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MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

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Dated 4-5-1866	

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15
*Proceedings of the Madras Government, Public Works Department,
4th May 1864.*

No. 66. Read the following Proceedings of the Madras Government in the Judicial
Department:—

Passing orders on Mr. Rohde's report on his last inspection }
of the European Jail at Ootacamund, Coimbatore District. } (Here enter 26th April 1864, No. 591.)

No. 67. ORDER THEREON, 4th May 1864, No. 1,275.

Communicated to the Superintending Engineer, 7th Division, for early attention with
reference to paragraph 2.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 7th Division.

Exd. S. T. Augustin.

26th April 1864.

No. 273. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 19th March 1864.

I have the honor to report having made my quarterly visit to the European Jail at this station on the 13th ultimo. A few days afterwards I took the opportunity of Dr. Shaw's visit to accompany him to the Jail.

2. *Buildings.*—Three of the work-sheds sanctioned by Government on the 17th August 1863 have been nearly completed, but none are yet fit for use. I anticipate a great improvement in the discipline of the Jail from this addition. The foundations of the fourth work-shed were nearly completed.

3. The well (immediately outside the walls, and intended to be enclosed within walls, the foundations of which were laid when the building was in progress) is not safe to work. It should, in my opinion, be steined over a strong curb 12 feet in diameter, and the steining, of say 14 inches, well backed with clay, the well may then be sunk to water.

4. The door-way which I had bricked up before the building was occupied; between this intended well Court, and the prison enclosure I had opened and furnished with a strong door for convenience of bringing in material.

5. The plan I adopted for cooling the kitchen by a wall supported, or iron pillars separating the part occupied by the range from the rest of the room, has been productive of some good effect, but the radiation from the stove is great, and the kitchen is still much hotter than is desirable; four additional ventilators in the roof have been fixed. The wind was from the north, while the door is to the south; there will therefore, I hope, be some improvement in the hot weather when the wind changes. Further ventilation will also be provided.

6. The water supply is still a difficulty: it was proposed to build a cistern against the outer walls. I preferred, however, building at 20 feet distant, and conveying the water under the road by pipes which I have; this I have requested Captain Farewell to do.

7. *Manufactures.*—These have improved, but there is still difficulty in keeping up a supply of raw material and stock. The cayar had again run out. There is now, I am glad to find, a prospect of a steady supply, a tender having been received not in excess of previous rates. I made inquiries in the course of my late tour with the view to obtain a supply at moderate prices, but the demand in England for almost every description of raw produce, encouraged by low freights, and the large profits now expected by every middle-man through whose hands the article passes, render it difficult to obtain any thing at a price that will allow of profit.

8. In the matter of leather for shoe-making, I find the material charged for at high rates which leave but little room for profit. I am of opinion that the manufacture should be limited to one description of goods, and that the making of ladies' boots and such fancy articles should now be discontinued, as its being kept up depends on the accident of there being a shoe-maker trained to the work among the prisoners. The practice of making varieties of goods involves the purchase, retail, of material often at very high prices, whereas if the manufacture is confined to stock goods, as strong men's and boys' boots and shoes, men's summer shoes and slippers, any handy man may be trained to the work, the demand for material will be uniform, and tenders, may with safety be had recourse to, or indents on England forwarded.

9. It would be desirable to limit the number engaged in each trade to the actual requirements. Tailoring will of necessity be limited to the demand for the prisoners themselves. It would be allowable to send in carpets for sewing, and peons' coats and belts might also be made to pattern on the material being furnished. In shoe-making there will always be a demand for the Jail, and for strong men's and boys' boots there is always a demand at Ootacamund.

10. Carpentry is a trade that cannot be always maintained, it is too not convenient to have large pieces of wood brought in. At present there are three Carpenters who may be still employed at their proper trade.

11. Sawing is a trade soon learned, and now practised but only for Jail requirements, it cannot be conveniently continued within the walls.

No. 408.
MEMORANDUM.

In accordance with the sanction of His Excellency the Governor in Council, the Inspector General of Jails sanctions the following rates of reward to prisoners wearing good conduct badges engaged in manufactures in the Jail of Ootacamund to form a fund for their benefit on discharge.

2. Misconduct will, as in the English prisons, subject the offender to a forfeiture of the whole or any portion of past earnings.

