented, and if prevented, will send suitable instructions to the public servant conducting the enquiry.

6. It will be the peculiar duty of the Killadar to search for information on such occasions, and to attend



Punchayets for the purpose of giving information, and when absent, he should report the cause of his absence to the Amildar, which cause should be stated in the arzee to the Superintendent, which accompanies the proceedings of Punchayet.

7. The public servant is to look for information regarding the offence, when he hears of it, but his seeking information is not in any way to delay the assembly of the Punchayet.

8. The Punchayet should never be less than five, therefore at the first meeting seven is a more convenient number in case of sickness afterwards, and the members who commence the enquiry should continue on it until it is finished if possible.

9. When life is reported to have been taken through violence, the most satisfactory way of ascertaining the fact is, the Punchayets seeing the dead man. Having seen the body, the next object of the Punchayet will be, to ascertain the manner in which death was caused, whether through violence, such as strangling, or drowning, or with a deadly weapon, or whether the deed was done through secret agency, such as poison.

10. The Punchayet will next endeavour to ascertain the person who committed the deed, and its attention will naturally be directed to the person who first gave the information, with the view of forming an estimate of his sentiments regarding the deceased.

11. It will then endeavour to ascertain what were the habits, connections and circumstances of the deceased, who his associates were for some time, whether he had excited the envy, malice, or jealousy of any of them,

and whether any of them had, directly or indirectly, expressed ill-will towards him, and what their very expressions were. It will also enquire in what society he was last seen, in what place, when and how occupied. Should death have been caused by a deadly weapon, that weapon should be publicly produced, that its maker, its seller, or its owner, may be ascertained, for the purpose of its being traced to the possession of the offender. Particular attention will be paid to foot marks about the body of the deceased, or to any article, however trifling, that may be found near the place in which the body is discovered; when suspicion is directed to any particular person, the PUNCHAYET will observe minutely whether there be any marks of blood about his person or clothes, or whether he bears any marks of having lately been engaged in a scuffle.

12. When grounds for suspicion appear to the PUNCHAYET to be strong, the suspected person should be called before it, and the grounds of suspicion should be made known to him, and his account of whatever he may advance will then be taken down in his own words; should evidence of a former confession have come before the PUNCHAYET, he will then be permitted to give explanation regarding that confession; particular attention will be paid to his account of the place at which he states he was, when the deed was committed, what he was doing at that place, and by whom he was seen. The persons by whom he states himself to have been seen, and any other persons whom he names as informed on the subject in question, should be called before the PUNCHAYET, and it is desirable that they should appear

without their having the opportunity of previously seeing the suspected. On appearing before the Panchayet, the suspected person should be permitted to ask them such questions as he may think fit, the Panchayet too asking such questions as it thinks proper. By a process such as this, the Panchayet will be able to pass its opinion whether the deceased died a natural death, whether he died by suicide, or whether he died through the violence or secret agency of another.

13. In commencing the enquiry, the place and date at which it is held should be stated, and it should also appear by whose order the Panchayet meets, attention should also be always paid to the time and place at which the fact under enquiry took place, and they should be mentioned in the proceedings; witnesses should be examined beyond hearing of each other, and the enquiry should be finished with as little delay as possible.

14. When questions are put, as much of the witness' answer as is material should be written in his own words, and the accused should always have an opportunity of questioning any person who has stated any facts against him.

15. When members of Panchayet differ about the mode of procedure in conducting proceedings, or regarding their final opinion, the usual way is to let the majority of voices decide, and the decision of the majority should (by Talook Panchayets) be adopted, as the decision of the Panchayet.

16. The opinion of the Panchayet should be clear and decisive, if possible, regarding the guilt or innocence of the accused, for, pronouncing the accused to be sus-

pected only, is an opinion which is very unsatisfactory to all parties.

17. The object of the above observations is to give a general idea of the course which should be followed in a Talook when a crime is committed, but in conducting an enquiry much must always depend on the good sense of the Panchayet and public servant.

Panchayet and judge  
differing in opinion.  
31st August, 1844.

In criminal cases where the Moonsiff's opinion differs from that of the Panchayet it will be the duty of the former (as is laid down in the rules respecting the selection and conduct of Panchayets, Section 13: circulated on the 12th of June 1838) to point out such parts of the case as may appear to him to have escaped their observation, and recommend them to reconsider their verdict should they adhere to their first opinion, as of course they are at liberty to do, and the case come before the Superintendent with the points noted by the head of the Court wherein he differs, as is provided by the above rules, it will be the duty of the Superintendent carefully to examine and weigh the reasons given by the Panchayet for maintaining their views; should he coincide with them, the difficulty will be removed by a confirmation of their Mahazur, should he differ from them, he will spare no pains to convince them that their opinion is incorrect; and, as a last resource, send the case for the consideration and orders of the Commissioner.

2. The Commissioner is of opinion that it will rarely occur that a Panchayet will obstinately adhere to a

verdict against credible evidence, if sufficient care be taken to point out to them their error, and it is of great consequence that their verdicts should not be lightly set aside, lest the institution itself, of which much good is expected, fall into contempt.

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Opinion of the Superintendent in criminal cases to be recorded in English.  
Circular,  
15th April 1842.

In all criminal cases the opinion of the Superintendent should be annexed to the record, immediately below the Mahazer of the Punchayet, and written in English instead of Canarese.

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Do.  
12th October, 1844.

This opinion will be required only in those Criminal cases which may be tried in the Superintendent's own Court.

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Amildars' criminal powers, to what offences they apply.  
10th July, 1835.

The way to determine the question will be by weighing the amount of punishment awardable with the nature of the offence, without reference to the authenticated amount of the money or property stolen, when the result of deliberation will determine whether the case can be disposed of by the Amildar, or, whether from the offence calling for a severer punishment, it should be referred to a higher tribunal to be dealt with.

All petty assaults and petty thefts which are not attended with violence or other aggravating circumstances, and where the amount or value stolen does not

exceed five rupees, may be considered as falling under their jurisdiction and punishable to the extent laid down.

Petty thefts to seven rupees, how to be disposed of by Amildars.

Circular,  
19th May 1842.

The time of Amildars and their Establishments is very much taken up by the investigation of minor cases of theft, for which, though sometimes amounting only to a few annas, as voluminous a record is required as in investigations of greater importance.

2. The evil is not confined to engaging so much of the time and attention of the talook servants, and thus withdrawing them from other and more important duties, but as all these cases have to be referred for the orders of the Superintendent, prisoners are sometimes detained, pending the receipt of orders, for a longer period than their offence, when light, would seem to require as a punishment.

3. To meet this evil it is directed that Amildars shall be permitted to dispose of all cases of petty theft on their own responsibility, in which the amount stolen does not exceed seven rupees. In these cases no record of evidence will be required, but a register of the annexed form, (which will also embrace that class of offences specified in Section XVI. Judicial cases, as well as those now referred to,) is to be transmitted monthly.

4. The Commissioner does not consider that any increase of power need be given to Amildars beyond that specified in Section XVI. Paragraph 2 of the code referred to; but in all cases wherein the amount stolen

is not restored to the complainant within fourteen days from the date of the trial, the Amildar will submit the case for the orders of the Superintendent, who will direct such further imprisonment, with or without hard labour, as may by him be deemed suitable.

Theft not to be punished with fine.  
Circular,  
2nd February, 1838.

On the subject of an Amildar awarding a fine as a punishment for theft, a crime for which it is, for obvious reasons, a very unfit retribution, directs with reference to the 23rd Section of the Judicial Regulations, which provides the proper punishments for such offences, the issue of instructions to the Amildars, prohibiting in future this practice in any cases of theft which come under their cognizance.

Petty offences, fines, &c. It is not intended to interfere with the practice of punishing theft with imprisonment. Petty thefts can therefore as heretofore be punished by short periods of imprisonment in the Talook, namely confinement for not more than twelve hours in the stocks, and imprisonment for from one to fourteen days.

On an examination of cases of petty theft, reported in the returns, it does not appear necessary to fix a minimum punishment for such cases.

In regard to all other petty offences, it may be understood generally, that under the orders of the Government of India, it is considered preferable to impose a fine in the first instance and to levy it by imprisonment, in case

of non payment. In such cases the amount of fine and the fact of imprisonment should be stated in the Return.

Corporal punishment  
in petty larceny.  
Circular,  
3rd April, 1844.

Sanctions the application within this Territory of the provisions of the Act of the Legislative Council of India, No. III. of 1844, being "an Act for legalizing the infliction of corporal punishment in cases of petty larceny, generally, and when committed by offenders of tender age."

I. Whereas it is expedient, until adequate improvements in prison discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences. It is hereby enacted, in modification of C. I. S. 2. Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of fifty rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a rattan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of school discipline than of ordinary criminal justice, It is hereby enacted; that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of fifty rupees, if the person convicted shall appear to him by inspection or other evidence, to be of such tender years as to require punishment, rather in the way of school discipline than of ordinary Criminal Justice, to sentence such person to corporal punishment with a light rattan, not exceeding ten stripes.



III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the magistrate.

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Enhanced punishment  
in theft, when stolen pro-  
perty is not recovered.  
Circular,  
14th October, 1839.

Prescribes in criminal cases the principle of awarding "enhanced punishment for the crime of theft, on the refusal or failure of the thief to make restitution of the property stolen.

2. In all cases in which the parties may make good the amount awarded as fine, or restore the stolen property, in preference to enduring the further imprisonment to which they are to be adjudged in failure thereof, the amount in the former case, should be allotted in whole or in part, as the court may consider just and expedient to the persons aggrieved; in the latter, the property will of course be restored to the owners.

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Enhanced punishment  
in theft.  
Circular,  
27th September, 1841.

In reference to the Circular No. 103 of 5th December 1839, directing the award of enhanced punishment for the crime of theft on the refusal or failure of the thief to make restitution of the property stolen, calls attention to the necessity of increased vigilance on the part of the talook and village authorities, in scrutinizing the lists of property given in by persons who have suffered from robbery.

2. The preliminary part of every tolook enquiry into a case of alleged robbery, should be to call upon the complainant to bring proof of his being previously in the possession of the goods and chattels, &c., contained in the list submitted with his application for enquiry, and the articles in such list should be assessed by a village Panchayet at the average value, as it is obviously now the interest of every person who has been robbed to exaggerate his losses as much as possible in the hope of being able, through the aid of the Sirkar, to obtain as large a sum from the robbers as they can be made to disgorge, with the view of shortening the period of their imprisonment.

3. Strict orders should be issued to Amildars and other subordinate authorities on this subject, and enforced by sending back the proceedings of all talook examinations in which such investigations have been omitted.

Restitution of stolen  
property.  
22 July, 1845.

As to the course to be pursued in regard to the property of prisoners convicted of theft, and sentenced to make restitution or in default to suffer further imprisonment, in reply to the 1st point, any property found in the possession of prisoners, real or otherwise, while in confinement, is liable to attachment and sale to the extent necessary to indemnify the parties who have suffered loss by the robbery; and although the Circular Instructions of the 5th December 1839, were intended to apply to cases of voluntary restitution, the Commissioner will leave it to the Superintendent's discretion to make in the above

mentioned cases also, a proportionable reduction of the additional term of punishment should the circumstances seem to justify it.

