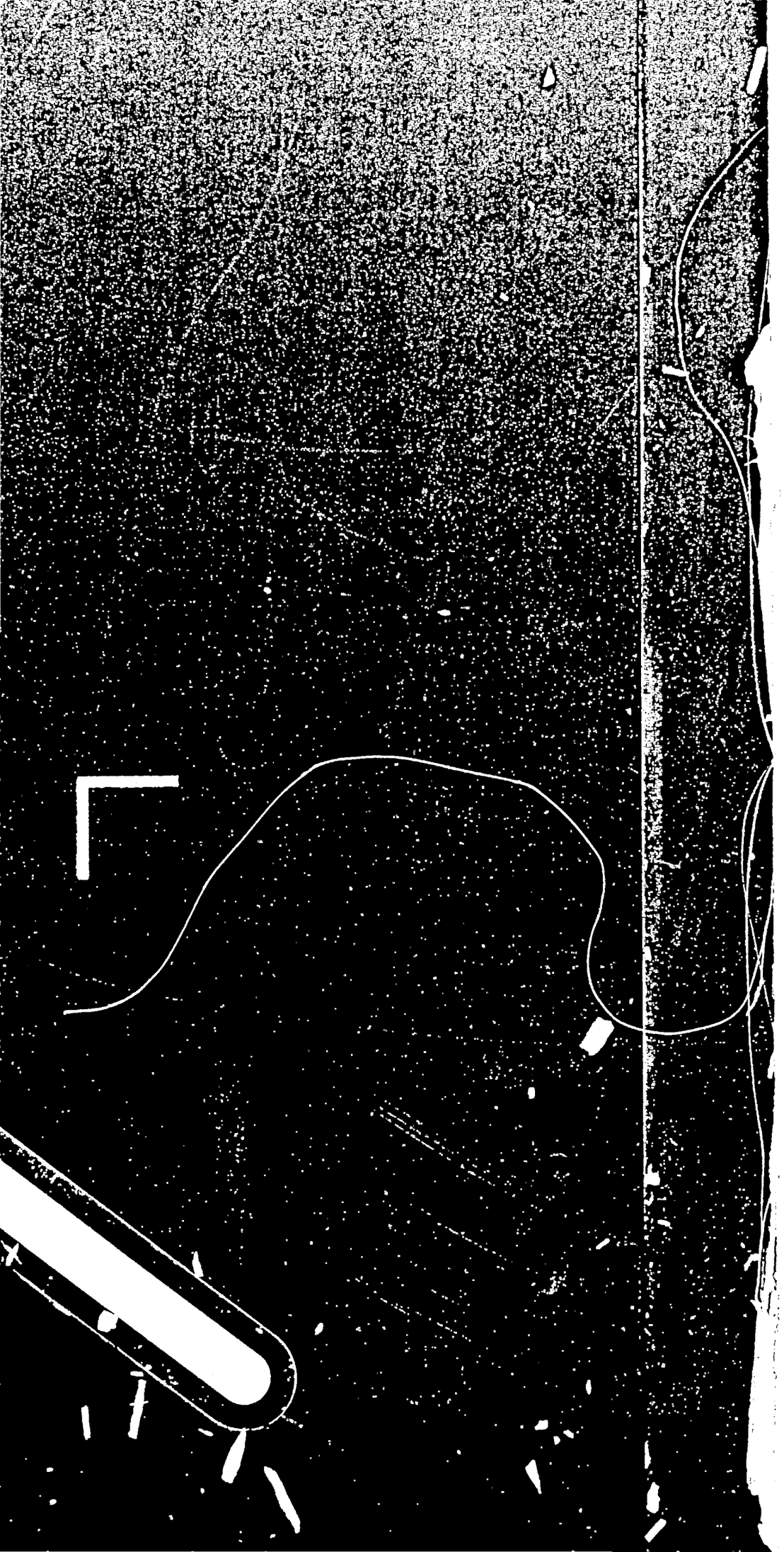


M.R.O. 1—38,000-16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 438 Press ~~Mis.~~

263-264

Dated 28.3.1861 19 .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th March 1861.

No. 263. Read the following letter from J. ROHDE, Esq., Inspector General of Jails, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 11th March 1861, No. 105.

1. In reference to the omission of any provision for a large class of Prison offences under Act XLV of 1860, I trust the attention of Mr. Forbes may be called to the necessity for providing as in Regulation X of 1832, for such offences or for giving powers to make bye-laws for Jails.

2. I do not think any special provision is made in the Act for heinous offences committed by convicts already sentenced to life imprisonment.

2. In making provision to meet prison offences the case of Englishmen subject to Penal servitude should be considered.

3. I do not know that any Act of the Legislature in Great Britain provides for such cases or whether the powers over Convicts are derived from the Secretary of State, by Justices and Keepers of Prisons. In this case the shortest plan would perhaps be to vest in the Governor in Council authority to make rules for governing and coercing prisoners sentenced to penal servitude, &c.; much must depend on the facilities afforded by various prisons.

4. In regard to heinous offences however some provision similar to those of Act XVIII of 1845, will be needed.

No. 264. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort Saint George, 28th March 1861, No. 438.

I am directed by His Excellency the Governor in Council to forward for your consideration the accompanying letter from the Inspector General of Jails, relative to the provision to be made for the punishment of Prison offences.

2. The Government observe that by Secton 2, Act XLV, 1859, the provisons of that Act, or the Penal Code, apply to the punishment of such acts or omissions only as are specified in the Code. If then the offences against which Regulation X of 1832 and Act XVIII of 1845 are directed are not provided for in the Code, those laws will continue in force. By Regulation X of 1832 it is observed Government are vested with the power of prescribing and sanctioning rules for the guidance of Officers in charge of Jails or in charge of prisoners employed on the public roads or other public works.

3. These laws however hardly apply to such prisoners whether in the Presidency or the Mofussil Jails as may be British subjects. In respect to these it may be proper to legislate on an opportunity occurring.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Jud. Dep. 28-3-61.

2.2

Judicial Department.

No. 438.

To

H. Forbes Esquire,
Member for Madras of the
Legislative Council of India.
Calcutta.

Sir,

I am directed by His Excellency the Governor in Council to forward for your consideration the accompanying letter from the Inspector General of Jails relative to the provision to be made for the punishment of Prison offences.—

2. The Govt. observe that by Section 2. Act XLV. 1859 the provisions of that Act, or the Penal Code, apply to the punishment of such acts or omissions only, as are specified in the Code as offences

against

against which Regu-
-lation X of 1832, and
Act XVIII of 1845, are di-
-rected are not pro-
-vided for in the Code,
those laws will con-
-tinue in force- By
Regulation X of 1832 it
is observed Govt. pre
vested with the power
of prescribing and sanc-
-tioning rules for the
guidance of officers
in charge of Jails or
in charge of prisoners
employed on the public
roads or other public
works.-

3.- These laws how-
-ever hardly apply to
such prisoners whether
in the Presidency or the
Mofussil Jails as may
be British subjects- In
respect to these it
may be proper to legis-
-late on an opportunity
occurring.-

Fort St. George
28th March 1861.

Copy to Inspector Genl of Jails. Dispd 28-3-61. J.P.

(3)

279-65.

263+264.

Proof sheet.

Judicial 1861 Dcparll.

No 438.)

To 438.

The Member for the Home
of the Legislative Council
of India Calcutta

Dated 28th March 1861.

Recd. 673.

Forwarding for
his consideration the letter
from the Inspector General
of Jails relative to the pro-
vision to be made for the
punishment of Prison
offences