பொ. ப. புத்தக எண். 26

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

வக்க பண்ணை வேலாயம்

என் _____, தேதி _____ 198 .

ஏற்ற தேதி.	எதன் பொருட்டு			தாள் எழுதும் எழுதாத அலுவற் பிறழ்ழுத்தர் கருத்தொப்பம்.	திருப்பிக் கொடுத்த தேதி.	பிறழ்ழுத்தின் கருத்தொப்பம்.
	முறை.	நடப்பு என்ன ஆண்டு.				

ritish Forces ...ced to Penal ...ude ...n January 1861 ...up ...30th ...eptember ...

...nately sent ...d

			egin		Re... the ...	...d into ...tiontiary.		How
	...	H. M	Regimen	...	19th		Embark	...r En...
...lly...	...	,,	...tn. 60th	...	21st			Do.
...nt...	...	,,	do.	...	21st			Do.
...n...	...	,,	...tn. 18th	...	5th			Do.
...very			...Regim...					
...o...			do.					
...tis...								
...awfo...			1st					
			43...					
			10...					
			1st					Do.
			10...					Do.
	...		do.	...ears				Do.
	...		69th R...ent.	...s...				Do.
	...			...	do.			Do.
	...		105th ...ment	...ears	... Oct			Do.
	...		do.		6th do.			
	...		17t ...ance		1st ...			
...n D...	...		1st ... 18...		1st			
...ge	...		...		1st			
...r R...			1st		7th			
... W...			60...		...			
			...h R...					
			...					
			...oyal					
			10... ...me...					
			3 D... ...uar...					

...October

Return of Military Convicts sentenced to imprisonment ...h hard labor from January 1861, up to 30th September ...

R.	Names	Regiment.	Period of S...	nce.	By what Court.	Receiv... into Penitentiary	...h Januar...
Priv...	...lliam Tibbett ...	H...	...s 1st D. Guards.	Nine Months.	High Court.	16th April	...h do
...	...bert Castletine...		do.	Do.	Do.	16th do.	...h do
D...	...n Connoly ...		43rd Regt.	Do.	Do.	16th do.	...h do
D...	P. Sullivan... ...		do,	One Do.	Magistrate.	16th May	...th June
D...	Henry Brown		do.	Six Do.	P... Court.	3rd July	2nd J...
Gunner	P. Dingovan...		Royal Artillery.	One M. or fined 15 ...s.	...strate.	1st October	11th ...
Private	John McHugh		H. M. 43rd Regt.	Ten Days.	Do.	6th December	15th D...
Gunner	Henry Budd		Royal Artillery.	Five Months.	Do.	16th do.	15th ...
Do.	George Jones		do.	Th... Do.	Do.	16th do.	15th ...
Driver	John Carrel.		do.	Tw... Do.	Do.	16th do.	15th F...
Private	Thomas Thernley		H. M.'s 105th Regt.	One Do.	Do.	17th ...nuary	16th
Do.	John Brophy		3rd Btn. 60th Rifles.	One M. and 14 ...s.	Do.	31st do.	...th M...
Do.	Richard ...		69th Regt.	...rteen D...	Do.	5th ...ul;	...h A...
Gunner	John W...		Royal Artillery.	...n Do.	Do.	July	
Private	Michael ...		H. ...02nd Regt.	Months	Court Martial.	August	...ry 1
Do.	James Th...		do.	Do.	Do.		
Do.	J... s M...		Regt.	...Da...	Magistrate.	Sep... ...er	
Gunner	...ck ...		Compy.	...th.	Do.		
Private	W... am ... ...s	Art...	Regt.	...Da...	Do.		
Do.	J... s H... ...h	H. ...	...o.	Do.	Do.		
Do.	J... Joh...		...02nd Regt.	Twelve Mont...	Court Martial.	...er	
Do.	W... am ... ...on		do.	Do			
Do.	W... am ... ...ally		do.	Do			
Do.	Ja... ... ...n ...		...o.	Do			
Do.	R... ... ...tine.		D. Guards.	... Ye...			
Do.	... ...		...o.	Do.			
Do.	... ...h ...		...2nd Regt.	...			
	... ...ns ...		...o.				
	... ...ns ...		...t. C...				
			...tille				
			...o.				
			...ched 10...				
			...nt.				
			...02nd Re...				
			...yal Artillery.				

...'s Offi...

...ial.

(Signed) H. PRITCHARD, Colonel,
Judge Advocate General.

[redacted] *Proceedings of the Madras Govern*
21*st March* 1865.

Statemen[t] [of] the number of [Pri]
imprisonment during the years 1860, 61, 62, and

		Numb[er]	Number remaining in 1860.	Numb[er]	N[o.]	[Sen]tenced [in] 1861.
1 " ... 1 11 Month[s]						
[redacted]						
Total						

JUDGE ADVOCATE GENERAL'S OFFICE,
FORT SAINT GEORGE,
[D]*ecember* 1863.

No. 145. Proceedings of Gover[nment]

Communicating for informa[tion]

It is observed that in t[he]
[Gov]ernment of India that each Presidency
pean [and] erican Convicts. The
36 c[ases] uite sufficient for the re[mainder]

now [been] [re]
Pris[oners] [of]

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Controller of Military Finance, Fort Saint George, 2nd March 1863, *C; to the Secretary to Government, Military Department, Fort Saint George.*

I have the honor, to forward a letter received from the Examiner Pay Department, dated 21st February 1863, No. 511, with enclosures, relative to the service from which Military Prisoners in Civil custody are to be subsisted.

2. Hitherto Military Prisoners confined under sentence of Court Martial in Civil Jails, have been considered pro-tempore Civil Prisoners and subsisted by the Civil Department. The number of such who were not discharged the service were very few, but as Penal Servitude does not necessarily involve removal from the Service, and discharge of men under sentence of Penal Servitude, has, in a Horse Guards' Circular, been prohibited, the number has considerably increased.

21st February 1861, *No.* 108.

3. The Commissioner of Police prefers a claim for 6*d.* per diem from the Military Department, for such Prisoners in the Penitentiary under the provisions of Section 32 of the Annual Mutiny Act (for 1861.)

4. Hitherto the Rule in paragraph 25, page 188, Pay Code, has been observed in the case of Military Prisoners in Military custody, but has not been applied to such Prisoners when transferred, even although still in the service, to the Civil Power.

5. It appears to me that the provision in the 32nd Section of the Mutiny Act, applicable to all places in Her Majesty's Dominions, except Great Britain and Ireland, must be applicable to these cases, but I am not aware that its applicability to India has ever yet been practically recognised—it would involve payment for Convicts on the strength of the Regiment sent to England at the higher rate of one Shilling.

6. I have therefore the honor to submit the question, which Government may possibly consider one for the decision of the Supreme Government.

7. The Audit Board appear to have adopted the view that Military Prisoners committed to Civil custody, cease to be Military.

From the Examiner Pay Department, Fort Saint George, 21st February 1863, *No.* 511; *to the Controller of Military Finance.*

I have the honor to request the favor of your instructions on the claim preferred in the accompanying correspondence (forwarded) through the Paymaster Presidency,) by Lieutenant Colonel W. J. Wilson, Commissioner of Police, under Section 32 of the Mutiny Act, dated 21st June 1847, to subsistance allowance at 6*d.* per day, for certain Soldiers of Her Majesty's Service, imprisoned in the Madras Penitentiary by sentence of Courts Martial.

Letter No. 804, *dated 5th January* 1863.
Do. No. 783, *dated 22nd December* 1862, *from the Commissioner of Police, to the Fort Adjutant Fort Saint George.*

2. Under the provisions of paragraph 14, page 185, Pay and Audit Regulations, Soldiers sentenced to imprisonment or Penal Servitude, cease to be Military Prisoners from date of transfer to the Civil Power, such sentences involving discharge from the Army, and are subsisted by the Civil Authorities in common with Prisoners sentenced by the Civil Courts; this rule has however been modified by Circular Memorandum from the Horse Guards, dated 21st February 1861, No. 108, which directs, that Soldiers sentenced to Penal Servitude shall not as a consequence of such sentence be discarged from the Service; men so situated may therefore it is presumed, be considered "Military Prisoners," and the cost of their subsistence while in Civil custody, defrayed under the provisions of paragraph 25, page 188, Pay Code, rather than under the Mutiny Act, referred to by the Commissioner of Police, which, not having been declared by the Indian Government applicable to India, cannot apparently be acted upon.

3. Under this view of the case, I should have directed the Paymaster to have adjusted the claim to subsistence for the men in question as a Military charge, had I not o[bserved] ally mentioned in Extract Proceedings of the Board of Audit, communicated [in] Department's Docket No. 4115, dated 13th November 1862, relative to a question of the of the Pay of Warders of Military Prisons, "that Military Prisoners on convicti[on] Military" and that the whole cost of their custody is considered a Civil charges, I deemed it necessary to solicit your instructions on the subject, which, as far as I has not been definitively settled.

From the Commissioner of Police, Madras, 5th January 1863, *No.* 804; *to the Fort Adj[utant], Fort Saint George.*

I have the honor to request that you will be good enough to remit to me mo[nthly] terly at your convenience, the diet allowance for Privates J. Staunton and R. Castleti[n] Dragoon Guards, at the rate of six Pence a day for each man, as laid down in Sec[tion] Mutiny Act, from the 6th December last, the date of their admission into the [Jail].

The last Pay Certificates for these men appear to have been forwarded to you by the Officer Commanding the Dragoon Guards, with his letter dated 5th ultimo, No. 734.

