

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1247-1248	~~Press~~ ~~Mis.~~
<i>43-45</i>	
Dated 5-9-19	1865

7/8

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
5th September 1865.*

No. 43. Read the following letter from Lieutenant Colonel W. J. WILSON, Acting Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Bangalore, 19th August 1865, No. 187.

I have the honor to forward two petitions from convicts Watson and Ford, to the address of His Excellency the Governor General, together with copies of certificates of character from the Chaplain, and of a letter from the Officer in charge of the Jail at Ootacamund.

2. Watson was sentenced, on the 6th December 1859, to be imprisoned for 10 years, and has therefore not yet completed two-thirds of his sentence, a proportion which I believe it is held in England that a convict ought to undergo before a remission is granted.

3. I am not aware whether any order has been passed by Government on this subject, but it seems desirable that such applications should be regulated by some fixed principle, only to be departed from for some good and sufficient reason.

4. With regard to Ford, his time will be out in the early part of October 1866, and it would appear from the spirit of the 2nd paragraph of the letter from the Government of India published in the Proceedings of Government, dated 15th July 1864, No. 1072, that it was not desirable to send convicts to Port Blair, unless they had more than one year's imprisonment to undergo. In all probability, before a reply could be received from Bengal, and a passage provided for Ford, the remaining period of his sentence would be under one year.

From A. W. PHILLIPS, Esq., Acting Session Judge, in charge of Ootacamund European Prison, to Colonel W. J. WILSON, Acting Inspector General of Jails; dated Ootacamund, 9th August 1865, No. 144.

I have the honor to submit two petitions from convicts Henry Watson and James Ford, respectively, and hope you will see fit to forward the same to Bengal. I also send the Chaplain's opinion regarding them, and as he has closer intercourse than I can possibly have with them, and knows their characters thoroughly, I think it carries weight. Both men have behaved well during the time they have been in Jail, particularly Watson.

(True Copy).

(Signed) W. J. WILSON,
Acting Inspector General of Jails.

To

HIS EXCELLENCY THE RIGHT HONORABLE SIR J. L. M. LAWRENCE, BART., G. C. B., K. S. I.,
Viceroy and Governor General of India.

The humble petition of HENRY WATSON, prisoner undergoing a sentence of Penal Servitude in the Ootacamund European Jail,

HUMBLY SHEWETH,

That petitioner was tried at the Supreme Court of Judicature of Fort William in Calcutta, on the sixth day of December, one thousand eight hundred and fifty-nine, on a charge of "Murder," committed on the second day of August of the aforesaid year, of which charge he was found guilty, and was sentenced by the presiding Judge, Sir Mordaunt Lawson Wells, Knight, to death, which sentence was commuted to ten years' Penal Servitude. That, consequently, petitioner has undergone five years and two hundred and forty-two days of his sentence, but has been a prisoner six years and four days. He has deeply and bitterly lamented the cause of his punishment, and will for ever after bear in mind the severe lesson that has been read him.

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2. Petitioner believes that he bears a good character, or at all events he has always striven, since his reception into this Jail, to behave well, and to gain the goodwill and approbation of those set in authority over him. He is now induced to throw himself on your Excellency's clemency, and to pray that your Excellency will have compassion on him, and mercifully remit the whole or some portion, of the sentence that has still to be undergone.

3. Your petitioner entirely and most humbly acknowledges the justice of the original sentence, and the clemency that commuted it. He does not extenuate his crime; but even this his mitigated punishment is one of unspeakable severity, and has had a terrible effect upon his whole constitution, mental and bodily; and if any further mitigation can, consistently with the claims of justice be granted, it will be to him a boon, the value of which none but himself can adequately appreciate.

4. Should your Excellency be disinclined to grant all here asked for, your petitioner prays that he may be at least indulged with a license to be at large on the Neilgherry Hills.

5. Should your Excellency entertain a favorable view of this present appeal, petitioner is confident that he would be able to obtain a livelihood on the Hills as a Veterinary Surgeon.

And for this act of mercy, petitioner, as in duty bound, will ever pray.

(Signed) H. WATSON.

Dated this fifth day of August, in the year of our Lord one thousand eight hundred and sixty-five.

The Prisoner, Henry Watson, has always behaved in this Prison with most exemplary propriety.

2. I cannot but feel that it would be a great blessing to him if he could have permission to exercise his calling in this place.

3. His crime was great, and I think his repentance is sincere, rational, and humble. He has striven to aid the Officers of the prison in every way, has been an example to all, has in every case used his influence on the right side, evincing good feeling, right judgment, and earnestness.

4. If tickets of leave in such cases can ever be granted, I cannot imagine a case where one could be given with greater apparent propriety.

(Signed) G. U. POPE, D. D.,

Chaplain of the Ootacamund European Prison.

(True Copy).

(Signed) A. W. PHILLIPS,

Acting Session Judge.

To

HIS EXCELLENCY SIR J. LAWRENCE, K. C. B.,

Governor General of India.

The humble petition of JAMES FORD, a prisoner in the Ootacamund European Prison.

SHWETH,

That he was, on the 4th of April 1860, tried and convicted by the Supreme Court of Calcutta, on a charge of 'beating with intent to do grievous bodily harm', and sentenced to six years' Penal Servitude,

And on the 6th of April 1861, to six months for prison breach.