3. The premiums will be calculated on the actual net cash profits, of which an accurate account must be kept.

4. Prisoners who have served one-third of their sentence will be credited with one-sixth of net profits.

5. Prisoners who have served half their term will be credited with one-fourth of net profits.

6. Prisoners who have served two-thirds of their term will be credited with one-third of net profits.

7. Prisoners who, by exemplary conduct, specially recommend themselves, may be allowed, as a special case, by the officer in charge, one-half of net profits of their labor accruing during the last year of their term.

8. An accurate account of issues of material, of its gross cost, and of actual receipts will be kept with each man.

9. The officer in charge will apportion the profits to individuals working together.

(Signed) J. ROHDE,
Inspector General of Jails.
OOTACAMUND,
OFFICE OF INSPE. GENL. OF JAILS.
11th November 1863.

To the Sessions Judge of Ootacamund.

O. G., 26th January 1864, No. 103.

17. Jackson, who is in every respect in the same position as Hutchings, convicted in the same case and sentenced with him to the same term of imprisonment, of excellent character, but with more firmness of character, expressed

a hope that the like indulgence might be extended to him, a measure that I trust His Excellency in Council will recommend. This prisoner is one of those who applied to go to the Andamans, the removal is, I presume, deferred in consequence of the unhealthiness of the place, but I trust that consideration in another form will be shown to all whose transfer I recommended.

18. Ramus' petition is one which I am not called on to express any opinion upon, he desires that his case may be brought in review before His Royal Highness the Commander-in-Chief, and I can only say that since his arrival this prisoner has been uniformly well conducted.

19. The Military prisoners, Walker and Buckley, again urged their hope that clemency would be shown to them. Walker and Buckley have often stated their belief that the order read to them justified their hope of remission of a portion of their sentence. I enclose their petitions addressed to His Excellency the Governor on a former occasion. I requested Mr. Nesbitt to obtain a copy of the order on which the prisoners founded their expectations, and on perusing the General Order by His Excellency the Commander-in-Chief, 31st December 1860, I find from the Memorandum

See enclosure H.

attached, and from the Extract of Colonel Jebb's Report for 1856-57 thereto appended, that the quotation runs thus:—

Extract of Memorandum, P. 3.

"This report shows that however well a convict may behave, however much he may reform, he still must undergo for two-thirds of his punishment," &c., &c.

And, again, "Colonel Jebb's Report for 1856 and 1857, paragraph 21, and Appendix, page

"157. By good behaviour a convict may obtain a remission of some part of his sentence."

"In the case of a man similarly sentenced" (to 10 years' Penal Servitude) "and retained

"for release in England, he may by good conduct obtain a remission of two and half years of

"his sentence."

20. I must say that I cannot read the order without perceiving that, while its object was to deter from crime by showing the Soldier the extent to which under the most favorable circumstances sentences would be enforced, it did hold out to men who should be well conducted in prison a hope of remission of one-fourth of their sentence.

21. I beg to append the certificates of the Chaplain with the letter of the Officer in charge in the case of these men, and to recommend them to the favorable consideration of Government.

B.

D.

22. It will be observed that Walker's sentence to four years' Penal Servitude expires on the 26th November.

23. Buckley's sentence to four years' Penal Servitude expires on the 27th September. Both these men have therefore completed more than three-fourths of their original term of sentence.

24. Summers, another Soldier, sentenced by General Court Martial to four years' Penal Servitude, has been already upwards of three years imprisoned; he did not present a written petition, but requested me to bring his case to notice, his case is similar to that of Walker and Buckley; he begs that on release he may have

Order M. Government, 16th November 1863, No. 1767.

the same indulgence that was given to Flaherty, namely, a free passage to Australia, and I would

recommend his case also, and that his release should be made conditional on his availing himself of the passage to Australia which he solicits.

25. Nolan has presented a petition to the Officer in charge, which, though received by me subsequent to my visit, may conveniently be now laid before Government, praying that the

F.

Order Government, Bengal, 30th November 1863.
See E. P. M. Government, 22nd December 1863, No. 2000.

same consideration may be shown to him that he understands has been given to Freeman, namely, the re-consideration of his second sen-

tence for homicide when the term of his first sentence shall have expired. This prisoner represents that he was condemned with Freeman and others on the charge of causing the death of a Policeman on the occasion of the out-break in the Calcutta Jail; that he had then only three months of his original sentence unexpired, and has consequently already undergone more than two and half years of his additional sentence. Nolan's case is recommended by the Chaplain and Officer in charge. I find the sentences recorded against him are: first, of 10 years' Penal Servitude, which will expire on the 15th June 1871; and, secondly, of one year's hard labor for Prison breach will expire on the 15th June 1872.