From the Commissioner of Police, Madras, 22nd December 1862, *No.* 783; *to the Fort Adjutant, Fort Saint George.*

I have the honor to forward a Pay Certificate received by me from the P[aymaster] Majesty's 102nd Regiment, [for] in the margin, who are now in the Penitentiary for three years each, u[pon] tence of a Court Martial, and t[o] will be good enough to remit to [them] rate of six Pence a day for

W. Wilson.	*W. McNally.*
J. Sullivan.	*J. Johnston.*

* *From the 1st December* 1862.

Section 32 Act

George. Military

I am desired to transmit to you, for information of His Excellency Council, the accompanying copy of a Military letter from the Right Hono[urable] State for India, [in Council], dated the 27th December 1862, replying to the reference made to him on the subject of the disposal of Soldiers sentenced to penal servitude.

From the Right Honorable the Secretary of State for India, India Office, London, 27th December 1862, *No.* 481; *to His Excellency the Right Honorable the Governor General of India in Council:*

I have received and considered in Council your letter dated 22nd September 1862, No. 368, forwarding correspondence regarding the rules for the discharge of Soldiers sentenced to penal servitude.

2. It appears that in 1859, a Circular Order from the Horse Guards, to the effect that European Soldiers sentenced to penal servitude, should be discharged in the usual form, was made applicable to the European portion of the Indian Army, by an amendment and addition to the Military Regulation.

3. A Circular Order from the Horse Guards, of the 21st February 1861, has cancelled the above, as far as the British Troops are concerned, and His Excellency the Commander-in-Chief has suggested that a corresponding amendment be made in the Military Regulations.

4. Doubts have arisen as to the course to be adopted in this matter, in consequence of their being no Prison in India, which can be specially appointed for the reception of Soldiers sentenced to penal servitude.

5. The original intention of erecting a Central Jail on the Neilgherry Hills was abandoned some time ago, and I regret to find that little has been done, up to the present time towards the erection of Jails for European and American Convicts, which it was then determined should be provided in each Presidency.

6. Until proper accommodation is provided for them in India, the practice of sending Home Soldiers sentenced to penal servitude must be continued.

7. The amendment in the Military Regulation, proposed by His Excellency the Commander-in-Chief, would have the effect of making application to the British Soldiers of the Local Force, the Rule laid down in the Circular from the Horse Guards of the 21st February 1861.

8. I see no necessity for this under present circumstances, and consider it desirable that the clause in the Military Regulations should stand, as sanctioned in my Despatch, No. 119, dated 22nd March 1860, paragraph 46.

ORDER, No. 1336, *24th April* 1863.

His Excellency in Council observes that, under paragraphs 7 and 8 of the Despatch from the Secretary of State communicated with the foregoing letter from the Government of India, Soldiers of the local Force sentenced to Penal Servitude, cease to belong to the Army. Their subsistence, while in Civil custody, is consequently chargeable to the Civil Department as heretofore.

2. The question of the service from which Prisoners of the British Army are to be subsisted while in Civil custody, will be referred for the consideration and orders of the Government of India.

3. Paragraphs 5 and 6 of the Secretary of State's Despatch alluded to above, will be communicated to the Judicial Department for such notice as may be deemed requisite.

To the Offg. Secy. to the Govt. of India, Mily. Dept. | Here enter 24th April 1863, No. 1337.

(True Extract.)

Secretary to Government.

To the Controller of Military Finance.
„ Adjutant General.
„ Examiner Pay Department.
„ Military Accountant.
„ Judge Advocate General.
„ Staff Officer Fort Saint George.
„ Judicial Department.

Exd R. Stephenson.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

From the Officiating Deputy Secretary to the Government of India, Military Department, Fort William, 18th July 1864, No. 373 : to the Secretary to Government, Military Department, Fort Saint George.

I am directed to transmit, for the information of the Government of Fort Saint George, copies of the documents noted in the margin, relative to the introduction in India of a modified system of separate imprisonment for European Soldiers.

From Adjutant General Her Majesty's Forces, No. $\frac{251}{1}$, *dated 24th Dec.* 1860.
[illegible]ting Judge Advocate General, [illegible]ed 15th Feb. 1861.
[illegible], dated 19th April 1861.
To Adjutant Genl., Her Majesty's Forces, No. 7, dated 1st May 1861.
From do. No. $\frac{153}{1}$, *dated 2nd June* 1862, *with annexures.*
Observations by Govt. in the Mily. Dept., No 46, dated 2nd Sep. 1862.
Extract Home Dept., No. 764, dated 29th January 1864.

2. His Excellency the Governor General in Council considers it highly desirable that arrangements for introducing a similar system of Prison discipline in the Madras Presidency, should be set on foot at once, and I am accordingly to request that you will move His Excellency the Governor in Council to take such steps as may appear necessary, for carrying out the object contemplated.

From the Adjutant General Her Majesty's Forces in India, Head Quarters, Camp Mahowlee, 24th December 1860, No. $\frac{251}{1}$; to the Secretary to Government, Military Department, Calcutta.

I have the honor, by direction of the Commander-in-Chief in India, to transmit to you the enclosed correspondence from the Officiating Judge Advocate General of the Army, regarding the introduction of the "separate system of imprisonment" in India, and, as it is stated by Major Hatch that the Home Rules on the subject cannot be brought into operation in this country without a legal enactment, I have it in command to solicit the special co[illegible]n of the case by Government, with a view to the early application of this most effective [illegible]nt to offenders in India ; which is considered the more desirable, in consequence of the restrictions which have recently been placed on the infliction of Corporal Punishment, and because of the distance of many Stations from any Gaol, which renders it necessary for sentences of imprisonment to be carried out in Regimental Cells.

From the Officiating Deputy Adjutant General Her Majesty's Forces in India, Head Quarters, Calcutta, 2nd October 1860 No. $\frac{2031}{2}$; to the Officiating Judge Advocate General of the Army Simla.

In reference to your remarks and accompanying documents connected with the trial of Private Webb, 48th Regiment, and with his having been required to undergo the sentence in Garrison Cells, I am directed by His Excellency to request you will favor me with your opinion, as to the advisability of adopting the Orders contained in Horse Guards' letter, 2nd March 1860, and if you agree, with a view to submitting the same to Government and to the supersession of local orders.

His Excellency considers that the adoption of Her Majesty's Regulations on the subject would be most advisable, on account of the facility afforded to Commanding Officers to carry out sentences of short periods in (duly approved) Cells.

In Her Majesty's Military Prisons, the only difference with treatment of Soldiers undergoing solitary confinement and simple imprisonment is, that the former are exercised alone and receive an inferior scale of diet.

From the Officiating Judge Advocate General of the Army, Calcutta, 26th November 1860, No. 1072 ; to the Adjutant General Her Majesty's British Forces in India.

I have the honor to acknowledge your official letter, No. $\frac{2031}{2}$, of the 2nd October last, on the subject of the application of the "separate system" of imprisonment to India, my reply to which has been delayed by the accumulation of work, and especially of personal cases, during my journey from Simla.

2. The question is one of some difficulty, the chief difficulty being, as it appears to me, the fact that there is no legal enactment which applies the "separate system" to this country.

3. The separate system of confinement in public Prisons was established in England by Statutes 2 and 3 Victoria, Cap. 56, Sections 3 and 4, and even assuming that [illegible] India, it seems clear that no cells or wards can be used for [illegible] under the provisions of the Act, unless the fitness of the pla[illegible] "one of the Inspectors of Pris

2nd and 3rd Victoria, Cap. 56, 3, 4. Majesty's Principal Secretaries of S[illegible] appointment which at pre[illegible]

4. The Horse Guards letter of the 2nd March last to General Lord [illegible] er-in-Chief in India, in reply, it would seem, to a reference on this subject, no Regulation which *forbids* the separation of Prisoners sentenced to terms of imprisonment, not solitary ;" but this opinion does not, it appears to me, go the [illegible] kind of imprisonment to be legal, if a legislative enactment is re[illegible] duction. It appears to me that a legislative enactment is necessary, for if this was a question which the Executive Government could alone decide, then the Act which I have quoted, would appear to be unnecessary, and if necessary, thus by analogy, a legislative enactment would be equal[illegible] ary for the adoption of such mode of imprisonment in India.

5. But there is no enactment which extends the Act of Parliament to India. It has always been ruled that Acts of the British Parliament do not extend to India, unless specially declared to be so ; and as Mr. Pearson, a former Advocate General to the Government, gave an opinion in the year 1829 that European Prisoners cannot legally be confined *separately* under a sentence of ordinary imprisonment, an opinion which I have annexed, I think it would be prudent to refer the question for legal decision, before taking any other measures.

QUESTION PUT TO MR. PEARSON, ADVOCATE GENERAL, IN 1829.

Question.—" If the sentence be *imprisonment* alone, can the Commanding Officer direct it to be in Cells commonly called Solitary Cells, which are the most convenient, or only places of restraint in the Garrison, Fortress, &c. ?"

MR. PEARSON'S REPLY.

" If the sentence be imprisonment alone, the criminal may be confined in any part of the Garrison commonly used for such purposes. The name is of no importance. But the imprisonment must not in reality be solitary,—if there are other Prisoners at the time who are not [illegible] to solitary confinement—I mean that they are not to be imprisoned separately and apart from each other, unless this forms a part of the sentence. I do not know what is the size of the Cells *called* solitary. If they really correspond with their name, I am of opinion that they should be reserved for such persons as have been sentenced to solitary confinement."

Memorandum from the Officiating Judge Advocate General of the Army, Simla, 3rd September 1860, No. 813 ; to the Adjutant General Her Majesty's British Forces in Indi[illegible]

The Officiating Judge Advocate General of the Army has the honor to forward the Proceedings* of a District Court Martial on the undermentioned Soldier, with the following Report thereon, for submission to His Excellency the Commander-in-Chief.

