

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Judicial* **DEPARTMENT.**

G.O. No. 1208

Press
Mis.

Dated

15-5-1884.

Not to be folded or roughly handled

15TH MAY 1884, No. 1203, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following papers:—

From Major H. WYLIE, c.s.i., Assistant to the Resident in Mysore, to the Chief Secretary to Government, dated Bangalore, 7th April 1884, No. 89-49.

In forwarding the accompanying copy of letter, No. 913 J., dated 12th March 1884, from the Government of India, conveying certain orders in regard to the disposal of prisoners sentenced by the British Courts in the Civil and Military station of Bangalore to transportation or imprisonment for a term of years, I am desired by the Resident, with reference to paragraphs 4 and 5 of the above letter, to inquire whether, with the permission of His Excellency the Governor in Council, arrangements can be made for sending such prisoners when sentenced to more than one year's imprisonment either to Vellore or Salem. It seems to Mr. Lyall that the jail at Vellore would be the most convenient.

2. I am further, with reference to paragraph 3, to ask whether prisoners sentenced to transportation may be sent from Bangalore, as soon as the period of appeal has passed, to Vellore or Salem (whichever jail is fixed upon), leaving it to the Jail Committee there to decide whether the convicts are fit to be transported to the Andamans and to order them in that case to be sent thence to the Madras Penitentiary on date fixed by the Inspector-General of Prisons, Madras, or whether such committee should be held here, and in case the prisoner is passed for transportation, he should be kept here till the time comes to send him to Madras. The former procedure would seem the simpler and more convenient, as, if the transportation convict is not fit to be sent to the Andamans, he will have to be kept in a Madras Jail, and further, as the jail at Bangalore will be exceedingly small, it might be objectionable to have to keep in it for some months prisoners convicted of very grave offences and under sentence of transportation.

ENCLOSURE.

From H. M. DURAND, Esq., Officiating Secretary to the Government of India, Foreign Department (Judicial), to the Resident in Mysore, dated Fort William, 12th March 1884, No. 913 J.

I am directed to acknowledge the receipt of your letter, No. 1918-306, dated the 9th of December 1883, and previous correspondence, on the subject of the cost and maintenance of convicts and prisoners under trial belonging to the Civil and Military station of Bangalore, who are confined in the jails of the Native State of Mysore. In reply, I am to convey to you the orders of the Government of India upon the several points raised in the correspondence.

2. It appears that hitherto persons convicted by, or under trial in, the British Courts in the station of Bangalore have been confined in the Bangalore Central Jail which lies outside the limits of our jurisdiction. Up to 30th September 1883, the debt which we had incurred to the Native State on account of their maintenance aggregated Rs. 8,790-9-2, with which you propose to credit the Mysore Government "in the account with the durbar for the surplus revenue of the assigned tract which is now in their hands." The Governor-General in Council accepts the charges as shown in your letter, and is pleased to sanction the payment of them as a charge against the revenue of the assigned tract, but I am to remark that it is not desirable to encourage the idea that the British Government is bound to account to the Mysore durbar for the surplus revenue of the assigned tract.

Further paper 1778 Judd. 2. 19.7.84
Letter No. 1276 Home D 2344

3. You request orders as to the destination of convicts sentenced to transportation who have latterly been confined in the Bangalore Central Jail, and, in reply, I am to inform you that such prisoners should be deported to the Andamans under the rules applicable to prisoners similarly sentenced in British territory. Arrangements can be made by you with the Government of Madras with a view to carrying out such deportations when necessary.

4. As long as the present arrangements last, it will be preferable to make an annual settlement of accounts with the Mysore Government. The account should be made up to 31st December of each year, and should not, as hitherto, run on until a prisoner has served out his term. But, in the opinion of the Government of India, the present system of reliance upon the jail of a Native State is open to serious objections, which it is desirable to remove. You should, therefore, take the necessary steps for the construction of a prison of the district jail class, with a lock-up attached to it, for the reception of convicts sentenced to imprisonment for 12 months and under, and for prisoners under trial.

5. There will then remain a small number of prisoners sentenced to longer periods of imprisonment, or of transportation convicts whom it is undesirable to send to the Andamans. For them arrangements may conveniently be made with the Madras Government with a view to their admission to the Vellore or the Salem Central Jail. You are requested to correspond direct with the Madras Government on the subject.

From Colonel T. E. TENNANT, Inspector-General of Jails, to the Chief Secretary to Government, dated Ootacamund, 2nd May 1884, No. 134.