26. William Watson, whose sentence to four years' Penal Servitude expires on the 4th of December next, prays that he may on release receive a free passage to the Colonies. I am disposed to recommend in this case as in that of Summers that this free passage, together with a license conditional on his immediately availing himself of the passage to Australia, be granted at an earlier date.

27. Burke, Thomas William, again urged his having already undergone three years of his original four years' sentence, his having been in confinement eighteen months before trial; and with reference to his sentence to six months' hard labor to be undergone in the Calcutta House of Cor-

rection, prays that he may not be sent back to Calcutta to be there released on the scene of his former delinquencies.

28. Martin Murphy urged his ill-health as a plea for soliciting transfer from the Hills. I took advantage of Mr. Shaw's being here to visit the prison again with him, and came to the conclusion that Murphy's case should be brought before a Committee. This has since been done, and I beg to recommend that in accordance

Enclosure G.

with the advice recorded this prisoner be transferred to the plains.

29. Several prisoners asked what prospect there was of their transfer to the Andamans. I could only inform them of the place being so unhealthy, that transportation thither had been stopped, and that I thought it improbable that any transfer to that settlement would be made at present.

30. I think it desirable to request the attention of His Excellency the Governor in Council to the inexpediency of releasing prisoners unconditionally from this Jail except in the case of those who have trades, or who are likely to earn a living here. I have before alluded to the matter, and His Excellency the Governor may recollect his having spoken to me on the subject before the prison was occupied. It seems to me that by granting licenses conditionally on the prisoners resorting to the Colonies or other places where they could earn a living, they may legally be compelled to that course; but that if they are released indiscriminately from this prison on the expiration of their sentence, European vagrancy, and perhaps crime will extend.

31. Even in the case of tradesmen, capital is required and in many cases is only available by an appeal to society. Hutchings lately released is now so set up, and there are one or two other tradesmen who would do well here, but in general there will be a necessity for placing the released prisoner where a livelihood may be earned.

32. Of the prisoners who have already undergone three-fourths of their sentence, and who should, I think, on release be so removed are DeGarey, sentenced in April 1859 to six years' Penal servitude for manslaughter; William Watson, whose case I have stated above; Michael Cormick, sentenced on the 4th February 1861 to four years' Penal Servitude; John Jackson above-mentioned; William Buckley, whose case is stated above; Samuel Summers also noticed above; James Walker noticed above; and John Berry, another Military prisoner, sentenced by General Court Martial on the 25th February 1861 to four years' Penal Servitude.

33. Some of these are seamen, and one Jackson, a Carpenter, who might get employment on shipboard; but in every case I think it would be desirable that the Government should have the prisoner, on his release, in a condition in which he might be compelled to take the steps necessary for his obtaining employment whether in the Colonies, on shipboards, or elsewhere.

34. The prisoners remaining are 27 in number, nine cells are consequently available; of these, it is desirable that one spare cell should be so reserved.

From L. C. INNES, Esq., Session Judge in charge of European Jail, Ootacamund; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated 3rd March 1864, No. 40.

I have the honor to forward a petition from James Burke to His Excellency the Governor General.

2. Since July 1863 there has been nothing against him on the register, but the Chaplain's opinion of his character is, I regret to say, very unfavorable.

3. It should be observed, however, that Burke is a Roman Catholic, and that the Chaplain consequently has not had the same opportunities of close intercourse with him, and of forming thereby an exact estimate of his character as he would have had in the case of a Protestant.

4. In December 1862 he was guilty of insubordination and of insulting behaviour to the Officer then in charge, for which he was confined to his cell until he should choose to apologize which he contumaciously refused to do until July 1863.

5. As but a short period has elapsed since last July, I do not think I should be justified in looking upon this interval of good conduct as affording ground for recommending a remission of his sentence.

TO HIS EXCELLENCY THE RIGHT HONORABLE SIR JOHN LAWRENCE, G.C.B., K.S.I.,
Governor General of India.

The humble Petition of JAMES BURKE, a
prisoner in Her Majesty's European Jail at
Ootacamund, undergoing the sentence of six
years' Penal Servitude, February 19th, 1864.