2. On the 2nd point, even after prisoners may have fulfilled the term of additional punishment awarded to them in default of restitution, any property which they may have in possession or may acquire within a period to be left the Superintendent's discretion under the circumstances of each case, may in like manner be attached and sold for the benefit of the party or parties who have prosecuted the prisoners to conviction.

3. The Law Commissioners have given an opinion that the imprisonment which an offender has undergone shall not be allowed to release him from the obligation under which he lies to make restitution; that although his person will cease to be answerable, his property will continue to be so; and that if an offender having the means of making restitution chooses rather to be in prison than do so, his is the very case in which it is most desirable that restitution should be enforced.

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Restitution of stolen  
property by enhanced  
punishment, &c.  
Circular,  
21st March, 1849.

In regard to the question whether when a criminal is sentenced to restore stolen property or its value, under penalty of extra punishment, it is to be left to his option which course to pursue, or whether in case of there being property of his available, it is to be seized and the claim of the injured party satisfied at once.

2. It is directed that the restitution of stolen property, or its equivalent, may be enforced at any time

during a prisoner's confinement, or for a reasonable period after his release, notwithstanding that the enhanced punishment has in the latter case been already undergone, but where the party is still under his sentence, and restitution has been enforced, it is left to the Superintendent's discretion to make a proportionable reduction of the additional term of punishment should the circumstances seem to justify it. In a case where after sentence both the stolen property is found with the prisoner, and goods of his own sufficient to cover the value, it will rest with the Court which to make over to the prosecutor, upon due consideration of damage and other circumstances.

3. It is not intended by this rule to subject to sale at any time such goods and implements of a convict as are required for the support of his family, and in enforcing the restitution of an equivalent for what has been stolen, great care will be requisite in checking the estimate and statements of the prosecutor, which are very often exaggerated.

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Stolen property—  
amount exaggerated  
by party robbed.  
Circular,  
16th February, 1849.

There being reason to believe that complainants in cases of robbery are in the habit of grossly exaggerating their losses, and presenting false lists of their property, the attention of the Superintendents of Divisions is called to the Circular, No. 44, dated the 27th September 1841, in order that the Talook authorities may be enjoined to be more vigilant in their enquiries on this head.

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Stolen property found  
with convicts, how to be  
disposed of.

Circular,  
14th August, 1847,

Whenever any property supposed to be stolen is found in the possession of convicts, the best plan is to draw up an inventory in Canarese of the articles, stating full particulars, and affix copies of it to the Cutcherries of the principal Cusbahs of your Division, notifying at the same time that if any persons succeed in making good their claim to any portion of it, it will at once be made over to them.

Should no claimants appear within a twelve-month, the property may then be made over to the families of the convicts, unless it be proved to your satisfaction that the property is stolen, in which latter case it may be disposed of by public auction, and the proceeds entered under the head of Sevoy Jumah.

Restitution of stolen  
property by one of an  
undivided family.

8th November, 1851.

Transmits copy of the opinion of the Hoozoor Adawlut dated the 14th ultimo, on the two questions referred for the Commissioner's instructions in the said letter, regarding the recovery of stolen property or its value, from one of several members of a family, who may have been convicted of a robbery and sentenced to make restitution thereof, and if property sequestered on that account could be made applicable for restitution.

The substance of the Adawlut's opinion is as follows.

When one of three undivided brothers commits a robbery, for which he has to make restitution, the Hindoo law promises that only his own share of the joint

property should be sequestrated and made available to the person robbed, provided that the other shareholders are innocent. The rule which is observed in civil cases is not applicable to crimes. In the former, a loan raised by one of the coparceners for the use of the family is payable out of the joint property, because he contracted it as the representative of the whole family; but in committing a crime he is not so, and therefore his own person and property are responsible to it.

Property of absconded persons charged with gang robbery.  
22 June, 1842.

In the case of ten Corchurs reported to have committed a gang robbery with violence, nine of whom have absconded leaving their women and children, together with ninety bullocks in the Cowlidroog Talook, it was asked whether any lien may be supposed to exist on the property of the whole of these persons for the purpose of reimbursing the parties robbed, or only on such of the property as belongs to the person who has been tried and convicted.

2 It is presumed that the person caught in the act of committing the gang robbery has made such disclosures on his own trial, as to leave it beyond reasonable doubt that the other nine who have decamped were engaged with him in the robbery, or that such other evidence has transpired in the course of the enquiry as to render their conviction highly probable; and such testimony would be entitled to additional weight from the parties alluded to having absconded, leaving their families and such property as they were unable to remove behind them.

3. Under such circumstances summonses should be issued to the suspected persons through the agency of their families (who may be permitted to proceed in search of them) requiring them to attend on a certain day to answer to a charge of gang robbery; and stating that in default of their appearance to answer for the same, their cattle, &c. will be confiscated.

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Punishment for appropriating stray cattle.  
Circular,  
3rd April, 1838.

Sanctions the issue of a Proclamation giving notice that such offenders, if retaining the cattle more than 4 days and without giving notice to the Sirkar Authorities, will be liable to trial, and on conviction, to a punishment varying according to circumstances, from a period of six months to three years. Imprisonment without Irons or hard labor.

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Release of prisoners on bail  
Circular,  
12th February, 1836.

Transmits copy of a Neroop addressed to the Principal Sudder Moonsiffs and Amildars in each Division respectively regarding the existing practice of releasing prisoners on bail.

Neroop sent to the Amildars, dated 11th February, 1836.

It being reported that prisoners who committed high offences are liberated on bail, and that the prisoners are admitted as security for others, who are prisoners like the former, Amildars are informed that the practice above set forth is entirely irregular, and that if it has

been actively in existence in the Talook, they are directed immediately to discontinue the same, report now and then to the Superintendent under whom they are placed, upon matters of this nature, and carry into effect the orders which they may receive from thence to that effect.

The only difference between this order and that to the Principal Sudder Moonsiffs is, that they are to release prisoners upon bail, if actually necessary, and then to make their report immediately to the Superintendent.

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Suspected persons released on security.  
To Suptt. Nuggur.  
9th August 1844.

As the three Lumbanees named in the margin of his letter were with good reasons suspected of being concerned in the highway robbery to which he refers, it was quite within the power of the Court which tried them to compel them to give adequate security for their future good behaviour, without any reference to the Circular, No. 5 of the 25th March last, authorizing the apprehension of vagrants.

The Commissioner does not deem it advisable to make any change on the rule laid down in the letter of the 23rd of March, which provides that the Superintendent or his assistant should hear and decide every case, in which any term of imprisonment may become necessary under the vagrant regulation, without trial, since persons apprehended and justly suspected of being concerned in a particular crime, can be dealt with under the usual powers exercised by the Criminal Courts.

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Approvers not to be  
tried as prisoners,  
Circular,  
31st May 1856.

Extract from a despatch from  
the Honorable Court of Directors, in  
the Political Department, No. 13,  
dated 5th March 1856.

Para. 4. "The Abstracts of Criminal cases require  
no other remark than that persons admitted as approvers  
should not also be tried as prisoners in the same case."

Delay in releasing  
persons charged when  
not guilty.  
25th July 1837.

In examining the particulars of  
certain cases of murder investigated  
in the Talooks, wherein it must have  
plainly appeared, immediately upon  
the termination of the first enquiry held on the subject,  
that the suspected parties were quite innocent, in as  
much as the deceased was proved to have died under  
circumstances which could attach guilt to no one, viz.,  
by "suicide," "disease," "unavoidable accident," &c., ob-  
serves that a period longer than would appear necessary  
has been sometimes suffered to elapse, before the final  
release of the prisoners.

Superintendents will issue instructions to prevent,  
in future, as much as possible any delay in discharging  
prisoners so circumstanced, and for this purpose will  
direct the Amildars to hasten the transmission of the  
proceedings of such like criminal cases, to their Cutcherry,  
that the necessary sanction may be more speedily con-  
veyed; and the term of confinement shortened.

It is not however meant by this to preclude the  
due caution, and complete attention, which should be  
paid by the district authorities, in ascertaining the cor-

rectness of all charges brought before them, but merely to abridge the period between the result of their enquiries, and the execution of the order consequent upon that result.

Prisoners found not guilty to be released without delay.

Circular,  
16th December, 1837.

Directs the immediate release of all such prisoners as may be found not guilty on the preliminary Talook investigation, should they, upon a perusal of the proceedings, be deemed by the Superintendent fit objects for the exercise of this discretionary power.

Prisoner charged with several offences.  
24th September, 1835.

On the subject of any one prisoner being charged with several distinct offences, whether or no in such cases he is to be tried separately upon each, and punishment awarded accordingly to each distinct crime, states that a prisoner who may stand thus arraigned with divers offences should be tried at one time for all the crimes he may have committed, charge by charge, beginning with the most grave; and the amount of punishment should be awarded in total after and in consideration of the number of convictions.

Where some prisoners are charged with more than one offence.

Circular,  
17th November, 1835.

Transmits Extract of a letter from the Secretary to Government of India, dated 15th January 1835, relative to the process to be observed in criminal trials, when one or more of the prisoners

tried for one offence are chargeable with other and distinct offences, and puts a case hypothetically as follows, in illustration.

A, B, C, and D, are charged with jointly committing a gang robbery, at a particular place and day. C, and D, in addition to the above robbery, are charged with another offence with which the two former prisoners are in no way concerned.

The practice has been to include the whole of the prisoners in one and the same trial, but to prefer distinct charges for any separate offence which some of them might have committed distinctly from the others, while the spirit of the rule prescribed by Mr. Macnaghten's letter provides that A, B, C, and D, shall be tried jointly for the offence which they jointly committed, and that one or both shall be subsequently put on a fresh trial for the additional offence with which they stand charged. Should however the offence committed by C, and D, alone be of a more heinous nature than that perpetrated by them in company with A, and B, they should be first subjected to trial for the higher crime and then for the minor one.

*Extract of a letter from the Secretary to Government of India, dated 15th January 1835.*

“It appears that distinct charges against the same prisoners have been included in one trial; a practice which is irregular, and should be corrected; each distinct charge being separately numbered, and made the subject of a separate investigation.”

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Prisoner charged with  
several offences.  
25th January 1836.

States that when a prisoner is charged with several distinct offences he ought to be tried for each separately, each distinct charge being separately numbered, though when all the trials are completed, if the several offences are of the same or similar class, there will be no objection to awarding a consolidated sentence commensurate with all the offences.

Abortion.  
28th October 1835.

Relative to the extent of punishment to be inflicted on persons convicted of procuring abortion, to enclose copy of a document from the Hoozoor Adawlut, being the opinion of the judges on that subject.

Charges of magic how  
to be disposed of.  
Circular,  
22nd February 1837.

In regard to the proceedings of case in question, wherein 3 persons are convicted of suborning a female named Nagee to kill by means of alleged enchantment one Rungah and his wife.

2. On the point submitted for the Commissioner's opinion how far such cases shall be deemed worthy of serious consideration, and whether punishment shall upon conviction be awarded to the parties, the Commissioner considers that to affect all cases of "Jadoo" or enchantment no general rule can well be laid down.

