M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. 1347 Press Mis.

210–211

Dated 20-9-1865 19 .

4/4

Not to be folded or roughly handled

No. 220. Read the following letter from P. GRANT, Esq., Magistrate of Coimbatore, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Coimbatore, 4th September 1865, No. 111.

A man was lately sentenced to imprisonment. He had with him a child which he was disinclined to entrust to any one. The mother I believe was dead. The Head Assistant Magistrate, not knowing what to do with the child, allowed the father to take it with him to Jail. No extra food was allowed on account of the child; it got a portion of its father's food. The Session Judge has objected to the proceeding, and directed the Magistrate to provide for the child. Fortunately a person has been found willing to take charge of it; but supposing that this person had not come forward, what was the Magistrate to do with the child? Or taking the case of a person sentenced to imprisonment without any relatives, and no one coming forward to look after his child, what could the Magistrate do? I conceive that under such circumstances the Government should come forward in *loco parentis*, and support the child until its father is in a position to do so, the expenses incurred being included in the monthly contingent bill.

Mr. Foster's original letter* on this subject is transmitted for the information of Government.

* No. 91, of the 1st instant.

From W. S. FOSTER, Esq., Acting Head Assistant Magistrate, Coimbatore, to P. GRANT, Esq., Magistrate of Coimbatore; dated Coimbatore, 1st September 1865, No. 91.

I have the honor to acknowledge the receipt of the Proceedings of the Session Court, dated August, 26th. The prisoner appeared before me with his child. He was sentenced to imprisonment, and his child went with him to the Jail. He told me, if I remember right, that he had no one that he wished to entrust the child to. It would be well if something was really settled on the subject. Under what orders is the Magistrate bound to find a father for every child whose father is put in Jail? The Inspector General of Jails gives his orders that children are not to be allowed in Jails. The officer in charge of the Jail is to carry out his orders, and I do not see why he cannot find a father for the children whom he himself separates from their parents. Again, take the case in which a child has no other relation than the prisoner, and no one can be found willing to take care of it—the case is perhaps improbable, but not impossible; and if the child is not to go into the Jail with the prisoner, the child must either he turned into the street, or the Magistrate must take care of it himself. The Magistrate would soon have a large family to take care of.

2. Without any distinct orders on the subject, I am at a loss as to what to do. If the prisoner objects to a certain person having the charge of his child, and no one else is willing to take it, is the Magistrate justified in acting contrary to the wishes of the father, and giving up the child to the person objected to by the father? In the present case, as far as I know, the child has been not the least expense to Government. I used to see the child every day I went to the Jail, when I was in charge. Its father had no more food allowed him, and the child had a little of its fathers.

3. The said child is now taken out of the Jail and delivered to one Vencatapathy Naick, who agreed to take care of it. The Proceedings of the Session Court are herewith returned.

No. 221. ORDER THEREON, 20th September 1865, No. 1347.

The arrangements for subsisting the child of the convict referred to in the foregoing letter should have been made by the officer in charge of the Jail; the charges incurred being drawn for in a contingent bill, under the sanction of the Inspector General of Jails.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Coimbatore:—

Rec'd letter 4 Sept. 65 No 111.

Order thereon No 1347 Proc. 8 Sept 65

The arrangements for subsisting the child of the convict referred to in the foregoing letter should have been made by the officer in charge of the jail, and the charges incurred being drawn for in a contingent bill under the sanction of the Inspector General of Jails.

2. The Magistrate's letter

letter will be referred to the Acting Inspector General of Jails, who will issue the necessary orders on the subject, and will submit a reply to the 2d para: of the Extract from the Minutes of Consultation of 5 March 1856 which it appears is still unanswered.

To the Magte of Nowgong
A. Insp. Genl. of Jails

Proj. Letter
Judicial 1865. Department.

No. 1347

PROCEEDINGS OF GOVERNMENT.

Jl. 1267.
1205/66

Dated 20 September 1865

5 Paras of Cons 2
2 Enclosures

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210-211.