

MADRAS RECORD OFFICE.

Government of Madras.

Industrial DEPARTMENT.

G.O. No.	1366	Press
		<u>Mis.</u>
Dated	1 - 9	19 12 16

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
1st September 1866.*

Read the following papers:—

No. 1. From the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 25th May 1866, No. 30.

I am directed by the Judges of the High Court to forward, for the orders of Government, copy of a letter from the Civil Judge of Bellary, regarding a Court House for the temporary Principal Sudder Ameen.

From J. R. KINDERSLEY, Esq., Civil Judge of Bellary, to the Registrar of the High Court of Judicature at Madras; dated Bellary, 14th May 1866, No. 23.

The Government having ordered the temporary establishment of a Principal Sudder Ameen's Court at Bellary, to be opened on the 1st June, I have the honor to bring to the notice of the High Court that the Court House of the late Subordinate Court has been included in the precincts of the Zillah Jail, by building a wall round it, so that it now stands in the Jail yard. This step appears to have been sanctioned by Government, in their Proceedings dated the 4th January 1864, No. 4, of which I have the honor to submit a copy.

2. The building, though well suited for a Court House, is so ill adapted for the confinement of prisoners, that the Committee for the improvement of the Jail have just recommended to Government that it should be pulled down.

3. It is at present used for the confinement of prisoners awaiting their trial, and of those sentenced to short periods of imprisonment. I have spoken to the Superintendent of the Jail, Captain Macleod, and he would be willing to restore the building to the judicial branch of the service, at least temporarily, if he were allowed to send away, from time to time, to Ootacamund, or other stations, as many prisoners as are now accommodated in the Sub-Court House. It seems that that might easily be done.

4. If the building should again be taken as a Court House, it would be necessary to pull down a few yards of the wall which has been built in front of it, so as to allow the public to enter; and in order to prevent any strangers from wandering into the Jail yard, it would be necessary to build small pieces of wall from the corners of the Court House to the outer wall of the yard. If this were done by prisoners, I do not think the cost in cash would amount to Rupees 50. It would also be necessary to lay out a few Rupees in re-opening the doors and windows which have been blocked up.

5. I have not been able to find any building, the property of Government, which would be suitable for a Court House, and the rent of a private house would be from 80 to 100 Rupees per mensem.

6. As the Court is to be opened on the 1st of June, I have the honor to request that instructions as to a Court House may be issued as early as possible.

Referred to the Inspector General of Jails, for report.

FORT SAINT GEORGE,
30th May 1866.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 2. From the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 31st July 1866, No. 52.

I have the honor to return the letter of the Registrar of the High Court, dated 25th May 1866, No. 30, and to state that the old Sub-Court House could not be given up to the temporary Principal Sudder Ameen, without serious inconvenience. I have this day reported, in my letter, No. 51, upon the recommendations

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Committee upon the Jail at Bellary, and it will be seen from that Report, and the plan which accompanies it, that the surrender of the Court House would be materially with the improvements recommended. Although the Committee suggested that the building should be pulled down, I have since ascertained that it can be adapted for the reception of prisoners, and, even if such were not the case, the site on which it stands could not well be parted with.

I enclose an original letter from the Superintendent of the Jail, dated 17th August, from which it will be observed that he could not spare the Court House under existing circumstances. Mr. Kindersley is mistaken in supposing that it is a matter to relieve the Jail by transfer to Ootacamund or other stations. I do not say that such is by no means the case.

I regret that the reference to which this is a reply should have remained open for so long, but the question is so intimately connected with that of the general improvement of the Jail, that it appeared expedient to lay the whole matter before Government at one time.

The Superintendent of Jail, Bellary, to the Inspector General of Jails, Madras; dated Bellary, 17th May 1866, No. 133.

Principal Sudder Ameen having been recently appointed to this station, and there being no Court House available, the Civil and Session Judge has requested me to address you on the subject, with a view to the old Sub-Court, which is now within the Jail area, being made over to the Officer, for the purposes of a Court.

After the abolishment of the Sub-Court at this place, it was at first intended that the Session Judge should occupy the Sub-Court House, but, in December 1863, on the strong recommendation of Mr. Shaw (the present Inspector General of the Medical Department), as well as of Dr. Johnston, who was then in Medical charge of the Jail, the Sub-Court was, with the sanction of Government, enclosed within the area of the Jail, in order to relieve the Jail itself somewhat of its overcrowding of prisoners; it was also proposed by Dr. Shaw that a portion of the building should be used as a Hospital, but this has never been carried into effect.