MOST HUMBLY SHOWETH,

May it please your Excellency.

Your Excellency's most humble petitioner most submissively and respectfully prays that his petition will meet with your Excellency's most generous and merciful approbation.

2. Your humble petitioner submissively sheweth that he, and three other men, viz., John Freeman, Thomas Nolan, and William Vickery, whilst undergoing imprisonment in the House of Correction at Calcutta, was charged with the crime of throwing stones at the Police, wherein one Native Policeman received a wound, which was the cause of his death thirteen days after; then your humble petitioner was brought to trial, found guilty of throwing a stone, about four ounces in weight, towards No. 3 Ward, where the Police were standing. Your petitioner was sentenced to death; but reprieved and commuted to six years' Penal Servitude, which your humble petitioner is now undergoing.

3. Your humble petitioner begs to state that he has been informed by a gentleman residing at Calcutta, that his Lordship Sir Mordant Wells, by whom he was tried and sentenced, has recommended him and the prisoner John Freeman, previous to his Lordship's resignation from the Bench in India, for mercy to your Excellency, which your petitioner fervently prays your Excellency will favorably grant.

4. Your humble petitioner submissively sheweth that he has undergone five years and a half Penal Servitude out of 10, which includes both his former and latter sentence; further, your humble petitioner begs to state that his age is 25, and that he has been five years and six months of that a prisoner.

5. Your Excellency's most humble petitioner begs most submissively and respectfully to throw himself upon your Excellency's most generous mercy, and cordially prays that your Excellency will take his age and the imprisonment he has undergone into consideration, and grant him a remission of sentence, or do something so as to alleviate his present lamentable and distressed condition.

Your humble petitioner as in duty bound shall ever pray.

TO THE RIGHT HONORABLE SIR JOHN LAWRENCE, G. C. B., K. S. I.,
Viceroy and Governor General of India.

The humble petition of JOHN JACKSON,
a Prisoner in the European Prison at
Ootacamund.

RESPECTFULLY SHOWETH,

That your petitioner was sentenced on the 3rd of April 1861, by the Supreme Court of Judicature, Fort William, Bengal, to four years' Penal Servitude for robbery with violence, of which sentence he has now completed nearly three years.

2. Petitioner now begs earnestly to bring to your Excellency's notice and merciful consideration the circumstances under which he became implicated in the crime for which he is undergoing punishment.

3. Petitioner was standing quietly at the door of a house in Calcutta when a mob of Sailors and others were passing by; just as these persons came opposite to where petitioner was standing the robbery was effected, and the person who was attacked, in the scuffle, handed over his watch and chain to petitioner who took them, not however having any intention of either keeping or appropriating them.

4. Petitioner having received the above-mentioned articles became thus implicated in the robbery, and was together with the other man tried for this offence, sentenced as above stated.

5. His Honor the Lieutenant Governor of Bengal has been graciously pleased to grant a pardon to the man above alluded to as being tried at the same time as petitioner: the man alluded to is Joseph Hutchings. Petitioner therefore humbly trusts that your Excellency will be inclined to accord a favorable consideration to his case also.

For which act of mercy petitioner, as in duty bound, will always pray.

OOTACAMUND, 8th February 1854.

From L. C. INNES, Esq., Session Judge in charge of European Prison, Ootacamund; to J. ROHDE, Esq., Inspector General of Prisons, Ootacamund, dated 10th February 1864,
No. 19.

I have the honor to forward extract of a letter received from the Chaplain, in which the Chaplain testifies to the excellent character borne by Buckley and Jackson in this prison.

2. The case of Buckley with that of Walker will, as advised by you, stand over until they have an opportunity of speaking with the Commander-in-Chief in person.

3. In Jackson's case you yesterday, in the course of your visit to the prison, received a petition from him for transmission to the Government, and I have the honor to request that in forwarding it the testimony borne by the Chaplain to Jackson's good conduct may not be lost sight of.

To L. C. INNES, Esq., in charge of the Ootacamund European Prison, dated Ootacamund, Grammar School, 7th February 1864.

2. Prisoners W. Jackson and Buckley have asked me to testify to their good conduct in the prison.

May I ask you to use in any way you think best this my statement on their behalf.

