

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

2107

Press
Mis.

Dated

23.12.1862

237

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Judicial

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*Proceedings of the Madras Government, Judicial Department,
23rd December 1862.*

Read again Proceedings 4th October 1860, No. 1,282, and Proceedings 24th April 1862, No. 636.

No. 237.

ORDER THEREON, 23rd December 1862, No. 2,107.

Port Blair in the Andamans being now the sole place to which, under the orders of the Government of India, all persons under sentence of transportation, are sent from Madras, without distinction as to sex, or the Court by which they have been tried. His Excellency the Governor in Council resolves, under Section II, Act XXXV, 1860, and Section 51 of the Code of Criminal Procedure, to authorize the Commissioner of Police at Madras to carry out all arrangements for the removal of Convicts, in pursuance of their sentence of transportation.

2. This order will supersede the present arrangement under which orders for the provision of passage and for the embarkation of the prisoners, are issued by the Government.

3. On Convicts, under sentence of transportation, arriving at the Penitentiary, the Commissioner of Police will apply direct to the Superintendent of Marine for passages for them to Port Blair, specifying the number of males and females, and the Superintendent of Marine is authorized to engage passages on receiving such applications.

4. The embarkation of the Convicts, and the furnishing of provisions, &c., for their use, and of guards, arms, &c., when such may be deemed necessary, will be arranged as at present by communications between the local Officers and departments concerned, without reference to, or special sanction from the Government.

5. For each batch of prisoners shipped, the Commissioner of Police will forward to the Superintendent of Marine for delivery to the Commander of the vessel, a packet containing a list of the names of the Convicts, with the documents relating to each, under a covering letter addressed to the Superintendent, Port Blair. He will also furnish a return direct to the Inspector General of Jails of the Convicts embarked on each occasion, giving the name and sentence of each Convict, and the Zillah or place whence each was received.

6. The Commissioner, it is observed, provides in his Budget for the passage money and other expenses of transportation Convicts. All Bills for such expenses will, therefore, be passed by the Civil Paymaster under his countersignature. Charges for Mysore or Hyderabad Convicts should not be debited to this Presidency, and the Commissioner of Police will be careful to distinguish such charges in the freight and other Bills, as they are received from the Marine, Commissariat, and other Departments, for the guidance of the offices of audit and account.

7. The Clerk of the Crown will forward direct to the Commissioner of Police extracts from the Calendar of persons who may be sentenced at the High Court Sessions to be transported, but he will report to the Government as at present in cases of Penal Servitude coming under Act XXIV, 1855, or under the Mutiny Acts.

8. His Excellency in Council requests that the Honorable the Judges of the High Court will issue circular instructions to all Sessions Judges and the Agents in Ganjam and Vizagapatam on the subject of the documents to be furnished with Convicts under sentence of transportation sent to Madras for embarkation. The Warrant, or Sentence, should be uniform in all the Zillahs, and Agencies, and a separate Descriptive Roll should be furnished for each prisoner. It would be convenient if a printed form were adopted, and the Warrant, or Sentence, and Descriptive Register all given on a single sheet of paper. It should be sent to the Commissioner of Police in duplicate. If the revised form, which the High Court are requested to prescribe, is used by the Crown Office also, the Descriptive Register in the case of Convicts sentenced at Madras will be filled in by the Commissioner of Police.

9. Ordered that copies of these Proceedings be furnished to the Commissioner of Mysore and the Superintendent, Port Blair, for information.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

London 1862 Sept
1st 2/07.
Proceedings of Home Office
Dated 23rd December/62
Recommendation of Police
at London authorized
to carry out all arrangements
to be made for the removal of
bodies to Port Blair
in presence of their
contests of transportation
without previous reference
to Government. —

James H. C. J.
He has found
authority to
apply for, &
to be
further authorized
to be present
passages for
conducted
heard to first
to be applied
to be

on the matter,
at least until
things are settled.
The matter is
supplied with
L-11 for of the
State of
Canton
J.P.

Judicial.

Procedure in regard to the Embarka-
tion of Native Convicts under Sentence
of Transportation.

Native Convicts em-
barked at Madras
are of two classes—

I - Arrived from the Interior.

