M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1631 Press ~~Mis.~~

83-85

Dated 6-10-1883 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10th October 1863.

Read the following papers:—

No. 83. From J. W. S. WYLLIE, Esq., Under Secretary to the Government of India; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 22nd September 1863, No. 6,003.

The Right Honorable the Secretary of State for India having forwarded to this Government for disposal a petition addressed to Her Majesty the Queen for a pardon for Thomas William Burk, who was sentenced in February 1861 to four years' Penal Servitude, by the late Supreme Court at Calcutta, and who, as appears from the petition, is now a prisoner in the Jail at Ootacamund, I am directed to request that, with the permission of His Excellency the Governor in Council, you will be good enough to submit a report on Burk's conduct in Jail as soon as practicable.

Referred to the Subordinate Judge of Ootacamund, who will furnish, through the Inspector General of Jails, an immediate report on the conduct of convict Thomas William Burk, while in the Ootacamund Jail.

FORT SAINT GEORGE,
28th September 1863.

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

No. 84. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 2nd October 1863, No. 310.

I have the honor to acknowledge the receipt, from Mr. Nesbitt, now relieved from the charge of the Jail at Ootacamund, of your communication of a letter from the Government of India, relative to the claims to consideration of the prisoner Burke, sentenced to four years' Penal Servitude, by the Supreme Court of Calcutta, and subsequently to six months' hard labor for prison breach, together with his report called for.

Original forwarded.

2. You will observe that in my list of prisoners for transfer lately sent in, I stated Burke's character to be "doubtful" and his general character "obstinate," though he is a good Clerk and intelligent and he has once openly offended against the prison rules. Mr. Nesbitt reports his conduct "moderately good;" his sentences expire on the 8th February 1865, and 8th August 1865. I must say that, taking the whole body of the convicts, Burke is not one whom I should prefer as entitled to consideration.

On 16th July 1862, by contumacious behaviour and insolence to the Jailor.

3. I have not thought it desirable to consult the Chaplain specially on the present occasion, relative to this prisoner's conduct, as he does not form one of his congregation, nor have I consulted the Roman Catholic Priest, whose opportunities of knowing the character of the prisoner of that sect are too few to render his opinion of any value, I know however the Reverend Mr. Pope's estimate of the character of this man to be the same as my own.

From W. S. NESBITT, Esq., Sub-Judge in charge of European Prison, Ootacamund; to J. ROHDE, Esq., Inspector General of Jails, dated Ootacamund, 1st October 1863, No. 166.

With reference to the endorsement of the Chief Secretary to Government, on the enclosed letter from the Under Secretary to the Government of India, I have the honor to report that the conduct of prisoner J. W. Burke has been moderately good.

No. 85. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 10th October 1863, No. 1,631.

In acknowledging the receipt of Mr. Under Secretary Wyllie's letter of the 22nd ultimo, No. 6,003, I am directed to inform you that the Inspector General of Jails and the Subordinate Judge of Ootacamund, who was at that time in charge of the European Prison, have reported that the conduct of prisoner T. W. Burke, has been only moderately good. Copies of their letters are annexed.

2. Besides the sentence of Penal Servitude for four years, which he is now undergoing, prisoner Burke is under an additional sentence of six months' imprisonment with hard labor for prison breach. Under the orders of the Government of Bengal, the latter sentence is to be carried out in Calcutta on the expiration of the term of Penal Servitude.

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

Ex'd. T. McMoorty.

Judicial.

No. 1631

The Secretary to the Govt. of India.
Home Dept.

Sir—

I am acknowledging the receipt of Mr Under Secretary Wyllie's letter of the 22nd Ult. No. 6,003, I am directed to inform you that the Superintendt. of Jails & the Subordinate Judge of Cuttack who was at that time in charge of the European Prisons have reported that the conduct of prisoners J. W. Burke has been moderately good, ~~& that he is not entitled to consideration~~ & the letters are annexed.

2. Besides the sentences of Penal Servitude for 4 years, prisoner Burke is under an additional sentence of 6 months imprisonment with hard labor for prison breach. Under the orders of the Govt. of Bengal, the latter sentence will be carried out in Calcutta on the expiration of the term of Penal Servitude.

Fort St. George
10 Octr. 1863

Judicial 1863 Depart.

No 1831.

To The Secy. of the Govt
of Sedalia

Dated 10 October 1863.

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