

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	497	Press
		~~Mis.~~
106-108		
Dated	11.4.1864	19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
11th April 1864.*

Read the following papers:—

No. 106. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Trichinopoly, 24th December 1863.

I have the honor to request that the Honorable the Governor in Council will be pleased to direct that no further encroachment on the land about the Jail at this place and between this building and the Town be permitted, and that the land around the Jail, as requested in a letter addressed by me as Acting Sessions Judge in March 1851 to the then Collector Mr. Maltby now presiding in the Government, may be strictly reserved to the Jail or other public purposes.

2. Mr. Harris brought to my knowledge that the Collector proposed the sale of this land, when I referred him to my correspondence with Mr. Maltby on the subject (a copy of my letter I now enclose.) Mr. Maltby's reply does not appear, it was probably not sent as I immediately left the office and it was some time before my successor arrived.

3. Dr. Kennedy objects even to the vicinity of existing houses, and I think justly. Mr. Maltby was so strongly of opinion that this ground should be preserved intact; that he set apart other land for houses for the Jail guard rather than interfere with this open space. There has already been encroachment between the Burial ground and the Fort gate-way—this land should in my opinion be now reclaimed.

4. If the Government are disposed to build a new Jail, the sale of this land will become unobjectionable—provided the site be not occupied till the Jail is removed; but Mr. Harris, Dr. Kennedy, and I, are unanimously of opinion that no further approach of the Town to the Jail can safely be permitted.

From J. ROHDE, Esq., Acting Session Judge of Trichinopoly; to E. MALTBY, Esq., Acting Magistrate of Trichinopoly, dated 8th March 1851.

As I fear the encroachment of a dense population in the vicinity of the Jail on the removal of the Fort walls, I have the honor to request that the whole space, at present unoccupied between the houses within the Fort after leaving sixty feet for a road and the lane dividing the old Conaund Taluq Cutcherry from the Choultry opposite, and between the two roads diverging from Dark's bridge, may be reserved for the compound of the Jail, proposed Lunatic Asylum, and such other similar public purposes as may be deemed necessary.

(True Copy.)

(Signed) J. ROHDE,

Inspector General of Jails.

Referred to the Collector of Trichinopoly for report.

FORT SAINT GEORGE,
19th February 1864.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

No. 107. From J. FRASER, Esq., Magistrate of Trichinopoly; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Moosery, 11th March 1864, No. 37.

I have the honor to acknowledge receipt of a letter* addressed by Mr. Rohde, Inspector General of Jails to you, and on which you direct me by endorsement to report.

2. Mr. Rohde refers to a correspondence between himself when Acting as Sessions Judge of Trichinopoly and Mr. Maltby when Collector of that Station; and states that both Mr. Maltby and himself were strongly of opinion that the ground to which he refers should not be sold for building purposes, but left unoccupied.

3. I beg to refer you to the Order of Government quoted in the margin† this was issued on the receipt of a letter‡ from Mr. Bird, the then Collector, to Mr. Bourdillon, Secretary to Government. It appears to me that Mr. Rohde's and Mr. Maltby's objections must be considered to be over-ruled by the Government

† 14th May 1860, No. 768.

‡ No. 11 of 7th April 1860.

* Without number, but dated Trichinopoly, 24th December 1863.

Proceedings of the Madras Government, Judicial Department,
11th April 1864.

order I refer to. In the course of that year, Sir Charles Trevelyan and Sir Patrick Grant visited Trichinopoly officially and together; and I cannot imagine that the resolution come to by Government of selling, as building lots, the very ground to the sale of which Mr. Rohde now objects can have been arrived at without the *pros* and *cons* of the question having been fully discussed on the spot. I should think it highly probable that the Governor and Commander-in-Chief did consult the Medical authorities at the place, and listen to any objections they entertained to the disputed ground being built upon.

4. I would further refer you to the Proceedings of the Board of Revenue, noted marginally, and to the Order of Government thereon, No. 435 of 28th February 1863, by which the sale of the land is actually sanctioned.

No. 1054, dated 21st February 1863.

5. In accordance with the above quoted Order of Government, the sale of the ground in the lots into which it had been already divided was advertised for 4th November in the *District Gazette* of the 26th September 1863, and was otherwise published as generally as possible. The sale took place on the 4th November; 134 lots were disposed of; and the purchase money, Rupees 8521, was collected and carried to Government account immediately. It was not till the 13th November that any objections to this course were heard of from the Judicial authorities. I enclose copy of a letter from Mr. Harris, the Sessions Judge on the subject, and of Mr. Walhouse, the Acting Magistrate's reply, and I must say that I agree with the latter gentleman in thinking the objections to have been made rather late in the day.

