M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1076 Press Mis.

140-142

Dated 22-7- 19 85

8/9

Not to be folded or roughly handled

Read the following papers:—

No. 140. From A. M. MONTEATH, Esq., Under Secretary to the Government of India; to the Honorable A. J. ARBUTHNOT, Chief Secretary to the Government of Fort Saint George, dated Fort William, 11th April 1865, No. 3420.

Home Department.

Referring to your letter noted in the margin, I am directed to forward the accompanying copy of a communication, No. 1131, dated the 24th of February, from the Secretary to the Government of Bengal, and to request that His Excellency the Governor in Council will be good enough to consider and suggest what course it will be most expedient in the general interest to follow with respect to European convicts who, on their term of imprisonment expiring, have no special reason for desiring to be sent to any particular place.

No. 105, dated 18th January last, to the Government of Bengal.

2. In regard to one of the convicts concerned in the present reference, John Jackson, it would seem that he had a plausible reason for applying to be sent to Calcutta; but, even in such cases as that, the expense of the measure seems to the Governor General in Council to call for consideration.

From the Honorable A. EDEN, Secretary to the Government of Bengal; to the Secretary to the Government of India, Home Department, dated Fort William, 24th February 1865, No. 1131.

Judicial.

Jails.

From a communication lately received from the Government of Fort Saint George, it appears that the sentences of certain European convicts sent from this Presidency to the Ootacamund Jail will shortly expire, and that free passage has been granted to them, to enable them to return to Calcutta on their discharge from Jail.

2. This proceeding seems to the Lieutenant-Governor of very doubtful expediency, and His Honor would strongly deprecate the precedent being followed without some special reason, in other cases that may occur hereafter. The number of unemployed Europeans in Calcutta is already considerable and should not be unnecessarily increased; while convicts on release will be all the more likely to relapse into crime if restored to their old haunts.

No. 141. From A. P. HOWELL, Esq., Under Secretary to the Government of India; to the Honorable A. J. ARBUTHNOT, Chief Secretary to the Government of Fort Saint George, dated Simla, 1st June 1865, No. 1097.

Home Department.

I am directed to invite attention to letter, No. 3420, dated the 11th April, and to request that you will send a reply at your earliest convenience.

No. 142. To the Secretary to the Government of India, Home Department, Simla, dated Fort Saint George, 22nd July 1865, No. 1016.

I am directed to acknowledge the receipt of Mr. Monteath's letter of the 11th April last, No. 3420, calling for the opinion of this Government as to the course which should be adopted with respect to European convicts, who, on their term of imprisonment expiring, have no special reason for desiring to be sent to any particular place.

Proceedings of the Madras Government, Judicial Department, 22nd July 1865.

2. In reply, I am directed to say that the Governor in Council is of opinion that every facility should be given to such persons to proceed either to England or to the Australian Colonies, where they may earn a livelihood, which, as a general rule, it is very difficult, if not impossible, for them to do in this country. Their retention in this country His Excellency in Council views as a grave evil, as tending to increase European vagrancy, and probably crime. Acting on this view, the Madras Government have, within the last two years, offered passages either to Australia or to England to four of the prisoners released from the Cuttacamund Jail, two of whom, however, after having accepted the offer, subsequently declined to embark. The charges incurred in sending the other two men, the one to Melbourne, and the other to England, are noted in the margin.*

(Signed) W. HUDLESTON,
Acting Secretary to Government.

* 1. Patrick Flaherty

Travelling expenses from Cuttacamund to Madras	22	2	3
Subsistence at Madras	37	8	0
Clothing	15	0	0
Passage to Melbourne	300	0	0
Gratuity payable at Melbourne, £2, say at 2s. per Rupee	20	0	0
Rupees	394	2	3

* James Walker.

Travelling expenses from Cuttacamund to Madras	26	6	6
Subsistence at Madras, and gratuity £1	26	8	3
Passage to England	300	0	0
	353	6	9

Exd. J. Tulloch.

Memo. of the Correspondence relative to the grant of free passages to the United Kingdom & the Colonies to time-expired European Convicts.

On the 5th Oct.'63, letter No. 320, the Inspector Genl. of Jails brought to notice that, on the 10th Decr. following, Prisoner Patrick Flaherty would be entitled to his release from the European Prison, & at the same time solicited "instructions in reference "to the discharge of Euro- "peans (British subjects espe- "cially) without means or "habits that in this country "are equivalent to means "of subsistence." As regards Flaherty, he recommended that a free passage to Australia should be granted to him on discharge from Jail, together with some clothing and Two pounds for subsistence on landing in the Colony.

2.

2. As the prisoner in question was one of those sent from Bengal to Ootacamund, a reference was made to the Govt. of Bengal to ascertain whether Mr. Rohde's proposal was approved, & inquiry was at the same time made as to the practice in the Bengal Presidency in regard to the disposal of European prisoners on their release from Jail.

Letter dated 9th Nov. '63 No. 1,748.

3. The Bengal Govt. replied that European prisoners on their release from the Calcutta Jail & House of Correction are not, as a rule, provided by Govt. with any means of temporary support. Laboring prisoners in the House of Correction are allowed, if so inclined, to

Letter dated 31st Mar. '64 No. 2,085.

to earn money by breaking stone in excess of their daily allotted task work. The sums thus earned are credited in the prisoner's favor in the prison accounts, & ultimately paid him on release from Jail.

