

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2107	Press
		~~Mis.~~
Dated	23.12.1962	

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17/18

Not to be folded or roughly handled

*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.

N^o. 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.

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passages for
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with

Judicial.

Procedure in regard to the Embarkation of Native Convicts under Sentence of Transportation.

—

Native Convicts embarked at Madras are of two classes—

I - Arrived from the Interior.

These are usually convicted by the Sessions Courts, the Govt. Agents, the Meriah Agent, Special Commissioners, &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

with them — many
copy of the Sent
the Descriptive
ter. In the case of
Supreme Court Con-
victs, the Clerk of
the Crown —
the Calendar of the
Sentences.

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 Superintendent
reporting the engage-
ment or provision
of passage, another
order is made di-
recting the Commis-
sioner to embark
the prisoners. Ad-
^{written}ter 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

S. M. 6. 15 June '58
No. 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 - The reason of the distinction was this. - Some time ago about 1856, it was discovered that intermarriages had taken place among the Convicts at the Straits. How 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 Senasserin on Coast. Formerly also, Male Convicts from the interior were sent to the Straits Settlements - & Females to the Senasserin 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

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

320
Tanjavore Court usual
ly recommended their
removal to the Alipore
Jail, altho' this was not
allowed latterly owing
to the crowded state of
that Jail.

nos: 4 Oct' 60.
Nº 1282.

6. Under the late resolu-
tion of the Govt. of In-
dia, appointing pla-
ces of transportation
under Section II. Act
XXXV-1860, Convicts
under sentence of trans-
portation 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

Orissa
Hyderabad
Alipore.

Andamans.

Andamans. Since the
receipt of this order, all
Convicts from Madras
have been sent c/o
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, recom-
mended by the Ma-
gistrate of Malabar
to be sent to the An-
damans &

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

2 desperate Charac-
ters who while await-
ing passage, broke
prison from the
Penitentiary.

2 Marine Policemen

& 1 Govt. Boatman,
convicted of larceny
of gold & silver
coins 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.

(Printed)

Docket.

List of Convicts for whom the Superintendent of Marine has been requested.

- | | |
|---------------|----------------------------|
| 1. Hamoany | } 2 Descriptive Registers. |
| 2. Narraindoo | |
| 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 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 the re-

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

permitted to intermarry with Life Transport, 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 Regiment whether British or Indian, as their removal whether to England or to Western Australia depends

depends on this par-
ticular circumstance
The Suptt. 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

Memo.
Embarkation of
Native Convicts.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again From: 4th Oct. '60 N^o 1,282, 8
24th April '62 " 636.

Order — 23rd December 1862 N^o 2107.

Port Blair in the Andamans being now the sole place to which, under the orders of the Govt. 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 — H. E. the Governor in Council resolves

M

W

nd

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nal Procedure, to
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5. For each batch of prisoners shipped, the Commissioner of Police will forward to the Supt. of Marine

Commander of the vessel,

for delivery to the ~~Supt. of Police~~ ^{Marine}, a packet containing a list of the names of the Convicts, with the documents relating to each, under a covering letter addressed to the Supt. of Marine. 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~~ ~~maintenence of the~~ ~~and~~ 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.
Sesious & them bridges
in charge of Sails.
Agents in Canjam &
Vragapatam.
Commissioner of Mysore
Duptatt, Port Blair.
Registrar, High Court,
Appellate side.

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

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

who may be sentenced at the
High Court Sessions

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but he will ^{report} to the Govt.,⁺

⁺ as at present in
cases of Penal Ser-
vitude coming
under Act XXIV
-55 ^{under} or the ^{other} ^{statu-}
ry Acts.

8. H. E. in Council re-
quests ^{that} the Honble the
Judges of the High
Court to issue cir-
cular instructions
to all Sessions Judges
& the Agents in Gau-
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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 filed in
by the Commissioner
of Police.

* It should be sent to the
Commissioner of Police
in duplicate

9. Ordered that copies
of

Vol. 1862. Department.

No. 2407.

PROCEEDINGS OF GOVERNMENT,
23^d Decr. 1862.

Dated 23^d Decr. 1862
J. E. 21/62