**Return of the Proceedings is requested.*

2. *Trial of Private J. Webb, 48th Foot.*—Private Webb, 48th Foot, was sentenced by District Court Martial on the 14th May 1860 to imprisonment for two months, but it appears from the charges on the present trial, that the imprisonment was inflicted in the " Cells," and apparently in disregard of the instructions for imprisonment issued with the Circular from the Adjutant General of 25th August 1852, and of the Circular of the 20th September 1855, having reference to [illegible] instructions ; for these Circulars distinctly declare that ordinary imprisonment is not to be ca[illegible] out in *Congee-house Cells*, or in separate confinement.

In Her Majesty's Military Prisons all have separate Cells, and Prisoners only meet when at labour.

3. On the other hand, the letter from the Horse Guards of the 2nd March 1860, to Lord Clyde, on the subject of separate confinement in India of Soldiers sentenced to ordinary imprisonment, far from condemning the practice of separate confinement as illegal, approves of it, as being desirable and in accordance with the Prison Regulations.

(Signed) E. H.,
A. G.

4. Copies of the Rules and letter referred to [illegible] for the [illegible] e.

5. The instructions issued from the Adjutant [illegible] Office, [illegible] 2nd paragraph of this Report, were, it appears, based on opinions expressed by the Judge Advocate Ge[illegible] for whom I am officiating, Lieutenant Colonel Young, and also by his predecessor, Major General Sir R. Birch.

Copies of these opinions, and the correspondence bearing on the subject, are also annexed.

6. However the question of the legality of separate confinement of European Soldiers in India may eventually be decided, it appears that the [illegible] ferred to in the 2nd paragraph of this Report clearly prohibit the infliction of ordinary impri[illegible] in any other manner than in a[illegible] finement, and that if the term " Cells" used as describing the place in which Priv[illegible] confined, means a Congee-house Cell, that the Rules laid down in the Adjutant General's Offices have been disregarded.

All Prisoners whether sentenced to solitary confinement or otherwise, are, as far as possible, to be subjected to separate con[illegible] the hours they are not [illegible] or labour, and although three or more may be imprisoned together, when the Cells or Wards are sufficiently spacious, two Prisoners are never to be locked up together, without being accompanied by a Warder or Provost's "Assistant."

7. It is very probable that Commanding Officers act under the authority of the Rule laid down in Her Majesty's Regulations, paragraph 10, page 232, as marginally noted ; but if this Rule applies to India, it appears to me to supe[illegible] the local Regulations, and that these latter, [illegible] at variance with the Queen's Regulations, [illegible] properly be re-considered, and, if necessary, cancelled.

8. It seems important, however, to observe that the Rules laid down in Her Majesty's Regulations can be held to apply only to Cells which have been duly *approved of*, as required by the 41st Rule at page 238 of the Regulations.

From the Officiating Jud[illegible] ral, Head Quarters, Simla, 17th June 1853, No. 471 ; to the Adjutant General [illegible] rces in India.

No. 965, requesting re-consideration of Rule 17 of [illegible] sonment, [illegible] tion of Regimental Prisons, for opinion.

I have to acknowledge the receipt of your official letter of the 11th instant : the number and subject as per margin.

2. The 17th Rule of the Instructions for awarding and inflicting imprisonment, dated 25th August 1852, was framed in exact accordance with the law [illegible] ng in India, no alteration has since been made in the law, and although that Rule may be [illegible], any Commanding Officer, who might act repugnant to the principles therein laid down, would lay himself open to very serious consequences, were a Soldier sentenced to simple imprisonment and whom he had kept in separate confinement, to proceed against him in the Supreme Court.

3. It seems scarcely necessary that I should mention that it is a settled principle of [illegible] law that, when a Court has sentenced an offender to suffer a particular punishment, no M[illegible] Officer who is entrusted with the execution of the punishment, can alter its nature or augment its severity ; unless he is specifically authorized *by law* to do so : imprisonment in India, where no Military Prisons exist, is divisable into three Classes :—

Ordinary Imprisonment.
Imprisonment in solitary confinement ; and
Imprisonment with hard labor.

A Soldier in India sentenced to ordinary imprisonment cannot be locked up by himself, and thus be placed in solitary confinement, unless there be no other Soldier in the Prison with him, nor can he be set to hard labor, without a breach of the law, and any Officer guilty of infringing the law in these particulars, would have to stand the consequences of his arbitrary and illegal procedure.

4. This subject appears to have first come under consideration in 1823 when His Royal Highness the late Duke of York laid it down in the Circular of the 7th April 1823, that "a Soldier "sentenced to imprisonment only, must go through the course of his confinement whether there may "happen to be other Soldiers during the whole or any part of the time to bear him company."

5. In May 1829, the following question was submitted to the late Mr. Pearson, the Advocate General in Calcutta. "If the sentence be imprisonment alone, can the Commanding Officer direct

" it to be in Cells, commonly called Solitary Cells, which are the most c
" restraint in the Garrison, Fortress, &c. ?" T[illegible]man's repl[illegible]
" imprisonment alone, the criminal may be c[illegible] of the Garrison [illegible] for
" such purposes. The name is of no importance. But the imprisonment must not in reality be
" solitary,—if there are other Prisoners at the time who are not sentenced to [illegible]
" I mean that they are not to be imprisoned separately and apart from each [illegible]
" a part of the sentence. I do not know what is the size of the Cells ca[illegible]
" correspond with their name, I am of opinion that they should be reserved for such Prisoners as
" have been sentenced by a General Court Martial to solitary confinement."

6. In May 1841, on a reference from the Brigadier Commandant of Artillery on this Lieutenant Colonel Birch, C. B., transmitted to the Adjutant General of the Army a [illegible] of and opinion quoted in the preceding paragraph and wrote thus :—"this opinion appl[illegible]
" reason to the existing enactment, for when a Regimental Court Martial has awarded mixed
" imprisonment of ten days' solitary and ten days' ordinary imprisonment, it would [illegible]
" of authority in a Commanding Officer to confine the culprit for twenty days in on[illegible]
" house Cells, thus making the whole period solitary. Prisoners undergoing sentence [illegible]ary
" imprisonment at the same time and at the same Prison, should be confined together, and not in
" separate Cells. There can be no doubt of the eligibility of the Prisoner's room in Guard houses for
" the purposes of imprisonment under sentence of Courts Martial, and as nevertheless there is no
" alternative but to carry ordinary imprisonment into effect in such places, I would suggest that
" Government be moved, without delay, to direct the erection of suitable Prisons."

7. The Adjutant General having made a further reference on the subject, Lieutenant Colonel Birch wrote thus, on the 10th June 1861 :—" It would not be illegal to order Soldiers under sen-
" tence of ordinary imprisonment to be confined during the day in a common Guard-room ; but in
" my opinion it would be illegal to order them to be locked up at night in separate Cells in the
" Regimental Congee-house."

8. It was on these opinions that Rule 17 was framed, and as already explained, if the Rule be cancelled, the principles enunciated cannot be altered, by any authority short of Parliament. In the letter dated the 14th ultimo, from Major Little, Commanding Her Majesty's 9th Lancers, which has given rise to this reference, it is stated to have been the practice of that Regiment, previous to the issue of the instructions conveyed by Circular letter, that " each prisoner was confined in a separate
" cell, according to the instructions contained in Horse Guards' Memorandum, dated 6th October
" 1845, but all not under sentence of solitary confinement, met to partake of their meals." This procedure appears to me to have been decidedly illegal.

9. The Circular cited is evidently founded on the authority of the Statue 2nd and 3rd Victoria Cap. 56, Sections 3 and 4, but as that Statute does not extend to India, it is impracticable for any Ministerial Officer to act under its provisions in the Prisons of this country and thus set aside the common Law of England. In Lieutenant Colonel Birch's letter to your address, No. 635, of the 19th September 1851, paragraph 7, it was suggested that measures should be adopted for procuring the passing of a short Act of Parliament, extending the provisions of the Statute 4th George IV, Cap. 64, Sections 31 and 38 ; 2nd and 3rd Victoria Cap. 56, Sections 3 and 4 ; and 5th and 6th Victoria Cap. 98, Section 25 to India ; and I can only repeat that suggestion. The provision of the last cited Statute has been introduced into the Mutiny Act, Section 89, but an enactment is required applying equally to Her Majesty's and the East India Company's Services.

10. I observe that in the letter from Brigadier General Breton, Commanding the Sirhind Division, dated the 2nd instant, a doubt is started as to the applicability to India of the Memorandum from the Horse Guards, dated the 28th April 1851. As explained in the commencement of this letter, the " separate system" is not legal in India, and consequently the system of " associated imprisonment" must be considered still in operation, and under these considerations, so much of paragraph 3 of the Circular Memorandum as directs the discontinuance of Defaulter Room punishment may be held inapplicable to India. But this forms another reason for urging on the Authorities at Home the propriety of passing an Act to the effect of that mentioned in paragraph 9 of this letter.

[illegible], Head Quarters, Simla, 30th June 1853, No. 519 ;
[illegible]rces in India.

With reference to the conversation I had with you on Saturday last, the 25th instant, on the subject of introducing the separate system of confinement as a punishment for Soldiers of Her Majesty's Army in India, sentenced to simple imprisonment, I have the honor to forward a draft Act for extending to India the provisions of the Statute 4th, George IV, Cap. 64, Sections 31 and 38, and 2[illegible]rd Victoria Cap. 56, Sections 3 and 4.