4. In his report on the Ootacamund Jail dated 19th Mar. '64 para. 30, the Inspector Genl. of Jails called attention to the "inexpediences of releasing prisoners unconditionally from "the Jail, except in the case "of those who have trades, or "who are likely to earn a living here". He was of opinion that "by granting licenses "conditionally on the prisoners resorting to the Colonies or ~~elsewhere~~ other "places where they could "earn a living, they may "be legally compelled to "that course; but that if "they are released indiscriminately from the prison on the expiration of "their sentence, European vagrancy, & perhaps on crime

crime will escape."

Pros: 17 May '64 — No. 725.

5. On a reference to the Advocate Genl., ~~the Govt.~~ it appeared that the course proposed by the Inspector Genl. could not be safely adopted, & that there was no power to attach to a licence granted by the Governor General of India in Council to a European or American Convict, the condition that such convict shall quit India. Upon this, the Govt. decided that the best course would be for the Inspector Genl. of Jails to endeavor to arrange with each convict, when the expiration of his sentence approaches, for his leaving to one of the Colonies, the Govt. providing him with his passage, & with a small sum of money to meet his expenses on his first arrival in the Colony. This decision was communicated to the Govt. of Bengal.

6. Free passages have been granted by the Govt. to the following discharged Convicts:-

Pros: 9 Nov. '63 No. 1,748.
24 do. —— 1,817.
16 Decr. —— 1,963
11 Jany '64 — 29.
1 Febry. — 142.

Patrick Flaherty to Melbourne. He was presented with an Order on the Govt. of the Colony for £2.

Pros: 5 Decr. '64 No. 1736.
3 Oct — — 1,442.

James Walker to England.

In two other cases, the men declined to embark.

Pros: 14 Jany. '65 No. 86.
" 1 Febry —— 178.

Samuel Summers applied to be sent to Melbourne, but as passage to that colony was not procurable at Madras, he was offered a passage to England. He at first consented to accept the offer, but afterwards withdrew.

Pros: 4 Feb. '65 No. 212.

John Berry was granted a free passage to England, but has not availed himself of the opportunity of proceeding thither.

Pros: 29 April '65 No. 637.

7. The Govt. have recently called

called upon the Inspector Genl. of Jails, the Commissioner of Police, & the Superintendent of Marine to submit statements, showing in detail the expenses incurred in their Departments, respectively, in each case, on account of prisoners discharged from the General European Prison at Otacamund, to whom the Govt. sanctioned the grant of free passages to the United Kingdom or the Colonies at the expiration of their terms of Penal Servitude.

8. The following statement has been prepared from the returns furnished ~~from~~ by these Officers. It is not stated in the Inspector Genl's. what the expenses are for which payments were made in his Dept. It is concluded that they are travelling expenses from Ootacamund to Madras

Statement.

1. Patrick Flaherty.

Travelling Expenses from Ootacamund to Madras	22.2.8.
Subsistence at Madras	37.-.-.
Clothing	15.-.-.
Passage to Melbourne	300.-.-.
Gratuity payable at Melbourne £2 - pay @ 2/ per rupee	20.-.-.
Rs.	394-2-8

2. James Walker.

Travelling Expenses from Ootacamund to Madras	26-6-6
Subsistence at Madras, and gratuity £1.	26-.-3
Passage to England	300-.-.
Rs.	352-6-9

3. Samuel Summers.

Travelling Expenses from Ootacamund to Madras	26-13-10
Subsistence at Madras	19-6-.
Rs.	46-3-10

s.

Memo- Grant of Free Passages to the United Kingdom & the Colonies to time-expired European Convicts.

de 1922/7
by the S.S. Steamer "India"

Judicial Department.

No. 1016.

To

The Secretary to the Government of India.

Home Department.

Simla -

Sir,

I am directed to acknowledge the receipt of Mr Monteath's letter of the 11th April last No. 3470 calling for the opinion of this Govt. as to the course which should be adopted with respect to European convicts voluntarily undergoing imprisonment during pleasure, have no special reason for desiring to be sent to any particular place.

In reply I am directed to say that the Governor in Council is of opinion that every facility should be given to such persons to proceed either to England or to the Australian Col-

Chr. Upton
R. Ashley

mis where they may earn
a livelihood, which, as a
general rule, it is very diffi-
cult, if not impossible,
for them to do in this country.
Their retention in this
country H.E. in Council
view as a grave evil, as
tending to increase Eu-
ropean vagrancy and
probably crime. Acting
on this view the Madras
Govt. have offered passages
within the last two years
to other to Australia or to
England to each of the
prisoners released from
the Octacamund Jail,
two of whom however
after having accepted
the offer subsequently
declined to embark.
The charges incurred
in sending the other
two men, the one to
Melbourne and the
other to England are
noted in the margin.

1. Patrick Flaherty.

Travelling expences from Octacamund to Madras.	£2-2-8
Subsistence at Madras	£7-1-1
Clothing	£5-1-1
Passage to Melbourne	£32-1-1
Gratuity, passage instructions & 2 days Subsistence	£2
	£50 3s 9d-2-8

2. James Waites.

Travelling Expences from Octacamund to Madras	£2-5-5
Subsistence at Madras and Gratuity £1.	£25-1-8.
Passage to England	£303-1-1
	£332-5-2.

Judicial 1865 Departt.

No. 1016.

To
The Secy. to the Govt
of Liberia.

Dated 22nd July 1865.

124-125

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