3. Many frivolous charges of this kind may arise from malice and spite; many again may originate rather from the groundless and superstitious feelings of the

accusing party, than the accused. Such should neither be encouraged nor in any way noticed.

4. Very different however are instances similar to that now submitted, where the accused party, out of enmity, are clearly proved to have sought the death of another, and employed a third person, expressly to destroy by alleged enchantment; for though the English code, adapted for a people where no such practices now exist, makes no provision to prevent or punish them, yet, as it is a well attested fact that, among the natives of India, who are open to such delusions, fatal consequences, from mere terror of this kind of persecution, often occur, there seems no good reason why the law should not punish this offence, as well as any other equally pernicious to society, the protection of which is its express and only object.

5. In addition to this it may be fairly assumed, that in a case where the death of a person is thus meditated, the practisers of what is called "Jadoo," would not hesitate to effect by poison, what terror could not accomplish.

6. In judging of these cases, care must however be taken to discriminate between those wherein the evil intention has been partly carried, as in the present, into execution, and those in which it has merely been entertained, in order that guard may be had against false accusations.

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*Extract from a despatch from the Honorable Court of Directors, No. 32, dated 13th July 1858.*

Sorcery.

Para. 7. In case 42 of the annual register of criminal prosecutions, two persons were convicted and sentenced to six months imprisonment with labor in irons for the crime of Sorcery. Such an offence ought not to be recognised by any British Tribunal. If a pretended Sorcerer is accused of really injurious practices against the person or property of any one, he should be tried for these practices, and if found guilty punished accordingly, not for sorcery. The pretended exercise of supernatural powers should also be in itself an offence, and should be punished as a form of fraud.

Breaking jail.  
19th January, 1836.

Prisoners who broke jail as reported may be brought formally to trial for the offence with a view to further measure of punishment being awarded to them.

Inducing emigration  
under false pretences.  
Ishtihar,  
11th September 1838.

Two persons named Manicum and Vencutputty come from Pondicherry, having been convicted in the Hoozoor Adawlut of persuading many people to leave their villages and families in this Territory, on the promise of getting for them employment of high pay in the Tulghaut Country, while their secret intention was to send them to the Island of Mauritius, which is beyond sea, or other Foreign Ports, as labourers.

Notifies these circumstances to the people generally, that they may be on their guard against persons who would seduce them from their families and their country on such false pretences.

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Ishtiar,  
20th December 1838.

Complaints having been brought to the notice of the Commissioner against various classes of public servants throughout the country, for committing embezzlements, peculation and malversation of all kinds, and some of the servants being under trial for the same, the Commissioner thinks it necessary therefore to make known to public servants of all classes, that the Superintendents of Divisions have full authority to bring to trial before their own courts, all public servants whatever who may be accused of having received for their own use, or allowed others to receive, any sums of money as "Dust" or "Moobadela," from the public Treasury placed under their charge, or of having received bribes or exacted unauthorized collections for their private use; or of having misappropriated public money, or of having made or connived at false or fraudulent entries in the public accounts or records, regarding the receipt or expenditure of public money, or of the extent, value, or classifications of lands, or of falsifying, destroying, or concealing, public accounts or documents of any kind, immediately relating to the receipt or expenditure of public money; or to the value or produce of lands.

Further. Be it known that on conviction of any of the aforesaid offences, the Superintendents have authority to award punishment by fine, recovery of double the

amount embezzled or taken in bribery ; dismissal from Office, and by imprisonment with hard labour in irons, according to the nature and extent of the offence charged.

Malversation, &c. by  
public servants.  
5th December 1834.  
Circular Order & Ishtihar.

All cases of the nature described in the Circular Orders to Amildars under date the 2nd of May last, and generally of malversation of every kind committed by the public servants, whether by receiving bribes or exacting unauthorized collections for their private use, or misappropriating public money, or making or conniving at false and fraudulent entries in the public accounts or records, regarding the receipt or expenditure of public money, or the exact value or classification of lands, or falsifying, destroying or concealing public accounts or documents of any kind, immediately relating to the receipt or expenditure of public money, or the value or the produce of lands ; should be disposed of by the Superintendent with the modification hereinafter specified, and entered in a separate register to be furnished monthly to the Commissioner's Office.

2. The Superintendent is authorized at once, without previous reference to the Commissioner, to proceed to the recovery of double the amount of sums embezzled, as prescribed in the circular orders above adverted to of the 2nd May last, and of bribes received ; and also of fines imposed by him, not exceeding 30 Rs. When the fine exceeds that sum, the previous sanction of the Commissioner should be obtained.

3. With regard to the enforcement of payment in



these cases, the same process should be observed, as with regard to ordinary Judicial decrees or sentences.

4. In any aggravated cases of the nature enumerated in the 1st Para. of this letter, for which the Superintendent may deem the punishment of fine, &c., inadequate, he will be at liberty to award, in addition to the recovery of double the amount embezzled or received as bribes, a term of imprisonment not exceeding one year, with or without hard labour, in irons, as may seem to be called for by the circumstances of the case, such sentences being subject however to the confirmation of the Commissioner.

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Malversation; orders of  
Government on this  
Ialithar.

Circular,  
11th May 1835.

In regard to a proclamation issued by the Commissioner on the subject of punishing public servants convicted of embezzlement, corrup-

tion and general malversation.

2. His Lordship in Council is not aware of any serious objection to the infliction of the penalties therein denounced against persons charged with the offences described, which would appear to have prevailed to a lamentable extent in the Mysore Country, though it is hardly necessary to remind you that the punishment of putting irons on individuals of a respectable rank in life, is one which should not be resorted to, except in cases of the grossest turpitude, or except when this species of severity is imperatively called for as an example, to deter others from the commission of similar offences.

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Penalty for embezzlement.  
18th October 1845.

The term of imprisonment awarded to public servants who have committed embezzlement in the Madras Territories is twelve months, if the amount of embezzlement and of fine imposed be not paid within that time.

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Peons permitting prisoners to escape.  
4th July 1840.

Where seven Candachar Peons had been tried for permitting Prisoners who had been placed under their charge to escape, the sentence passed in the three first cases being only one month's labour on the roads without irons, calls attention to para. 28 of the Police or Candachar Regulations upon that subject, and also remarks that it will be advisable for the future to insert in the criminal Abstract the nature of the offence which the person who escaped had been charged with, or had committed.

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Portion of fine awardable to complainant.  
26th March 1835.

In regard to whether the fine or a portion of it adjudged in cases of personal injury may be awarded under particular circumstances to the complainant, declares, that just and moderate compensation by way of damages should be adjusted to a complainant, when it has clearly appeared that he has sustained actual personal injury.

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Vagrants.  
25th March 1844.

On the subject of investing the Superintendents of Divisions with power to commit to custody vagrants

and suspicious characters, under the same rules as are laid down in the Madras Code, for the observance of magistrates, the Commissioner sees no objection to delegate this authority to Superintendents, and he has therefore directed the subjoined regulation to be followed in this respect.

In carrying it into execution great care should be taken not unnecessarily to restrain the liberty of the subject, nor to leave any room to the inferior Police authorities to commit oppression under the pretence of apprehending offenders. The Superintendent, or his assistant, should hear and decide every case in which any terms of imprisonment under this regulation may become necessary, and make a report thereof to the Commissioner.

*Extract from Regulation II. of 1822, Section III.*

It shall be competent to the Magistrate, and to the Heads of District Police acting under his orders, to apprehend when it may seem proper any vagrant or suspicious person or persons, without ostensible means of honest livelihood, or persons of notoriously bad character, and the magistrate at his discretion shall either take security for the appearance of such persons, or issue his warrant for such persons to be received and detained in the custody of the criminal judge.

Persons so confined shall also be liable to be released at the discretion of the magistrate by whom they were committed.

*Extract from Regulation VI. of 1827.*

Further the power vested in magistrates by section III. Regulation II. 1822, to take from Vagrants and others security for their appearance when required, has been found insufficient to accomplish the object for which that power was granted, and in order effectually to restrain such persons from their evil habits, it has been deemed necessary to vest magistrates with authority to require from them security for their good behaviour, and in these and other cases in which security may be lawfully demanded, it is expedient that the responsibility incurred by sureties should be defined, that the term for which persons unable to find the security required are to be imprisoned, should, except in particular cases, be limited in the order requiring it, and that persons confined in default of security should be subjected, under certain restrictions, to compulsory labor.

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

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Vagrants.  
13th May 1844

Referring to Circular letter of the  
25th March last No. 5, relative to the  
imprisonment of vagrants, by desire of the Commissioner,  
requests that all awards made in the case of such individuals,  
may be qualified by the condition that they are to  
be released from confinement on their producing at any  
time intermediately the security required from them.

A monthly Report of the persons so sentenced by you to confinement should be furnished in the form enclosed.

Vagrants.  
16th August 1858.

Doubts having been entertained as to the extent of power to be exercised by the Superintendents, in the cases of Vagrants and suspicious characters, under the partly circular letter No. 5 of the 25th March 1844, states that the power thereby delegated is exactly the same as that vested in the Magistrates of the Madras Presidency by Regulations II. of 1822, and VI. of 1827, the latter of which in clause 1st Section V. restricts the demand of security, to a sum not exceeding two hundred rupees, for a period not exceeding twelve months, commutable on default to a detention in confinement for the same period.

*Rule for the punishment of smuggling of spirits or tobacco.*

Smuggling of spirits or tobacco, how punishable.  
Circular,  
18th July 1843.

The punishment of confiscation of goods or of fine, which is awarded in the 10th Paragraph of the Sayer Ishtihar of the 5th of May 1840, having been found inadequate to repress the smuggling of Spirits and Tobacco, it is hereby declared that any person hereafter found smuggling Spirits or Tobacco, in breach of the Sayer Regulations, shall be liable, in addition to the confiscation of the smuggled goods, to fine not exceeding in any case the sum of five hundred rupees, and in default of payment of such fine, to imprisonment not exceeding twelve months

Smuggling. Superin-  
tendent of Nuggur.  
22nd January 1849.

In consequence of the necessity of adopting some more stringent rules, than those at present in force for the prevention of smuggling, which has lately much increased, conveys authority to adopt the provisions of the VII. Section of the Madras Regulations, VII. of 1811, in cases of gang smuggling, and to apply to common cases of smuggling, whether of Soopary or any other articles, the rule published by the Commissioner on the 18th July 1843 against smuggling spirits and tobacco.

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Smuggling. to Superin-  
tendent of Nuggur.  
3rd February 1849.

For the repression of the crime of smuggling any goods liable to duty in the Nuggur Division...

' The said regulation to have effect from the 17th of February 1849.

Any persons to the number of three or more who shall go forth with any offensive weapon; for the purpose of smuggling any goods liable to duty, or in order to be aiding and assisting in the illicit transit of such goods so smuggled or attempted to be smuggled; or shall be aiding or assisting in rescuing any person who shall have been apprehended for such offences, shall be committed for trial before the Superintendent's or Moonsiffs' Court; and on due conviction thereof, shall be adjudged by the Superintendent to be imprisoned and kept at hard labor in irons for a space not exceeding three years. Provided always, that if in consideration of any circumstances of violence, or any other criminal act appearing on the trial to aggravate the guilt of the parties, it shall in the

judgement of the Superintendent be just and necessary to inflict a more severe punishment than imprisonment and hard labor in irons for the term of three years, the offenders shall in all such cases be liable to the penalties they would be subject to for similar acts, if criminally committed, on prosecution of robbery by open violence.