Should the draft meet with the approval of His Excellency and the Act become Law, the separate system can then be at once introduced both in Her Majesty's and the East India Company's S[illegible] to which latter it is equally desirable that the provisions of the Act should extend. I have fo[illegible]d a duplicate copy of the draft Act to the Adjutant General of the Army, and beg to mention that, as the Act is to apply to the Company's European Troops, it is necessary that any communication to the Home Government in respect to it, should be transmitted through the Governor General of India in Council.

A Bill.
Intituled.

An Act for the establishment and regulation of Military and Barrack Prisons in the East Indies.

Preamble. Whereas it is expedient to establish in the East Indies, Military and Barrack Prisons for the confinement of European Soldiers whether in the Service of Her Majesty or of the East India Company, and to extend to such Prisons divers Regulations now in operation for the better ordering of Prisons in England, and to authorize the infliction of separate confinement in such Military and Barrack Prisons. Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same. That

Military Prisons may be established. 1. It shall be lawful for the Governor General of India in Council, and the Governors in Council of Fort Saint George and Bombay respectively, by an order in Council, to set apart any building or buildings now erected or which hereafter may be erected in the East Indies, or any part or parts of any such building, as a Military or Barrack Prison, and to declare that any building or any two or more separate and detached buildings shall be deemed and taken to be a Military or Barrack Prison ; and every Military or Barrack Prison whether the same now exists or may hereafter be established, which shall be so as aforesaid set apart or declared, shall be deemed to be a public Prison within the meaning of the Acts now, or hereafter to be in force, for punishing mutiny and desertion in the Services of Her Majesty or of the East India Company.

Rules to be made. 2. The Governor General of India in Council may from time to time make, alter and repeal Rules and Regulations for the government and superintendence of Military or Barrack Prisons, and of the offenders confined therein, and for the guidance of the Governor, Provost Marshal, Officers and Servants thereof.

Inspectors of Prisons, &c., to be appointed. 3. The Governor General in Council or Governor in Council of the respective Presidencies, may from time to time appoint an Inspector of Military and Barrack Prisons for such Presidency ; and a Governor or Provost Marshal and all other necessary Officers and Servants for any Military or Barrack Prison, and as occasion may arise, remove the Governor, Provost Marshal, Officer or Servant of any such Prison, and may delegate the power of appointment and removal of Subordinate Officers and Servants to the Officer Commanding-in-Chief the Forces in the Presidency, within which such Prison may be situated.

Visitors of Military Prisons to be appointed. 4. The General or other Officer Commanding any District or Cantonment within which may be a Military Prison, and such other person or persons as the Governor General in Council or Governor in Council of the respective Presidencies may from time to time appoint either by name, or by virtue of office, shall be a visitor or visitors of such Prison.

Commanding Officer to be visitor of Barrack Prisons.

9. The [illegible] being, of the R[illegible] to which any Prisoner confined in any Barrack Prison may be attached, shall, by virtue of his office, be a visitor of such Prison.

Rules to be supplied to visitors.

There shall be transmitted [illegible] visitor or visitors of every [illegible] Prison established under the authority of this Act, a copy of the Rules and [illegible] are to be observed and enforced, and the same shall accordingly be observed and enforced such Prison.

Separate confinement.

7. In order to prevent the contamination arising from th[illegible]ion of Prisoners in any Military or Barrack Prison, any Prisoner may be separately confi[illegible] the whole or any part of the period of his imprisonment.

Separate confinement not solitary confinement.

8. Separate confinement under the provisions of this Act shall not be deemed solitary confinement within the meaning of any Act forbidding the continuance of solitary confinement for more than a limited time.

Cells for inflicting separate confinement.

9. No Cell shall be used for the separate confinement of any Prisoner which is not of such a size and lighted, ventilated and fitted up in such a manner as may be required by a due regard to his health, and furnished with the means of enabling the Prisoner to communicate with an Officer of the Prison; and no Cell shall be used for such separate confinement, until its fitness in these several particulars shall have been certified by the Inspector of Prisons to the Government of the Presidency within which such Prison may be situated.

Prisoners in separate confinement to be furnished with books and employment.

10. Every Prisoner undergoing separate confinement shall have the means of taking air and exercise at such times as shall be deemed necessary by the Surgeon, and shall be furnished with the means of moral and religious instruction, and with suitable Books to be chosen by the visitor or visitors of the Prison, and also with employment or labor, not severe; unless it shall be deemed advisable by the Governor General of India in Council to make and certify a Regulation for withholding, for a period not exceeding one Calendar month at any one time, such employment or labor.

Prisoners in ordinary imprisonment may be set to work.

11. Prisoners sentenced to imprisonment, without being sentenced to hard labor, may, by order of the visitors of a Military Prison or the visitor of a Barrack Prison, be set to some work or labor not severe.

Military Chaplains.

12. The Military Chaplains shall frequently visit every room and Cell in Military and Barrack Prisons occupied by the Prisoners, for the purpose of affording spiritual assistance and instruction to the Prisoners.

Ministers of other persuasions.

13. Any Prisoner of a religious persuasion, differing from that of the established Church, shall be allowed, if he so request, to receive the visits of a Minister of his own persuasion.

Assisting in Prison breach.

14. Any person not amenable to any Articles of War, who shall convey or cause to be conveyed, or attempt to convey, into any Prison established under this Act, any Arms, Tools, or Instruments, or any disguise to facilitate the escape of any Prisoner, or shall by any means whatever aid and assist any Prisoner to escape, or in attempting to escape from such Prison, whether an escape be actually made or not, shall for every such offence, by order of a Magistrate, Joint Magistrate, or Cantonment Magistrate, be liable to a penalty, according to the situation in life of such offender, not exceeding hundred Rupees, or to imprisonment with or without hard labor for months.

[illegible] of prohibited articles into Prisons.

15. Any person not amenable to any Articles of War, who shall introduce or attempt to introduce into any Military or Barrack Prison [illegible] liquor, or any money, clothing, [illegible] desire of a Prisoner carry out or a[illegible]y out any letter or paper or article which a prisoner is prohibited from having in his [illegible], for every such offence, by order of a Magistrate, Joint Magistrate or Cantonment Magistrate, be liable to a penalty not exceeding Rupees, or to imprisonment with [illegible] months.

Assaults on Officers of Prisons.

16. Any person who shall assault or violently resist any Officer of a Military or Barrack Prison in the execution of his duty or shall aid or excite any person so to assault or resist any such Officer, shall for every such offence, if he be not amenable to any Articles of War, be liable by order of a M[illegible], Joint M[illegible] or Cantonment M[illegible] to a penalty not exceeding Rupees or imprisonment with [illegible]t hard labor for months, or if he be amenable to any Articles of War he shall be punished for the same by the sentence of a Court Martial; or if a Soldier already under sentence of imprisonment, he shall [illegible] to be imprisoned either with [illegible] for any period not exceeding if convicted by a Board of [illegible] of the Prison, or to imprisonment with or without hard labor or solitary confinement for any period not exceeding seventy-two hours, if convicted by a single visitor, in addition to so much of the time for which he was originally sentenced as may then be unexpired.

Breach of Prison Rules.

17. Any Prisoner who shall, within forty-eight hours of the expiration of his sentence, be guilty of any offence against the Rules of the Prison, may, on conviction thereof by a single visitor, be imprisoned either with or without hard labor or solitary confinement for a period not exceeding seventy-two hours, in addition to his original sentence.

From the Judge Advocate General of the Army, Head Quarters, Simla, 6th September 1855, No. 824; to the Adjutant General, Her Majesty's Forces in India.

* No. [illegible] *with Draft Circular regarding the [illegible] of imprisonment, for opinion.*

I have the honor to ac[illegible] the receipt of your official letter of [illegible] ultimo. the number and subject as per margin.*

2. Paragraph 1. The word "Solitary" should be substituted for "separate," separate confinement is no where specially named in the Mutiny Act, and the provisions of the 39th Section cannot be made applicable to this country without alteration in the Act.

3. Paragraph 3. Under the 30th Section of the Mutiny Act and the 50th Article of War, a Commanding Officer can award, for a period of 168 hours either simple imprisonment or solitary confinement. But it is illegal for a Commanding Officer under the above cited authority, to award mixed imprisonment, that is part simple and part solitary, or to set the Prisoner to hard labor during any portion of a summary sentence of solitary confinement. This paragraph therefore should stand thus :—

"It follows that they have full power to shut up minor offenders by their own award in a [illegible]ary Cell for one hundred and sixty-eight hours, or to confine them in Prison associated with [illegible] Prisoners for the same period, and in addition to this latter description of imprisonment "to set them to hard labor; but this last punishment should not exceed two hours daily and to be "divided into two portions."

4. Paragraph 4.—The word "simple" in line three should be omitted, as it may lead to misconstruction and the paragraph should end thus: "solitarily confined." "All soldiers under sentence "of simple imprisonment at the same time must be confined together, as pointed out in Rule 17, for "awarding and inflicting imprisonment issued with Circular letter, of the 25th August 1852." The locking up of the Soldiers in pairs, when there are others to bear them company is, in my opinion, illegal.

Extract from Circular, 25th August 1852.

17. "Prisoners undergoing ordinary imprisonment in the same Prison must be confined together and not separately; but when there is but one Prisoner in the Prison he must, from necessity, be confined alone. Confirming Officers cannot order the infliction of ordinary imprisonment in Congee-house Cells."

Extract from Circular, 20th September 1855

3. It follows that they *(i. e.*, Commanding Officers) have full power to shut up [illegible] by their own award in Solitary Cells for one hundred and sixty-eight hours, or to co[illegible] Prison associated with other Prisoners, for the same period; and in addition to this latter description of imprisonment, to set them to hard labor; but this last punishment should not exceed two hours daily and should be divided into two portions.