These are usually convicted
by the Sessions Courts, the
Port Agents, the Merical's
Agent, Special Commis-
sioners, &c., & are likewise
received from the Mysore
& Hyderabad Territories.

II - Sentenced by the Supreme Court.

2. The Commissioner
of Police reports the
arrival of Mofussil
Convicts, & forwards
the documents borne
with

Finished.

with them — usually
copy of the Sentence &
the Descriptive Regis-
ter. In the case of
Supreme Court Con-
victs, the Clerk of
the Crown submits
the Calendar of the
Sentence.

3. On the receipt of a
communication from
the Commissioner of
Police, or the Clerk of
the Crown, an order
of Govt. is passed,
requesting the Super-
intendent of Marine
to provide passage
for the Convicts na-
med — and on
the

the Superintendent
reporting the engage-
ment or provision
of passage, another
order is made di-
recting the Commis-
sioner to embark
the prisoners. A let-
ter ^{written} is at the same
time to the Chiefs
authority at the
place of transpor-
tation, forwarding
the Calendar & Sen-
tences, Descriptive
Registers, &c., which
packet is forwarded
to the Superintendent
for delivery to the
Commander of the
Vessel.

4. Formerly the Sail

the

E. M. S. 15 June '58

N^o 485

at Chingleput, but at present the Madras Penitentiary is the general depot for all prisoners sentenced to transportation. No change was made in the mode of ordering passage and embarkation, but there has been apparently an increase in the number of orders for passages, as arrivals at the Penitentiary are reported separately, as the Convicts come in.

Note. If convicts are now shipped off in smaller batches & so more quickly, it may be owing less to early applications for passage than to the progress of the Eastern trade & increased communication since the occupation of Pegu.

5. Prior to Act XXXV
of

Note - The reason of the distinction was this. - Some time ago about 1846, it was discovered that intermarriages had taken place among the Convicts at the Straits. Now the Supt. in charge stating that this could not be prevented, the Govt. of India on a representation from this Govt. directed that all females should go to Moulmein.

of 1860, Native Convicts were sentenced by the Supreme Court to be transported to the Senasseri on coast. Formerly also, Male Convicts from the interior were sent to the Straits Settlements — & females to the Senasseri on coast. There was thus a fixed rule as to the place of transportation. In the case of desperate Convicts, who were usually such as ^{had} absconded from the Straits, the

Faujdar's Court usually recommended their removal to the Allipore Jail, altho' this was not allowed latterly, owing to the crowded state of that Jail.

Pro: 4 Oct '60
N^o 1282.

b. Under the late resolution of the Govt. of India, appointing places of transportation under Section II Act XXXV-1860, Convicts under sentence of transportation by any Court in this Presidency (or sent to Madras from beyond the Presidency under such sentence) are to be transported either to Moulmein, or to Port Blair in the Andamans.

Orissa
Hyderabad
Mysore.

Andamans. Since the receipt of this order, all Convicts from Madras have been sent to Moulmein, with the exception of —

I. Two boys, aged 12 & 13, recommended by the Sudder Court to be sent to Port Blair.

II. An escaped Convict from the Straits, recommended by the Magistrate of Malabar to be sent to the Andamans.

III. 5 Supreme Court Convicts sent to Port Blair by Govt.

2 desperate Characters who while awaiting passage, broke prison from the Penitentiary.

2 Marine Policemen & 1 Govt. Boatman, convicted of larceny of gold & silver coin while afloat.

7. It is now proposed to give the Commissioner of Police general authority to apply for — & the Superintendent of Marine general authority to procure passages for Convicts. To carry out this rule, the following arrangements seem to be sufficient.

1. On arrival at the Penitentiary of Convicts under sentence of transportation, the Commissioner of Police will apply

Note. The application for passage may be in the form of a Memorandum for shortness sake, with the request & other parts printed, requiring only the variable particulars to be filled in with the pen.

Printer

Docket.

List of Convicts for whom the Superintendent of Marine has been ^{this day} request. 1. to provide passage.

1. Ramoany	}	2. Descriptive
2. Narrainnow		Registers.
3. Bastian		3. Sentences.

(sg.) J. Wilson
Commr. of Police.

