

MADRAS RECORD OFFICE.

Government of Madras.

Jurial DEPARTMENT.

G.O. No. 1827

Press
~~Mis.~~

193-194

Dated 20. 11. 1918

G/b

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th November 1866.

No. 193. Read the following letter from the Commissioner of Police, to the Secretary to Government, Fort Saint George; dated Madras, 20th November 1866, No. 117.

With reference to G. O., No. 1822, of the 17th instant, I have the honor to inform you that a most unfortunate series of mistakes has occurred, originating, I regret to say, with myself.

2. Previous to forwarding the letter and Certificate regarding the prisoner Sooben, which accompanied my letter, No. 115, of the 16th instant, the Medical Officer in charge of the Penitentiary wrote me a private note, asking the proper course to pursue, from the tenor of which I fully believed that he was referring to the prisoner already recommended for transfer to Madura, and that the difficulty in his mind was how to act after having once recommended transfer. I have not preserved the note. Similarity of name and circumstance may have tended to confirm the impression, and I should not have expected any such application under ordinary circumstances, since the Medical Officer had previous experience of the proper course to pursue from one or two actual cases during the past year. The original documents regarding the prisoner Sooboo Batten, recommended for transfer to Madura, were not in my possession, having been forwarded to Government with my letter, No. 112, of the 1st instant.

3. I wrote to Dr. Harris to send in the usual letter of recommendation and Certificate, and, on receiving them, I forwarded them at once to Government with my letter, No. 115, of the 16th instant, in which, without comparing names, I referred to my previous letter of the 1st instant, believing the two recommendations to apply to one and the same person.

4. This, of course, misled the Government and unfortunately the name Sooboo Batten, entered in their Order, was taken from the Certificate recommending transfer, and not from that recommending release. But on the Government Order being presented to Mr. Owen, the Superintendent of the Penitentiary, he ought of course, from his knowledge of facts, to have at once detected some mistake. The Medical Officer's letters and certificates were sent independently of Mr. Owen, but still he admits that he did know the fact of one prisoner having been recommended for transfer and another for release.

5. Mr. Owen felt so much doubt that he took the Government Order over to the house of Mr. Tyrrell, the Apothecary of the Penitentiary. A perusal of paragraph 3 should have convinced the Apothecary that there was a mistake, since he well knew that the Medical Officer had forwarded no such certificate as that alluded to, with regard to Sooboo Batten. But with inconceivable stupidity he replied that, since the name was so clear, it was doubtless all right. He can now offer no intelligible explanation of having taken this view. On this, the Superintendent released the prisoner Sooboo Batten at mid-day, on Sunday, the 18th instant.

6. Mr. Owen, the Superintendent, is an experienced and intelligent man, ordinarily most exact in every detail, most careful not to act without full authority, and never known to make a mistake regarding his prisoners. How, feeling doubt as he must have done, he came to release the prisoner Sooboo Batten, without making a reference to me, is quite inexplicable. It is totally inconsistent with the character and habits of the man.

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7. I was under the impression that the Medical Officer, in forwarding these recommendations, always applied to the Superintendent for particulars of sentence and imprisonment, which would make the Superintendent necessarily cognizant of the transaction. I now find that the Medical Officer keeps a record of these particulars in a book of his own, and that no official application was made to the Superintendent. Still he did know the facts casually, and since a reference to me was so easy, he is without excuse for not making it.

8. I deeply regret this untoward circumstance, and have now to request the Orders of Government regarding the Prisoner Sooben still in confinement.

No. 194. ORDER THEREON, 20th November, 1866, No. 1827.

The Order of the 17th instant, No. 1322, is erroneous in giving the name of the prisoner whom the Government intended to release as Sooboo Batten, instead of Sooben.

2. The prisoner Sooboo Batten is not entitled to benefit by this mistake.

3. The Order in question is hereby cancelled, and the Commissioner of Police will at once adopt measures for the re-apprehension of Sooboo Batten, and his re-incarceration in the Penitentiary.

4. An amended Order will be issued for the release of Sooben.

(True Extract).

A. J. ARBUTHNOT

Chief Secretary.

To the Commissioner of Police.

Exd. J. H. Burns

remember the similarity of name &
circumstances - This occasioned my
unhappy reference to my letter of
the 1st Nov. - This in other respects
my letter to direct attention to
particulars - In drawing out the fact
under the name of an unfortunate
to have been taken from my letter
instead of the 2nd Nov. and
for the order yesterday (Sunday)
at Mudding - It struck me as peculiar
that the name only of the prisoner
was mentioned & that there might be
more than one Soboo Button in jail
& my memory did not recall the fact

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that Soboo was the real person
Super. Perry:
Harrison at J. P. was held prisoner
The particulars of imprisonment & were
given in the Doctor's Certificate & I then
told him that he must be cognizant
of the facts of the matter & that he would
know which prisoner to release - J. P.
Harrison is a very careful man - He ad-
mitted that he was aware that some-
thing had gone in regarding 2
separate prisoners - & that he felt great
doubts in reading the G. O. But finding
the name Soboo Button so clearly men-
tioned he came to the conclusion that
it was all right & released him - This

is most unfortunate that on this point
 the Council seems to have taken the
 minutes & at the meeting right the
 the last time when I should have
 expected that knowing all the
 facts about the 2 prisoners at the club
 it was impossible to visit the J. & W. Office
 seeing that there was some mistake.
 However, Suboo Butten is released -
 I believe he is still in the district - but
 I suppose he must enjoy the benefits
 of the mistake. I am terribly
 sorry about this. I am
 yours sincerely
 J. H. Burns

Ed. J. H. Burns

Judicial
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 P^o of the Madras Government
 Read letter from the Com^r of Police - 20 Nov/66 - 117
 Order thereon 20 Nov 1866. No 1827

The order of the
 Dist. No 1822 is er-
 roneous in giving the
 name of the prisoner
 whom the govt intended
 to release as Suboo
 Butten - instead
 of Suboo - which
 is in the

2 The prisoner S. B.
 is not entitled to
 benefit by this mis-
 take.

3 The order in question
 is hereby cancelled
 and the Com^r of
 Police will at once
 add to the order for
 the re-arrest of
 S. B. & his re-

- in connection with
 the Penitentiary.

4 The amended
 order will be issued
 for the release of
 Suboo.

Com^r of Police - disp 20

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Madras Government

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