(1.) Jackson is uniformly good tempered, obliging and peaceable. In many cases where I have had to settle disputes among them, I have had occasion to admire Jackson's spirit and temper. He never quarrels and always is on the right side in any question. It would afford me sincere pleasure to think that he was likely to get remission of any part of his sentence.

(2.) Buckley is, I believe, sincerely sorry for his offence. He is gentle, teachable, and respectful, and has never to my knowledge incurred the reproof of any in authority, since he came to this Jail.

(True Extract.)

(Signed) L. C. INNES,

Session Judge in charge of European Prison.

To THE RIGHT HONORABLE SIR C. WOOD, BART.,

Her Majesty's Secretary of State for India.

The petition of WILLIAM DE NOUAL
RAMUS, late Lieutenant of the 20th
Regiment Native Infantry, Madras Army,
and now a prisoner in the European
Central Prison at Ootacamund.

RESPECTFULLY SHOWETH,

That in the latter end of the year 1861, petitioner addressed a Memorial to His Royal Highness the Duke of Cambridge, appealing against the sentence of the Court Martial which was held upon him that year; that His Royal Highness handed over this Memorial to Her Majesty's Secretary of State for India for disposal, and it was by him returned through the Madras Government in the early part of the year 1862 to be re-transmitted through the proper channel.

2. Petitioner now begs to lay his case before you, trusting to receive a patient hearing and favorable consideration of his complaint.

3. Petitioner received a Cadetship in the Honorable East India Company's Service, and which had been secured for him by his aunt, the late Baroness de Noual, prior to her decease, on the 4th February 1849; that on proceeding to India he served for a short time in the 1st Regiment Native Infantry; that in the year 1853 having passed the Interpreter's examination in Hindustani he was appointed Quarter Master of the 20th Regiment Native Infantry (to which Regiment he had been posted), and which appointment he held until he was sentenced by a Court Martial in July 1861 to four years' Penal Servitude; that his character during the whole of his service as an officer and a gentleman was irreproachable.

4. Petitioner, during the months of May and June 1860, having been sick obtained one month's privilege leave to visit Madras. From the 1st of June he had been sick, and another officer, Captain John Duncan Campbell Wallace, had had charge of the Quarter Master's Department and full command over the Regimental cash chest. Two days before departing on the leave that had been granted, petitioner handed over in due form, and in presence of the Commanding Officer, Colonel James Walker Bayley, the Regimental cash chest and all the accounts of the Quarter Master's office to Captain J. D. C. Wallace, who had been appointed to act during his absence as Quarter Master; these accounts and the balance sheet of the Regiment were signed by Captain Wallace, and allowed by him to be perfectly correct in each and every particular. Some sums of money, amounting to upwards of 3000 Rupees, which were due from the Companies of the Regiment were also pointed out to Captain Wallace, and a particular list of them given to him, each item being especially enumerated; all these accounts and Memoranda were in the hand-writing of the Native Clerk of the Quarter Master's office, Ramasawmy Pillay. Petitioner proceeded to Madras and heard nothing further of his Regiment for some 25 days, when he was astonished by being summoned back to it under arrest. After he had been in close confinement some seven or eight months, charges were preferred against him of embezzling and fraudulently misappropriating and misapplying some monies alleged to be deficient, some of which charges bore a date when petitioner was not performing the duties of the Quarter Master's office, viz., the 6th and 7th charges, and the 6th, 7th, 8th, 9th, 10th, 11th and 12th instances of the eighth charge.

5. Petitioner was found virtually guilty of all the charges brought against him.

6. Petitioner begs to press the following points:—1st. That the cash chest and accounts were delivered to Captain Wallace in due form in the presence of the Commanding Officer, prior to his proceeding on leave, since which time he has never seen either cash chest or accounts; that the fact of the accounts, &c., being handed over as above stated, in compliance with the Regimental order of the day, exonerated petitioner from all further responsibility. 2nd. That it never was proved that petitioner had ever embezzled, misappropriated or misapplied one Rupee of the alleged deficiency; that on the contrary the evidence that was adduced clearly, and to an unprejudiced mind forcibly, pointed out who the real culprit or culprits were; in the absence of such proof of embezzlement, petitioner is led to believe that he was entitled to a verdict of "not guilty," even were the Court morally convinced that he was guilty. 3rd. Petitioner urges that the Court Martial was illegally constituted, and that as the charges were unproved the sentence also was illegal: the Court Martial was illegally constituted because an evidence on the prosecution, Havildar Veeraugoo, Grenadier Company, 20th Regiment, was admitted and sworn as an Interpreter in the Teloo language, and because the Proceedings of the Court of Enquiry held at Vellore were also admitted as evidence and recorded on the face of the Court Martial.

