M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1542 Press ~~Mis.~~

41-43

Dated 3-11-~~19~~1938

Not to be folded or roughly handled

Read the following letters.

No. 41. From J. ROHDE, Esq., Inspector of Prisons; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 13th October 1858, No. 419.

SIR,

I have the honor to forward a petition from Martin Murphy, a Convict lately transferred from Her Majesty's Jail to Ootacamund, on the ground of ill-health and who is now desirous of being sent back to Madras.

2. On one consideration, I beg to recommend that this prayer be complied with, namely, that from the absence of associates, Martin Murphy is subjected to solitary imprisonment without employment during a large portion of his time. The Jailer takes him out for exercise beyond the precincts of the Jail, but while in the Jail, he is certainly shut up by himself.

3. I take the opportunity of stating that from all I can learn, Murphy's ailment was by no means such as to render his removal from Madras necessary; I very much suspect that a good deal of it was feigned and that the blood-spit was from the gums, while his possession of a pen-knife no doubt would facilitate his producing.

Dr. Mackay, 3rd October 1858, No. 26.
Mr. Bird, 4th October 1858, No. 101.

4. I enclose copies of several letters on the subject.

From E. W. BIRD, Esq., Subordinate Judge of Ootacamund; to J. ROHDE, Esq., Inspector of Prisons, Ootacamund, dated 4th October 1858, No. 101.

SIR,

I have the honor to forward for your information, copy of a letter to my address, No. 26, of yesterday's date, from Dr. Mackay, the Officer in Medical charge of the Convict Martin Murphy, now in the Ootacamund Jail.

2. The prisoner Murphy has for some days past, been in a very excited state of mind. He has been hitherto I believe, under the impression that, on arrival here, he would have been comparatively at liberty, and that it would have been necessary for him merely to report himself to me at stated hours; you are aware I have no orders to permit this prisoner such an amount of freedom as the above. He is allowed at present freely to walk about within the limits of the Jail and Court compound, and to take exercise in the roads around the Court hill, in company with the Jailer. But to permit him more liberty than this, does not appear to me to be safe, and without your authority, I cannot allow it.

3. Another ground for dissatisfaction on Murphy's part is, that there is no hospital attached to this Court and Jail, into which he can be received and attended when ill. He states that he labors under an oppression in the chest, which nearly suffocates him at night and he complains that at these times, he has no medical aid at hand in the room where he is locked up, as he used to have in Her Majesty's Prison at Madras. This certainly is true; but then the prisoner has only at these times to request one of his guard to call up the hospital Dresser in the Civil Dispensary close at hand, and his assistance could be obtained at any hour during the day or night.

4. The Convict Murphy, I have reason to believe, feels also very severely the deprivation he now labors under, in regard to the society of Europeans. He had it in abundance, he tells me, in the Prison at Madras, but here of course deprived as he is of his personal liberty, he cannot associate with any one, but Serjeant Warburton the Jailer, and I am the only other European, besides the Doctor, he can see. I make a point of course of visiting him once a day; but of European society, in his sense of the word, and of amusement, except that derived from books and the scenery about him, the prisoner is now entirely deprived. How to obviate this, I know not, unless I am authorized to give Murphy a greater amount of personal liberty than I feel at present authorized to grant him.

5. Dr. Mackay recommends Murphy's removal back to Madras. The man himself is earnest in his request that this recommendation may be carried into effect. I shall be glad if any arrangement can be made by which I shall be relieved from the responsibility attaching to his safe custody here.

From Assistant Surgeon GEORGE MACKAY, M. D., Medical Officer, Neilgherries; to E. W. BIRD, Esq., Subordinate Judge, Ootacamund, dated 3rd October 1858, No. 26.

SIR,

I have the honor to inform you, that on visiting the European Convict, Martin Murphy, in the Jail this morning, he stated to me that he would have no further medical treatment, he has resolutely refused all medicine since yesterday morning, and still says he will not take any. He is so dissatisfied with his condition here, that he cannot possibly derive any benefit from the climate. Should he continue in his present state of mind, it is not unlikely that he may attempt some injury to himself, he wishes to be sent back to the Jail at Madras, and in a medical point of view, I see no advantage to be gained by keeping him here.

(True Copies.)

(Signed) J. ROHDE,
Inspector of Prisons.

I, Martin Murphy, a prisoner in the Jail at Ootacamund, respectfully beg to submit for the favorable consideration of the Inspector of Prisons, the following statement, and humbly solicit his kind interest in effecting my removal to an hospital or to a more convenient Prison where Medical aid can be more readily obtained.

I was, on leaving Madras, given to understand that I was sent to this place solely for the benefit of my health, which had been much impaired by long and close confinement, I also believed that I should be under but little restriction, that I should be permitted to walk when and where I liked, on the condition that I conducted myself in a proper manner and reported myself to whoever may be in charge of me at such hours as I may be directed. I find however that I am confined in a solitary room and only permitted to walk out in company with the Jailer and a peon occasionlly, but at night I fear, that in the event of an attack of my complaint similar to what I have hitherto suffered, my life would be in danger, as it prostrates me at once and renders me utterly incapable of calling for assistance, and moreover as there is no one near but the native guard I should not be able to make myself understood, as I am ignorant of the native language.

When in Her Majesty's Jail at Madras, I was constantly in company of Europeans who were always ready to render any assistance I required, but here, although treated with every kindness, I feel quite solitary and dispirited, and I earnestly hope that I may be removed to some place where I might at least have the company of Europeans, and if I may not be removed to any other place, I would prefer being sent back to Madras again.

Ootacamund, 2nd October 1858. (Signed) M. MURPHY.

No. 42. From Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th October 1858, No. 159.

