

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1277	Press ~~Mis.~~
Dated	8-9-19	1865

W/S

Not to be folded or roughly handled

Read the following papers:—

No. 87. From J. ROHDE, Esq., Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Ootacamund, 17th July 1865, No. 108.

Referring to the Order of Government, 12th July 1865, No. 965, I have the honor to state that some provision is necessary for the temporary fulfilment of the duties of officers in charge of a Jail when the officer so in charge may, under the privilege granted to Judges, be absent for five days or less.

2. In the case in question, the officer in charge was absent, and reference was made to me whether, under the clause shown to me, a deserter from the 105th Regiment could with propriety be committed to the European Prison.

3. It has been usual for the Principal Sudder Ameen, where that office exists, to take charge of a prison in the temporary absence of the Judge, but no provision is made for the charge in other cases. Practically, any Magistrate can take cognizance of offences under Regulation X of 1832, but this does not provide for such cases as that which was brought before me.

No. 88. From J. ROHDE, Esq., Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Ootacamund, 19th July 1865, No. 118.

I have the honor, in reference to my letter of the 17th instant, to state that, on visiting the European Jail yesterday, I found I was mistaken in speaking of Mr. Warburton's reference to me as having been made in Mr. Phillips' absence. Mr. Phillips reminded me that he had written to me, and sent the note by Mr. Warburton, requesting me to instruct Mr. Warburton.

2. I have not the Act to refer to, but my impression is that the information I received was that the prisoner was a deserter from the 105th Regiment, the Depot of which Regiment was in Wellington, and that in reading the Act, two cases only were described—the case of deserters apprehended in, and of those apprehended out, of Her Majesty's dominions.

3. The question now raised as to the use to which the European Prison is to be applied involves the necessity for re-opening the whole question of its rules, discipline, &c.

4. I have on several occasions declined to allow this prison to be used as a lock-up for prisoners under detention. I should desire to be informed if I am to consider that committals to this prison of such persons is authorized or not.

5. The rules sanctioned by Government are wholly inapplicable to any case but that of convicted prisoners, and from the date on which I undertook the building of the prison to this hour, my belief has been that the prison was designed for this class only. The Government has invariably so regarded it in its recorded proceedings, and I had no reason to suppose that its use as a Jail was permitted.

6. If the Government intend the building to be used as a Jail, I should further desire to be informed if Civil prisoners are to be admitted to it under Warrants from the Civil Courts.

7. On all these points I must request distinct instructions, and further to be informed whether, and to what extent, the rules of the prison are to be relaxed in favor of these classes of prisoners.

Proceedings of the Madras Government, Judicial Department,
3th September 1865.

No. 121.

MEMORANDUM.

No. 99.

Letter from A. W. Phillips, Esq., reporting the circumstances under which the European deserter was refused admittance to the Prison for enforcing Penal servitude for Europeans and Americans.

Submitted to Government, in connection with the Inspector General of Jails letter of the 19th instant.

Ootacamund,
21st July 1865.

(Signed) J. ROHDE,
Inspector General of Jails.

From A. W. PHILLIPS, Esq., Session Judge, in charge of European Prison, Ootacamund, to J. ROHDE, Esq., Inspector General of Jails; dated Ootacamund, 20th July 1865, No. 43.

In reply to your letter, No. 99, dated 17th instant, I have the honor to state that there was no direct reference made to you by the Keeper of the Jail. The Keeper of the Jail came to me on the morning in question, and represented the fact of a *supposed* deserter having been brought to the Jail committed by the Head Assistant Magistrate, and requesting orders as to whether he was to be received, being an *unconvicted man*. I had only lately taken charge of the Jail, and did not exactly know what was to be done; so I sent the keeper (who was on horseback at the time) to you, asking instructions; and your reply was exactly what I expected it would be, viz., that the Prisoner was not to be received.

No. 90. ORDER THEREON, 8th September 1865, No. 1277.

The Governor in Council observes that the law, as applicable to the case referred to in the foregoing letters, is very clearly laid down in the Opinion of the Advocate General, recorded in the Proceedings of Government, under date the 12th July last, No. 965. The occurrence of such cases must, however, be very infrequent, and it is not necessary that any special rules should be laid down with reference to them. Civil debtors should not be received into the European Prison.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letters from the Inspector
General of Jails.
17 July 1865 No 108
Rev letter 19 July 1865 No 118
21 July 1865 No 121

Order thereon 8th September 1865 No 1277

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W. H. R.

To the Supr. Genl. of Pa. at 11/9

Pro. of State
Medical 1865. Department.

No. 1277

PROCEEDINGS OF GOVERNMENT.

Dated 8th September 1885

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