

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	51	Press ~~Mis.~~
Dated	15 - 1 -	19 1868

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

15th January 1868.

No. 84. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Madras, 2nd January 1868, No. 154.

With reference to the Order of Government noted in the margin, I have the honor to state that although in some Districts the Magistrates have instructed

Judicial Department 9th December 1867, No. 2009. their subordinate officers to grant separate warrants for every individual sentenced to imprisonment by them the practice is not universal, and I therefore suggest that either a copy of the said order, or a new order to the same effect, may be communicated to every Magistrate.

2. Early last year I found it necessary to issue the Circular alluded to in the 4th paragraph of the letter from the Acting Magistrate of Madras, published with the Proceedings of Government above noted, and I herewith enclose a copy thereof. The 5th paragraph of the Circular was prepared in accordance with the provisions of the Code of Criminal Procedure, which directs the return of warrants after the sentence has been carried out, but unless separate warrants are issued for each convict it is impossible to comply with the law. Some years ago a form of warrant was issued from the High Court: one side contains the descriptive roll and certain other particulars. The sentence is written on the other side. As a rule, the Judges grant separate warrants for each convict according to the form, but in some cases it is not so. For instance, at Chittoor it is the practice that when more prisoners than one are convicted in the same case the sentence is written on the warrant of the first prisoner alone, and on the backs of the other warrants entries are made to the following effect:—"Vide copy of sentence in the first prisoner's warrant for further particulars." The first prisoner's name even is not given, although the Calendar number of the case appears on the warrant. It is manifest that such a practice is very inconvenient, and likely to lead to confusion and mistakes, especially where the prisoners in the same case may be sent to different Jails, and when the first prisoner may die before the expiration of his sentence, in which case his warrant ought to be returned. It may be objected that there is no necessity to separate the convicts in the same case, and that they should be kept in the same Jail, but transfers cannot be avoided. In some instances there may be reasons why the gang ought to be separated; and when selections are made for the Hills, or for working gangs elsewhere, the strong and healthy must be taken while the weak remain.

CIRCULAR No. 185.

The special attention of Superintendents of Jails is called to the matter of the due release of convicts on the expiration of their sentences, as more than one instance of illegal detention, owing to carelessness and neglect of duty on the part of Jail officials, has recently come to notice.

1. The monthly lists, showing the names of all convicts for release, must be carefully prepared and examined. The names ought to be read out at a general parade of the convicts, and any complaint of omission should be immediately inquired into.

2. The regular issue of the tickets bearing the dates of sentence and of release should be attended to, and any complaint made by a convict at any time, with reference to the period of his sentence, should be reported to the Superintendent.

Proceedings of the Madras Government, Judicial Department.

15th January 1868.

3. Whenever the payment of a fine imposed upon a convict has been intimated to the Superintendent of a Jail, the fact should be at once entered on the back of the warrant as well as in the Register, and be either signed or initialed by the Superintendent.

4. The warrants of all convicts now in Jail, who have been sentenced to pay a fine, should be examined, and the necessary entries made wherever required. In cases where any doubt may exist as to the fact of payment an immediate reference should be made to the Committing Officer. On occasions of transfer no convict sentenced to pay a fine is to be sent without the special sanction of the Inspector General of Jails, unless the fine has been paid and the payment duly entered on the warrant.

5. When a convict is released his warrant should be enclosed and despatched within 36 hours to the Officer by whom the sentence was passed.

6. All cases of illegal detention, with explanation of the causes thereof, ought to be reported at once for the information of the Inspector General.

7. With reference to paragraph 5 of this Circular, Superintendents are requested to report whether the practice of including more than one convict in the same warrant still continues, and if so to specify the designation of the Officers by whom such warrants are issued.

(Signed) W. J. WILSON,

Inspector General of Jails.

MADRAS, 18th March 1867.

No. 85. ORDER THEREON, 15th January 1868, No. 51.

Ordered that a copy of the foregoing letter from the Inspector General of Jails, and of its enclosure, be forwarded to the Honorable the Judges of the High Court for such notice as they may deem necessary, regarding the issue of separate warrants for every convict sentenced to imprisonment.