4. But they have no authority separately to confine Soldiers under sentence, by Court Martial, of imprisonment, except for that period for which they are ordered by the Court to be solitarily confined. All Soldiers under sentence of simple imprisonment at the same time must be confined together, as pointed out in Rule 17 for awarding and inflicting imprisonment, issued with Circular letter of the 25th August 1852.

5. Application has been made through the Right Honorable the General Commanding-in-Chief, for a legislative enactment, extending to this country the establishment of Military Prisons, as authorised in the United Kingdom and Colonies by the 39th Section of the Mutiny Act, giving to the Governor General of India, the power of framing Rules for them. Thus the rig[illegible] separately confining Prisoners under sentence of simple imprisonment by Court Martial will be confided to Commanding Officers, a most desirable aid to discipline; but until this enactment shall be promulgated in India, Commanding Officers must guide themselves by paragraph 4 of this Circular.

From the Adjutant General, Horse Guards, S. W., 2nd March 1860; to General LORD CLYDE, G. C. B., &c. &c. &c., Commander-in-Chief in India.

In reply to your Lordship's letter of the 3rd January last, relative to the separation of Military Prisoners, I have it in command to inform your Lordship that there is no Regulation which forbids the separation of Prisoners, sentenced to terms of imprisonment not solitary; on the contrary it is specially sanctioned by the 120th Clause of the Prison Regulations, and separation is desirable on most occasions, separate Cells being preferable to associated wards, provided that they are properly constructed and have been approved.

From the Officiating Judge Advocate General of the Army, Head quarters, Camp Umballa, 15th February 1861, No. 127; to the Officiating Secretary to the Government of India, Military Department.

I have the honor to acknowledge the receipt, late on the afternoon of the 12th instant, of the following telegram from you :—

"In your Memorandum, number 813, dated 3rd September 1860, paragraph 7, you refer "to local Regulations regarding imprisonment, what are the Regulations referred to?

11TH FEBRUARY 19 41"

2. I have the honor to forward copies of the 17th paragraph of the Adjutant General's Circular of the 25th August 1852 and of the first 5 paragraphs of the Circular of the 20th September 1855, which are the Local rules referred to in my Memorandum, No. 813 of the 3rd September 1860.

3. I take this opportunity of transmitting a copy of my further correspondence with the Advocate General and the Adjutant General Her Majesty's British Forces in India, on the subject of the introduction of the "separate system" of imprisonment in India.

Extract from instructions for awarding and inflicting imprisonment in the case of European Soldiers, issued with Adjutant General's Circular, 25th August 1852.

17. "Prisoners undergoing ordinary imprisonment in the same Prison must be confined together and not separately; but when there is but one Prisoner in the Prison he must, from necessity, be confined alone. Confirming Officers cannot order the infliction of ordinary imprisonment in Congee-house Cells."

t from Adjutant General's Circular Memorandum, 20th September 1855.

[illegible]led that Commanding Officers of Her Majesty's Regiments in this Presidency, [illegible]e meaning of Circular, dated Horse Guards, 26th April 1851, [illegible] in which i[illegible] [illegible]ment by th[illegible]

Se[illegible] other portions of that paramount legislative authority, is not at

Circular above cited relates to the power of *summary punishment* [illegible]n of the Mutiny Act and 50th Article [illegible] it."

[illegible] full power to shut up minor offenders by their own award in [illegible]-eight hours; or to confine them in Prison, associated with [illegible]me period; and, in addition to this latter description of imprisonment, to [illegible]nishment should not exceed two hours daily, and should be [illegible]

[illegible] to confine Soldiers under sentence by Court [illegible] for which they are ordered by the Court to be [illegible]ers under sentence of simple imprisonment at the same time, must be [illegible]le 17 for awarding and inflicting imprisonment, issued with [illegible] August 1852."

[illegible]gh the Right Honorable the General Commanding-in-[illegible] to this country the establishment of Military Prisons as [illegible] United Kingdom and Colonies by the 39th Section of the Mutiny Act, and giving [illegible]ral of I[illegible]e right of separately [illegible] will be confined to [illegible]able aid [illegible]me; but until this enactment shall be promul-[illegible]ing Officers must guide themselves by paragraph 4 of this Circular."

Letter to Mr. Ritchie and his reply.

I have a question of some nicety before me, namely, the subject of the legality of adopting the [illegible]nfinement in the cases of European Soldiers sentenced to ordinary imprisonment, [illegible]. Sections 3 and 4.

[illegible]me with your [illegible]his Act can be held to apply to India. I have [illegible] as I am not aware t[illegible]n extended to India.

[illegible] 1860 (Signed) G. CLIFFE HATCH

Reply.

M[illegible] DEAR HATCH,

You are quite right, the Statutes 2 and 3 Vic. Cap. 56 has never been extended to India.

(Signed) W. RITCHIE.

[illegible] the Officiating Deputy Secretary to the [illegible] Department.

[illegible] your lett[illegible]60, dated the 9th January last, I have the honor to state that I do not think that the Act 2 and 3 Vic. Cap. 56, or that any other Act of Parliament, sanctioning the system of separate confinement either in Civil or Military Prisons, is in force in India.

2. Where a sentence of simple imprisonment, or imprisonment with hard labor, has been passed on a Soldier, I do not think it will be lawful in India to keep the Soldiers during any portion of the term of imprisonment, in solitary confinement. Even if the Military Regulations now in force in India, which prohibit such a proceeding, were to be rescinded, and if new Regulations

expressly authorising the infliction of some portion of the imprisonment in solitary confinement, were passed with the authority of His Excellency the Commander-in-Chief, I should be of opinion that such new Regulations would be to that extent invalid, and that any solitary confinement under them would be illegal.

3. But it by no means follows that because a solitary confinement, expressly authorising it, is illegal, a Prisoner may not be kept during a p... hours separate from other Prisoners and in a separate Cell, provided he be allowed, during a reasonable portion of the twenty-four hours, to be, either for the purposes of labor, exercise, or food, in the presence of and in communication with others

4. I do not think there is any thing in the Law now in force in I... sary to keep a Prisoner in company with others, both by day and night, ... forms no part of his sentence. The solitary confinement which the Law does not permit, conformity with a sentence expressly awarding it in a state of confinement where the Prisoner is k... both by day and night in continuous solitude for more than twenty-four hours. None of ... likely to arise from too long a continuance of such a state can be incurred by keeping a during some portion of every twenty-four hours in a separate Cell :—and provided he be no... an unreasonable number of hours out of the twenty-four, full regard being had to his health, both mental and bodily—and that the Cells themselves are of th... tion IV of the 1 and 2 Vic. Cap. 56, *i. e.*, of such a size, and lighted, ve... such a manner as may be required by a due regard to health, and furnished with the means of enabling the Prisoner to communicate at any time with some Non-Commissioned Officer or person in charge of the Prison. I do not think there can be any legal objection to confining Military Prisoners separately during the night and a portion of the day.

But I think that it will not be lawful or proper to adopt the separate system of confi... country, without the restrictions above pointed out: and that if it be thought the system in its entirety and to keep Prisoners, not sentenced to solitary confinement, wholly apart from and without the means of communication with other Prisoners similarly sentenced, an Act of Parliament will be necessary for that purpose.

I return the original enclosures.

From the Secretary to the Government of India, Military Department, Fort William, 1st May 1861, No. 7; to the Adjutant General Her Majesty's Forces in India.

With reference to your letter, No. 251, dated the 24th December 1860, regarding the system of separate imprisonment being introduced in India, I am desired to transmit for the information of the Commander-in-Chief, a copy of a communication from the Advocate General, furn... opinion on the subject, and to request that His Excellency may be moved to inform Gov..., whether this will not meet the difficulty now experienced in carrying into effect ordinary imprisonment.

From the Adjutant General Her Majesty's Forces in India, Head Quarters, Simla, 2nd June 1862, No. 153; to the Secretary to Government, Military Department.

With reference to letter from the Military Department, No. 7, dated the 1st May 1861, I have the honor, by direction of the Commander-in-Chief, to forward for submission to Government, the enclosed Reports on the Barrack and Station Cells in the Bengal Presidency.

I am desired to say that the Commander-in-Chief is quite of opinion that Mr. Ritchie's suggestion entirely meets the difficulty of carrying out separate imprisonment. He is persuaded moreover that a proper application of partial solitary imprisonment, as suggested in Mr. Ritchie's letter, paragraph 3, would be most advantageous to discipline.

The Commander-in-Chief begs to bring to the notice of Government that the places of Military imprisonment in India have been extremely neglected, both as regards construction, good building, and arrangements for the proper supervision of the Prisoners, as well as ventilation, cleanliness and drainage.

...ported ft for ... His Excellency hopes that ...as

Dum-D... ...*ry.* for such in... nt to be carried out in these
Ba... *Bar-* ...as

...alculable advantages that would be derived
,, *Artillery.* from the introduction into I... ...ry Pri-
Foot Artillery. ... Home
...ted on

...the large scale, and subject to the supervision of a
...Governor ... with all the advantages of the
...above Institution.

...fan- The present places of imprisonment are mere Barrack Cells, and quite unfit as places for the ...fliction of long sentences of imprisonment, and

M... ...tab-
...ld

...tend to support disc... ...away wit... ...y of penal servit...
wh... ...sence of proper places of imprisonment.

...ither at Hill Stations, or Stations of well- ...lu-
...in central positions, so as to be available for Prisoners ... ...m
at any season ...