June '61.

apply to the Suptt. of Marine for passage stating the name, sex also (when Female), & the place whence the Convict has come, i.e., the place of conviction. The Commissioner must at the same time send in the documents accompanying such Convicts to the Govt. Office, without letter, but under open cover, docketed as § margin.

II. The Commissioner of Police will forthwith report deaths of Convicts to the Suptt. of Marine, if he has applied for passage for the deceased.

III. On procuring passage

transportation to be named in the applications for passage, which the Commissioner of Police will make to the Superintendent of Marine).

Para 6 supra.

+ the Inspector General
^ of Police,

* The orders passed by Govt. on such or any other recommendations will guide the Commissioner of Police in applying for passages.

The usual place will be Moulmein. The Magistrates in the Districts⁺ & the Commissioner of Police, if invited to do so, would be able to bring to notice cases of daring offenders in view to their removal to Port Blair.^{*} As regards Female Convicts it would appear from the Newspapers that at the Port Blair settlement, they are permitted to

be permitted to intermarry with Life Transports, in which case Supreme Court Female Convicts sentenced to short terms will not require return passages.

11. If the rule is extended to European Convicts, it would be well if the Commissioner of Police were to apply for passage for them separately from Native Convicts, specifying their Regiments whether British or Indian, as their removal whether to England or to Western Australia depends

depends on this par-
ticular circumstance.
The Supt. of Ma-
rine will also report
engagement of pas-
sage for Military
Convicts under sen-
tence of Penal Ser-
vitude separately
according to the
place of destination.

See
Marine
Convicts

Memo.
Embarkation of
Native Convicts.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Pros: 4th Oct. '60 N^o 1282, &
" 24th April '62 " 636.

Order— 23rd December 1862 N^o 2107

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Act XXXV - '60, & § 51
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authorise the Com-
missioner of Police
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ry out all arrange-
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pursuance of their
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2. This order will su-
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5. For each batch of prisoners shipped, the Commissioner of Police will forward to the Suptdt. of Marine

commander of the vessel,

Marine for delivery to the ~~Suptdt. of Police~~ ^{time}, a packet containing a list of the names of the Convicts, with the documents relating to each, under a covering letter addressed to the Suptdt., Port Blair. He will also furnish a return direct to the Inspector Genl. of Sails of the Convicts embarked on each occasion, giving the name & sentence of each Convict, & the Zillah or place whence each was received.

6. The Commissioner, it is observed, provides

provides in his budget for the passage money & other expenses of transportation Convicts. All bills for such expenses will, therefore, be passed by the Civil Paymaster under his countersignature.

Charges for Mysore or Hyderabad Convicts should not be debited to this Presidency, & ~~the~~ ~~Commissioner of Police~~ the Commissioner of Police will be careful to distinguish such charges in the freight & other bills, as they are received

received from the Marine, Commissariat, & other Depts., for the guidance of the offices of audit and acct.

Inspector Genl. of Sails,
Sessions & Bench Judges,
in charge of Sails.
Agents in Canjam &
Vragapattam.
Commissioner of Mysore
Duptt., Port Blair.
Registrar, High Court,
Appellate side.

The Commissioner of Police is authorised to communicate with the officers named in the margin on matters connected with Convicts sentenced to transportation. The

Clerk of the Crown ^{direct} will forward to the Commissioner of Police extracts from the Calendar of persons who may be sentenced

+ as at present in cases of Penal Servitude coming under Act ~~XXIV~~
-255 or ^{under} the ~~the~~ Mutiny
Act.

* It should be sent to the
Commissioner of White
in duplicate.

uniform in all the
Zillahs, & Agencies,
& a separate De-
scriptive Roll should
be furnished for each
prisoner. It would
be convenient if a
printed form were
adopted, & the War-
rant, Sentence, &
Descriptive Register
all given on a single
sheet of paper. If
the ^{revised} form, which the
High Court are re-
quested to prescribe,
is used by the Crown
Office also, the De-
scriptive Register
will be filled in
by the Commissioner
of Police.

g. Ordered that copies
of

17-6-11

Transport
of Convicts

Vol. 1862. Department.

No. 2407.

PROCEEDINGS OF GOVERNMENT,
23^d Decr. 1862

Dated 23^d Decr. 1862
J. H. 21/63.

(unclear)