

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	811	Press Mis.
24-25		
Dated	2 - 6 -	19 1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
2nd June 1864.*

No. 24. 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, 11th May 1864, No. 736.

In reference to my late report on the European Jail, together with which certificates of the Chaplain to the character and conduct of certain prisoners were forwarded, I beg to enclose a letter with its enclosure received from the Officer in charge.

2. From this it will be seen that the Chaplain's opinion of James Burke quoted by Mr. Innes in the 2nd paragraph of his letter to me of the 3rd March, No. 40 (see page 4 of the Proceedings), was given under a false impression.

3. Mr. Pope now states that the opinion he formerly expressed, under the mistaken identity of James Burke, still holds an opinion that I do not think altogether to be accepted. Mr. Innes has recorded his opinion of James Burke's natural disposition, but has testified favorably to his industry and behaviour, and I must say I should not be disposed to withhold from this prisoner the benefit which a course of good conduct would recommend for him merely because his natural character is not thoroughly subdued.

From L. C. INNES, Esq., Session Judge in charge of the European Prison, Ootacamund; to J. ROHDE, Esq., Inspector General of Prisons, dated Ootacamund, 28th April 1864, No. 294.

Adverting to my letter, dated 3rd ultimo, in regard to the petition of James Burke, I have the honor to forward a copy of a letter from the Chaplain of the European Prison, from which it appears that the character he gave to James Burke was meant for Thomas William Burke; although the Chaplain now says that he could not give James Burke a good character, I think that it is due to James Burke that this explanation should be forwarded in support of his petition.

2. James Burke is naturally an obstinate and quick-tempered man, and it is not likely that he will ever get the better of these traits in his temper, but I can certainly testify from late observation that he is now very industrious and well behaved.

3. It is not I believe the aim of prison discipline to eradicate the natural peculiarities of temper, but rather to inculcate upon the convicts the necessity of holding them in reasonable and proper control.

4. The Chaplain observes that James Burke is not yet subdued by his prison discipline; but with the exception of his once speaking in an improper tone to a Warder, an instance of misconduct which arose partly from a misunderstanding, nothing prejudicial to James Burke's character has been brought to my notice since I have had charge of the prison, i. e., since the 23rd October 1863.

MY DEAR MR. INNES,

OOTACAMUND GRAMMAR SCHOOL,
13th April 1864.

In my Jail diary "long Burk" is entered as "James" and the other as "Thomas." I must try and find out how the mistake arose. The names were written by the Jail Clerk.

2. Moreover "long Burk" told me he intended to petition, told me the substance of his intended appeal, and asked me to support it.

3. However the matter in my mind comes to the same thing. My Memoranda give them both a bad character. "Short Burke" is certainly not subdued by his prison discipline. I think that, as far as I have seen, there are no grounds for supporting any petition of his for remission. His sentence according to his own showing was a light one.

4. Substantially I should adhere to my former opinion, even changing the name.

(Signed) G. U. POPE,

OOTACAMUND, EUROPEAN JAIL OFFICE,
28th April 1864.

(True Copy.)

(Signed) L. C. INNES,
Sessions Judge in charge O. E. P.

Proceedings of the Madras Government, Judicial Department,
2nd June 1864.

No. 23. To the Government of Bengal, dated Fort St. George, 2nd June 1864, No. 23.

I have the honor, with reference to my letter of the 6th ultimo, No. 23, for submission to His Honor the Lieutenant-Governor of Bengal, the accompanying report from the Inspector General of Jails relative to the prisoner James Burke now undergoing his sentence in the European Jail of Ootacamund.

2. It will be seen that the object of Mr. Burke's letter to His Honor the Lieutenant-Governor that the Prison was given under a mistake as to the identity of James Burke, and that the Inspector General himself and the Officer in charge of the Jail do not concur in the unfavorable opinion of the man's character still given by the Chaplain.

d) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J, Tulloch!

116
N^o 811-
Govt. Secy to the Government
of Bengal

Hi
I have the honor with reference to my
letter of the 6th ult. no. 650 to forward
to you for submission to His Honor
the Lieut Gov^r of Bengal the
accompanying report & enclosures
received fr. the Insp^r Genl. of
Jails relative to the prisoner
James Burke now undergoing
his sentence in the European
Jail of Ootacamund -
It will be seen that the object
of Mr. Burke's letter is to bring
to the notice of ^{His Honor} the Lieut Governor
that the opinion formerly
expressed by the Chaplain of

the prison was under
a mistake as to the identity
of James Barker, & that the report

in the unfavorable opinion
of the man's character
still given by the Chaplain.

Yours

W. B.

1/2

Ind. cal 1871. before
1881.

To the
like God
of Angels

dated - June 1885