P. S.—I... forward the enclosed Memorandum from the Quarter Master General
of ... that early sanction be given for the necessary Prisons and Barrack ...sanctioned by the Government of India.

No. 2097.

MEMORANDUM.

...ne's Memorandum, No. $\frac{2307}{2}$, dated 24th ultimo, forwarding for ...overnment, a letter on the subject of Military Prisons, the under-
si... ...honor to offer the following remarks.

The proposal to establish a complete system of Prison discipline in this Presidency, has rec... ...ssive Com... ...s in ...

correspondence of ... ...n 1849
, the Of... ...ce time: during 1852 and 1853, a Prison Committee,
Adjuta... *Majesty* Joseph Thackwell as President, assem-

...t Meerut, approved of Plans and drew up Rules, &c., † &c.

The Committee had laid before them all the information procurable from Home in regard to ... ...and ...line of Military Prisons both in England and in the Colonies, and had ... ...s and experience of Officers in this country, who were fully conversant with Prison discipline in India.

Their report, modified and corrected in accordance with suggestions from the Court of ... War Office, and Colonel Jeb... ...by the Commander-in-Chief, (Sir Willia... to the Governor General (L... ...g in an order being given in December 1854, to the Lieutenant Governor, North Western Provinces for the immediate erection, at Meerut, of a Central Military Prison according to an approved Plan, and Block Prisons on the Sealkote Plan at ... Military Station a... ... to the st... ...son. This building of the Central P... at Meerut was commenced ... but owing ... ...rials, its progress was slow, and the Mutiny of 1857 put a stop to it altogether; and until 1859, the subject was forgotten, when a communication was received in this Department from the Supreme Government, enclosing documents from the Bombay Government, relative to the establishment of a Central Prison at Poona. The then Commander-in-Chief, (Lord Clyde) replied that he fully recognized the necessity for the construction of Military

Prisons, the great increase of European Troops in India, the probability that the European Army would for a lengthened period, be maintained in considerable strength : the dis- ...nis-portation, with the substitution of penal servitude in varying periods. His ... all demanded early attention and consideration to this subject, and it was recommended by ... His Lordship that the approved Plans and Rules of 1853-54 should be sent to the Bombay Government, with a suggestion that the Prison at Poona should be erected on their standard. To this no reply has ever been received ; but during 1860-61, a correspondence regarding the provision of Military Cells was entered into the Department of the Adjutant General of the Army, and Government were again informed that the Commander-in-Chief approved of the Plan proposed by the Meerut Committee (on which design the Block Prison at Sealkote is constructed) and were solicited to issue early orders for the provision of such Prisons at all Stations. Here the matter ended, and Major General Becher begs to suggest, that, in submitting the subject of the letter, herewith returned, the attention of Government be called to the former correspondence on this subject, and early provision of the necessary buildings be solicited at such Stations as the Commander-in-Chief may think desirable.

QR. MR. GENL.'S OFFICE, HEAD QRS., SIMLA, 26*th May* 1862. (Signed) A. BECHER, Major-Genl. *Qr. Mr. Ge...*

To the Adjutant Genl Her Maj... Forces in India.

Memorandum from the Judge Advocate General of the Army, ... March 1862, No. 154 ; to the Officiating Deputy Adjutant General, Her Majesty's Br... in India.

Second Report on papers relating to the Solitary Cells at Stations of the Army in Bengal (received back, for further opinion, by Endorsements, No. 802, 8th February and No. 1119, 28th February.)

My opinion is now requested as to whether the course suggested by the Advocate General in his letter to Government, dated 19th April 1861, may be carried out. It may be as well here to enter for easy reference, what Mr. Ritchie says on the subject. He writes as follows :—

"3. But it by no means follows that because a solitary confinement, in the absence of a "sentence expressly authorizing it, is illegal, a Prisoner may not be kept during a portion of every "twenty-four hours separate from other Prisoners, and in a separate Cell, provided he be allowed "during a reasonable portion of the twenty-four hours to be, either for the purpose of labor, exercise, or food, in the presence of and in communication with others.

I do not think there is anything in the Law now in force in India, which renders it "necessary to keep a Prisoner in company with others, both by day and night, where solitary con"finement forms no part of his sentence. The solitary confinement which the Law does not permit, "except in conformity with the sentence expressly awarding it in a state of confinement, where the "Prisoner is kept both by day and night in continuous solitude for more than twenty-four hours ; "none of the evils likely to arise from too long a continuance of such a state can be incurred by "keeping a Prisoner during some portion of every twenty-four hours in a separate Cell, and provided "he be not kept for an unreasonable number of hours out of the twenty-four, full regard being had "to his health, both mental and bodily, and the Cells themselves are of the description given in "Section IV of the 1 and 2 Vict. Cap. 56, *i. e.*, of such a size and lighted, ventilated and fitted up "in such a manner as may be required by a due regard to health, and furnished by the means of "enabling the Prisoner to communicate at any time with some Non-Commissioned Officer or person "in charge of the Prison. I do not think there can be any legal objection to confining Military "Prisoners separately during the night and a portion of the day.

"But I think it will not be lawful or proper to adopt the separate system of confinement "in this country without the restrictions above pointed out ; and that if it be thought desirable to "carry out the system in its entirety, and to keep Prisoners, not sentenced to solitary confinement, "wholly apart from and without the means of communication with other Prisoners similarly sen"tenced, an Act of Parliament will be necessary for that purpose."

3. The plan suggested by Mr. Ritchie is in fact a modified separate system, the Prisoners being made subject to its rigor during only a portion of the twenty-four hours. No fixed period is stated, but there is no legal objection, it is said, to Prisoners sentenced to ordinary imprisonment being con-

...and during the whole of the night, provided ...tant one, that full regard is had to the Prisoner's health, ...n IV of ... manner ... health, and furnished with the mea... ...ling the Prisoner ...me with some Non-Commissioned Officer or person in charge of the Prison.

... have now come in, giving full particulars a... ventilation and other ...rs. Many of the buildings appear to be well adapted, or might I think be made so, ...tem of imprisonment ... but many ar... ...uite ... there are some of the ... ...ought not in ... in ...l at all as places of confinemen... ...ld particularly draw the Com...ttention to remarks on the first and third Prisons, as entered by the Quarter ... in his Abstract of Reports.

... to the Garrison Cells in Fort William, he writes from the Committee Report. ...ge Cell, they are very badly lighted and wret... ...ntilated, ...r unfit with regard to health for carrying out solitary imprisonment. Both the former ... Ga... ...r and Garrison Surgeon ascertained by ... ...the last weather, from 110 to 115 degre... Non-Commissioned Officer or person in charge."

And with reference to the Main Guard Cells at Dum Dum, the remarks are as follows :—

... the Main Guard and Cells of the perma... Infantry ...ated, and in the present condition of the ...tira... ...e men fever and ague, being surrounded with swamps and stagnant waters, which ...effluvia : their ventilation might be improved at a trifling expense. The ... each 2,926 cubic feet of air, the twelve contain each 2,58... ...d the last ...eight contain each 1,400."

4. From an analysis of the Reports, it would seem that out of 82 Prisons reported upon, 32 of them are considered fit for carrying out the separate system (at one station, Berhampore it is reported as ... out now) or might easily be made so ; but that th... ... for very short periods, either from want of ... ...mmunication ... Warder or Provost Se... It will be per... some of the Stations the Prison belonging to one portion of the Garrison is pron... be fit and that ... to the other portion to be unfit. The Prisons at Rawul Pind... ...Mhow and other places are within this category. It may be doubted how... ... of communicating at all times with the Provost Serjeant, a matter ...rted to i... of Parliament, whether with rare exception any of the Prisons can be pronounced quite fit in ...spect, and the recent case of Private Fogden, of Her Maj... ...le to make his escape without detection though fettered and manacled, a... ...es that occur of Prisoners escaping from their pla... ...finement, serve to how little they ca... ...e hearing of the Sentry, and what difficulty they might have in ... ...heir wants known, if they were suddenly taken ill, and wished to communicate with the Provost Serjeant.

5. With every deference for the opinion expressed by Mr. Rit... ...e introduction of any more rigorous system of Prison discipline than that sanctioned by the Legislature, unless Government agree to authorize the change and approve also of a Board of Civil Officers visiting the Prisons after they have been pronounced fit for carrying out any system to be decided upon, and reporting periodically to His Excellency upon its working and all ma... connected with the same. His Excellency will not have failed to observe the extreme care that is ... at Home to improve in every way Prison discipline, and how jealously any infringement of the ... and Regulations laid down by authority, is guarded against.

The many check that exist in England against abuses in Prisons are mainly wanting in India, and I would observe also that abuses are much more likely to occur here, and when they do occur to act more injuriously upon Prisoners owing to the comparative unhealthiness of the climate, and the baneful effect of confinement acting upon previously debilitated constitutions. It would be

desirable therefore to provide, so far as may be practicable, against the evils to be exp[illegible]m a want of proper supervision, and I can think of no other plan so well adapted to meet [illegible]ulty as to have the Prisons visited frequently by well selected Civil Officers, who, from their position and experience, are not likely to pass by any abuses unnoticed, or when noticed, to prevent their being brought to light, with the view of screening the misconduct of the officials connected with the Prison.

No. 46.

MINUTE OF COUNCIL.

Military Department, the 2nd September 1862.

Read the following papers relative to the introduction in India of a modified system of separate imprisonment for European Soldiers in India:

From Adjutant General Her Majesty's Forces, No. 251, dated 24th December 1860.
From Officiating Judge Advocate General, No. 127, dated 15th February 1861.
From Advocate General, dated 19th April 1861.
To Adjutant General Her Majesty's Forces, No. 7, dated 1st May 1861.

