M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No.	1006	Press ~~Mis.~~
73-74		
Dated	10 – 8 – 1860	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 10th August 1860.

No. 73. Read the following letter from J. ROHDE, Esq., Inspector General of Jails, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated 30th July 1860, No. 318.

I have the honor to submit copy of a letter just received from the Subordinate Judge of Combaconum proposing the release of certain prisoners on the plea that they cannot live if kept in prison.

2. I would suggest that such* of these prisoners as have been two-thirds of the period for which they were originally sentenced, in confinement, be released, but I cannot recommend that this clemency be generally extended, the rest may be transferred, if this can be done, to Trichinopoly under existing rules. That the Combaconum prison is unfit for the purpose I have repeatedly pointed out. Negapatam is but little better, as shewn by the returns of mortality. Tranquebar proved a better sanatarium but I have now no prison there.

* *Pavady.*
Sawmy Iyen.
Sinna Auroomoogum.
Venkatachellaputtam.

3. I have poipted out to Mr. Cockerell that the release of a prisoner otherwise than under authority of Government is illegal and that though I will not object to the treatment of Sawmy Iyen in the Civil Hospital, his release depends on the pleasure of Government.

4. In Bengal the release of prisoners suffering under incurable disease is sanctioned, I do not think any such general authority desirable, every hill man of the Northern Circars would be exempt on the principle, if once admitted; besides the power of obtaining exemption of men from punishment would I think be very open to abuse.

From J. H. COCKERELL, Esq., Acting Sub Judge of Combaconum, to the Inspector General of Jails, Ootacamund, dated 23rd July 1860, No. 211.

The enclosed letters* state that the Prisioners, in the list appended, transferred on the 10th of this month to this Jail from Negapatam, will in all probability, without exception, die if kept in confinement much longer. I beg you will take the letters into favorable consideration and do me the favor also if possible to lay down in your reply some rules for the enlargement of prisoners whose diseases may be, as in the present instances, of a nature to render recovery in confinement impossible. Pending your instructions, I have taken upon myself to release the prisoner Samy Iyen as he was unable to rise, and it was apparent that if he continued in Jail, he would die in a few days. He is now in the Civil Hospital and can be, provided he lives, again sent to Jail if you wish it. The unexpired portion of his sentence however you will observe is short.

* *Zillah Surgeon's letter No.* 164, *to Deputy Inspector General of Hospital Southern Division*... 1
From do. to Civil Judge No. 457... 1
Zillah Surgeon's letter to Subordinate Judge No. 167... 1
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2. The prisoner Vyapoory Moodely was sentenced to 8 years' imprisonment for being implicated in the riots in Combaconum at the end of 1858 and has 6½ years of his sentence still to serve. He is an old man and can now hardly stand. Like other convicts attacked with atrophy in this Jail, he has shown no disposition to rally and is steadily sinking.

No. and date of sentence.	Name.	Sentence.	Date of release.
No. 45, 6th July 1849...	Pavady...	14 years' imprisonment with hard labor in irons.	6th July 1863.
Nos. 7 & 13, 13th April 1859.	Eloornichengapaliem Ramasawmy Pillay.	14 years do. do. and to receive 15 lashes with a cat-o'-nine tails and to pay a fine of Rupees 150.	30th April 1873. The corporal punishment will not be administered until further orders.
No. 61, 26th August 1859.	Samy Iyen...	18 months do. and a fine of Rupees 2-13-6.	26th February 1861.
No. 90, 15th June 1859.	Sinna Auroomoogum...	18 months imprisonment with hard labor.	15th December 1860.
No. 62, 26th January 1859.	Supparayaloo Chetty...	5 years do. do. do.	26th January 1864.
No. 62, 26th do. do.	Venkatasabapathy... ...	5 years do. do. do.	26th January 1864.
No. 62, 26th do. do.	Permalu (alias) Chinna Alagery Permal Chetty.	5 years do. do, do.	26th January 1864.
No. 50, 14th December 1858.	Vencatachella Chetty...	5 years do. do. and to pay a fine of Rupees 70.	14th December 1863.
No. 11, 23rd March 1853.	Venkatachellaputtam...	8 years imprisonment with hard labor in irons.	23rd March 1861.
No. 26, 15th July 1857.	Caruppen (alias) Mootoo.	14 years do. do..	15th July 1871.

(Signed) J. H. COCKERELL,
Acting Sub Judge.

(True Copies.)

