

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 769	Press
241.242	Mis.
Dated 28-8-1914	

Not to be folded or roughly handled

No. 241. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government; Fort Saint George, dated Ootacamund, 18th May 1864, No. 747.

I have the honor to forward herewith a letter from the Session Judge of Ootacamund, in charge of the European prison, forwarding two petitions, one from Henry Martindill, a prisoner sentenced to penal servitude, which sentence expires on the 4th December next, and to a further period of six months to be undergone in the Calcutta House of Correction, unless the Government acceding to the petitioner's request order it otherwise. This petition is favorably recommended by Mr. Innes.

2. The second petition is from Thomas W. Burke. The subject was mentioned in the 27th paragraph of my last report on the prison (19th March 1864). The details of facts can only be verified on the spot, and on Burke's claims to consideration on the grounds put forward I can express no opinion. Mr. Innes has expressed himself satisfied with the improvement in Burke's demeanour which is noticed also by the Chaplain.

3. In reference to the Government Order on my last report, it appears to me that the opinion recorded in G. O. No. 897, (10th June 1862,) may clear a way to the adoption of the course I proposed in the case of Summers and other Military prisoners.

See my letter 19th March 1864.
Proceedings of Government, 26th April.

From L. C. INNES, Esq., Sessions Judge in charge of the European Prison, Ootacamund; to J. ROHDE, Esq., Inspector General of Prisons, dated Ootacamund, 9th May 1864, No. 10.

I have the honor to forward two petitions, one from Henry Martindill and the other from Thomas William Burke. Henry Martindill begs in his petition that he may be allowed to pass the term of his imprisonment of six months for Prison breach in this prison instead of that of Calcutta.

2. The reasons given in his petition are not very clear; but I believe that he is under the impression, which appears to be entertained by all the Calcutta convicts, that on release at Calcutta they are left without any provision for the future, and are liable again to fall into crime; whereas on release from this prison some provision is generally made.

3. His conduct has been uniformly good. He is learning the trade of shoe-making, and were he transferred to Calcutta would lose the opportunity he now has of improving himself in this branch of industry.

4. The sentence for Prison breach will have to be enforced from the 4th of December next. I conclude that provided the locality of the custody is assented to by the convict, there can be no legal objections to it on the ground of the sentence specifying a different locality.

5. I would recommend therefore that the request of the prisoner be brought to the notice of the Government for their early and favorable consideration.

6. The petition of Thomas William Burke is for remission of a portion of his sentence. The main ground of his application is that he was detained in custody under trial for more than a year. As this ground is altogether independent of the petitioner's conduct while in this prison, I do not feel called upon to remark upon it, further than that during the last four months he has been more industriously inclined than before. The remarks of the Chaplain upon Burke's conduct are given below.

Extract from a letter of the Reverend G. U. POPE, Chaplain, Ootacamund European Prison, dated 10th May 1864.

T. W. Burke (long Burke) has most certainly turned over a new leaf. His cell is comparatively clean and tidy; his person is the same; his manner is conciliating to all around him; he has ceased to wrangle with his fellow-prisoners. This for some two months has been the

Proceedings of the Madras Government, Judicial Department,
23th May 1864.

case. He says it shall be permanent! It is sad to be compelled to think that he is making a special and exceptional effort for a purpose.

(A true Copy.)

OOTACAMUND,
EUROPEAN JAIL OFFICE,
14th May 1864.

(Signed) L. C. INNES,
Sessions Judge in charge of
European Prison.

No. 242. To the Secretary to the Government of Bengal, dated Fort Saint George, 28th May 1864, No. 769.

I am directed to transmit to you, for submission to His Honor the Lieutenant Governor, the annexed copies of a letter from the Inspector General of Jails, dated 18th instant, No. 747, and of its enclosure, together with the petitions in original from Henry Martindill and Thomas William Burke, who are undergoing in the Ootacamund Jail the sentences of penal servitude passed upon them by the late Supreme Court of Calcutta.

2. In reference to the remark made by Mr. Rohde in paragraph 3 of this letter, and the concluding paragraph of my letter to your address of the 6th instant, I am to state that the Advocate General concurs in the opinion of the Governor in Council that there is no power to attach to any license granted to European prisoners the condition that they shall quit India. It has therefore been pointed out to Mr. Rohde that the best means of effecting this object will be for the Inspector General himself to make an arrangement for the purpose with each convict, as the time of the expiration of his sentence approaches, Government providing a free passage, and a small sum of money for the man's first expenses on arrival in the Colonies. The expenditure to be incurred will, of course, require in each case the previous sanction of the Government of the Presidency within the limits of which the convict was tried and sentenced.

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

Exd. J. Tulloch.

Judicial Department.
No. 769.

To

The Secretary to the Government
of India. Bengal

Department

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& sentenced -

[Signature]

Fort St George
28th May 1864

[Signature]

[Signature]

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241. 242.

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No 769
To the Secy to the Govt
of Bengal

Dated 28 May 1864