Sale and purchase of children. To Superintendent Nuggur.  
16th August 1850.

On the proceedings of two trials in the Moonsiff's Court in which the prisoners are convicted of selling and purchasing children.

These cases belong to a class on which for many reasons it is not desirable to bring the weight of the law to bear. There is no part of British India where it is not well understood that a state of slavery is unknown to the law, and that although a man may be called by his master, and even looked upon by his neighbours as a slave, he is in reality nothing more than a servant, who receives food, lodging and clothing, instead of money, as the wages of his labour, and that to be a free man in name as well as reality he has only to quit the master whom he serves on the former terms, and take employment from another on the latter terms, in the same manner as any other servant changes his place.

The sale and purchase of children is allowed in times of famine in India, and parents and guardians may apprentice their children up to the age of 21 in England, and make the transaction the subject of a money agreement. In the most plentiful seasons there is unfortu-

nately no lack of individual instances of want approaching to famine, and in a country where the contract of sale cannot be enforced, a slave in name is in reality more free than the lightest bound apprentice. In the present cases therefore the Commissioner will confine himself to desiring that all the parties may be distinctly informed that the agreements which have been entered into are of no use whatever, and that the children are at liberty to go wherever they may please—the purchaser having no claim to the restoration of the purchase money, nor any power to prevent the child from choosing its own way.

The foregoing remarks are of course in no way applicable to cases where there may be a suspicion of a design of taking people under false pretences to a foreign settlement.

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Offences by Sowar and  
Barr Sepoys.  
24th February 1838.

Several references having been made to the Commissioner for instructions how to deal with persons belonging to the Military Establishment, who commit what are termed "Civil" offences in contradistinction to Military, that is acts of criminality other than breaches of military subordination or of discipline, the following outlines of rules in relation to that subject are transmitted.

1st. As a general rule, it is to be understood that men of the Sowar and Barr Cutcherries, of whatever rank, are subject to Military jurisdiction for the offences above defined, with the exception hereinafter mentioned, and that they are punishable only by the Military authorities, under the orders of the Commissioner.



2nd. Any persons of the Military Establishment of whatever rank, who may be charged or accused by the police of the commission of civil offences, as above quoted, will be apprehended by them, and after the preliminary magisterial enquiry in the talook or other Cutcherries has been made, they will be handed over to the charge of the Military Authorities, if there be any on the spot, and if not the accused should be taken under escort to the nearest military post, accompanied by a brief statement of the crime of which he or they may be accused. The Amildar or other Police authority within whose jurisdiction the offence was committed, will at the same time, or as soon after as practicable, report the circumstances and enclose the proceedings of the investigation to your Cutcherry, which will be forwarded by you to the Military Assistant, who will then proceed to dispose of the case in such manner as may be deemed expedient.

3rd. In the event of the above parties standing charged with high misdemeanours, as murder, manslaughter, burglary, or other offences of that nature, the same preliminary process will be gone through, as prescribed in the preceding Para ; but as those offences are accounted to exceed the jurisdiction of the military authorities, instructions will in all such cases be given for the delivery of the Prisoners over to you, for trial in the usual manner in the Civil Courts.

4th. The proceedings of these trials, which should be completed as soon as practicable, will be transmitted by you to the Military Assistant, who will lay them before the Commissioner for his decision, which will be communicated to you from this Office.

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Company's Sepoys  
charged with theft.  
30th October 1839.

The proceedings held in the primary examination of the Sepoy of the Regiment charged with stealing to be forwarded to the Officer Commanding the detachment of that corps, and should be sent to the Commissioner's Office, with a view to such measures being taken for trial of the Prisoner by the military authorities, as they may consider necessary to the ends of justice.

2. The same practice should be followed in any future cases of persons in the Military Pay of the Honorable Company, who may be charged with civil misdemeanours, the civil authorities confining themselves to making the preliminary magisterial examinations in each case, and then forwarding them, with the prisoners, to the nearest military authorities, to be dealt with according to martial law.

Prevarication of  
witnesses.  
8th November 1851.

As to whether in cases of gross prevarication by a witness, the Presiding Officer of a court can be permitted to fine him or not: copy of the opinion of the Hoozoor Adawlut, dated the 13th ultimo, on that subject.

The substance of the Adawlut's opinion is as follows.

If a witness gives one account first, and changes it when it is being written, he should be asked whether he wishes the first or the last to be placed upon record, and his request granted. Should a witness change his statement after it was recorded, but before he authenticated it with his signature, a remark is to be made on the deposition to that effect. It is not just that a witness should be fined merely because he prevaricated from fear or forgetfulness.

Capital cases to take  
precedence of others.  
Circular,  
19th January 1856.

Directs that in future, trials for cases which may involve capital punishment should take precedence of all other trials whatsoever, and that, while no pains are to be spared in the conduct of the investigation and in the general getting up of the case, the record of the proceedings is to be submitted to the Commissioner with the least practicable delay.

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Delay in trials.  
21st January 1841.

The attention of the Commissioner having been again drawn to the subject of the delays which have on some occasions been allowed to occur between the period of apprehension and of trial of offenders, requests that Superintendents will provide in future as much as possible against any unnecessary detention of Prisoners previous to trial, and for this purpose order, as soon as may be after their custody, the assembly of Panchayets to pronounce upon their guilt or innocence.

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Delay in concluding  
trials. 15th April 1845.

The Commissioner draws particular attention to the Circulars, No. 141 of the 16th December 1837, and No. 5 of the 21st January 1841, on this subject, and to request that Superintendents will in future provide against any unnecessary delay in the investigation of these cases in the several Courts of their Division; but should unavoidable delay occur in the disposal of any case, the reason of such should be invariably recorded at the foot of the Proceedings, by the Court which tries the case.

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Mode of writing de-  
positions.  
28th October 1839.

It having appeared that the method now observed in recording the depositions of witnesses, especially in criminal trials, not consecutively in the exact order of their examinations, and cross examinations, but by assigning a distinct paper of record to each witness, and entering on it all he may have deposed on the trial, whatever other enquiries may have intervened, produces considerable confusion, and renders it difficult to follow the true course of the investigation—it is therefore directed that hereafter all evidence should be recorded precisely in the order in which it is given, and the depositions, both examinations and cross examinations, entered just as they may have taken place, each witness signing his name as often as his examination for the time may have ceased.

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• Numbering of prison-  
ers on trial.  
4th October 1843.

Some difficulty having arisen in the disposal of criminal cases at the Hoozoor in consequence of the courts of the Moonsiff or Superintendent affixing to the several prisoners different numbers from those originally assigned by the Amildar at the time of committal for trial, in future care should be taken to preserve throughout the same number to the same individual, even though individuals intermediately numbered may have been released before the case is submitted to the Commissioner, and in all cases where two or more prisoners have the same name, they should invariably be distinguished on the preliminary investigation, by prefixing the name either of their village or family.

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## MISCELLANEOUS.

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Concerning property  
in slaves.

Circular,  
10th July 1837.

With reference to the case of a female slave, who having run away from her owner has taken refuge in and claimed the protection of the Dhurmasthul Pagoda, and is now residing under the mandate of the Hegaday of the latter in the Memar Magany in the Coppa Talook, the Commissioner is most unwilling to interfere directly in any manner with this description of property, first, because any recognition of the practice of slavery in any form is repugnant to the spirit of the British Laws and constitution; secondly, because he is insufficiently acquainted with the local usages of the country, and is apprehensive therefore of violating established institutions, by giving his authority to any act of compulsion, either as regards the one party or the other; and thirdly, because non-interference on the part of British functionaries between the slave and his owner has been generally observed, and found to be attended with the best effects.

2. It is the recorded opinion of an old and respectable civil servant of the Company, that all applications from the owners for the restoration of run-away slaves should be refused by the British authorities, and for these reasons, that as it is the only way which the slaves have of showing their sense of ill-treatment and enjoying security of life and limb, it would be cruel and an

aggravation of their hard lot, to oblige them to return to their tyrannical owners; and again that they are better fed, better clothed and better housed below the Ghauts, than they are by their Masters in Wynaad.

3. While the Commissioner is quite aware that the foregoing quotations do not strictly apply to the case of the female slave alluded to, inasmuch as she became so constructively, so to speak, by her immoral character, subjecting her by the custom of the country to the penalty of degradation, and that she has not become the slave of any individual below the Ghauts, he is of opinion that the general reasoning is conclusive, and should be conformed to.

4. The whole system of agrestic and domestic slavery in Mysore, although by contrast less oppressive than the system prevailing in Wynaad and other parts of North Malabar, is open to most of the evils attendant on human traffic; and while not directly interfered with or abolished by the British Government, should not on the other hand receive the sanction of enactment or active interference in its support under any circumstances.

5. While expressing these opinions the Commissioner quite agrees that if there were any case in which the Government should interfere to compel the return of fugitive slaves to their masters, it would be one of the nature submitted in your letter; but after a deliberate consideration of the subject in its several bearings—reflecting on the various and conflicting sentiments held on it by others, and the embarrassments which would probably attend any partial interference of

the Government, he has come to the determination that it will be better that the Officers of this Government should abstain from taking any active part in interposing in such matters between the slave and his owner; leaving the former to the remedies which necessity dictates against unkind or oppressive treatment, and the latter to the resources which are in his hands both as to the power which he holds by prescription, if not by law, over the liberties of his slave, and to that kind and conciliatory treatment which will ever prove a far more effectual preservative against his deserting from him.

Slaves.  
Violence used towards.  
Circular,  
13th December 1841.

Transmits Extract of a Despatch  
from the Assistant Secretary to the  
Government of India, Political De-  
partment, dated 22nd Novr. 1841.

“On the other point above stated, His Lordship  
“in Council would desire that you and the Officers  
“employed under you in the administration of Mysore,  
“should give effect to the principle, which has been  
“generally established in the British Territories in India,  
“that any violence or force employed towards one alleged  
“to be a slave, shall be equally punished as if employed  
“towards a free person.”

Stray cattle  
How to be disposed of.  
Circular,  
29th October 1833.

The present rules in regard to  
the sale of stray cattle and unclaimed  
property (amwal), appearing to re-  
quire some modification, prescribes  
in the case of the former that they shall be kept for

Three months and if not claimed within that period, be disposed of by outcry, and the proceeds retained in deposit for six months longer, at the expiration of which, if still unclaimed, that they shall be carried to the Sirkar credit under the head of "Seivayee Jumma."

2. In the case of "amwal" the goods shall be detained for nine months, after which, if not claimed, they are to be disposed of and the amount carried to credit in like manner.

3. A notification to the foregoing effect is also enclosed, to which should be given the widest publicity, within each Division.

Sowar and Barr.  
Regimentdars, &c., to  
obey the orders of the  
Superintendent.  
Circular,  
19th April 1838.

Encloses copy of a circular order issued by the Military Assistant to the Sowar Establishment, requiring prompt obedience to the Superintendent's orders on the part of the Regimentdars and others of the Sowar Cutcherry in each Division, whether in matters of a military nature, or in the execution of Judicial processes.

