M.R.O. 1—23,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 636 Press ~~His.~~

174-175

Dated 24.4.1862 ~~H~~ .

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 24th April 1862.

No. 174. Read the following Extract from the Proceedings of the Right Honorable the Governor General of India in Council in the Home Department (Judicial), under date the 29th March 1862, No. 1,658.

Read again Resolution by the Governor General in Council in this Department, under date the 12th of September 1860, appointing under the provisions of Section 2, Act 35 of 1860, the places to which Convicts sentenced to transportation may be sent.

Read again the undermentioned papers relative to the question of the expediency of maintaining the present Jails for transported Convicts in Tenasserim; or of transferring all such prisoners to the Penal Settlement at Port Blair, *viz*:—

Extract, Public Works Department, No. 1,340A, dated 30th April 1861.

Extract, Foreign Department, No. 3,120, dated 14th June 1861, with Enclosure.

Letter to Commissioner of the Tenasserim and Martaban Provinces, No. 1,199 dated the 15th idem.

Office Memorandum to the Public Works Department, No. 1,181 of the same date.

Letter from Commissioner of the Tenasserim and Martaban Provinces, No. 136, dated 27th June 1861, with one Enclosure.

Letter to Commissioner of Pegu, No. 1,454, dated 31st July 1861, with Endorsement thereon No. 1,455 of the same date, to the Commissioner of the Tenasserim and Martaban Provinces.

Resolution No. 1,855 of the same date, to the Public Works Department.

Endorsement from the Public Works Department No. 2,843, dated the 8th of August.

Extract from the Foreign Department, No. 4,620, dated the 19th idem, with two Enclosures.

Ditto ditto No. 5,308, dated the 13th of September, with one Enclosure.

Read letter from the Commissioner of Pegu, No. 94, dated the 23rd of November 1861.

Read Memorandum dated the 1st of January, from the Commissioner of Pegu.

Read Extract Public Works Department, No. 1,115, dated 24th March 1862, with Enclosures.

Resolution.—The Governor General in Council entertains no doubt as to the expediency, and indeed the necessity, of maintaining the Settlement in the Andaman Islands which has been established there.

This being so, the question for consideration becomes practically whether the proposition made by Mr. Temple and Lieutenant Colonel Bruce, in their Report on British Burmah, *viz.*, that all Life Prisoners should be transferred from the Moulmein Jail to the Andamans, shall be carried out.

When Colonel Phayre was recently in Calcutta, the papers relating to the proposed abolition of the Penal Settlement at Moulmein were referred to him.

It appears from his Memorandum, dated January 1st 1862, that he attaches no value to the objections to this measure raised by the Officer then administering the Tenasserim Province, which Province was just about to be placed under himself as Chief Commissioner.

The objections to the abolition are purely local, consisting chiefly in the supposed value of the labor of the Convicts to the province, and the alleged financially profitable mode in which it is employed. The advantages, on the other hand, are broad and general, embracing the safer custody of the Convicts and the more speedy reclamation of the Andamans to a condition likely to attract free settlers. Economy is not looked for from the adoption of the measure.

The Governor General in Council resolves, therefore, that Moulmein shall cease to be a place to which Convicts under sentence of transportation are to be sent, and he is pleased to order that the second, third and fourth Rules contained in the Resolution of the 12th September 1860 be modified accordingly.

Proceedings of the Madras Government, Judicial Department,
24th April 1862.

His Excellency in Council is also of opinion that the Convicts now at Moulmein, excepting those of the 1st class, should be transferred to Port Blair as soon as may be convenient.

It is believed that the Superintendent of Port Blair can at once receive a thousand Convicts; and it is desirable, therefore, that as many, within that number, as can be removed before the setting in of the Monsoon should be transferred. Eventually the whole should be removed.

Madras, Bombay, Bengal, North-Western Provinces, Punjab.
Chief Commissioner of Oudh.
Resident at Hyderabad.
Chief Commissioner of the Central Provinces.
Chief Commissioner of British Burmah.
Commissioner of Coorg.
The Governor of the Straits Settlements.

Ordered, that a copy of the above Resolution be forwarded to the Governments and Administrations noted in the margin for information and guidance.

Ordered also, that a copy of it be sent for information to the Superintendent of Port Blair.

Ordered also, that a copy be sent for information to the Foreign Department and to the Public Works Department.

Ordered, that the Marine Department be requested to consider what arrangements can be most expeditiously and economically made for transporting from Moulmein to Port Blair the number of Convicts above mentioned.

(True Extract.)

(Signed) W. GREY,
Secy. to the Govt. of India.

No. 175. ORDER THEREON, 24th April 1862, No. 636.
Communicated to the Inspector General of Jails.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 636 — 24th April 1862
Communicated to the
Inspector Genl. of Jails.

The Inspector Genl. of Jails. Commissioner of Police dispd 24th
" Supdt. of Marine, dispd 24th

Proceedings of the Madras Government, Judicial Department,
24th April 1862.

No. 176. Read the following Proceedings of Government in the Revenue Department, dated 15th April 1862, No. 838.

With reference to the preparation of Registers suggested by the Secretary of State on the subject of the possession of landed property in India by public servants, observe that the course prescribed by the Circular Order of the Sudder Adalut of the 7th January 1850 in regard to the Registration of lands held or acquired by servants in the Judicial Department, seems to be sufficient.

(Vide Proceedings Revenue Department, dated 15th April 1862, Nos. 240 & 241.)