7. Petitioner believes that these two points alone, or either of them, were sufficient to render the sentence null.

8. Petitioner further begs respectfully to bring to your notice that when the Judge Advocate applied to the Supreme Court of Judicature at Madras to attach his property, Sir Colley Harman Scotland, the presiding Judge, refused to grant rule, saying, that the law on this point was very stringent, and that it was necessary to prove that the prisoner had actually embezzled money, which did not appear from the affidavit submitted.

8 *Proceedings of the Madras Government, Judicial Department,*
26th April 1864.

9. To conclude: petitioner most solemnly declares that he is entirely innocent of the charges that were brought against him, and that he is suffering misery while the real offenders are at large.

10. Under the circumstances detailed above, petitioner trusts that you will mercifully consider his case and direct a full and particular statement of the evidence adduced on his Court Martial to be laid before you.

For which act of clemency petitioner, as in duty bound, will always pray.
OOTACAMUND, 5th February 1864.

To His EXCELLENCY SIR W. T. DENISON, K. C. B.,
Governor in Council, Madras Presidency, Madras.
The humble Petition of JAMES WALKER,
late a Gunner of B. Company, 3rd Battalion
No. 5, Madras Horse Field Battery.

MOST RESPECTFULLY SHOWETH,
That your petitioner was sentenced to four years' Penal Servitude by a General Court Martial held at Saint Thomas's Mount on the 27th November 1860.
2. The circumstances of your petitioner's misfortune are as follows, viz.,
1st. For striking with his hand Lieutenant H. M. Finley.
3. Your petitioner committed the above offence in a fit of passion, and not with the intention of getting out of the army by such means. Your petitioner was at that very time in a position to claim his discharge from the service under the Canning's Act, as he had at that time not re-enlisted for any other service.
2ndly. Your petitioner had the long period of seven years and seven months' service, and bore a good and irreproachable character during that period, and in the course of four years from the date of his offence could have claimed his discharge, having completed his term of service.
4. Your Excellency can see that it was not with the intention of getting out of the service that he committed himself, but in a fit of ungovernable passion he done so.
5. Your petitioner, for the period already mentioned, served the East India Company, his Queen and country, honestly and faithfully.
6. Your petitioner has been led by the above circumstances to lay before your Excellency his sad and deplorable case, and humbly sue for mercy.
7. The petitioner has a father and mother, whose extreme old age incapacitates them from working, the former having attained the age of 81 and the latter 71; they have frequently written to the petitioner, begging of him to come home to them to be their stay in their old age, and unless your Excellency will have compassion on them, the petitioner will be unable to attend to appeals of his venerable parents for nine long months, which is the period of the unexpired portion of his sentence.
8. The petitioner has undergone the period of three years and three months' incarceration, and his past as well as his present good conduct raises a hope within his bosom that mercy will not be denied him.
9. Your petitioner humbly begs to remind your Excellency of the promise made to him by your Excellency in 1861, when the petitioner was desired to lay his sad case before you through the Commissioner of Police, and that your Excellency would do all that laid in your power for him, now that the petitioner stands most in need of the fulfilment of that promise, he humbly hopes to be forgiven the remaining portion of his sentence.
10. Your petitioner, in conclusion, begs humbly to state that he has long since bitterly repented of his rash conduct in giving way to a fit of ungovernable passion, and humbly begs for a favorable reply to this his humble petition; and for this act of benevolence the petitioner will, as in duty bound, ever pray.
OOTACAMUND, 8th February 1864.

Proceedings of the Madras Government, Judicial Department, 9
26th April 1864.

To His EXCELLENCY SIR W. T. DENISON, K. C. B.,
Governor in Council, Fort Saint George, Madras.
The humble Petition of WILLIAM BUCKLEY,
late a Corporal of the 1st Madras Fusiliers.

MOST RESPECTFULLY SHOWETH.

That your petitioner is a prisoner in the European Jail at Ootacamund, sentenced to four years' Penal Servitude by a general Court Martial held at Bangalore on the 29th September 1860, of which imprisonment three years, four months, and eleven days have expired.