In returning the letter from the Assistant to the Resident in Mysore, dated 7th April 1884, with enclosure, proposing that arrangements should be entered into with the Madras Government under which convicts sentenced to imprisonment for periods of more than 12 months, by the British Courts in the Civil and Military station of Bangalore, shall be sent to the central jail either at Vellore or Salem, I have the honor to remark that it is not stated for what number of convicts accommodation is likely to be required. The available jail accommodation at Vellore and Salem is not in excess of our own requirements, and it may not unfrequently happen that drafts of prisoners cannot be received owing to the want of room. But should the present requisition be favorably received by Government, I would recommend that before further steps are taken the Resident in Mysore be requested to state the probable number of prisoners of this class (male and female) that are likely to be sent every year. I also take this opportunity to mention that European and East Indian convicts cannot conveniently be received into these central jails; prisoners of this class would therefore have to be sent either to the Penitentiary at Madras, or to the European Prison at Ootacamund.

2. Long-sentenced prisoners convicted at the stations where the central jails are situated are committed thereto direct, but those sentenced at out-stations are transferred to central jails periodically by order of the Inspector-General, under the authority vested in him by section 30, Act V of 1871. To each central jail a circle of district jails is attached, and endeavours are made as far as possible to transfer to the central jail only from the district jails of the circle, and no prisoner is transferred to a central jail except under special circumstances until his period of appeal has expired or the appeal has been rejected.

3. It will thus be seen that the transfers to central jails are conducted upon fixed principles in conformity with the jail rules; and every prisoner is sent to the central jail of his own circle, unless it may be necessary to transfer him elsewhere, owing to the want of accommodation, or for some other sufficient reason.

4. For the reasons given above I think it will prove inconvenient if the authorities at Bangalore are permitted to commit prisoners direct to our central jails. To meet this objection, I would suggest that the officer in charge of the Bangalore Jail should submit to the Inspector-General of Jails, Madras, a monthly return of convicts available for transfer, and to leave it to that officer to determine to what central jail such prisoners should be sent.

5. It would probably simplify matters if the district jail at Bangalore were placed under the Inspector-General of Madras. Such an arrangement would ensure

uniformity of administration and avoid misunderstanding. In regard to statistical information, the officer in charge of the Bangalore Jail might be instructed to comply with any requisition made by the resident in respect to returns, &c. I presume that the Government of India will be prepared to defray all expenses for the maintenance and transfer of such prisoners.

ORDER—dated 15th May 1884, No. 1203, Judicial.

Ordered that the following letter be sent:—

[Here enter No. 1204, dated 15th May 1884.]

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

Exd. J. Wright.

Gobt. of (1884) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 15th May 1884, No. 1203.

MAY.

Bangalore Prisoners.

Forwarding, with remarks, for consideration of the Resident, Bangalore, letter from Inspector-General of Jails regarding transfer of prisoners sentenced by British Courts in Bangalore to Madras Jails.

15TH MAY 1884, No. 1204, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—to

THE RESIDENT IN MYSORE,
Bangalore.

SIR,
With reference to Major Wylie's letter, dated 7th April 1884, No. 89-49, I am directed to forward, for your consideration, the enclosed letter from Colonel Tennant, the Inspector-General of Jails, and to request that this Government may be informed, if possible, of the probable number of convicts, male and female, for whom accommodation will be required. I am also to ask for an expression of opinion on the suggestion made by Colonel Tennant, that the Bangalore Jail should be placed under him; His Excellency the Governor in Council would have no objection to the suggestion being adopted, if it would tend to facilitate the attainment of the object in view.

2. With reference to paragraph 2 of the letter under reply, I am to say that His Excellency the Governor in Council agrees with the opinion that prisoners sentenced to transportation in Bangalore should be sent as soon as the period of appeal has elapsed to the Vellore Jail in order that the Jail Committee there may decide whether the convicts are fit to be transported to the Andamans.

3. On receipt of a reply to this letter, His Excellency the Governor in Council will direct that arrangements be made for the receipt into the local jails of this presidency of any prisoners who may be sent under your orders from Bangalore.

I have the honor to be,

Sir,
Your most obedient servant,

Chief Secretary:

OOTACAMUND,
15th May 1884.

Exd. J. Wright.

Gobt. of [1884] Madras.
JUDICIAL.

Issued

Recd.

Encl.

Letter, 15th May 1884, No. 1204.

MAY.

Bangalore Prisoners.

Forwarding, with remarks, letter from Inspector-General of Jails regarding transfer of prisoners sentenced by British Courts in Bangalore to Madras Jails.

Copy of the following papers:-

N^o 89
29

Office of the Resident in Mysore.
Bangalore, 7th April 1884.

From

Major H. Wylie, b. s. i.
Assistant to the Resident
in Mysore.