OOTACAMUND, OFFICE OF
INSPECTOR GENERAL OF JAILS,
31*st July*, 1860.

(Signed) J. ROHDE,
Inspector General of Jails.

From W. G. DAVIDSON, Esq., Deputy Inspector General of Hospitals, Southern Division, to the Civil Judge of Combaconum, dated Trichinopoly, 18th July 1860, No. 457.

By the accompanying copy of letter* from the Zillah Surgeon of Combaconum to which I beg to solicit your particular attention, it appears that ten convicts in the last stage of emaciation and exhaustion have arrived at the Combaconum Jail, transferred from Negapatam. From the description the Surgeon gives of them, all these men will die, most probably wherever they are placed now, but certainly if they are in their present wretched state, placed in the ill-ventilated Combaconum Jail. But death was not in their sentence, it was only imprisonment and it appears therefore very desirable that the lives of these men should be saved.

*No. 164, *dated* 15*th July* 1860.

2. I would therefore for the sake of justice as well as humanity most strongly recommend that these creatures should if possible get their liberty; if they are in circumstances to take it, as being near their friends or homes, or if this be impossible, that some well ventilated place should be provided for them somewhere about Combaconum where they would not be exposed to the impure air of the Jail and have also the benefit of medical attendance and food.

Forwarded to the Acting Sub Judge of Combaconum for his information and for report.

(Signed) R. G. CLARKE,
Acting Session Judge.

Proceedings of the Madras Government, Judicial Department,
10*th August* 1860.

From H. E. BUSTEED, Esq., Zillah Surgeon, to the Deputy Inspector General of Hospitals, Southern Division, Trichinopoly, dated Combaconum, 15th July 1860, No. 164.

I have the honor to report for your information that in consequence of instructions for the removal of the prisoners of the Negapatam Jail to Tanjore, the non-effective of them have been sent to the Combaconum Jail.

2. Ten men in apparently the last stage of atrophy arrived here yesterday, as yet no medical statement of their cases has been received, I have never seen more miserable objects.

3. It is unfortunate that these poor wretches have been transferred to a Jail so proverbially unhealthy as Combaconum, they are now I fear too weak to be subjected to another move to a more suitable jail so that their change of recovery appears extremely small.

From H. E. BUSTEED, Esq., Zillah Surgeon, to the Subordinate Judge of Combaconum, dated 22nd July 1860, No. 167.

On the 14th instant, there arrived at this Jail from that at Negapatam ten convicted prisoners, they were sent here for Medical treatment consequent on the breaking up of the Negapatam Jail.

2. These ten men are in an extremely feeble and emaciated condition and in fact appear to be in the last stage of atrophy, they were originally transferred from Combaconum to Negapatam (two from the Hospital and eight "able bodied," a portion of a working party.) Their present condition has no doubt been induced by incarceration and a further exposure to the ills of incarceration must in all human probability prove rapidly fatal.

3. My object in bringing these cases prominently to your notice is with the view of recommending their release from Jail. Medical treatment is useless to these poor wretches and their further detention in this or any other Jail will only tend to swell the annual per centage of death.

4. In this recommendation I beg to include the name of convicted prisoner Viapoory Moodelly who has been steadily and surely going down for the last few months in spite of every means to arrest the progress of his disease, viz., atrophy.

5. I may add that there is one of the above men, viz., Samy Iyen, in so dangerous a state that his release to be beneficial, should be immediate, otherwise he will probably sink within a few days.

(True Copies.)

(Signed) J. H. COCKERELL,
Acting Sub Judge.

No. 74. ORDER THEREON, 10th August 1860, No. 1,006.

In accordance with the recommendation of the Inspector General of Jails, the Honorable the Governor in Council is pleased, under Act XVIII, 1855, to authorize the release of those of the prisoners referred to, ¾ds of whose sentences have expired, the rest being transferred to other Jails.

1. *Pavady.*
2. *Sawmy Iyen.*
3. *Sinna Auroomoogum.*
4. *Venkatachellaputtam.*

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Sotn

No. 1006 – 10 August 1860.

In accordance with the recommendation of the Inspector General of Jails, the Honble the Governor in Council is pleased, under Act XVIII – 1855, to authorise the release of those of the prisoners referred to, in 2/3 of whose sentences have expired, the rest being transferred to other Jails – FJS

1. Pavadyy –
2. Samy Eyen.
3. Sinna Kuroo-moo Pillay.
4. Venkatachella puttan.

The Inspector Genl.
" Jails
" Sub Judges of Combaconum } Dispatch

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