

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1332</i>	Press ~~His.~~
<i>1-2</i>	
Dated <i>1. 11. 1861</i>	19

*4/5*Not to be folded or roughly handled

11

Proceedings of the Madras Government, Judicial Department,
1st November 1861.

No. 1. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 23rd October 1861, No. 499.

I have the honor to request that the Government will be pleased to ascertain from the Advocate General whether the provisions of Act X of 1832, under which prisoners sentenced to imprisonment with hard labor, under the Madras Code, are liable for prison offences, are applicable to prisoners under sentence of penal servitude under Section VII, Act XXIV of 1855.

2ndly. Whether the provisions of Act XVIII of 1843 are applicable to prisoners sentenced or confined under Act XXIV of 1855.

3rdly. Whether the provisions of Clause 2, Section IX, Regulation XV of 1803 are applicable to such prisoners in case of escape.

4thly. Whether the provisions of Clause 2, Section V, Regulation VI of 1822 are in such a case applicable.

In the case of prisoners not being British subjects there can be no difficulty, but in regard to these I have doubt.

It will be remembered that cases frequently occur of British Seamen being confined under the Seaman's Act in our local Jails, in this case I am not aware of any occasion having arisen to enforce the provisions of the Regulation quoted, but it would be well that the opinion of the Advocate General as to the liability of British subjects so confined in case of prison offences should be taken.

In connection with Act XXIV of 1855, I may mention that I think it necessary that provision should be made for the transfer of prisoners on Medical grounds or otherwise under orders of the local Government, and for the discipline of such prisoners not only when in the appointed prison but in transit. I do not feel at all sure that Section VIII of the Act XXIV of 1855, contemplates this removal in the case of convicts sentenced to *penal servitude*. I can however hardly suppose it to be intended that the consent of the Governor General of India in Council is to be applied for in the case of every European or American convict who it may be desirable to remove from one Jail to another.

No. 2. ORDER THEREON, 1st November 1861, No. 1,332.

Referred accordingly.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

N^o: 1332 - 1st Nov^r 1861²¹

Referred accordingly.

L. A.

The Govt. Solicitor. }
" Inspector Genl. } dep^d / hood^d
of Jails. }

[Faint, mostly illegible handwritten notes, possibly bleed-through from the reverse side of the page.]

Dec 11th January 1851. No. 451.
 " 25th March " " 263 & 264.
 " 3rd May " " 168 & 17.

[Faint handwritten notes, possibly "27-18"]

cg. 12-1-2

Ind^d 1851 Report
 from Pros of Nov^r
 The Sup^t of Laid
 To The Chief Magistrate
 In the Charge

Dated 23rd Oct 1851
 Rev^d 29th Oct 1851

[Vertical note: "27-18"]
 No 499 11-1734

Submits certain queries
 relative to the provisions
 of the Act herein con-
 sidered to and the opinion
 of the Advocate General
 thereon be solicited

With an Order