The circumstances connected with your petitioner's misfortunes are as follows:—
1st. For about a fortnight previous to the 17th September 1860 Petitioner had been drinking, and from its effects in an evil hour took a boot and unpremeditatedly struck Lieutenant Alexander Cuppage against whom he had nought to say, but for whom on the contrary he had the greatest respect, and your petitioner has reason to believe that he was not unfavorably looked upon by that officer.

2nd. Your petitioner has always borne a good character, having but one conviction during 15 years. Your petitioner has served his Queen and country faithfully for 15 years in the 1st Madras Fusiliers, as certified in the Soldier's account book.

3rd. Served in Burmese War of 1851-52. Served in the suppression of the mutiny in Bengal, in 1857-58; with General Havelock's force at the actions of Futteypore, Aoung, Pen-doonuddy, Cawnpore, Oonao, Busserrattunge, 1st and 2nd; Boorbeake Choukie, and Betoor; crossed into Oude 19th September 1857; present at the actions of Mungerwar and the Allum-baugh; at the entry into Lucknow 25th September 1857, from which date he was employed with the force in the defence of the Residency till 22nd November. Also with Sir James Outram's Corps of observation at the Allumbaugh, from that date to the capture of Lucknow, at which he was present; with Sir Hope Grant's Column at Sultanpore, and during the campaign in Oude; from June to December 1858, with Lieutenant Colonel Galway's force at the taking of Cooley.

4th. Your petitioner has long since bitterly lamented the insult offered to Lieutenant Cuppage, and relying on his previous as well as his present good conduct is led to throw himself on the clemency of your Excellency, praying you to forgive him the remaining portion of his sentence, and restore him to his suffering wife, who is sadly pressed for the common necessities of life, being dependent solely on a friend, having no male relations to assist her, until your petitioner may be set at liberty.

For which act of benevolence your humble petitioner, as in duty bound, will ever pray.
OOTACAMUND, 8th February 1864.

From L. C. INNES, Esq., Session Judge in charge of European Jail at Ootacamund; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated 26th February 1864,
No. 34.

I have the honor to forward a petition addressed to His Excellency the Viceroy and Governor General by Thomas Nolan, a convict in the European Prison.

2. I append an extract from a letter from the Chaplain, whose opinion I requested regarding Nolan's conduct in this Jail.

3. There has been nothing against him in the register during his incarceration in this Jail, and from inquiries made by me I have reason to believe that he has conducted himself well.

To THE RIGHT HONORABLE SIR JOHN LAWRENCE, G. C. B., K. S. J.,
Viceroy and Governor General of India.
The humble Petition of THOMAS NOLAN, a prisoner in the Central European Jail in Ootacamund.

MOST RESPECTFULLY SHOWETH,
That your petitioner, whilst undergoing imprisonment in the House of Correction, Calcutta, was, with three other men, viz., John Freeman, William Vickery, and James Burke, tried in the

Supreme Court of Judicature, Fort William, for having being concerned in an assault in which a Native Policeman was killed, or rather through which he died some thirteen days afterwards.

2. Your petitioner, at the time of this unfortunate occurrence, had but three months and three days to serve to complete the term of his former sentence.

3. Your petitioner was sentenced to death by Sir Mordart Wells, K. C. B., the presiding Judge; this sentence was eventually commuted to one of Penal Servitude for ten years.

4. Your petitioner has been given to understand that the above-mentioned Judge, Sir M. Wells, prior to his leaving the country on resignation of his office, represented petitioner's case, together with that of the other men concerned in the assault, to the Government in a favorable light, so much so that the Government have consented to re-consider John Freeman's case on the expiration of his former sentence.

5. Your petitioner completed his former sentence on the 15th of June 1861, and will have served, next June, three years of his second sentence; he therefore humbly prays that his case may be now favorably considered, and that the severe sentence passed upon him may be in some manner mitigated.

For which act of clemency and mercy your petitioner, as in duty bound, will ever pray.

OOTACAMUND, 22nd August 1864.

From the Reverend G. U. POPE, Chaplain to the European Prison, Ootacamund; L. C. INNES, Esq., Session Judge in charge of European Jail, Ootacamund, dated 24th February 1864.