No. 177. ORDER THEREON, 24th April 1862, No. 637.

Communicated to the Sudder Court, in reference to their Registrar's letter, dated 28th February last, No. 32.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Proceedings of the Madras Government, Judicial Department,
24th April 1862.

No. 176. Read the following Proceedings of Government in the Revenue Department, dated 15th April 1862, No. 838.

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(Vide Proceedings Revenue Department, dated 15th April 1862, Nos. 240 & 241.)

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(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Com. to Col. 63 dt. 25026

17-6-11

Ind. 1862 Dept.

From

The Secy to the Govt. of India. Home Dt. 1658.

Dy 29th March & 14th April 1862.

No. 739

Copy the Resolution of that Govt directing that Monluein shall cease to be a place to which Convicts under Sentence of Transportation are to be sent & that the 2nd 3rd & 4th Rules contained in the Resol. of the 12th Sept. to be modified accordingly —

Observing that the Convicts now at Monluein excepting those of the 1st Class should be transferred to Port Blair

With an Order.

Govt. of India

1174 & 1175

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 15th March 1862, No. 1,738 :—

SIR,

1. In reply to Order of Government, dated 14th February 1862, No. 318, Revenue Department, on the Proceedings of the Supreme Government communicating Extracts from the Despatches of the Home Government, dated 10th August and 30th November 1861, on the subject of the possession of landed property in India by public servants, in which Order the Board are required to report what steps are in their opinion necessary to be taken for the preparation of the Registers suggested by the Secretary of State, I am directed by the Board to state that in their opinion such a Register as is indicated by Sir C. Wood would be useless if not mischievous in the Madras Presidency.

2. The Despatch contemplates a *Register at the Presidency* of the declarations *of Officers of all classes* (*including candidates for office*) of the fact of their being in possession of, or of their having acquired landed property.

3. Such a Register would, in the opinion of the Board, be useless for reference from its immense bulk, and from the impossibility after a few years of the authorities at the Presidency identifying with accuracy the individual or the position of the land, in the vast majority of cases, should information be sought from the Register, and it would be mischievous as inducing a belief and reliance on a safeguard which really would not exist, and in superseding existing systems which do afford a reasonable security, and might be adapted to serve every useful purpose.

4. In every District there is now maintained a Register of the landed property held by each Uncovenanted public servant as prescribed in the Board's Circular Orders, dated 28th August 1849, and 13th August 1859, and a slight modification of this District Register coupled with an order that every public servant on first obtaining office in a District shall fill up and deliver to the Collector or Judge, or Engineer of the District, a statement in the same form of the lands then held by him with a declaration as to its exhibiting truly and completely the state of his affairs in this respect, and shall similarly on pain of dismissal from the service notify every subsequent addition to, or alteration in his landed property, for Registry would, in the Board's opinion, fully meet the requirements of the case as regards persons in the public service.

Page 500 of Volume I, 176 of Volume [illegible]

5. In regard to applicants for public service, the Government might prescribe as a standing rule that every application should be accompanied by a similar declaration, on pain of summary rejection, and with reference to appointments which are made by Government, are confirmed by the Heads of Department, or the Sudder Court, the Chief Engineer and his Deputies, and the Board of Revenue, &c., a rule might be laid down that all nominations or recommendations should state whether the person nominated or recommended is possessed of landed property, and in what locality.

6. These rules would, in the Board's opinion, effect every useful purpose in this matter.

ORDER THEREON, 15th April 1862, No. 838.

1. The Governor in Council concurs with the Board that the existing Registers are sufficient for all practical purposes, and that it is undesirable to open fresh Registers at the Presidency.

2. The Board are requested to revise the present form of Register and the existing Rules with reference to the suggestions contained in paragraphs 4 and 5 of their letter under reply and to submit the draft for the [illegible]proval of Government. The Register should show also lands [illegible]d by public servants in other Districts than the one in which they happen at the time to be [illegible]oyed.

The Government would wish to have a Register kept in the Board's Office of lands held [illegible]covenanted Officers of the grade of Deputy Collectors.

4. The course prescribed by the Circular Order of the Sudder Adálat of the 7th January 1850, in regard to the registration of lands held or acquired by servants in the Judicial Department seems to the Government to be sufficient. In regard to the suggestion of the Sudder relative to the declaration to be made by Covenanted Judicial Officers of the lands acquired by them, it may be observed that paragraph 8 of the despatch from the Secretary of State can hardly apply to such functionaries, inasmuch as they are all absolutely debarred from holding land within the limits of their own Presidencies.

Ordered that the following letter be despatched :—

To the Secretary to the Government of India.—(Here enter 15th April 1862, No. 839.)

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.
,, Judicial Department.

Exd. S. T. Augustin.

Pro. 20th April 1862 Dept 274
6th March
Proof April
Judl 1862 Dept

Dist 2nd March

Prom Govt in the
Rev: Dt 838.

Dt 15th April 62.
Rg 16th
Encl 1082
1120
1148
1252
1344
No 763

Ref: To the Preparation of Registers suggested by the Secy of State on the subject of the possession of landed property in India by public servants, & desiring that the course prescribed by the Circular order of the Sudder Adalat of the 7th Augt 1850 in regard to the registration of lands held or acquired by Servants in the Sudder Court may be sufficient.

Write an Order

No 637 - 24 April 1862
Communicated to the Sudder Court in reference to their Registrar's letter dated 28th February last - No 32 -

To the Sudder Court - Desp 24th

176 & 177