From Adjutant General Her Majesty's Forces, No. $\frac{153}{1}$, dated 2nd June 1862, (with the annexures attached to it.)

OBSERVATIONS.—His Excellency the Governor General in Council observes that the separate confinement of European Soldiers recommended (the introduction of which is, in the opinion of His Excellency in Council, most desirable) is perfectly distinct from that referred to in the 2nd and 3rd Victoria Cap. 56; and consists in keeping the Prisoner only for a reasonable number of hours out of the twenty-four in a separate Cell, which shall be of such a size, and so lighted, ventilated, and fitted up as may be required by a due regard to his health, both mental and bodily, and also be furnished with the means of enabling the Prisoner to communicate at any time with some Non-Commissioned Officer or other person in charge of the Cells.

2. There seems, therefore, no reason whatever why the system should not be carried out, as recommended by His Excellency the Commander-in-Chief, at once in the thirty-two sets of Cells reported to be of a suitable description, and hereafter in such other Cells as shall be made so.

3. But His Excellency in Council deems it important that the inspection of these Cells, as proposed by the late Judge Advocate General, Lieutenant-Colonel Keith You[illegible] for in some form or other; and it might be perhaps advisable that such inspe[illegible] (if there should appear to be no objection to this course) by the Inspector of Jails, and the principal Medical Officer, and the Magistrate on the spot; their reports being sent to His Excellency the Commander-in-Chief, through the local Military Officers, to enable them to offer at once any explanations, or make any suggestions, should either be needed.

ORDERED that copy of the above, with the papers in original, be forwarded to the Home Department for early consideration as to the best, or least objectionable, mode of effecting the desired inspection; with the request that the papers may be returned to the Military Department.

EXTRACT from the Proceedings of the Right Honorable the Governor General in Council in the Home Department, (Judicial) No. 784, under date the 29th January 1864.

Read again Extract from the Military Department, dated the 2nd September 1862, No. 46, with enclosures, regarding a system of separate confinement for European Military Prisoners, and the periodical inspection of the Cells used for the purpose.

Ordered that a copy of the above communication be forwarded to the several Local Governments and Administrations noted in the margin, and to the Foreign Department, with a request that effect may be given to the suggestions made therein, so far as circumstances will admit, and that the precise arrangement adopted in each case for the proposed periodical inspection of the Cells, may be reported to the Government of India in the Military Department.

* *Government of Bengal.*
Do. of the N. W. Provinces.
Do. of the Punjab.
Chief Commissioner of Oude.
Do. do. of the Central Provinces.

Copy forwarded to the Military Department for information.

(True Extract)

(Signed) J. W. S. WYLLIE,
Under Secy. to the Govt. of India.

Referred to His Excellency the Commander-in-Chief.

11*th August* 1864.

[illegible] Secretary to the [illegible]nment of India, Military [illegible]am, 5th [illegible]. 68; to the Secretary to [illegible]rtment, Fort Saint George.

[illegible] of the Proceedings* of Government in the Public Works Department, relative to the advisability of either enlarging the Mili- [illegible]or of substituting a new building for it, I am directed [illegible]nment of India may be favored, as early as convenient, [illegible]ion of His Excellency the Governor in Council and [illegible] Madras Army, on the points referred by the Pub- [illegible] for the consideration of the Government of India in the Mili- [illegible]nd that, at the same time, a Sanitary Report of the existing

[illegible]rable the Governor General of India in Council, in the Public Works [illegible]h June 1864, No. $\frac{379\ M.}{2835}$.

[illegible]he Military Prison at Trimulgherry.

[illegible] Resident at Hyderabad, No. 185, dated 7th April 1864, with Estimate and Plan.

[illegible]—The Governor General in Council observes that the area of the present and [illegible] very small, being only 82 square feet. The [illegible] Guards according to the Standard Plan is [illegible]d Block Plan of 20 Regimental Cells allows an area of 15 × 7 = 105 sq[illegible]

[illegible] Cells in the form of a cross does not seem to be a good one. [illegible]o as to get both wind and sun-light. The proposed method of [illegible] making new cross ranges is objectionable for the same reason. It fur[illegible]ses the amount of the Verandahs an[illegible]ilation—indeed th[illegible] little or no free ventilation. [illegible]al in Coun- cil [illegible] to know what the Medical history of this Prison has been, ho[illegible] present design.

[illegible] question of Prison accommodation has already [illegible] to the Military Department and is no d[illegible] under co[illegible] but seeing t[illegible]us of a Military Pr[illegible]oad, and t[illegible]l accommodation seems much required, the [illegible] on its own merits.

[illegible]ary however to bear in mind that a pr[illegible]ngs the Secunderabad Cantonment, and it [illegible] not be d[illegible]ld- [illegible] present, if its position is not s[illegible] new proposed distribution of the Troops.

Ordered th[illegible]ing observations and the papers above read be forwarded to the Military De[illegible]tion and orders upon the following points:—

1st.—Whether there shall be a general Prison at Hyderabad, or whether the several Regiments shall have separate Prison buildings, and in either case what extent of accommodation should be given.

2nd.—Whether a Sanitary Report shall be called for regarding the existing Prison before extending it.

3rd.—Whether the extension of the present building shall not be also dependent on its position being suitable, if the new arrangements for the Cantonment of Secunderabad are adopted.

Ordered also, that the foregoing observations be forwarded to the Resident at Hyderabad, with a request that the information required in paragraph 2 may be furnished to this Office.

(Signed) R. STRACHEY, Colonel, R. E.,
Secy. to the Govt. of India.

Referred to the Commander-in-Chief for His Excellency's observations, and to the Principal Inspector General Medical Department, for the Sanitary Report called for in this letter.

26th September 1864.

From the Officiating Principal Inspector General, Medical Department, Fort Saint George, 5th October 1864, No. 334; to the Secretary to Government, Military Department, Fort Saint George.

In reference to your Memorandum, under date 26th September last, calling for the Sanitary Report upon the Military Prison, Trimulgherry, I have the honor to forward a copy of a letter upon that subject addressed by the Deputy Inspector General of Hospitals, Hyderabad Subsidiary Force, to the Brigadier General Commanding.

No. 221, *dated* 21*st July* 1864.

From the Deputy Inspector General of Hospitals, Hyderabad Subsidiary Force, Secunderabad, 21st July 1864, No. 221; to the General Officer Commanding Hyderabad Subsidiary Force.

I have the honor to acknowledge the Proceedings of the Right Honorable the Governor General of India in Council, regarding the Military Prison at Trimulgherry, sent for my perusal and herewith returned.

With reference to the Order therein, No. 3, regarding the sanitary measures, I desire to state that the situation of the building is probably the best that could have been selected; it is on very high ground, airy, and the accommodation afforded, provides ample space in the Cells for each Prisoner. Of these Cells there are 32 each in size of the same dimensions, giving a superficial area of upwards of 100 feet and more than 1,500 cubic feet of air for each inmate, with ground and upper ventilation besides iron-barred doors.

The Cells themselves are particularly cared for and are scrupulously clean, and the whole arrangement affords infinite credit to those exercising supervision over the Institution. During the past two years, from July 1862, since which time the Records have been carefully kept up, to the present time, there have been admitted... 555
Prisoners, of whom were sent to Hospital... 28
viz., for the last six months of 1862, admitted 150
of these were sent to Hospital... 13
during the year 1863, admitted... 303
and sent to Hospital... 12
in the last six months have been admitted ... 102
and were sent to Hospital... 3

The men have not continued long on the sick List and have been in every case sent back cured, to complete their confinement. No casualty has occurred among any of the men under imprisonment. The rations are of the best description, though of course diminished from the accustomed quantity when at large. The absence of spirits is, I suspect, not so severely felt as the non-allowance of tobacco. The men are somewhat anomic in appearance on being dismissed Jail duty, but this may be expected and is in no way ascribable to Sanitary arrangements which I consider unexceptionable on all points.

From the Officiating Deputy Secretary to the Government of India, Military Department, Fort William, 18th October 1864, No. 221; to the Secretary to Government, Military Department, Fort Saint George.

In continuation of my letter, No. 68, of the 5th ultimo, I am directed to transmit, for the information of the Government of Madras, copy* of one from the Secretary to the Resident at Hyderabad, forwarding a Report on the Sanitary condition of the Military Prison at Trimulgherry, with suggestions for a modification of the original Plan of the building.

* *No.* 51 *dated* 6*th August* 1864.

...t of India will be glad of as early a reply as convenient to

...rabad, Department Public Works, Bolarum, 6th August
...etary to the Government of India, Public Works Department, Fort

...from the Resident, to submit for the information of the
...Government of India, copy of Report* from the
221. ...Deputy Inspector General of Hospitals H...
...te of the Military Prison at Trimulgherry, as called for in
...vernor General No. 380 M. ... 25th June 1864. Accom-
...
...on arran...

I am directed to stat... ...ead
...the cross r... ...led,
...r to build u... ...the
...le in every way, will pre-
...to Government.
...above proposed arran... ...are that whilst the venti-
...ffered with, that of ... ...sed new ones will be most
...ry way, a... ...ilding five Cells on each of the Wings commencing from
...the number* first required by
...

...fference of cost too, b... ...e plan which has been ob-
...ill be considerably in favor of the former.

