M.R. O. 1—39,000—16-10-26.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1475 Press Mis.

101-102

Dated 14 9 ~~19~~ 1882

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
14th September 1863.

No. 101. Read the following letter from T. I. P. HARRIS, Esq., Session Judge of Trichinopoly; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated Trichinopoly, 4th September 1863, No. 114.

1. I have the honor to request the following point may be submitted for the consideration and decision of Government.

2. On the 13th of April last, or two days after my quitting Trichinopoly on three months' privilege leave, a boy of about 9 or 10 years old was convicted of theft by the Acting Magistrate and sentenced to one year's imprisonment.

3. In the sentence recorded in the Calendar forwarded with the case, provision was therein made for the prisoner to be detained on the Civil side of the Jail, on account of his youth, but as no such proviso was specified in the Warrant issued by the Acting Magistrate to the Jailor, the prisoner was confined in the usual way along with other Convicts and employed within the wall of the Jails.

4. About a month after my return to the station, at one of my weekly visits to the Jail, my attention was accidentally drawn to the fact of the prisoner being there on his stepping forward to make some verbal request of me, the circumstance of his having been kept amongst security prisoners accounts for my not noticing him sooner as such prisoners are not paraded for inspection.

5. I then wrote to the Acting Magistrate, and in conformity with Section 433 of the Code of Criminal Procedure suggested that the prisoner should be placed elsewhere, the result of the correspondence which has taken place between us on the subject has ended in the Acting Magistrate still begging of me to detain the prisoner in the Jail, he having no proper place for receiving him.

6. As urged by the Acting Magistrate, "in the Talook Cutcherry the prisoner would be quite as much, or more, exposed to contamination as in the Civil side of the Jail if the boy is to be confined in one of the three small Cells recently opened as a Subsidiary Jail in the Talook Cutcherry it will greatly aggravate the punishment contemplated, rendering it almost equal to solitary confinement, and be in his opinion quite unfitted for a boy of the prisoner's age and probably injurious to his health;" and I have accordingly agreed to let the prisoner remain pending a reference to Government.

7. It appears to me that having been convicted of theft, the prisoner cannot legally be confined in company with Civil debtors, and I am also of opinion that persons of so tender an age should not be forwarded for imprisonment in the Criminal Jail, unless they have committed some very serious offence.

8. I would therefore beg to solicit the instructions of Government whether I am empowered to detain the prisoner any longer in the Jail, and in the place proposed by the Acting Magistrate, or whether I should not at once hand him over to that Officer.

9. It is I think to be regretted he should have been incarcerated so long amongst old and hardened offenders, and as already pointed out by me to the Acting Magistrate detention on the Civil side of the Jail will not free him from such objectionable companionship owing to the construction of the Jail.

10. In consequence of the adjournment of the High Court for two months from the 17th ultimo, I have been unable to avail myself of the prescribed channel for reference in the matter, and trust I shall be excused for adopting the present direct mode of communication.

No. 102. ORDER THEREON, 14th September 1863, No. 1,475.

The Governor in Council directs that a translation of the record of the case referred to in the foregoing letter, together with a copy of the sentence may be submitted for his consideration.

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

Exd. T. McMootry.

Judicial

No: 1979.

From

The Deputy Judge Kicheinpoly

Dated the September 1863.

To Orderly

Bail altogether.

11th/9/63

No 1475 dy 14 Sept. 1863.

Sir

I am directed by the Governor in Council to transmit herewith a Commission for you as Justice of the Peace in and for the County of Victoria and to request that you will take the necessary steps for the administration of the Oath of Office and Allegiance to be taken by you before a Justice of the Peace.

I have the honor to be
Sir
Your obedient Servant
[illegible]

To the Sheriff of Victoria
" Magistrate of [illegible]