SIR,

1. With reference to Extract from Minutes of Consultation, under date 13th Instant, No. 1430, Judicial Department, I have the honor to report that Martin Murphy was received into the Supreme Court Jail of this place on the 8th October 1855, as a convicted prisoner and that he continued in that prison until the 23rd August last, when he was sent under charge of Constable Ralph, to Ootacamund, I visited the Jail for the first time, as a Visiting Justice in May 1856, I then understood that although Murphy had been unruly and troublesome at first, he had been behaving well latterly, and from that time, up to the date of his leaving the Jail, his conduct was good.

2. Extracts from the reports of each of the Visiting Justices are appended to this letter.

Extract from a letter from Major W. J. WILSON, Magistrate of Police, dated 20th October 1858.

* Supreme Court Jail.

Para. 2. "I have seen Murphy in the latter of these Jails.* His demeanour in my presence was never otherwise than respectful and correct, nor do I remember ever to have heard any complaints against him."

Extract from a letter from T. G. CLARKE, Esq., Magistrate of Police, dated 20th October 1858.

"I cannot from my own knowledge speak of his conduct, while in the Penitentiary, or when in Her Majesty's Jail, because whenever I visited the Jail, I avoided seeing him, at the earnest advice of the Jailor, Mr. Gibbs, who told me on the first occasion of my visit, after Murphy's conviction, that he had heard him several times threaten either to kill me or do me some bodily injury, if he had an opportunity; and as the man was under no particular restraint, while in confinement, and known to be a violent character, and capable of mischief, I thought it the safest course to avoid him. His feelings towards me can be easily accounted for, as I was the Magistrate who committed him for trial at the Criminal Sessions. I must however add that after being sometime in confinement, I was informed that he had become more steady and quiet."

Extract from a letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police, dated 21st October 1858.

Para. 2. "When I visit both the Jail and Penitentiary, I am in the habit of making inquiries regarding the prisoners and personally speaking to them myself.

3. I know that "Martin Murphy" was a man requiring much tact and management and that he had a particular aversion to Natives, so much so that the old Jailor, Mr. Gibbs, senior, told me he never allowed a Native to go near him.

4. From my own observation, I considered "Martin Murphy" a very reckless character, though (as I said before) no overt act of misconduct on his part was ever brought to my notice."

(True Extracts.)

(Signed) J. C. BOULDERSON,
Commissioner of Police.

No. 43. ORDER THEREON, No. 1542; dated 3rd November 1858.

Under all the circumstances of the case and adverting to the opinion expressed by the Medical Officer, the Governor in Council directs that the Convict Martin Murphy, be sent back to Madras to be confined in ~~the Penitentiary~~ H. M. Jail as before. The Sub Judge of Ootacamund will arrange accordingly.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

No. 419

From,

J. Rohde Esqre.
Inspector of Prisons.

To,

T. Pyroft Esqre
Chief Secy: to the Govt: of
Fort St. George.

Sir,

I have the honor to forward a petition from Martin Murphy a Convict lately transferred from Her Majesty's Jail, to Bellary, on the ground of ill health and who is now desirous of being sent back to Madras.

2. On one consideration I beg to recommend that this prayer be complied with, namely that from the absence of associates Martin Murphy is subjected to solitary imprisonment without employment during a large portion of his time. The Jailer takes him out for exercise beyond the precincts of the jail but while in the jail he is certainly shut up by himself.

3. I take the opportunity of stating that from all I can learn Murphy's ailment was by no means such as to render his removal from Madras necessary; I very much suspect that a good deal of it was feigned and that the blood spit was from

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The Doctor
suppose the
Mr Bent pro
of this case
this certificate
EMLS July
1858

Read letter from the Inspector of Prisons No. 1542 13 Oct 1858 No 419
do ——— Comr of Police —— 25 do — 159.

Under all the circumstances
of the case and adverting to the
opinion expressed by the medical
officer the G in C directs that
the ~~Prisoner~~ convict Martin may pay
be sent back to Madras to be
confined in the H. M. Jail
~~Penitentiary~~ as
before — The Sub Judge of Ottacamund
will arrange accordingly —

Fort St George
3 November 1858

Copy of the Order to the Sheriff of Madras 25/11

Inspector of Prisons
Commissioner of Police } Disp 5th

No 2222

Read letter from the Inspector of Prisons No. 1542 13 Oct 1858
do ——— Comr of Police —— 25 do — 159.

Under all the circumstances
of the case and adverting to the
opinion expressed by the medical
officer the G in C directs that
the convict Martin may pay
be sent back to Madras to be
confined in the H. M. Jail
as before — The Sub Judge of Ottacamund
will arrange accordingly —

Fort St George
3 November 1858

Copy of the Order to the Sheriff of Madras 25/11

Inspector of Prisons
Commissioner of Police } Disp 5th

No 2222

To
The Chief Secretary to the Govt of
Fort St George

Madras
Dated 13th October 1858.

Sir

I have the honor to transmit a letter
addressed to me by Martin a Convict
in the Madras Penitentiary
praying that he may be sent back
to Madras to undergo the remainder
of his sentence in the Penitentiary
there, on the ground that the
climate of Ootacamund does not
agree with him.

I have the honor to be
Sir
Your most obedient
humble Servant
W Oliver
Inspector of Prisons

No 419

To
The Commissioner of Police
Madras

Sir

I have the honor to transmit a letter addressed to me by Martin a Convict in the Madras Penitentiary praying that he may be sent back to Madras to undergo the remainder of his sentence in the Penitentiary there, on the ground that the climate of Ootacamund does not agree with him.

I have the honor to be
Sir
Your most obedient
humble Servant
W Oliver
Inspector of Prisons

No 419

M.R.O. 1—38,000—16-10-29.

Judicial 1858

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