M.R.O. 1—50,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 94 Press Mis.

163-164

Dated 25 1 ~~19~~ 1866

8/9

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th January 1866.

No. 163. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 22nd December 1865, No. 655.

I have the honor to forward a letter from the Superintendent of the Jail, Chingleput, recommending the release of six convicts, whose state of health is such as to preclude hopes of their recovery if detained in Jail.

2. Of the five convicts named, one sentenced, for uttering counterfeit coin, to five years' imprisonment, has only been 14 months incarcerated; he has no desire to leave Jail, and it does not appear that his release is likely to tend to his recovery.

3. The 2nd was sentenced to 3 years' imprisonment, for a similar offence; he has been only 14 months in Jail, he wishes to be released.

4. The 3rd case is that of a prisoner sentenced to 4 years for dacoity, of which only 7 months remain. I would recommend this man for release.

5. The 4th case is that of a prisoner sentenced to 14 years for robbery, by open violence, of which sentence less than 5 years are expired. Dr. Busteed does not anticipate recovery in this case, even if the man is released. The case is one that I think mercy might be extended to.

6. The 5th case is that of a prisoner sentenced to 3 years for theft; 20 months of his sentence has expired. It is not expected that he will live if detained in Jail, but his recovery is anticipated, should he be released. I would recommend this man to mercy.

7. In regard to the 6th case, it is that of a prisoner sentenced to 14 years' imprisonment for receiving stolen property, of which term about one-fifth has been passed in Jail. I cannot recommend the case without feeling that the ends of justice may be defeated by this man's release. He is styled an old man and falling off, but likely to recover if released. That his offence was of a grave character, I presume from the sentence; his age must have been known to the Judge who sentenced him, and who is not likely to have passed a 14 years' sentence on an old man, had a less severe punishment been deemed sufficient. I do not feel justified in recommending this man's release. I have the same views in regard to the second case on the list, that the end of punishment would be defeated if he were released.

From the Superintendent of the Jail, Chingleput, to the Inspector General of Jails; dated Chingleput, 15th December 1865, No. 271.

I have the honor to acquaint you that I received (direct) an order for the release of the prisoner mentioned in my letter, No. 262, of the 1st December, on yesterday the 14th instant, but that unfortunately the poor man had died on the day previous, the 13th, having gone down the hill much more rapidly than I had anticipated.

2. This brings me to request that you will kindly give me some general ideas as to the kind of cases likely to be liberated on application. There are some prisoners in this Jail utterly incapable of undergoing their sentence of rigorous imprisonment. They spend alternate periods in Hospital and on no work out of Hospital; in each case in the receipt of extra food. Notwithstanding this, the deaths among this class are very numerous. I would have applied earlier, when the number of bad cases was greater, but that I was led to suppose, by the late Officer in charge, that applications for release were not likely to be entertained.

3. Many of the weakly men come into Jail in that state; and, as I suppose their state of health is an element of some consideration with the sentencing officer, I am averse to expressing any opinion as to whether the sentences of such prisoners should be remitted or not, though

medically speaking the sentence of rigorous imprisonment in such cases must remain a dead letter.

4. In the list which I have the honor to enclose (in duplicate) I have entered all those that seem to be so far advanced in ill-health as to render it very improbable that they can live out their sentences in Jail, and I have added such information as I trust will enable you to decide whether or not they are fit cases to recommend to Government for liberation.

List of Prisoners in Chingleput Jail who are so far advanced in ill-health as to render it very improbable that they can live out their sentences in Jail.

General Number.	Name.	Crime.	Full sentence. Years.	Full sentence. Months.	Period till unexpired. Years.	Period till unexpired. Months.	Remarks.	Inspector General's Orders.
			Rigorous imprisonment for					
2999	Peria Curpen... ...	Uttering counterfeit coin.	5	0	3	10	This old man has no wish to leave Jail; he is so far gone, and so very helpless that it would be no kindness to liberate him.	
2997	Vadamallay... ...	Do. ...	3	0	1	10	Old; not likely to improve in Jail; anxious for release.	
1843	Venkatasen... ...	Dacoity... ...	4	0	...	7	Middle aged; growing rapidly emaciated; anxious for release.	
1714	Paupadoo... ...	Robbery by open violence.	14	0	9	2	I fear that this man cannot live more than 3 or 4 months longer, even if released.	
2923	Permall Naik... ...	Theft... ...	3	0	1	8	Old; has always been unable to work in Jail; is likely to get well out of Jail.	
098	Pockum Chinnatumby..	Receiving stolen property.	14	0	2	9	Old; falling off, but likely to improve on release.	

Chingleput Jail,
15th *December* 1865.

(Signed) W. J. BUSTEED,
Superintendent of Jail.

No. 164. Order thereon, 25th January 1866, No. 94.

The Governor in Council is not prepared to sanction the release of No. 2999, Peria Curpen; of No. 2997, Vadamallay; of 1714, Paupadoo; or of 028, Pockum Chinnatumby. The other prisoners Venkatasen, No. 1843, and Permal Naik, No. 2923, may be released on the receipt of these orders; and for their release these orders shall be sufficient warrant.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.
" Superintendent of Jail at Chingleput.
Exd. J. H. Burns.