4. Regarding ... ...resent Cells,
considered by Go... ...g too small,
I am to state that though the actual Cells them-
...nly 10' + 8'-3', yet the passage adjoining each Cell, of the same height and opening
...t by a lofty archw... ...lent ven-
...) 10 + 8' 3' = 82½ ...n, may fairly be c... ...part of the
3 × 1½ = ...ell, thus the latter has really an area† of 124½
10 + 3' ... instead of 82½ only, as would appear from the
...Area of Cell, 1st ... ... a Cubical space, including Archway of

---

...from ... ...ad Subsidiary Force, Secunderabad, 25th July 1864, No. 280;
to ...

have the honor to acknowledge the receipt of a letter from Captain G. Price, No. 320 of
... 1864, f... ...y of Proc... ...Right Honorable the Governor
... ...ncil, Pub... ...epartment, ..., 25th June 1864, No. 380M/283a,
an... ...ference to paragraph 1 thereof, I would observe that the advantages of having a General Military Prison at Secunderabad, where a large European Force is always stationed, are obvious.

2. It insures the system laid down to enforce proper discipline amongst Prisoners being carried out in its fullest ...ority, whereas, were separate Prison accommodation provided for each Regiment no matter how ... and good the supervision exercised by the Divisional Authorities might be, so much would depend on the care and attention bestowed by different Commanding Officers that the same result, as at present obtained, could hardly be anticipated.

3. I would ... that the accommodation at the Military Prison should be increased by the addition of sixte... In the event, however, of its being decided that European Regiments are to be supplied with Prison accommodation for their Court Martial as well as Regimental Prisoners and that the Military Prison is done away with, at least sixteen Cells will be required for each Regiment, whereas six is the regulated numbers. I am much opposed to such an arrangement.

4. Six Cells for each European Regiment should be provided, Cavalry and Infantry, and three for each Battery of Artillery within their own lines.

5. With reference to paragraph 2, I beg to forward herewith a Report on the Sanitary condition of the Prisoners at the Military Prison, from the Deputy Inspector General of Hospitals Hyderabad Subsidiary Force, from which it will be observed that nothing can be more satisfactory than it is, and always has been.

6. With reference to paragraph 3, I would observe that the Military Prison at Trimulgherry is most happily situated both with regard to Sanitary requirements and also to the situation of the European Troops.

7 As the Governor General in Council does not approve of the cross-ranges proposed, the four wings should be lengthened, thus preserving the present form of the building, which in every point of view has been found so satisfactory.

8 If the present form is adhered to, no increase in the Personnel of the Establishment will be necessary, whereas, in the event of detached buildings being sanctioned, a large increase will be required. In either case the surrounding wall will have to be pulled down and the compound extended, as the space at present is extremely limited.

Referred for the observations of His Excellency the Commander-in-Chief, in connection with former letter from Government of India as marginally noted, referred on the 26th September 1864.

No. *dated 5th September* 1864.

An early reply to the reference is requested.

2nd November 1864.

From the Adjutant General, Head Quarters, Ootacamund, 5th November 1864. No. 958; to the Secretary to Government, Military Department, Fort George.

With reference to the Proceedings of Government, [illegible], I have the honor, by order to state, for the information of His Excellency the Governor in Council, that Sir Hope Grant is of opinion that Prisons should be constructed at Bangalore and at Wellington.

2. His Excellency desires me to mention that, at Wellington, the foundations for twenty-one Cells are already completed, and it is considered most desirable that the superstructures should be at once proceeded with, not only because of the advantages to be derived from the separate system of imprisonment, but that the sixteen married Quarters now used as Cells, (which is open to great objection) may be made available for the purpose for which they were originally intended.

3. I am to add, with regard to Secunderabad, that nothing is required, as there is a Prison at that Station sufficient for present requirements.

From the Quarter Master General, Head Quarters, Ootacamund, 5th November 1864. No. $\frac{498}{10,107}$; to the Secretary to Government, Military Dept., Fort Saint George.

Referring to the Order of Government, dated 26th September last, forwarding correspondence from the Government of India, on the subject of the Military Prison at Trimulgherry, I have the honor, by order of His Excellency the Commander-in-Chief, to transmit the Report from the Officer Commanding Hyderabad Subsidiary Force and its annexures, replying to the several points commented on.

2. The Commander-in-Chief observes that his own opinion of this building is entirely in conformity with Brigadier General Grant's; its position, healthiness, suitability and the discipline maintained are excellent; and he thinks that it should be retained and enlarged.

3. The only question seemingly against its retention is, its relation to the proposed entrenchment. But rather than destroy so costly and excellent a building,

[illegible]k, rendering a resort to
it should be occupied [illegible]ps and a communication
[illegible]ear.

[illegible]ers, Secunderabad, 28th
[illegible] dated 20th October 1864 with annexure, (herewith returned), I have the honor to [illegible] copies
[illegible]er
[illegible]en
n June place between myself and
[illegible] to
d July 186[illegible]

[illegible]ad Subsidiary Force, Head Quarters, Secunderabad, 22nd
[illegible]h Resident, Hyderabad
[illegible]dge the receipt [illegible] March 1[illegible]
[illegible]arding t[illegible]

[illegible] carried on.

[illegible] discipline carried on in the Military Prison is based on the Rules [illegible]itary Prisons at Home, as far as they ar[illegible]. 3 [illegible] of the Regu[illegible]rison of Te[illegible] [illegible]ne during his Command of the Hyderabad

[illegible]onthly Boards of Visitors has always been observed since the [illegible] the Prison.

I [illegible] opportunity of stating that the number of Cells in the Prison is not sufficient for the requirements of the Force.

5. The Solitary Cells belonging to Regiments as per margin, are under the [illegible] the Regimental [illegible]ding Officers and are used for the purpose of confining minor [illegible] when sentenced [illegible]itary confinement, during which time they are under the daily supervision of the Regimental Authorities both Military and Medical.

When built.	When brought on Return.	Corps.	Cell	Length.	Breadth.	Height.	Remarks.
							C. ft. ea.
		Royal Artillery.....	5 ea	8 0	8	0 12	0 768
		H. M.'s 17th Lancers.....	10 ,,	8 0	8	0 12	0 768
		108th Regiment of Foot...	6 ,,	10 0	10	0 19	0 [illegible]
		Unknown, Main Guard..	[illegible] ,,	8 0	8	0 12	0 [illegible]

6. With respect to the last paragraph of your letter under reply, I shall be ready to accompany you, any day you may be pleased to appoint.

From the Secretary to the R… Public Works, Bolarum, 8th July 1864.
No. 320; to the Officer Co… …ry Force, Secunderabad.

Adverting to the scheme lately submitted with your concurrence by the Executive Engineer Secunderabad Division, for extending the Military Prison at Trimulgherry, I have the honor, under instructions from the Resident, to enclose for your information, the copy of Proce… * of the Right Honorable the Governor … of India in Council on this subject, and to request the favor of your obtaining for him, at your earliest convenience, all the information procurable regarding the Medical History of the Prison enquired about in paragraph 2 of the Government letter.

* *No.* $\frac{380\text{M}}{2835}$, *dated 25th June* 1864.

Enclosure one.

ORDER, No. 4282, 30*th November* 1864.

Ordered that the foregoing letter from the Quarter Master General, on the subject of the Military Prison at Trimulgherry, be communicated to the Government of India, with an expression of the concurrence of this Government in the plan for additional accommodation and the system of Prison discipline proposed in the correspondence from that Government above recorded; at the same time the Government of India will be requested to communicate to this Government any Standard Plan that may be adopted in Bengal for the construction of Military Prisons generally.

2. With reference to the subject of paragraph 2 of the Adjutant General's letter, No. 958, above recorded, the Governor in Council wishes to see a Pl… 21 Cells therein alluded to, and to be informed whether the… …instructed …tion hereafter.

To the Secy. to the Govt. of India, Mily. Dept. | Here enter 30th Nov. 1864. No. 428…

(True Extract.)

A Hamilton
Under Secretary to Gove…

To the Prin. Inspr. Genl. Medl. Dept.
„ Adjutant General.
„ Quarter Master General.
„ Judicial Department, for information. With 10 spare copies

No.
Copy furnished to the Inspector Genl. of Jails for information.

Exd. T. …

Jud. Dept.

PROCEEDINGS of the MADRAS GOVERNMENT.

If the prison is occupied by Convicts sent from [illegible] this is merely a temporary arrangement until provision shall have been made at Penang for the detention of the Andaman and American Convicts sentenced at Calcutta.

If however it be intended that Military Convicts belonging to Her Majesty's British Forces, sentenced to penal servitude, shall undergo their sentences in this Country, additional prison accommodation must be furnished, either at the prison of H.M. Steamer, or by building a new prison at some other station.

The Quarter Master may then be designed at a rate of [illegible] per annum [illegible]

[illegible] not sufficient to receive [illegible] Andaman and American prisoners [illegible]

[illegible] be made [illegible] determine [illegible] commanding [illegible] shall [illegible]

[illegible] Quarter

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Despatch
Despatch
tary of State
acknowledging
Mean Amercan
vacts

the Commissioner

Lieutt General — 17 Nov — 2726

Proceedings of Govt in the Mily Dept
Communicating correspondence
& Establishment of

Fort St George 21st March 1865 No. 634.

It is observed that
in the letter last noted
it was determined

Governor Genl

186 . Department.

No.

PROCEEDINGS OF GOVERNMENT,

Dated

142 140

7670] Madras—Printed at the Government Press.

vernment of India that
each Country should
provide Accommodation
in said
America for
European Convicts
-cannot contains
30 Cells, is quite sufficient
for the requirements of this
Presidency, as regards Euro-
-pean and American Convicts
sentenced to the Criminal
Courts, since as now
been determined to establish
separate Military Prisons
at Bellary and Bangalore
there will be no necessity for
any of the Cells
[illegible]

[illegible] 21/3

Legal 1865 Department.

No.

PROCEEDINGS OF GOVERNMENT.

Dated 21st March 1865