*Extract from a letter from the Honorable the Court of Directors, dated 16th May, No. 31, of 1838.*

Public Stores to  
be taken charge of  
by public officers  
when required.  
Circular,  
28th Nov. 1838.

Para: 3. In reply to Court's observations on the expediency of having every  
Para. 30. "You express an opinion that it must be considered the duty of every Functionary under Government to take charge of public property when re-



where some Functionary bound to receive charge of public property, when the Officer in custody of it is prevented by any circumstance from retaining charge.

quired to do so. We trust that this opinion has been duly promulgated; for in the case which gave rise to our observations, all the Officers at the Station declined the responsibility of taking charge of certain public Stores."

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Paper sent to Madras translated.  
10th August 1837.

A bill having been sent to this office by a public authority at Madras, for expenses incurred in translating some Canarese Papers sent to him in the Judicial Department from one of the Superintendent's officers, for replies to certain interrogatories which they contained, requests that should there be occasion hereafter to forward Canarese or Mahratta papers to any of the public authorities at Madras, requiring information thereupon, they may be sent with translations either in English, Tamil, or Telugu, the two latter languages being familiarly known in the Carnatic.

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Proclamations.

There being reason to apprehend that due publicity has not been given by the Amildars to the Hoozoor Proclamations throughout their Talooks, directs that on all future occasions, when copies of Proclamations issued direct from the Commissioner's Office reach the Superintendent, he will adopt measures to ensure the widest promulgation being

given to them, and in his periodical tours further satisfy himself as far as possible, by personal enquiry, that the contents of them have been fully and clearly explained to the inhabitants of each Talook.

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Treasure trove.  
9th March 1836.

Relative to the discovery of buried Treasure to the amount of 25 Pagodas, for the present on all occasions of such discoveries being made, it is judged better to adhere to the established usage in Mysore of carrying the amount to the Government.

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Death by falling into wells.  
27th December 1842.

Attention having been forcibly drawn to the serious number of fatal accidents which have occurred in the country generally, by people losing their footing and falling into wells while drawing water, washing or otherwise engaged, suggests that the inhabitants of every town and village shall be required, under penalty, to build around every description of well, whether large or small, a parapet of sufficient height and durability to guard against danger to persons frequenting them, or approaching them in the night.

2. It will be necessary that great care be taken that the labor and expense of the above work be fairly contributed by the whole community of the towns or villages, and not thrown on any particular classes, and be thereby made a source of oppression or of fraudulent profit to the Potails and Shanbhogues.

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East Indians subject to  
Amildar's jurisdiction.  
24th August 1844.

The catechist's impression of his  
being exempt from the Amildar's  
Jurisdiction, because he is an East

Indian, is erroneous.

2. On matters the decision of which is entrusted by the regulations to the Amildar, no variation in the course of procedure can be claimed on the ground that the parties concerned are Europeans or East Indians.

3. At the same time care should be taken that the Amildar be not allowed to harrass persons of respectability, by requiring their personal attendance when their statements in writing would suffice for the purpose in view, and in all such cases the summonses be addressed in writing as usual.

Mahouts warned not  
to injure private or public  
trees.

Ishtihar,  
12th January 1135.

A Proclamation was issued prohibiting under a penalty the practice so common with Mahouts and Surwans, of cutting down branches and

literally stripping and destroying trees growing in private gardens and grounds, not only without the permission, but in many cases in opposition to the remonstrances of their owners, and also those which have been planted with so much care by this Government and private persons for the comfort of travellers, both in topes and on both sides of many of the high roads in Mysore, especially that one leading from the Town of Mysore to the Madras Frontier.

Copying of decrees.  
10th June 1857.

Authorizes the employment of Oomedwars in copying Decrees as practised in the Bangalore Division, by appointing one man in each Talook for this duty, (in Chicka Bullapoor there are two); the copyist should be remunerated by the successful party in the suit paying him at the rate of one anna per sheet.

There are two copyists in the Superintendent's Court, 5 in each of the Moonsiff's Courts, and 7 in the Bangalore Town Moonsiff's Court.

# JAILS.

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Corporal punishment  
to convicts in Jails.  
Circular,  
23rd March 1836.

With reference to the 23rd Section and 2nd Clause of the Judicial instructions from the Government of India, states that the prohibition against inflicting corporal punishment in this Territory is not in future to be construed to extend to convicts in jails, as it appears indispensable that this description of punishment should be applied, whenever rendered necessary, as a means of enforcing obedience and submission to jail discipline.

Rules for Road gangs  
of convicts.  
Circular,  
6th August 1836.

Relative to the employment of Convicts on public roads and other works, at a distance from the jail stations; an experiment has been made of the plan in the Bangalore Division, and has been attended with a sufficient measure of success to justify the extension of it to other parts of the Territory.

2. To carry the measure into effect in each Division the following detailed instructions are furnished, in executing which you will be guided.

*Gang*—Each Gang shall consist of not less than 100, nor more than 150, prisoners, to be composed of those convicts whose term of imprisonment exceeds six or twelve months, the former to be adopted if the latter limitation should not leave a sufficient number to complete the Gang or Gangs.

*Peons*—One Peon is to be allowed to every three convicts, a Duffadar to every fifteen Peons, and a Jemadar or a Gooreekar to the whole party. The pay of these several ranks is fixed at the rates specified in the enclosure. It will be of importance that the Peons set over the convicts in their detached situations should be men of activity, strength and intelligence; great care must therefore be taken in selecting those to be allotted to this duty, and each man should be armed with serviceable weapons, whether matchlocks or swords, with an adequate supply of ammunition.

*Guards*—To assist the Peons in maintaining discipline and in ensuring the safe custody of the convicts, each Gang should be accompanied by a party of the Barr on duty in the Division, of such strength as may be considered sufficient.

*Overseer*—To Superintend each Gang, an intelligent, active and respectable individual will be nominated at the Hoozoor, and directed to join the Division, so soon as the arrangements are sufficiently advanced to render his presence necessary. His particular duties will be to lay out and supervise the labour of the convicts, as well as to controul their discipline, and to be generally responsible for their safe custody.

*Kamatees*—A party of this description of workmen should be attached to each Gang, as they will be found useful in assisting to lay out the roads, in constructing water courses and drains, and in showing the inexperienced convicts how to make use of their implements of labour.

*Tents*—Sufficient Condelees or Tents of the con-

struction in use with the Barr Establishment to be made up in the proportion of one to 40 convicts, and in an equal proportion for the use of the Peons. The party of Barr will of course be provided with Tents from their own Department.

*Implements*—Each Gang is to be supplied with such Tools, and in such proportions as may be found necessary. The descriptions in use with the Bangalore Gang are as follows.

- Kodalees or Pickaxes.
- Paoras or Mamatees.
- Koeetas or Bill hooks.
- Subals or Crowbars.
- Kooradees or felling hatchets.
- Common baskets.

3. When any of the implements employed require repairs at a distance from the Jail or Suddur station, they may be sent for that purpose to the nearest town or village in the vicinity of the place of encampment, or it may be arranged that the village artisans be sent for to make the requisite repairs on the spot, taking care that the latter are justly remunerated for their work.

4. Should any other implements or working apparatus than those specified be found necessary, the Superintendent will use his own discretion in causing them to be furnished, submitting a statement of the same to the Commissioner's Office for sanction.

5. The enclosure exhibits a list of the establishment with the rates of pay, which the Commissioner deems to be adequate to all useful purposes, and which

have been found by experience in the Bangalore Division to be sufficient.

6. The Commissioner will leave to the discretion of the Superintendent the line of road or nature of the public works on which the convicts shall be employed; but he will report in what way he has determined to employ them as soon as the arrangements may be completed, and it will be also requisite to have a monthly report of the progress of the work, with any general information connected with the working parties, which it may be of importance to communicate.

*List of Establishment, with the rates of pay sanctioned for each Gang of Convicts, to be employed in the Division.*

DESCRIPTION.	No.	Rate of Pay for each &c.			Total of each Rank.		
		Ra.	A.	P.	Ra.	A.	P.
Overseer. ... ..	1	25	0	0	25	0	0
Mootsuddy. ... ..	1	12	0	0	12	0	0
Native Hakeem. ... ..	1	14	0	0	14	0	0
Jemadar or Hoblidar, his pay to be made up to. ... ..	1	8	0	0	8	0	0
Duffadars, one to fifteen Peons, pay to be made up to. ... ..	each	4	8	0			
Peons, at the rate of one to three Convicts. pay to be made up to. ... ..	each	3	8	0			
Kamatees, pay to be made up to... ..	each	3	8	0			

\* Inclusive of all expenses for country medicines, &c.



Jail discipline.  
Circular,  
5th November 1836.

Requests that to the Monthly Jail Return of the Division, may be added a column of Remarks contain-

ing information on the following points, viz.

1. Whether there were any and what complaints against the Jailor.
2. Whether attention has been paid to the cleanliness of the Jail, and the necessary comfort of the prisoners, as to diet, clothing and accommodation.
3. Whether the medical attendance prescribed, is regularly afforded.
4. Whether prisoners sentenced to death are kept in separate places.
5. Whether drunkenness and gaming are prohibited.
6. Whether the male prisoners are separated from the female.
7. Whether prisoners on the criminal side are kept distinct from those on the civil side.

2. The Commissioner attaches great importance to the Superintendent's occasional visitation of the Jail, with a view of checking or correcting any abuses which may exist, and of enabling him to judge what may be necessary for improving the discipline of the Jail, promoting the health of the prisoners, and ensuring the due execution of the sentences against convicts.

3. When absence from the Jail station or other circumstances may render this periodical inspection on his own part inconvenient or impracticable, the Commissioner suggests that he should depute a subordinate to perform the duty.

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Clothing for convicts.  
Circular,  
12th April 1838.

Strong.  
1 Cumbly.  
1 Piece of cloth of 5  
cubits, as a covering for  
the head.  
2 Lungotees.

Clothing as noted in the margin  
may be considered in future as the  
annual allowance of each convict  
who may be confined in the Jails of  
that Division.

Cooking for Convicts.  
Circular,  
19th April 1838.

2. Care should be taken to  
prevent the same individuals being  
continually employed in the office of  
cooks, by establishing either a daily or a short periodi-  
cal tour of three days or a week for that duty, or assign-  
ing the duty in all practicable cases to a few of the  
more weakly or aged convicts, if thought to be more  
suitable.

“When the prisoners return to camp, they find  
“their food ready. One Prisoner out of every eleven  
“being excused from work for the purpose of preparing  
“the food of the ten working men.”

A list of sentences of  
convicts to be posted in  
each Jail.

Circular,  
16th June 1838.

It directs that in every Jail there  
be kept suspended for public perusal  
a correct list in Canarese of all the  
convicts who may be either confined  
within its walls or be employed in Gangs which have  
issued therefrom.

Such lists to be made out according to the form  
enclosed, and to be corrected and renewed quarterly, and  
countersigned by the Superintendent of the Division.