I have explained to Mr. Kindersley that I have no objection to make over the Sub-Court to the Jail, provided the Jail is permanently relieved of a portion of its surplus prisoners, but on other ground do I consider it judicious to part with the building.

This Jail is, as you are aware, already greatly overcrowded, the total number to-day, including under trial prisoners, being 511, whereas it is supposed to contain but 275, and this only if certain improvements recommended may have been carried into effect. At present an average of 38 prisoners are confined in the Sub-Court at nights, and I do not consider it would be at all prudent to part with the building, without previously making some arrangement, whereby the Jail might be permanently relieved of its surplus prisoners.

The Committee appointed under the Proceedings of Government, No. 877, in the Judicial Department, dated 16th June 1865, have, it is true, recommended that the Sub-Court building be pulled down, but this, it must be recollected, is only when a Central Jail may have been decided upon, when the number of prisoners to be confined in this Jail will only be 275—a very different case from the overcrowded Jail, and which of itself might cause an epidemic.

In the event of the Sub-Court being again made over to the Session Judge, it will be necessary to pull down a portion of the Jail wall enclosure, so as to allow access to the Court, and to build up two side walls between the Court and the walls of the Jail enclosure, in order to make the enclosure complete, but this work could be performed by Convict labor at little or on expense.

Mr. Kindersley has, I believe, addressed Government on the subject of this letter, and as a reference will probably be made to you, he has requested me to address you with regard to it.

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Referred to the Collector of Bellary, for early report as to whether the old Taluq Cutcherry in Bellary, which it was proposed to make over to the Municipality, has been so disposed of, or whether it can be made available, for the present, for occupation by the temporary Principal Sudder Ameen.

FORT SAINT GEORGE,
8th August 1866.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 3. From the Collector of Bellary, to the Secretary to Government, Revenue Department, Fort Saint George; dated Bellary, 22nd August 1866, No. 61.

With reference to the Chief Secretary's foot-note, dated 8th instant, on a letter, No. 52, dated 31st July 1866, from the Inspector General of Jails to his address, I have the honor to state that I inspected the old Taluq Cutcherry of Bellary. It was ordered to be given over to the Municipal Commission, but they have taken no steps to utilize this possession.

2. Beyond the site, in a back street, and ill-ventilated and ill-situated, there is nothing but a ruin, unused for eight years since the new Cutcherry was built, and it would require entire renovation to fit the place for a Judicial Office of any sort. It is nothing but a Courtyard, with the remains of a ruined verandah round it.

3. The site, however, is valuable to persons who consider ventilation as unessential, and I understand from the Tashildar that, if it were put up to Auction, it would realize a fair sum as a house site.

4. It is unfit, in its present condition, for a Court, and I doubt the advisability of expending money on its restoration, for the reasons above mentioned.

No. 4. ORDER THEREON, 1st September 1866, No. 1366.

As the Inspector General of Jails has shown that the old Sub-Court House cannot be given up for the use of the temporary Principal Sudder Ameen without serious inconvenience, and as no other public building is available for the purpose, the Governor in Council authorises a suitable house being rented for the present, if no other arrangement is practicable in the opinion of the Civil and Session Judge.

2. It does not appear where the Court has been held since its opening on the 1st June last.

(True Extract).

Secretary to Government.

To the Honorable the Judges of the High Court.
" Civil and Session Judge, Bellary.
" Collector of Bellary.
" Inspector General of Jails.
" Accountant General.

Exd. J. H. Burns.

3 10
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
papers:-

From the Regr of the High Court of Madras } Here enters 25th May 1866 No 30.
— Inspr Genl of Jails ————— 31st July — — 52.
— Collector of Bellary ————— 22nd Aug — — 61.

Order thereon 1st Sept 1866 No 1366.

W.D.

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CR

To the Honble the Judges of the
High Court
Messrs Bellamy
Civ. & Ses. Judge, Bellamy
Supt. Genl. of Jails.
Acct General

despatch

William Thompson
J. S. Sullivan
A. Howard

(6)

October 1865. Department.

No. 1366.

PROCEEDINGS OF GOVERNMENT.

~~John~~ 910707

Dated. 1st September 1865.

4/11/64

Geo. No. 5-6
4/11/64