No. 655. Office of Inspector General of Jails
Octacamund 22nd December 1865

From

J. Rohde Esquire
Inspector General of Jails
Octacamund

To

The Honorable A. J. Arbuthnot
Chief Secretary to Government
Fort St. George

Sir

I have the honor to forward a letter from the Superintendent of the Jail Chingleput recommending the release of six convicts whose state of health is such as to preclude hopes of their recovery if detained in Jail.

2. Of the five convicts named, one sentenced for uttering counterfeit coin, to five years imprisonment, has only been 14 months incarcerated, he has no desire to leave Jail, and it does not appear that his release is likely to tend to his recovery.

3. The 2nd was sentenced to 3 years imprisonment

imprisonment for a similar offence he has been only 14 months in Gaol, he wishes to be released. no doubt - but

4. The 3rd case is that of a prisoner sentenced to 4 years for deceity, of which only 7 months remains. I would recommend this man for release.

5. The fourth case is that of a prisoner sentenced to 14 years for robbery by open violence, of which sentence less than 5 years are expired. Dr. Bustard does not anticipate recovery in this case even if the man is released, the case is one that I think mercy might be extended to.

6. The 5th case is that of a prisoner sentenced to 3 years for theft. 20 months of his sentence has expired, it is not expected that he will live if detained in Gaol, but his recovery is anticipated should he be released. I would recommend this man to mercy.

7. In regard to the 6th case is that of a prisoner sentenced to 14 years imprisonment for receiving a stolen property, of which term about one fifth has been passed in Gaol, I cannot recommend the case without feeling that the ends of justice may be defeated by this man's release, he is styled an old man and failing off, but likely to recover if released, That his offence was a grave character, I presume from the Sentence, his age must have been known to the Judge who sentenced him and who is not likely to have passed a 14 years sentence on an old man had a less severe punishment been deemed sufficient. I do not feel justified in recommending this man's release.

I have the same views in regard to the second case on the list, that the end of punishment would be defeated if he were released.

I have the honor to be
Sir
Your most Obedient Servant

Inspector General of Gaols.

N.271 Chinglepute Jail
15th December 1865

From

W. J. Busteed Esqre, M.D.
Superintendent of the Jail
Chinglepute.

To

J. Rohde Esqre
Inspector General of Jails
Octacamund.

Sir.

I have the honor to acquaint you that I received (direct) an order for the release of the prisoner mentioned in my letter N.262 of the 1st December, on yesterday the 14th Instant; but that unfortunately the poor man had died on the day previous — the 13th having gone down the hill much more rapidly than I had anticipated.

2 This brings me to request that you will kindly give me some general ideas as to the kind of Cases likely to be liberated on application. There are some prisoners in this jail utterly incapable of undergoing their sentence of rigorous imprisonment: They spend alternate periods in Hospital and on no work out of hospital; in such Cases in the receipt of Extra food: Notwithstanding this, the deaths among this class are very numerous. I would have applied earlier, when the Number of bad Cases was greater, but that I was led to suppose by the late Officer in Charge that applications for release were not likely to be entertained.

3 Many of the weakly men come into Jail in that state; and, as I suppose their state of health is an element of some

Consideration

Recd 18th 1865 Sept.
From
The Inspector General of Jails
Ootacamund
To
The Chief Secretary to Government
Madras.

Dated 22nd
Rec'd 27th December 1865
No. 1655.

No. 3481
Submitted application from the Superintendent of Jail at Chinglepute under which he considers that he is entitled to the thirty days furlough granted to the Civil Officers of the Presidency with a view to Government's orders thereon.

C 27th Dec. 1865.

Consideration with the sentencing Officer I am averse to express-
ing any opinion as to whether the sentences of such prisoners
should be remitted or not, tho' Medically speaking the sentence of
rigorous imprisonment in such Cases must remain a dead letter.

4 In the list which I have the honor to enclose (in
duplicate) I have entered all those that seem to be so far
advanced in ill health as to render it very improbable that they
can live out their sentences in Jail: and I have added such
information as I trust will enable you to decide whether or
not they are fit Cases to recommend to Government for
liberation.

I have the honor to be
Sir
Your Most Obedient Servant

Superintendent of the Jail.

Compd
G. Rothwell and Jail Dr.

Judicial Department 6

No 2751

From the Inspector General of Jails, Colaccamund
Dated 22d December 1865

For Orders

Seeing remarks on Mr Robertson's
Letter. JP.

Judicial Department 6

№ 2751

From the Inspector General of Jails, Colaccamund
Dated 22d December 1865

For Orders

Seizing remarks on Mr Rohde's
Letter &c.

4 5 7

Judicial Department.

PROCEEDINGS *of the* **MADRAS GOVERNMENT.**

Read the following
letter from the Inspector
General of Jails.
Rec'd Letter 22nd Dec/65 No 855.

Order thereon 25th January 1866 No 94.

The Governor in
Council is not prepared
to sanction the release
of No 2999 Veria Curpen,
of No 2997 Vadamallay
of 1714 Sanpados, or of
098 Pockum Chinnatumby.
The other prisoners Venkatasen
No 1843 and Veimal Naick
No 2923 may be released
on the receipt of these orders,
and for their release these
orders shall be sufficient
warrant.

To the Insp^r Gen^l of Jails
Supt^d of Jail at Chingleput } dep^d 26/1

Judicial Dis. Despatch.

No. 94.

Proceedings of Govt.

Dated 25th January 1858.

163. 164.