*Quarterly Register of Convicts confined in, or attached to the Jail of  
on the 1st day of January 1838.*

No.	NAME.	Caste.	By what Court tried.	Sentence with or without hard labour.	Day, Month and Year in English Calendar in which sentitled to release.	REMARKS.
1	Lingah,	Pariah,	Adawlut.	Life with hard labour.		
2	Siddah,	Coormur,	Superintendent	14 Years, with hard labour.	1st June 1852.	Died 17th Janry. 1838.
3	Ramah,	Coorbur,	Moonsiff.	2 Years, with hard labour.		

(Signed) W. HALSTED, 2ND ASSISTANT,  
for Officiating Secretary.

They will contain name, caste and sentence of each convict, and the date on which the sentence expires.

The Jail Darogah will be held personally responsible for the correctness of the list, and entries and casualties will be noticed in it as they occur, room being allowed for that purpose.

Henceforward the Jail Darogahs are strictly prohibited from giving, on any pretence, false information to a prisoner regarding his sentence. Besides the above, every Darogah of a working Gang shall be furnished by the Darogah of the Jail to which such Gang is attached, with a list prepared after the same manner, of all the convicts of the Gang, and

shall once every quarter publicly read the same in the presence of all prisoners, who shall be assembled for that purpose.

Tents for convicts.  
16th July 1833.

Recommends that in future the native "Pals" in common use with Brinjuries, cotton carriers and others, may be used for the convicts. The material for them is easily procurable, cheap and lasting, will endure any weather, and it is understood that this description of Tents when well pitched is quite rain proof.

3. It would be preferable to have the Pals so constructed as to admit of one half or at least one third of the entire gang, or not less than 50 men, under each, which will simplify the means of guarding the convicts.

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Sepoy convict.  
20th March 1840.

Authorizes placing irons upon any convicts, Sepoys or others, who may be delivered over to the Superintendent's charge under sentence of hard labour; it being absolutely necessary to their safe custody that convicts working on the roads should be fettered; and no officer in charge of a jail could justly be held responsible for a prisoner in the absence or disallowance of such a precaution.

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## RETURNS.

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Returns.  
23th November 1835.

States that all offences not particularized in the Forms should be entered under their appropriate designations, whenever instances of them might occur.

Monthly Returns.  
1st February 1838.

they are due.

The returns should be forwarded so as to arrive here on, or before the 20th of the month in which

Return.

Prohibits the entering as crimes trivial occurrences, which have no reference at all to public order, such are trifling fines imposed on suitors in the Civil Courts, for non-attendance, delay in furnishing replies, &c. &c. which have been entered under "Zulm" or assault, and many other instances.

In Criminal cases.

In the abstract particular Return of criminal cases of the several courts of your Division, the following three dates in one column should be inserted.

- 1st Date of commission of crime.
- 2nd Date of seizure of the offender.
- 3rd Date of conviction or release.

Persons released without trial not to be entered "acquitted."

Circular,  
29th March 1837.

In cases where the parties were never finally remanded for trial, but were released upon a mere preliminary investigation, either by the Amildar himself or in consequence of orders from the Division Cutcherry, it is directed that the Amildars should not enter such cases in future, but to confine that heading to those who may be found "not guilty" after a regular trial.

Petty assaults to be distinguished.

Circular,  
30th January 1837.

Instructions should be given in preparing the No. 7. Return, to separate common assaults, which should be headed "Zulm," from assaults with wounding, headed "Zulm or Zukm."

Cases tried but sentence pending now to be entered.

Circular,  
31st January 1837.

As it appears upon examination of the last Criminal Returns forwarded to this Office, that under the head "Tried but sentence pending," have been included cases in which the trial though commenced was not finished nor the sentence passed; Commissioner encloses for future guidance in this respect, a Hinduvi Memo: prescribing the form of heading to be observed hereafter.

Murders, gang, &c. robberies to be reported by Amil direct to the Commissioner.

Circular,  
14th November 1835.

Enclosing copy of an order addressed from the Hoozoor to the Amildars of each Division directing to make an immediate report to the Commissioner's Office of Murders, Gang, &c. robberies in their Talooks.

Jail Return.  
25th May 1853.

The object of the Jail Return, No. 14th, will be better attained by adopting one uniform system of entering in it, not individuals who were actually committed to the Jail, but those whose cases were disposed of by the Superintendent or assistant, and the sudr and district Moonsiffs, though the prisoners may not have been placed in the jail during the trial.

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Returns.  
Acquittal for murder, &c.  
21st May 1853.

Whenever charges of Manslaughter, Murder or Infanticide, are summarily dismissed after the first enquiry, in the Courts, such remarks should be appended to the Return, No. 5, as will enable the Commissioner to judge of the validity of the grounds on which the enquiry has been dropped.

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Returns of gang robberies to arrive on the 10th.  
20th July 1852.

The Monthly Return of Gang and Torch robberies not being received at this Office early in each month, the Commissioner calls attention to the 8th Para: of the Circular, No. 80. dated the 18th July 1837, on that subject, and requests that this return may be prepared and forwarded as early as possible, so that it may reach his Office on or before the 10th of each month in which it is due.

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Returns  
Cases referred by Superin-  
tendent to Moonsiff, &c.  
9th October 1851.

The Circular yadasht of the 6th January 1836, appears to be very obscurely worded, as it is not the Commissioner's intention that all cases must of necessity be first forwarded to the Moonsiff for trial, to dispose of such as are within his authority and to refer the rest to the Superintendent. On the contrary, the Superintendent is at liberty to decide any cases he may choose, but in the event of his not having sufficient leisure he may refer cases for the investigation of the Moonsiff.

Cases thus forwarded to the Moonsiff for trial are filed by him on his Return, No. 4, and he disposes of such as come under his jurisdiction, and refers the grave cases to the Superintendent.

The design therefore of the instructions conveyed in the 2nd and 3rd Paras of the aforesaid Circular Yadasht, is to cause a deduction of the cases so referred during the month to the Superintendent from the Moonsiffs Return, No. 4, whether they be found included among those Remained or Filed, and a corresponding entry made in the Superintendent's Return, No. 6.

Such a system, if followed, would prevent a case being twice filed and creating a confusion in the Returns.

With regard to the cases referred by the Amildars, to the Superintendents during the month, all such cases should be deducted from the total number filed by the Amildars and included as filed in the Superintendent's Return, No. 6.

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## Shravana Balagola.

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SHRAVANA BALAGOLA, a town forty miles N. N. W. from Seringapatam, contains about one hundred and fifty houses, and is inhabited almost exclusively by Jainas, a sect at one time extensively prevalent throughout India. In a violent and long continued conflict they were nearly extirpated by the sect of Vishnuites, so that although remains of their stupendous works are found in many parts, the sect is numerically insignificant, and they have but few places of note. Of these Shravana Balagola is the head.

The town lies at the eastern foot of two singular hills, each formed by a mass of granite covered more or less with enormous boulders that have been riven and piled up by some violent convulsion, in the most singular positions, and form large caves and dens which are sometimes tenanted by chretas, to the damage of the neighbouring flocks and herds.

The inhabitants of Balagola are chiefly employed in the manufacture of brass utensils, which from their superior quality, are greatly esteemed, and are sent, it is said, to all parts of India from Benares to Cape Comorin. The demand far exceeds the supply, money advances are made by wholesale merchants, and articles finished at night are generally despatched early next morning. The people are very industrious. They have no machinery, but the clang of hammers resounds from early dawn until past midnight.

The *Matha*, or residence of the chief of the Jainas, who is called *Sacámi*, (Lord,) is a small, plain building. In the centre is an open court surrounded by a narrow veranda, the walls of which are covered with astronomical, geographical, legendary and mythological diagrams, painted with gay colors in the best style of native art. A few small dark, furnitureless apartments on the right are the abode of the *Sacámi* and his disciples, generally from

twelve to twenty, who pursue their studies under him, and render him even menial service. The *Swdmi* is understood to have abandoned worldly pleasures, wears little or no clothing, no razor passes upon him, all his hairs being plucked up singly as they grow, he is not allowed to marry, and if, as with the present incumbent, married when the office descends to him, which it usually does by the verbal directions of his dying predecessor, he makes provision for his wife and children, and puts them away. This forced celibacy bears its natural fruit, and the death of the late *Swdmi* from vice, does not in the least abate the universal esteem in which he was held by his followers as one of the best of men. Their expressions of deep grief at his death were mingled with compassionate lamentations that medicine, which had so frequently saved him before, had this time proved unavailing.

When receiving visitors, the *Swdmi* has a copper colored cloth thrown loosely over his shoulders, and carries a bunch of peacock's feathers with a silver handle. One of their principal doctrines is the unity of all life, and this bunch of feathers is designed to sweep the path before him, lest he should incidentally crush an insect.

Several recesses in the walls are crowded with the objects of their daily worship, nude statues in brass, ivory, marble and crystal, of various size and fine workmanship, and gaily adorned with flowers.

Near the *Matha* is the temple, a large oblong building without a tower, nothing being visible outside, but a dead wall of hewn granite, about twenty feet high, with a veranda in front.

The ascent of the higher hill is up the bare face of rock, through a small doorway in the outermost enclosure, across an open space where there are several images, shrines, a beautifully carved stone column, a stone lamp pillar, &c.; thence by a long flight of broad granite steps to a lofty doorway cut through the solid mass of a boulder, but which has since been cleft by lightning, up a further flight of steps to the temple on the summit. The whole of this latter portion is constructed amongst enormous masses of loose rock; the labor expended in hew-

ing and fitting the immense stones to every inequality of the surface and sides is almost incredible.

The temple consists of an open court surrounded by a wall of hewn granite about twenty feet in height, and round the inside are a verandah and numerous chambers, containing statues nearly life size. The whole occupies a space about seventy feet square. In the centre and facing the doorway stands the principal object of Jaina worship, a colossal figure of Jinéshwara. Its history is lost in legends, but an inscription records an inauguration or other grand ceremony performed at great expense by one of the Mysore Kings about five hundred years ago. The image is that of a naked human figure, upwards of seventy feet in height, and about twenty five feet across the shoulders. From the thighs upwards it is in full relief; downwards it is attached to the rock behind. It is evident that a lofty, towering rock has been cut away, leaving the figure. Its connexion with the rock behind is concealed by the temple wall being built up with pieces of granite hewn to fit all the inequalities of the rock. The face of the rock at the feet is cut so that the image appears to stand upon a lotus flower; a beautiful creeping plant springs from the rock on both sides and between the knees, and winds up the arms. On both sides near the feet the rock is cut to resemble the structures of the white ant, with serpents emerging from the holes. With the exception of the feet, which are blackened by libations of oil, the surface of the image has undergone no change, bears scarcely any spot, and looks as though it were just finished. Notwithstanding its defectiveness in proportion, it is believed to have been formed so exactly according to the rules of art, that life ensued. At the finishing stroke of the chisel, the sculptor perceived it begin to move, and dreading the mischief that so huge a being might do, instantly chipped off a portion of the left fore finger, and by this only imperfection deprived it of life. The manifest limit of the rock more rationally accounts for the shortness of the finger. The curly head and thick lips point to an Egyptian origin and model.

