

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1822 A	Press ~~Mis.~~
<i>1820-1821 B</i>		
Dated	17-11-	1918

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
17th November 1866.*

No. 186A. Read the following letter from the Commissioner of Police, to the Secretary to Government, Fort Saint George; dated Madras, 16th November 1866, No. 115.

With reference to my letter, No. 112, of the 1st instant, forwarding a recommendation from the Medical Officer in charge of the Penitentiary that one Soobben, a prisoner, should be transferred to Madura Jail, I have now the honor to forward a Certificate from the same Officer, stating that any aggravation of the disease under which the prisoner labors will probably prove fatal, together with a letter, recommending his release, on the ground that the disease has been considerably aggravated by confinement in Jail.

2. Soobben was sentenced on the 1st August last to 12 months' imprisonment with hard labor, for house-breaking by night and theft.

From Surgeon W. H. HARRIS, M. D., in Medical Charge of the Madras Penitentiary, to the Commissioner of Police, Madras; dated Madras, 5th November 1866, No. 85.

I have the honor to forward a Certificate regarding the state of health of Soobben, a prisoner, sentenced on 1st August last to 12 months' imprisonment*, and to request you will be pleased to submit an application to Government for his release. In sending his case for the favorable consideration of Government, I beg to state that the man is suffering from Bright's disease of the Kidneys, and has been nearly constantly in Hospital since his first admission on 29th May last, and that I am of opinion that his disease, which is probably of long standing, has been aggravated considerably by his confinement in Jail.

I do hereby certify that Soobben, a High Court Prisoner, sentenced on the 1st August 1866, to one year's imprisonment, has been a patient under treatment for Bright's disease of the Kidneys, since the 21st June 1866, and that his health is at present in such a precarious state, that any aggravation of the disease would in all probability prove fatal.

MADRAS,
15th November 1866.

(Signed) W. H. HARRIS, M. D.,
Surgeon in Medical charge, Madras Penitentiary.

No. 186B. ORDER THEREON, 17th November 1866, No. 1822A.

On the 1st instant, the Commissioner of Police forwarded a Certificate from the Surgeon in Medical charge of the Dispensary, recommending the transfer of Subboo Buttah, a prisoner under sentence of the High Court, to Madura Jail, on the ground that change of air was necessary for the prisoner's health, who was then in such a weak state that any aggravation of the disease would probably prove fatal.

2. The letter of the Commissioner was forwarded to the Honorable the Acting Chief Justice, for the consideration of the Honorable the Judges of the High Court.

3. With his letter now under consideration, the Commissioner of Police forwards a certificate from the Medical officer in charge, stating that the prisoner's disease has been considerably aggravated by confinement in Jail, and recommending his release.

4. The Government are of opinion that this is a case in which they will exercise a sound discretion in availing themselves of the prerogative of pardon, and direct, accordingly, that the sentence passed upon the prisoner Subboo Buttah be remitted, and that he be at once discharged, under the provisions of Section 54 Act XXV, 1861.

5. An intimation of this Order will be communicated to the Honorable the Acting Chief Justice of the High Court.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Commissioner of Police.
Exd. J. H. Burns.

Soobben

N. 115

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Madras Police
Commissioner's Office
Tranquebar 16th November 1866

Major G. S. Nease
To: Commissioner of Police
J. D. Sim Esquire
Secretary to Government
Fort Saint George
Sir,

not to - for
wrote about
looked about
Balthazar

With reference to my letter N. 112
of the 1st Instant forwarding a recommend-
ation from the Medical Officer in charge
of the Penitentiary that one Soobben a
prisoner should be transferred to Madras
Jail, I have now the honor to forward
a Certificate from the same Officer
stating that any aggravation of the
disease under which the Prisoner now
labors will probably prove fatal together
with a letter recommending his release
on the ground that the disease has been
considerably aggravated by confinement
in jail.