2. Ordered also that a copy of the papers referred to, together with a copy of the Proceedings of Government dated the 9th December 1867, No. 2009, be furnished to the several Magistrates in the provinces.

(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court.

„ Magistrate of

„ Inspector General of Jails.

Exd. J. Tulloch.

Proceedings of the Madras Government, dated 9th December 1867.

Read the following letter from the Acting Magistrate, Madras District, to the Chief Secretary to Government, Fort Saint George; dated Sydapet, 19th November 1867, No. 245.

I have the honor, with reference to the enclosed extract of a letter from the Joint Magistrate, to request the orders of Government on the point raised therein.

2. In the month of October Mr. Burnell sentenced fourteen men to imprisonment for one and the same offence, and all for the same period.

3. The prisoners were committed to the Jail at Chingleput under a single warrant of commitment for the fourteen men.

4. The Superintendent of the Jail received them into custody, but requested the Joint Magistrate to furnish him with a separate warrant for each individual, in substitution for the single warrant under which they were committed; he quoted, in support of the request, an order from the Inspector General of Jails, requiring Superintendents to report the names of all Magistrates who failed to furnish separate warrants of commitment for every prisoner sentenced to imprisonment.

5. Mr. Burnell considered that he was not authorized to substitute the warrants as requested, and declined to do so.

6. The Superintendent addressed me on the subject as Magistrate of the District, and I pointed out to Mr. Burnell that the late Civil and Session Judge, Mr. Phillips, when in charge of the Jail, had requested that a separate warrant of commitment should be issued for every prisoner sent to the Jail, and that I considered it quite unobjectionable to issue the individual warrants applied for in substitution for the single one originally issued by him.

7. Mr. Burnell, however, feels a difficulty in doing this without authority, and has requested me to refer the question.

8. I am not aware of any ruling or order expressly authorizing the amendment of an informality in such a document as a Jail warrant, but I cannot see how it can possibly be illegal to do so, provided no alteration in the term or mode of imprisonment be made, and provided nothing detrimental to the interests of the prisoner occurs in consequence of the amendment; nor can I doubt that the date of the original warrant should be entered in the amended one.

9. I would also solicit a decided order on the subject of issuing a separate warrant with each prisoner sent to Jail, as well as on the two questions raised in the extract from Mr. Burnell's letter.

Extract from a letter dated 15th November 1867, No. 254, from Mr. BURNELL, the Acting Joint Magistrate of the Madras District.

I also have to request that you will be good enough (should you see fit) to obtain a decisive ruling on the points raised by me in my last letter on this subject, viz., 1. Can a warrant or warrants be substituted for another warrant already issued on a previous date? 2. If such a substitution can legally be made, what date should be given on the subsequent warrant—the date of the original warrant, or the date on which the substituted warrant is issued?

ORDER THEREON, 9th December 1867, No. 2009.

With reference to the correspondence above recorded, the Governor in Council directs that the Acting Joint Magistrate be instructed to issue separate warrants, in lieu of the single warrant, in the case of the fourteen prisoners sentenced by him in October last, the date of the original warrant being entered in each of the separate warrants.

2. The Magistrate will inform the Acting Joint Magistrate that a separate warrant should invariably be issued in respect of every individual sentenced to imprisonment.

(True Extract).

R. S. ELLIS,
Chief Secretary.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Inspector General of Sails.

/ Here enter 2^d January 1868 No. 154)

Order. 15 January 1867 No. 57.

Ordered that a copy of
the foregoing letter from the Inspe.
-tor General of Sails, and of its en-
-closure, be forwarded to the Honble
the Judges of the High Court for
such notice as they may deem
necessary, regarding the issue of
separate warrants for every
convict sentenced to imprisonment.

2. Ordered also that a copy
of the papers referred to, together with
a copy of the Proceedings of Govern-
-ment dated the 9th December 1867
No. 2009, be furnished to the
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To the Honble the Judges of the High Court.
Magistrate of
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