Immediately opposite to this hill, is Indra-betta, the

lower hill, the eastern end of which is covered with huge detached rocks, in whose clefts, chasms and precipices one might by a false step be lost. This is one of the most characteristic specimens of the hills that abound in the Mysore territory, which appear to have been formed by a violent upheaving of the earth's crust and conglomeration of its heaviest materials, when God arose "to shake terribly the earth." The southern side of the larger hill is of the same character. There are fifteen temples of various size on Indra-betta, containing images of Jinéshwara in black polished stone, better proportioned than the large image, but only about eighteen feet high. A mutilated granite image stands in the open air, buried to the knees in the ground. The arms hang away from the side, and ring like metal when struck. A tall and handsome lamp pillar is the most prominent object.

Between the two hills lies a very fine tank, about four hundred feet square and forty feet deep. The sides descend by steps, above which are two raised platforms, and the whole is encompassed by a high wall. On the north side is a large porch supported by massive pillars and open towards the water. On the south is a handsome gateway. With the exception of the tower over the gateway and the ornamental coping of the wall, which are of stucco, the whole of this stupendous work is constructed with hewn granite.

## Falls of Gairsope.

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THE FALLS OF GAIRSOPE are situated in  $14^{\circ} 14'$  N. Lat. and  $74^{\circ} 50'$  E. Long. on the borders of Mysore and Canara. The river Sheravütty, rising in the south of the district of Nuggur, receives several tributaries in its course to the north west, winds among the mountains of the Western Ghauts, and falls into the sea at Honavur. About thirty miles from the coast, its bed is cut across by a yawning abyss with perpendicular, and at the upper end overhanging sides, nearly a thousand feet deep. Down this gulf the river is precipitated in four principal falls.

The bed of the river above the falls is about two hundred and fifty yards across, and is composed of huge masses of various rock, rounded, excavated and riven into almost every imaginable shape by the action of the stream. Over, amongst, and under these, the water dashes, roars, boils and hisses in noisy cataracts, plunges into the abyss, and by a rugged, winding bed, finds its way among the mountains to the sea.

The centre of the river bed above the falls being considerably higher than the sides, is covered with water only during the monsoon. A small island near the left bank is never entirely under water. Nearly half a mile up the river is a large pool, whence the water, in ordinary seasons, flows in two streams. One hugs the right bank, and after rushing in cascades over broad faces of rock, collects in a quiet pool, whence it leaps at one bound from the overhanging ledge, eight hundred and thirty feet into the gulf below. This is called The Grand Fall. In the height of the wet season the depth of water as it passes over the crest is upwards of twenty feet, and the breadth, in a semicircular form, from one hundred to two hundred yards. After the rains, the volume of water rapidly diminishes. In November it is usually about forty feet wide and from six to twenty four inches deep.

In February the stream is confined by a fissure in the rock, not more than four feet wide, and easily stepped immediately above the fall. In April and May it is generally quite dry.

On the left bank of the river the stream is divided into three parts. The first takes a tumultuous course amongst huge boulders and fissures in the solid bed of the river, turns sharply round to the right, rushes boisterously down a steep incline, at an angle of  $50^\circ$ , three hundred and fifty feet, overhung by the bed of the river above, rests for a moment in a pool, which is three hundred and fifteen feet below the summit of the cliff, thence pursues its course down the incline for about two hundred feet more and plunges headlong into the gulf, mingling its waters with those of the Grand Fall. From its deafening noise this fall is called The Roarer.

From this fall, just before its final leap, a small stream runs by a ledge round the back of the cavern and is poured from a lip behind the Grand Fall at about half the height, making a pretty fall; but is hidden by the Grand Fall except when the river is low.

The second portion of the stream on the left bank, passing the head of ~~The Roarer~~, runs about three hundred ~~yards further~~ amongst rugged rocks, turns to the right and dashes through a fissure in the laminar rock down the perpendicular face of the chasm which is here narrowed to about half the width of the river bed. In the mouth of this fissure a huge mass of rock meets and divides the torrent. The larger portion shoots down impetuously on the right, occasionally strikes the slightly projecting face of the cliff, and darts into the great pool below behind a magnificent fragment of rock upwards of one hundred and fifty feet in height. The left hand portion by shorter leaps reaches a second pool. From the dashing and plunging character of this fall, it has been named The Rocket.

A little further down, the third portion of the stream is poured with somewhat less violence over the edge of the precipice, which here inclines to the left, and stretches away into a woody ravine. With the exception of a few comparatively short plunges, the crystal water falls almost

noiselessly down the less precipitous face of rock, resembling a mass of snow white lace moved by a gentle breeze, and is thence called *La Dame Blanche*, or *The White Lady*.

In addition to these constant falls, a considerable number of intermediate falls is formed during the rainy season.

The best view of the whole is from *Watkins' platform*, about one third the way down a ravine on the left bank and nearly half a mile distant from the *Grand Fall*. But the upper portion of *The Roarer* is hidden by the high projecting side of the chasm, and *The Rocket* is imperfectly seen. A little more than half way down, the view is grand in the extreme. From the centre of the bed of the river below the sight baffles all attempt at description. The beetling cliffs on each hand; the stupendous height above; the depth of the retreating cavern, in front of which the *Grand Fall* and *Roarer* descend, the one in calm majesty, the other in precipitate haste; the colossal fragments of rock that, in wildest confusion, strew the river bed and almost conceal the departing stream,—all combine to deeply and permanently impress the mind with the awful sublimity of the scene.

From different positions above, fine views are obtained of each fall, except the *Roarer*, whose whole course cannot be seen at one time from any point.

At several points on either side of the *Grand Fall*, by lying at full length and looking over the projecting cliff, one may have a look into this unique abyss. The rocky cavern is seen retreating far behind the *Grand Fall*. A large stone pushed over the ledge is seen to descend with frightful rapidity for three or four hundred feet, then appears suspended midway, until, at the expiration of nine seconds, it is seen to strike the surface of the pool below. Thousands of rock pigeons inhabit the face of the cliff, and on the least alarm fly out like clouds of insects.

The rays of the sun form an ever changing succession of rainbows upon the spray.

In the height of the monsoon, the river is full from bank to bank, but the rising mist conceals the gulf. In the hot season the water in all the Falls, reaches the pool

only as light mist. The appearance is that of steam floating upon the surface of water. The entire body of the Grand Fall is swayed to and fro by the lightest breeze as a flexible column of vapor, whilst an eddying wind up the valley frequently suspends the whole in mid air, the descending water collects in a broad vapory mass until the eddy ceases, and it slowly resumes its downward course. The other falls reach their pools as white mist, and are not heavier than rain. Innumerable minute streamlets trickle down the face of the cliff and sparkle in the brilliant sunshine like strings of pearls or diamonds.

These magnificent falls, combining almost every form of water beauty, were unknown until within a few years past. From Honavur (Honore) they are of very easy access; and a good road has been completed through the beautiful jungles of Nuggur, making the journey easy from the east. A thatched bungalow, for the accommodation of visitors, has been erected on each side of the river close to the head of the falls. The neighbourhood is enchanting, consisting of lofty hills wooded to their summits with various trees, many of them exceeding two hundred feet in height. Spices grow wild. The flowers of the jungle are very beautiful. The seed pods of some flowering creepers are from ~~three to~~ four feet long by three to five inches ~~broad~~; each seed large enough, when hollowed, to be used by the natives as a snuff box. Bisons and other wild animals abound in the woods; whilst huge glossy black monkeys and large squirrels of various hue leap from tree to tree. In the wet season, the visitor's pleasure is considerably diminished by myriads of agile leeches, that cover the ground, fasten upon man or beast, take their greedy fill and leave wounds that heal with difficulty.

The records in the visitors' books exhaust language in attempts to convey the impressions made by this stupendous work of God. No description can adequately portray it.

Two gentlemen who visited the falls in May 1842, state:—

“On the 7th and 8th, no water in the Grand Fall, and



very little in either the Roarer or Rocket Falls. We had no difficulty in crossing to the south bank of the river by scrambling over the bed of rocks immediately above the Falls. On the morning of the 9th, on revisiting the Falls, the scene was quite changed, and in addition to the Grand Fall, in which there was an immense body of water, apparently at least five feet deep as it went over the edge of the precipice, there were six other falls visible. The contrast of this magnificent sight with that we had seen on the previous day, was as striking as it was sudden; the change having taken place within an interval of twelve hours."

One of these gentlemen visited the Falls again in June 1843, and records:—

"The rapidity with which the river rises during the monsoon, on the occasion of any heavy fall of rain in the Nuggur country, is such, that I should strongly recommend travellers who visit them in the monsoon, and who wish to see them in a monsoon flood, to wait for a few days if they can afford the time, should they be disappointed on their first arrival. When I visited the Falls on the morning of the 17th of June, although the Grand Fall was supplied with water, it did not extend to the westward of the large mass of rock, commonly called the Rajah's Rock, (so named from a former rajah of Sonda having commenced building a small pagoda upon it, the chiselling for the foundation of which is still visible.) As the river came down, this rock quickly became unapproachable, and in the evening of that day the fall could not have been less than fifty yards\* in breadth, the summit of this rock being just visible in the midst of the raging torrent as it went over the precipice; and more than half the intervening space between the Grand Fall and the Roarer being covered with water."

Two other gentlemen who visited the Falls on the 17th of July 1851, record:—

"The river in a monsoon flood. The Grand Fall extended westward from the Rajah's rock in a line with the

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\* An evident mistake. It must have been nearly a hundred and fifty.

palm tree immediately in front of the bungalow ; the extreme edge of the Rajah's Rock being at times just visible in the midst of the raging torrent ; at other times totally hid. From the projecting point of rock beyond the Grand Fall, only one point, about midway in the horse shoe precipice, remained bare ; the rest being covered with water, roaring and running down the precipice. Between the Roarer and Rocket Falls, a new fall, nearly equal in violence to the Rocket, was formed. The awful grandeur of such a scene baffles description."

Others speak of their beauty by moonlight, lunar rainbows being formed upon the spray.

"A blazing torch thrown over in a dark night, if there be any wind, throws out large sparks in all directions, and looks like a shower of falling stars with a fire ball leading the way to chaos."

A look down into the abyss gives a lively conception of the bottomless pit.

Two officers of the Indian Navy, deputed by Government to measure the Falls, arrived there on the 6th of March 1856, accompanied by a military officer. Their account, written in sailor style, is as follows:—

"Threw a light flying bridge across the chasm from the tree overhanging the Roarer, to the rock westward of that called the Rajah's Rock. To this slung a cradle of light bamboo, capable of holding two people comfortably. The cradle traversed on one single and two double blocks, through which rove the four hawsers composing the bridge. We had previously placed the bridge from the Rajah's Rock to the tree ; but found that the lead line would not, from any single part of the bridge, plumb clear of the Roarer, or the rocks on either side ; thus proving beyond a doubt that the pool had never before been plumbed from the sides of the chasm.\*

In the forenoon of the 12th of March, all arrangements

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\* This is an error. From several points a stone drops clear into the pool, and an officer, as they mention, had plumbed it exactly. They speak also of the immense depth of the cavern overhung by the cliff, the dip of the rock being toward the East at an angle of more than 45°.

being completed, and provision made against remote contingencies, we made the passage in the cradle from side to side, halting in the centre to pour a libation to the guardian spirits of the chasm, and to name our work, "The Alliance Bridge." The flags of England, France and Turkey floated over the car. The arrangements being found perfectly satisfactory, we proceeded to plumb the pool. The cradle with one person was eased away to a distance of forty seven feet from the tree. The lead line was lowered from the shore through a block (vulgo a pulley,) on the cradle, passing down through its centre. The plummet consisted of seven pounds of hard lead placed in the centre of an annular life buoy slung horizontally, the whole weight being about eighteen pounds. When the lead reached the pool, the life buoy floated it, and thus the lead man in the cradle felt the loss of weight. Having, during our service, had a little experience in sounding in deep water, we knew that a loss of twenty pounds from a plumb line of upwards of a hundred fathoms would be scarcely appreciable, and so we found it. But by hauling up half a fathom and letting go suddenly, the life buoy made a discernible splash in the water. A mark was then placed on the line by the block, and the angle of its dip taken with a theodolite on the brink of the precipice near the tree, at the hypotenusal distance of forty seven feet. This gave the perpendicular depression of the cradle below the instrument (on a level with the tree,) as fourteen feet; which, added to the line paid out, eight hundred and fifteen feet, gave the exact depth eight hundred and twenty nine feet.

