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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDICIAL

DEPARTMENT

G.O. No.	<u>224</u>	159	Press.
B.P. No.			Mis.
Dated	1. 2. 1868		197 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
1st February 1868.*

Read the following:—

No. 76.

OFFICE MEMORANDUM.

No. 3.

With reference to dockets from the Home Department noted in the margin, the undersigned is directed to inform the Secretary to Government, in that Department, that while still adhering to the view previously expressed* on the sub-

No. 1193, dated 10th December 1867; enclosure returned.
No. 1231, dated 12th December 1867.

* Vide No. 173, dated 13th June 1867.

ject, the Government of India, in the Military Department, will offer no objection to the issue of Bugles on payment wherefrom circumstances, as in the Chittagong Hill Districts, the Police have necessarily Military or semi-Military duties to perform.

3rd January 1868.

(Signed) H. W. NORMAN, Colonel,
Secy. to the Govt. of India, Milly. Dept.

To the Home Department.

No. 77.—To the Inspector General of Ordnance and Magazines.

No. 78.—To the Controller of Military Accounts.

No. 76.

Copy forwarded, for information, to the Government of Fort Saint George, in continuation of Circular, dated the 3rd August last, No. 3044.

(By Order).

HOME DEPARTMENT,
POLICE,

21st January 1868.

(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

No. 4.

ORDER THEREON, 1st February 1868, No. 159.

Communicated to the Inspector General of Police, in continuation of G. O., dated the 26th August 1867, No. 1387.

(True Extract).

Chief Secretary.

To the Inspector General of Police.
" Commissioner of Police.

Ed. J. Tulloch.

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No. 77.—To the Director General of Ordnance and Military Stores.
No. 78.—To the Controller of Military Accounts.

Port Wine

*Proceedings of the Madras Government, Judicial Department,
1st February 1868.*

And that copies of the same documents be sent to the Military, Financial, and Public Works Departments, for the issue of such orders as may be necessary in those Departments.
(True Extract).

(Signed) E. C. BAYLEY,
Secy. to Govt. of India.

No. 8. ORDER THEREON, 1st February 1868, No. 101.

In accordance with the instructions contained in the letter above recorded, and in continuation of the Government Order dated 16th July 1867, No. 1124, the Governor in Council directs that every convict whose sentence of transportation it is intended to carry into effect, shall, before he is sent to the port of embarkation, be examined as to his physical condition by a Committee consisting of—

- 1.—The Officer in charge of the Jail.
- 2.—The Magistrate of the District, or, in his absence, the Covenanted Civil Officer in charge of the station.

When the Officer in medical charge of the Jail is not also the Superintendent he will be added to this Committee.

2. If, on examination, the convict appears to have passed his 45th year, or is from infirmity or disease unfitted for hard labor, the Committee will submit a report to the Inspector General of Jails, for the orders of Government, and such convict shall not be sent from the Jail in which he is confined, until the orders of Government are received. The Committee will specify in their report whether the infirmity or disease under which the convict is suffering is of a chronic or temporary nature.

3. If the convict is considered to be under 45 years of age, in robust health, and fit for hard labor, he will be sent for embarkation to Madras, where he will, before embarkation, be again similarly examined before a Committee consisting of—

1. The Commissioner of Police, or other Officer in charge of the Penitentiary.
2. The Officer in Medical charge of the Penitentiary.
3. The Superintendent of Marine.

4. This Committee will observe the directions stated above, and will, in like manner, report to Government any case in which a convict is not considered to be in a fit condition for transportation.

(True Extract).

To the Inspector General of Jails;
" Inspector General, Medical Department.
" Magistrate of
" Commissioner of Police.
" Superintendent of Marine.

Exd. J. H. Burns.

Chief Secretary.

JUDICIAL DEPARTMENT.

No. 162.

FROM R. S. ELLIS, Esq., c. B.,
Chief Secretary to the Government of Fort Saint George,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of Mr. Secretary Bayley's letter, dated 5th December 1867, and, in reply, to forward the Proceedings of Government, containing the instructions issued

Dated 1st February 1868, No. 161.

for the examination of convicts sentenced to transportation, both at the Jails at which they are confined, and, again, prior to embarkation.

2. I am to observe that the Governor in Council is of opinion that whenever it may be decided that a convict is by advanced age, serious chronic infirmity, or active disease, unfitted for hard labor, and, therefore, according to the view taken by the Government of India, not a fit subject for transportation, it will be necessary to legalize the suspension of the sentence of transportation by applying the provisions of Section 54, Code of Criminal Procedure, or those of Section 55 of the Indian Penal Code, as the case may be.

3. The Governor in Council is also of opinion that it is not desirable to pronounce definitely that no criminal who is more than 45 years of age shall be transported. The knowledge of this very considerable alteration of the law, would, it is feared, have an evil effect on the criminal classes of the country, by removing the check which the fear of transportation advantageously exercises in the repression of crime of a heinous nature. It will, it is submitted, be better that the Local Government should deal with each case on its merits, keeping in view the object contemplated by the Government of India—the reduction of the mortality among convicts at the Settlement of Port Blair.

4. I am desired to solicit the instructions of the Government of India upon these questions.

FORT SAINT GEORGE,
1st February 1868.

I have the honor to be,
Sir,
Your most obedient Servant,

Chief Secretary.

Exd. J. H. Burns