Soobben

2.
1st
men
by

how it is after words. The present
order of the HC you will see in
address to the Council - The
impression is somewhat touching
in such matters - and was
a little put out in not having
been made the vehicle of
communication to Baker
when his influence was
concurrent -

I saw Plunkin this morn-
-ing and he agreed to look
very late out - I heard the
for an already pledged

It is not necessary to go into details
of the matter at this time. I have
been told that the committee
are not yet decided on the
subject. I shall be glad to hear
of the result of the meeting.

What.

under the other part of the
Law Council -

Plunkin put a paper with
me on the subject of his
special meeting of Council
for settling the new budget.
I shall therefore make out a
summary of that effort to-day
addressed to - On some the
other side of the - will
concerning the meeting for
Friday of next week - subject
to come to a final decision
of the day that the
very office. Le Pimondage

I am sorry to hear
 that you have been
 permitted to leave
 28/11/66
 Yours truly
 J. P.

My dear Mr. Threlkeld. I am a bit about
 Soobhee and therefore I can't keep agreeing
 to his release - but I am still satisfied that
 on principle, the illness of a convict should
 not be taken as a reason for his being set at
 liberty. I think therefore the expiration of the period
 of his sentence - on the contrary on the ground
 of humanity he ought to be kept in for the
 benefit of better medical & other attendance
 than he is likely to get outside.
 Yours truly
 J. P.

I am not clear about
 this matter. If Dr. Harris'

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 Police Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
 letter from the Commissioner
 of Police.
 Government 16 Nov. 1866 N. 113.
 Or Ser. 17 Nov 1866 - 80 1822 A

On the 1st Instant
 the Commissioner of Police
 forwarded a certificate
 from the Surgeon in Medical
 charge of the Dispensary
 recommending the transfer
 of Subboo Butta a
 prisoner under sentence
 of the High Court, to
 Madras Jail, on the
 ground that change of
 air was necessary for
 the prisoner's health, who
 was then in such a weak
 state that any aggravation
 of the disease would pro-
 bably prove fatal.

I am not clear about
 this matter. If Dr. Harris'
 statements are correct in
 respect of one prisoner, those
 of Major Wearn are wrong.
 Sooboo Butta and
 Soobhee appear to me to
 be two different individuals.
 If, as I suppose, there be
 an error in Major Wearn's
 letter of date the 16 instant,
 we are writing to the Acting

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3. With his letter now under consideration the Commissioner of Police forwards a certificate from the Medical Officer in charge, stating that the Prisoner's disease has been considerably aggravated by confinement in jail, and recommending his release.

4. The Court are of opinion that this is a case in which they will exercise a sound discretion in awarding themselves of the prerogative of pardon, and direct accordingly that the sentence passed upon the

Chief Justice without cause, a second letter regarding a man in whose respect no first letter has yet come.

I am doubtful, further, whether the disease of D. Harris says has been "aggravated considerably" by confinement in jail should be accepted as ground for pardoning a man who was sentenced to a year imprisonment only on the 1st account last.

Does D. Harris mean that the disease is incurable? If so, the man may surely receive the benefit of D. H. - 3 yrs. personal aid & care in his dying days, the comforts & attention of a well regulated Hospital, rather than be turned out adrift to die in a gutter or a lamp room or some chamber, believing that the nature of the disease shows that he is at a distance from very much the fashion now, I must, to adopt the course taken by D. Harris perhaps to diminish the mortality of the jail. In fine, I am not of opinion that Section 54 Crim Proc can properly be applied to a case of the kind under notice even if the same man is referred to in this correspondence as Subboobuttah and

To the Commissioner of Police - dtd. 18/11
Sd/-
WDC

5. the prisoner Subboobuttah he permitted and that he be at once discharged under the provisions of Section 54 Act XXV-1861.

5. An intimation of this Order will be communicated to the Honorable the Acting Chief Justice of the High Court.

73
L.D.

Patent Asst. Department.

No. 152228.

PROCEEDINGS OF GOVERNMENT.

Dated 17th November 1865.

Press No. 4506 G. at 13-4-00-500.

1864 1865.