In the afternoon we descended the ravine, and, with a raft of a few bamboos and three boat's breakers, paddled and sounded all round and across the pool, having previously, from above, turned off a great part of the Roarer into the Rocket. We found that twenty two fathoms was the greatest depth anywhere. This sounding was taken very near the west side, about thirty yards from the head of the pool or base of the Grand Fall. We climbed the rock on which the Roarer falls, and when about thirty feet up it, the stream which be-

fore had been mild rather, came down with great force on our devoted heads, and we had to "hold on by our eyelids" to prevent being washed off. We brought back two pieces of wood found in a little nook at the back of the river. They were rounded by attrition, and had evidently been there some time.

By measuring a base we ascertained the distance between the bungalows; and their respective heights above the head of the falls, which are as follows:—

Horizontal distance between the centres of Mr. Blane's (on the Canara side of the river) and Mysore bungalows, 710 yards. Do. between the Rajah's rock and the tree that plumbs the Roarer, 74 yards. The Mysore bungalow is higher than the tree by 97 feet.

The Canara bungalow is higher than the Mysore bungalow by 30 feet.

The top of the Rajah's Rock is five feet below the level of the above mentioned tree.

A plumb line lowered from this tree into the bed of the Roarer measured 315 feet.

On the 15th of March, broke up our bridge, from which we had taken several satisfactory views of the chasm, and descended by a rope into the cup of the Roarer, where we breakfasted, and, afterwards, with some little difficulty at one point, passed down by the side of the Roarer, and reached a position at the back of the Grand Fall, whence the Rocket and Roarer were seen to the right of it. From this place only can you have a correct idea of the great depth of the cavern in front of which the Grand Fall drops. The sky clouded over and thunder pealed when we were below. The effect was grand in the extreme. At 5 P. M. reached the top of the cliff in safety, to the great disappointment of the assembled inhabitants, who, bent upon a little cheap excitement, and having confidently calculated upon a "melancholy catastrophe," considered themselves unwarrantably defrauded of their just dues, and dispersed with unmitigated disgust.

The aneroid barometer makes the Canara bungalow to be about 1550 feet above the sea level."

*THE MAN IN POSSESSION.—A STORY OF  
MYSORE.*

AT the close of the last century the British army in India, commanded by General HARRIS, and directed by the youthful energies of Lord MORNINGTON, advanced upon Seringapatam, the great stronghold of Mysore, captured it by assault, and killed TIPPOO SULTAN, the Mahometan usurper of the kingdom, and our own most inveterate foe. Associated with us in this enterprise were the troops of the Nizam, the great chief of Hyderabad in the Deccan, the moral results of whose alliance with the English in this conjuncture were greater than its physical effects, for the hard and dangerous work of fighting fell chiefly upon our own regiments. It was an old feud. A war but half finished in the time of Lord CORNWALLIS was then brought to a close. For many years there had been an intense desire on the part of the English in India to subjugate this TIPPOO. For he was "Citizen TIPPOO," and over and above his own especial cruelties to our countrymen he had become in a manner identified with revolutionary France; he flaunted the "Cap of Liberty," and was growing into an Oriental Napoleon. In such circumstances, it was not strange that the English in India were eager for the overthrow of TIPPOO, and had moreover strong legitimist sympathies in favour of the deposed Hindoo dynasty of Mysore. They knew little, and they cared little, about that dynasty; but to love legitimacy of any kind was to hate revolutionary France. Even in the first war we find General MEDOWS writing to Lord CORNWALLIS:—"I mean that the three Governors (English), the Nizam, and the Peishwah should dine at Seringapatam, with the old Queen of MYSORE sitting at the head of the table. For my own part I freely confess that I should prefer the dignity and justice of dethroning the cruel tyrant and usurper, and restoring the kingdom to the Hindoo family—the lawful owner—to the wiser policy perhaps of only clipping his wings so effectually that he could soar no more in our time." What is here called the wiser policy was adopted, with the limitation of "our time." But after MEDOWS and CORNWALLIS had returned to England, TIPPOO SULTAN soared again; the opportunity so long sought arrived; the family of HYDER ALI and TIPPOO SULTAN became pensioners of the British Government, and the kingdom of Mysore lay prostrate at the feet of the conquerors.

The country might then, by right of conquest, have been divided between the British Government and the Nizam. But it was held that a moiety of the territory wrested from TIPPOO would be inconveniently large, on administrative and political grounds, for either of the allies. There was, moreover, some of the old legitimist feeling, of which we have spoken, still alive among the chief people in India; so it was determined to erect, from the leavings of the English and the Nizam, a new, comparatively circumscribed, Hindoo principality in Mysore; and the legitimate representative of the old Rajah of the country, being then a child, was formally placed on the throne by the agents of the two Governments.

A treaty known as the "Partition Treaty," between the English and the Nizam, guaranteed the rights of the restored dynasty; and a second treaty, between the English and the new Rajah of Mysore, known as the "Subsidiary Treaty," fixed the relations between his Highness and the paramount State. It was a convenient arrangement for us at the time. It answered our purpose very well. It was in accordance with the declared policy of the British Government; and although the sagacity of the Governor-General may have foreseen the result, and some men, among whom was THOMAS MUNRO, declaimed against our forbearance, the scheme was generally considered to be equally wise and just.

A "subsidiary treaty" is a treaty that secures the payment of a subsidy, or a certain sum of money, in return for which, in this case, the British Government were to furnish to Mysore the means, within and without, of military defence. In the event of any failure or any imminent likelihood of failure on the part of Mysore to pay this money, the British Government had, by treaty, the right to step in and assume the administration for its own security. It does not appear, however, to have been contemplated that this assumption was to be anything more than a temporary sequestration. The "man in possession" was to remain only until the debt had been paid, and something like security had been afforded, by the restoration of financial prosperity, for the payment, in successive years, of the annually accruing debt. During the minority of the young Prince, under the management of the famous administrator PURNEAH, everything went well, as far as the external relations of Mysore were concerned. The subsidy was punctually paid, and there was order throughout the principality. But soon after the Rajah took the direction of affairs into his own hands, there were symptoms of disorganization, which continued to increase; the revenues fell off, and it was said that the subsidy was in danger. Whether this was actually the case has been questioned. But after a while the advisers of Lord WILLIAM BENTINCK persuaded him that the time had come for the righteous interposition of the British Government; and so the administration of Mysore was transferred to the hands of a commission of English officers, a sum fixed by treaty was annually paid to the Rajah, and the surplus revenues were to be left to accumulate in the Mysore treasury. There are abundant proofs on the records of Government that neither in India nor in England was this regarded as more than a temporary sequestration. But years passed; order was restored; the revenues increased, the surplus increased. There was no debt—indeed, there never had been any—to the British Government; but "the man in possession" remained. It is said that Lord WILLIAM BENTINCK repented of what he had done, and spoke, after his return to England, of this act as the only one throughout his whole career the retrospect of which disturbed his conscience. But the Rajah never ceased to hope and to believe that the government of the country would some day be restored to his hands.

We pass over a period of twenty years, taking no note of his aspirations or his endeavours during all that interval, and come to the time when, after the great mutinies or rebellions of 1857-58, the proclamation, in the Queen's name, of what was regarded by the natives of India as a new policy caused the British

home alive and unscathed from the claws and fangs of such carnivora is by no means the least wonderful incident recorded in the romantic annals of British discovery. But I scarcely think that Sir Samuel's personal experience of the devilish nature of the black tribes of Central Africa can reasonably entitle him to claim a hearing *ex cathedra* upon negro character in the British West Indies.

If you will allow me, Sir, I will give you, in a very few words, my experience—the experience of thirty years—of the negroes of Guiana, a colony in which the proportion of whites to blacks is smaller than in Jamaica, in which the estates are more isolated from each other and from the large villages and towns than they are in Jamaica, which is rarely visited by ships of war, and in which, for some years past, no white troops at all have been stationed.

During the whole of that space of time a struggle has been going on between the planter and the negro for the command of the labour market in which the negro has generally prevailed. Land in Guiana is plentiful, fertile, and cheap; the natural wants of the negroes are few and easily satisfied; and after the emancipation of the slaves it became impossible for the planters to secure from the free blacks a continuous supply of faithful labour on fair, or indeed on any terms. They therefore betook themselves to the importation of labourers from India, Madeira, and China; and by maintaining a constant influx of such immigration they have, up to the present time, succeeded more or less in controlling the demands of the creole negroes for exorbitant wages and uncertain work.

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## EPITOME OF OPINION IN THE MORNING JOURNALS.

### MR. BRIGHT AT MANCHESTER.

The *Times* can discover nothing remarkable in Mr. Bright's latest effort, except that he is more than usually vehement against Lord Derby and the Tory party. But Mr. Bright, who can be polite to noblemen when he pleases, is not likely to go out of his way to make an invective on the chief of the Conservatives, unless with a definite object in view. It is plain that in the Radical ranks a Reform Bill from the present Government is expected, and it seems as if it were thought desirable to raise a cry against it beforehand. Mr. Bright hopes that no Reformer will dream of such a thing as that the Conservatives will pass a Reform Bill. Any such measure will only be some juggle, some dishonest trick, something base, like the mean by which they overthrew the bill of Lord Russell's Government. Mr. Bright denounces the Tory Reform measure of 1859 as "a bill of most fraudulent character." The *Times* holds that there is nothing at all in the bill of 1859 which should make us believe that a Conservative Ministry is unable to frame such a measure as shall satisfy the country. At any rate, the Government are entitled to the forbearance of the public until its measure is before Parliament. If the Government propose any measure justly chargeable with inefficiency and evasion, they will deserve the downfall that will overtake them. But there will be time enough to rail against them in February next. To begin now will seem as if it was Lord Derby's success rather than his failure that was feared.

The *Daily News* believes that such an assembly as that of Monday at Manchester proves that the conflict is not one of parties for power, but of the nation outside the Constitution against a small minority entrenched within it. It is a struggle with Parliament and the Government themselves. The folly of needlessly protracting the strife will approach to a crime. It may yet be amicably and rationally composed. The demand for manhood suffrage, which is demanded by the rejection of the very moderate measure of