To

The Chief Secretary to the
Government of Madras,

Sir,

In forwarding the accompanying copy of letter N^o 913.2, dated 12th March 1884 from the Government of India, conveying certain orders in regard to the disposal of prisoners sentenced by the British Courts in the Civil and Military Station of Bangalore to transportation or imprisonment for a term of years, I am desired by the Resident, with reference to paras 4 and 5 of the above letter, to enquire whether, with the permission of His Excellency the Governor in Council, arrangements can be made for sending such prisoners when sentenced to more than one year's imprisonment either to Vellore or Salem. It seems to Mr. Lyall that the jail at Vellore would be

be the most convenient.

2. I am further, with reference to para 3, to ask whether prisoners sentenced to transportation may be sent from Bangalore, as soon as the period of appeal has passed, to Vellore or Salem (whichever jail is fixed upon) leaving it to the Jail Committee there to decide whether the convicts are fit to be transported to the Andamans and to order them in that case to be sent thence to the Madras Penitentiary on date fixed by the Inspector General of Prisons, Madras, or whether such Committee should be held here, and in case the prisoner is passed for transportation, he should be kept here till the time comes to send him to Madras. The former procedure would seem the simpler and more convenient, as, if the transportation convict is not fit to be sent to the Andamans, he will have to be kept in a Madras jail, and further, as the jail at Bangalore will be exceedingly small, it might be objectionable to have to keep in it for some months prisoners convicted of very grave offences and under sentence of transportation.

I have the honor to be,
Sir,

Your most obedient servant,

H. H. H.
Assistant to the Resident.

N^o 913-I. Encl^{ure} 2 8/9

From

The Officiating Secretary to the
Government of India.

To The Resident in Mysore

Foreign Dept.
Judicial.

Dated Fort William the 12th March 1884

Sir, I am directed to acknowledge the receipt of your letter, N^o 1918/306, dated the 9th of December 1883, and previous correspondence, on the subject of the cost and maintenance of convicts and prisoners under trial belonging to the Civil and Military Station of Bangalore, who are confined in the jails of the Native State of Mysore. In reply I am to convey to you the orders of the Government of India upon the several points raised in the correspondence.

2 It appears that hitherto persons convicted by, or under trial, in
the

the British courts in the station of Bangalore have been confined in the Bangalore Central Jail which lies outside the limits of our jurisdiction. Up to September 30th 1883 the debt which we had incurred to the Native State on account of their maintenance aggregated Rs 8790-9-2, with which you propose to credit the Mysore Government "in the account with the Durbar for the surplus revenue of the Assigned Tract which is now in their hands." The Governor General in Council accepts the charges as shown in your letter, and is pleased to sanction the payment of them as a charge against the revenue of the Assigned Tract; but I am to remark that it is not desirable to encourage the idea that the British Government is bound to account to the Mysore Durbar for the surplus revenue of the Assigned Tract.

3 You request orders as to the destination of convicts sentenced

38/11 13
to transportation who have latterly been confined in the Bangalore Central Jail, and in reply I am to inform you that such prisoners should be deported to the Andamans under the rules applicable to prisoners similarly sentenced in the British territory. Arrangements can be made by you with the Government of Madras with a view to carrying out such deportations when necessary.

4 As long as the present arrangements last, it will be preferable to make an annual settlement of accounts with the Mysore Government. The account should be made up to December 31st of each year, and should not, as hitherto, run on until a prisoner has served out his term. But, in the opinion of the Government of India, the present system

of reliance upon the jail of a Native State is open to serious objections, which it is desirable to remove. You should therefore take the necessary steps for the construction of a prison of the District jail class, with a lock-up attached to it, for the reception of convicts sentenced to imprisonment for 12 months and under, and for prisoners under trial.

5. There will then remain a small number of prisoners sentenced to longer periods of imprisonment, or of transportation convicts whom it is undesirable to send to the Andamans. For them arrangements may conveniently be made with the Madras Government with a view to their admission to the Vellore or the Salem Central Jail. You are requested to correspond direct with the Madras Govt.

48/13
Government on the subject.

I have &c &c
/ Signed / H. M. Durand
By Secretary to the
Government of India

"Copy"

P. H. James.

Registrar.
H.

August 1473/84

1884
No. 147
To The Chief Secretary
Government of Madras

Dated Bangalore 7th April 1884

Desd (10) — 8

No 89
49

Reference 1

Forwarded Copy of letter
No. 913. D. dated 12th March 1884
from the Government of
India, and enquires
whether arrangements can
be made for sending
prisoners sentenced
by the British Courts
in the Civil and Military
Station of Bangalore
either to Vellore or Salem
Central Jail.

by No. 235

(4865)

Referred to the Inspector
General of Jails for report.
(By order)

For Muhammad
Chief Secretary.
19th April 1884

27/4/84

No 134

Ootacamund, 2nd May 1884

From

Colonel T. E. Tennant,
Inspector General of Jails

To

The Honble E. F. Webster,
Chief Secretary to Government.
Ootacamund.

