

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1111	Press
		Mis
-245-		
Dated	22-7-	1864

6/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
22nd July 1864.*

No. 245. To the Secretary to the Government of India, Home Department,
dated Fort Saint George, 22nd July 1864. No. 1111.

I am directed to acknowledge the receipt of your letter, dated the 22nd ultimo,
No. 867, forwarding free licenses for the
prisoners named in the margin, and to
state that the men have accordingly been
embarked on the Steamer *Arracan* for

John Freeman.
Robert West.
William Hawkins.
William Vickery.
Thomas King.

Moulmein, whence they will be forwarded to Port Blair, as soon as an opportunity
offers.

2. I am to draw attention to the form of the licenses, which, however well
adapted for use in the case of convicts in the Calcutta Jail, is not suited to prisoners
in an inland Jail, like that of Ootacamund.

3. The license, as now drawn, allows the prisoner to be at large prior to em-
barkation without any conditions whatever.

The presumption, of course, is that a prisoner will not lightly risk the loss of
so valuable a privilege; but a man who has for years been confined in a Jail, sub-
jected to severe restrictions, and cut off from all communication with others, may
prove unequal to the boon of sudden freedom, and may yield to the temptation to
which restoration to liberty may expose him.

Again, however well behaved a man may have been in Jail, it is impossible to
say whether his good behaviour has been the consequence of reformation or of the
restraints of Jail discipline.

4. A considerable interval may elapse between the release of a prisoner at
Ootacamund and his embarkation at Madras, during the whole of which period he
will be free from all control; and as the license contains no conditions to be observed
prior to embarkation, it cannot be voided by any act short of crime.

I am to submit that this is a very undesirable arrangement, as well for the
convicts as for the public.

5. If the present form of license is retained, it is very necessary that conditions,
requiring good conduct and obedience to the instructions of this Government prior
to embarkation, should be entered in it, and that this Government should be free
without reference to Calcutta to select the ship in which the prisoner is to proceed
to his destination, and to decide when the license shall be delivered.

6. But the preferable arrangement, in the opinion of this Government, would
be to transfer prisoners under Section 8 of Act XXIV of 1855 to the Andamans
and there give them their licenses. If this plan be adopted, all that would be
necessary would be an intimation from you that licenses await certain prisoners at
Port Blair, and that the Governor General consents to their transfer to that Set-
tlement under the Section quoted. This course seems, the more necessary as Section
10 of the Act evidently gives this Government no power of interference, until the
license is revoked formally by the Governor General in Council and a warrant
for apprehension, issued under Section 11,

(Signed) J. D. SIM,
Secretary to Government.

Exd. J. Tulloch.

for

Despatch 23/7 to Simla.
Dated 23/7
by the P.O. Steamer
"Hangoon" 23/7

Judicial Department
N. 111.

The Secretary to the Govt of India
Home Department

John Freeman
Robert West
William Hawkins
William Vickery
Thomas King.

[Signature]

Wm J. V.

Sir,
I am directed to acknow-
ledge the receipt of your
letter dated the 22nd ult.
No 86, forwarding free
Licenses for the prisoners
named in the margin,
and state that the
men have cordially been
embarked on the steamer
"Aracan" & will be for-
warded to Port Blair
as soon as an opportunity
presents itself.
I am also directed to draw attention
to the form of the
Licenses, which, however well adapted
for

for me in the case of Con-
-vic^t the Javanese jail,
is not such a prisoners
in an inland jail; like
that of Rotteamund.

3. The licence, as now drawn,
allows the prisoner to be
at large prior to embar-
-kation without any Con-
-ditions whatever.

It is presumed,
I suppose, is, that a prisoner
will not lightly risk the
loss of so valuable a pri-
-vilege; but a man who
has for years been confined
in a jail, subjected to ~~these~~
restraints and cut off
from all communication
with the world, may prove
unequal to the boon of
sudden freedom and may
yield to the temptation
to

to which restoration to
liberty may expose him
in, however well-
behaved a man may have
been in jail, it is im-
-possible to say whether
his good behaviour is been
the consequence of reforma-
-tion or of the restraints
of jail discipline.

4. A Considerable interval
may ~~will often~~ elapse between
the release of a prisoner
at Rotteamund and his
embarkation at Madras,
and during the whole of
which ~~the~~ ^{will be} period he is free from
all Control; and as the
licence contains no Con-
-ditions to be observed prior
to embarkation, it cannot
be voided by any act
Short

Act & crimes.

I am to submit that this is a very undesirable arrangement, as well for the Convicts as for the public.

5. If the present form of licence is retained, it is very necessary that Condi-
quiring good conduct
And obedience to the instructions
Government prior to
Nation, should be
entered in it; and that
the Government should be
free to select the ship in
which the prisoner is to
go & his destination,
and to decide when the
licence shall be delivered.

6. That the preferable ar-
rangement, in the opinion
of this Government, would
be to transfer prisoners
under Section VIII of
Act

without reference
to Calcutta

Act XXIV of 1855 to the
Andamans and there give
them their licences. If
this plan be adopted, all
that will be necessary
would be an intimation
from you that licences
await certain prisoners
at Port Blair, and that
the Governor General consents
to their transfer to that
Settlement under the
Section quoted. — It has
now been seen, that it is
necessary as Sect
IX of the Act evidently
pries the port. No power
of interference, until
the Licence is revoked
formally by the G.G.
in Council and a
Warrant for apprehen-
sion, issued under
Sect IX.

Wm. D. George }
22nd July 1864.

W.D.

London 1864. No. 1825.

P. III.

to the 4th of
of London

JP. 1825-
JP. 22 of 1864

Attention of
the Court of London by not
to the deposition, way is
in it. See and answer
out in the 22 of 1864
business ordered to be
summed from London and
paid to the 1864.

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