Your humble petitioner has been a prisoner over five years, and now solicits to be sent to the Andaman Islands, on the same conditions as other prisoners already there.

For which act of clemency, he, as in duty bound, will ever pray.

OOTACAMUND, EUROPEAN PRISON, 31st July 1865.

(Signed) J. FORD.

The Prisoner, James Ford, is a man who needs, in my opinion, a decided change.

2. He is a man of active but somewhat morbid mind, a clever Mechanic and a great reader, and I think the change he asks for would be in every way desirable.

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3. He has, I think, of late especially, made great efforts to subdue his naturally violent temper, and seems to deserve some indulgence.

(Signed) G. U. POPE, D. D.,

Chaplain Ootacamund European Prison.

5th August 1865.

(True Copy).

(Signed) A. W. PHILLIPS,

Acting Session Judge.

No. 44. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 5th September 1865, No. 1247.

I am directed by His Excellency the Governor in Council to forward to you the annexed correspondence, referring to an application made by a convict, James Ford, now in the Ootacamund Jail, for a license for the Andamans.

2. This man was sentenced by the Supreme Court of Calcutta, on the 4th April 1860, to six years' Penal Servitude, on a conviction for assault with intent to do grievous bodily harm, and was subsequently, on the 6th April 1861, sentenced to six months' imprisonment for breaking prison. He has, therefore, now served five years and five months of his first sentence, and there remain of that period but seven months, and of the latter sentence, the whole, or six months, yet to be worked out. Before the consent of the Governor General in Council could reach this Government, it is probable that not more than nine or ten months of this convict's united sentences would remain unexpired, and it seems, therefore, to be questionable whether the application should be complied with.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

No. 45. To the Secretary to the Government of Bengal, dated Fort Saint George, 5th September 1865, No. 1248.

I am directed by His Excellency the Governor in Council to forward, for the consideration of His Honor, the Lieutenant Governor, the annexed copy of letter, No. 187, of the 19th instant, from the Inspector General of Jails in this Presidency, enclosing a petition from a European convict now undergoing, in the Ootacamund Jail, a sentence passed upon him by the late Supreme Court of Calcutta.

2. I am to point out that the convict, Henry Watson (sentenced, on the 6th December 1859, to 10 years' imprisonment for murder, and on the 17th idem, to one year and six months for breaking prison, and of whose sentence five years and eight months have elapsed), prays for entire or partial remission of the remainder of the sentence, and, in case this is refused, begs that a license may be granted to him to remain on the Neilgherries, there to exercise his trade of farrier. The latter request I am to observe, is considered by the Governor in Council quite inadmissible.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

Exd. J. H. Burns.

desp 28/9

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Judicial Department

N^o 1247.

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The Secretary to the Government of India
Home Department

Sir,

Amila

I am directed by His
Excellency the Governor in Council
to forward to you the annexed
correspondence referring to an
application made by a convict,
James Ford, now in the
Portacumund Jail, for a
license for the Andamans.

2 This man was sentenced
by the Supreme Court of
Calcutta on the 14th April 1860
to 6 years penal servitude
on a conviction for assault
with intent to do grievous
bodily harm, and was sub-
sequently, on the 6th April
1861, sentenced to 6 months
imprisonment for breaking
prison. He has therefore now
served 5 years and 5 months
of

JH

W.D.

of his first sentence, and
there remain of that period
but 7 months and of the
latter sentence, the whole, or
6 months, yet to be worked out.
Before the consent of the Governor
General in Council could
reach this Government it is
probable that not more than
9 or 10 months of this convict's
united sentences would remain
unexpired, and it seems therefore
to be questionable whether
the application should be
complied with.

[Signature]

No 187 & Preb. 12+3
to follow
B. C. P.

Fort St. George
5th September 1846

despatch 8/9

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Judicial Department.

N^o 1248.

To
The Secretary to the Government
of Bengal.

Sir,

I am directed by His Excellency
the Governor in Council to forward
for the consideration of His Honor,
the Lieut. Governor, the annexed
copy of letter N^o 187 of the 19th inst.
from the Inspector General of Jails
in this Presidency enclosing a
petition from a European convict
now undergoing in the Cutchamund
gaol a sentence passed upon
him by the late Supreme
Court of Calcutta.

2 I am to point out that
the convict Henry Watson sentenced
on the 6th December 1859 to
10 years imprisonment for murder
and

W
W

Judicial N^o 658 Despatch.

N^o 1247.

To
The Secy. to the Govt.
of India

Dated 21st. 2470.

Dated 5th of 1865.

Sent to the Secy.

on this matter

consequently

that there will

be no further

23-2-45
1865

1865
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and on the 17th idem, to 1 year and
6 months for breaking prison and
of whose sentence 5 years and 8
months have elapsed) prays for
entire or partial remission of the
remainder of the sentence and, in
case this is refused, begs that
a license may be granted to him
to remain on the Nelegheries,
there to exercise his trade of farrier.
The latter request, I am to observe
is considered by the Governor in
Council quite inadmissible.

For L^d George
5th September 1865

W^m A

7/2/1870

1. 1865

16 copies

Correct Jones List

(3)

Pro. of A. L. M.
India 1865-1885

No. 1248.

The day to the East

of Bengal.

Feb. 24/70

Ant. 5" Sept. 1885

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