Sir,

In returning the letter —
from the Assistant to the Resident
in Mysore, dated 7th April 1884
with enclosure, proposing that
arrangements should be entered
into with the Madras Govern-
ment under which, convicts
sentenced to imprisonment
for periods of more than
twelve

Reference to me
with your in-
dorsement
No 865 dated
19th April 1884.

twelve months by the British
Courts in the Civil and Military
Station of Bangalore, shall be
sent to the Central Jail either
at Vellore or Salem; I have
the honor to remark that it
is not stated for what
number of convicts ac-
commodation is likely to
be required. The available
Jail accommodation at
Vellore and Salem is not
in excess of our own re-
quirements and it may
not infrequently happen
that drafts of prisoners

cannot

67
cannot be received owing to the
want of room. But should
the present requisition be favorably
received by Government, I
would recommend that before
further steps are taken the
Resident in Mysore be requested
to state the probable number
of prisoners of this class, (male
and female), that are likely
to be sent every year. I also
take this opportunity to
mention that European and
East-Indian convicts can-
not conveniently be received
into these Central Jails, prisoners
of this class would therefore
have

have to be sent, either to the Penitentiary at Madras, or to the European Prison at Ootacamund.

2. Long sentenced prisoners convicted at the stations where the Central jails are situated are committed thereto direct, but those sentenced at out-stations are transferred to Central Jails periodically by order of the Inspector-General, under the authority vested in him, by section 30 Act V of 1871. To each Central

78²¹
Central jail a circle of district jails is attached, and endeavors are made as far as possible to transfer to the Central Jail only from the district jails of the circle, and no prisoner is transferred to a Central Jail except under special circumstances until his period of appeal has expired or the appeal has been rejected.

3. It will thus be seen that the transfers to central jails are conducted upon fixed principles in conformity with the Jail Rules, and every prisoner

prisoner is sent to the Central Jail of his own circle, unless it may be necessary to transfer him elsewhere, — owing to the want of accommodation or for some other sufficient reason.

4. For the reasons given above I think it will prove inconvenient if the authorities at Bangalore are permitted to commit prisoners direct to our Central Jails. To meet this objection, I would suggest

8 P
suggest that the officer in charge of the Bangalore Jail should submit to the Inspector General of Jails, Madras, a monthly return of convicts available for transfer, and to leave it to that officer to determine to what Central Jail such prisoners should be sent.

5. It would probably simplify matters if the district jail at Bangalore were placed under the Inspector-General of Madras. Such an arrangement would.

would ensure uniformity
of administration and avoid
misunderstanding. In regard
to statistical information,
the officer in charge of the
Bangalore Jail, might be
instructed to comply with
any requisition made by
the Resident in respect to
returns etc.. I presume
that the Government of
India will be prepared
to defray all expenses
for the maintenance
and transfer of such
prisoners. J

9
I have the honor to be,

Sr,

Your most obedient servant.

J. E. Humeant.
Inspector-General of Jails.

Judicial. 1743.

From

Col. J. E. Tennant,
Inspector General of Jails.

To

The Chief Secretary
to Government.

Or Tamamud.

Dated 2^d
Received } May 1884.

No 134.
(C. 1473 add)

Enclosed

Returning with
remarks letter from
the Assistant ^{Resident} in Mysore
regarding the Transfer
of prisoners sentenced
by British Courts in
Bangalore to Madras
Jails.

Order 15 May/84 No 1203

Ordered that the following letter be sent
No 1204 of 15 May/84

To Resident, in Mysore

Bangalore

Despatched with Progs
31/5/84

With Progs

3/5

With reference to Major Wyllie's
letter d. 7th April 1884. No 89
I am directed to forward for your
consideration enclosed letter
from Col Tennant, to Inspector
General of Jails, and to ask that
the Government may be informed
of the number of the probable number
of convicts, male & female, whose
accommodation will be required.
I am also to ask for an expression
of opinion on the suggestion made
by Col Tennant, that the
Bangalore jail should be placed
under him, His Excellency the
Governor in Council would have
no objection to the suggestion being
adopted, if it would tend to
facilitate the attainment of the
object in view.

The jail is so small that submitted
there would be no objection to it
formally being under Col
Tennant.

2 With reference to para 2 of the letter under reply, I am to say that His Excellency has got the Council agree with the opinion that prisoners sentenced to transportation in Bangalore should be sent as soon as the period of appeal has elapsed to the Bellary jail in order that the jail Committee there may decide whether the convicts are fit to be transported to the Andamans or not.

3. On receipt of a reply to this letter His Excellency has got the Council will direct that an arrangement be made for the receipt into the local jails of this Presidency of any prisoners who may be sent under your orders from Bangalore

It does not seem necessary to say anything about the money it will follow as a matter of course that the S. G. Govt will pay -

9/5

W

Bangalore Pioneer

To Hon'ble Member

Hel 12/5