6. I do not myself believe that the building a bazaar on the ground referred to will make the Jail in the least more unhealthy than it is at present. I have spoken to Dr. Kennedy on the subject; and I think if he were asked the question—"Do you consider that the erection, as proposed, of well built lines of shops, on the open space between the Jail and the Fort if the roads between them are well swept and cleaned will render the Trichinopoly Jail more unhealthy than it is at present" that he would say "no;" or at least that his objection would be by no means so positive a one as that mentioned in the last paragraph of Mr. Rohde's letter which I now return.

From T. J. P. HARRIS, Esq., Session Judge of Trichinopoly; to M. J. WALHOUSE, Esq., Acting Magistrate of Trichinopoly, dated November 1863, No. 178.

I have the honor to state that on my addressing the Inspector General of Prisons relative to the space of ground in rear of the Jail being converted into a site for building bazaars on that officer has referred me to a correspondence which passed between himself and the then Collector of Trichinopoly some twelve years ago having reference to the spot in question, as also to a Diary order recorded by him on the same subject.

2. On searching the records I find a letter, dated 8th March 1851, from Mr. Rohde to the Acting Magistrate of Trichinopoly, and should this have escaped your observation I would solicit the favor of your giving attention thereto—no reply to the above letter seems to have been received from the Acting Magistrate.

3. I beg to submit for your inspection the original Diary order* in question; and as Mr. Rohde has long ago advocated keeping the above piece of ground unencroached upon, I cannot but think he might object to bazaars being erected

* To be kindly returned.

thereon, notwithstanding a clear space of 50 yards will be left between the said bazaars and the Jail wall.

4. Mr. Rohde purports visiting the station next month, and it might be as well perhaps to defer building on the said spot until that officer's arrival.

(True Copy.)

(Signed) J. FRASER,
Magistrate.

Proceedings of the Madras Government, Judicial Department,
11th April 1864.

From M. J. WALHOUSE, Esq., Acting Magistrate of Trichinopoly; to T. J. P. HARRIS, Esq., Session Judge, Trichinopoly, dated 27th November 1863, No. 200.

I have the honor to acknowledge your communication (without date) No. 178, received this day, respecting the open space to the rear of the Jail, and have referred to Mr. Rohde's letter and Diary extract* mentioned therein.

* Herewith returned.

2. The sale of ground in question for a bazaar has been notified publicly for more than two months, and the majority of the lots have been sold; it seems therefore somewhat late in the day to raise an objection now. Moreover the sale has been authorized by Government, and I should be sorry to see any impediment to a plan which I think will be a public convenience.

3. Much of Mr. Rohde's objections will not now apply. A Lunatic Asylum is to be constructed elsewhere; sites will not be wanting for a Civil Dispensary, or other public purposes, &c., the apprehension of a dense population springing up on the spot need not be entertained. All the space has been laid out by the District Engineer in wide and airy streets which will be built according to a uniform plan, and well drained; no injurious influences are likely to reach the Jail from thence.

4. A clear space of 50 yards has been left between the Jail wall and the nearest line of shops, which I should certainly think sufficient in itself: that line or block contains 32 lots, of which 18 have been sold up to this time. I will however, prevent the remaining lots being put up till Mr. Rohde's arrival: and should he wish will arrange to dispense with that block, revoke the sales already made in it, and reserve the ground as an additional open space. The other blocks of shops will be at a very considerable distance from the Jail; and I cannot but consider any objection made to erecting them will be obstructive and groundless merely.

(True Copy.)

(Signed) J. FRASER,
Magistrate.

No. 108. ORDER THEREON, 11th April 1864, No. 497.

Under the explanation given in the Acting Collector's letter, the Governor in Council does not deem it necessary to interfere in the matter therein referred to.

(True Extract.)

Chief Secretary.

To the Inspector General of Jails.
„ Magistrate of Trichinopoly.

Exd. J. Tulloch.

3 Judicial Department,

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers.

Letter from the Inspector General of Mills. } Here enters 24th Decr 1863.

Magistrate of Trichinopoly } 11th March 1864 No 37.

Order thereon 11 April 1864 No 497.

HD

JK

JP

Under the explanation given in the Acting Collector's letter, the Governor in Council does not deem it necessary to interfere in the matter therein referred to.

By R

To the Secy Genl of India } despatch 13/4
" Master of Trinity }

24 Dec 64

Incroachment on land
near the Trichinopoly
Jail. —

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Dec 1864. Department.

No. 497

PROCEEDINGS OF GOVERNMENT.

Dated 11th April 1865

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