2. T. Nolan is, I think, a better man. His Calcutta character was bad; but after studying him carefully, I am compelled to say I cannot see in him any of the bad qualities laid to his charge. He is not quarrelsome, or inclined to make parties; but peaceable and submissive. In fact I have formed a very favorable opinion of him. I should think any leniency shown to him likely to be of use to himself and others.

(True Copy.)

(Signed) L. C. INNES,

Session Judge in charge
of European Jail.

From L. C. INNES, Esq., Session Judge in charge of the European Prison, Ootacamund; to J. ROHDE, Esq., Inspector General of Prisons, dated Ootacamund, 26th February 1864, No. 251.

I have the honor herewith to enclose the documents marginally noted, referring to the case of convict Martin Murphy now in the prison under my charge, and request that you will be good enough to sanction and make arrangements for his transfer.

- Duplicate copies of
1. M. Murphy's case.
 2. Certificate of Medical Officer.
 3. Proceedings of a Medical Committee.

DUPLICATE.

Martin Murphy, ætatis 39. A pale sallow complexioned man, whose gums are soft and spongy, and at times livid, and swell and bleed at the slightest friction, with loose teeth and offensive breath, has from time to time complained of rheumatic pains and loss of power in all his limbs, and indifferent appetite.

2. On two occasions an ulcer broke out on the upper lip, discharging fœtid and bloody sanies, its base being covered with slough, its edges livid and lined with a soft bloody fungus which showed a disposition to increase rapidly and was attended with lancinating pains. On each occasion the ulcer was obstinate to heal, but ultimately did so under the application of finely pulverized sulphate of zinc.

3. Under Cod liver oil, and occasionally lime-juice he gradually improved and gained flesh, but his symptoms were aggravated during the changes of the weather.

4. Meat allowed him was prepared in the form of pish-pash to facilitate mastication.
5. He has on various occasions suffered from syphilis, and his constitution is doubtlessly impregnated with its taint. He suffers much from the changes of the weather, and feels the cold acutely; he is most anxious to be sent to a warmer climate, which I am of opinion may prove beneficial.

(Signed) C. J. ROGERS,
Assistant Surgeon in charge of
European Jail, Ootacamund.

OOTACAMUND,
22nd February 1864.

DUPLICATE.

This is to certify that prisoner Martin Murphy, of the Jail at Ootacamund, is in a bad state of health, and that I consider that he would be benefitted by being removed to the plains, as the climate of the Hills is not suitable to him.

(Signed) C. J. ROGERS,
Assistant Surgeon.

OOTACAMUND,
22nd February 1864.

DUPLICATE.

Proceedings of a Medical Committee assembled under orders of Government, dated 1st April 1863, No. 514, for the purpose of inquiring into and reporting on the state of health of European prisoner Martin Murphy.

OOTACAMUND,
25th February 1864.

Assistant Surgeon C. J. Rogers, President.
J. Miller, M. D.
J. Bilderbeck.

Assistant Surgeon C. J. Rogers, prisoner Martin Murphy's medical attendant, is present. The Board having carefully considered the case, and examined the patient confirm the Sick Certificate to prisoner Martin Murphy, granted by Assistant Surgeon C. J. Rogers.

(Signed) C. J. ROGERS, President.
{ " } J. MILLER, M. D., } Members.
{ " } J. BILDERBECK, }

GENERAL ORDERS BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF.
Head Quarters, Choultry Plain, 31st December 1860, No. 132.

The Commander-in-Chief, in re-publishing the following Circular Memorandum, dated Adjutant General's Office, Head Quarters, Camp Nuwabgunge, 30th November 1860, directs the same to be carefully read and explained to the European Troops of this Presidency at three successive Parades, and once a month to prisoners in confinement.

Circular to Officers Commanding Divisions,
Districts, Regiments, Batteries, and Depôts.

ADJUTANT GENERAL'S OFFICE, HEAD QUARTERS.
CAMP NUWABGUNGE, 30th November 1860.

MEMORANDUM.

The misconceptions which have existed respecting the punishment of Penal Servitude have led ill-behaved Soldiers to think lightly of it. They imagined that they had only to behave well in order to obtain exemption from its rigors, and to receive what is called a ticket of leave, in a short time after the commencement of their Penal Servitude.

2. How false these ideas are, is proved by a report from Colonel Jebb, Inspector of Prisons, which the Commander-in-Chief now causes to be published for the warning of all Soldiers, whom their bad discipline or their bad feelings may lead to commit crimes which subject them to the very severe punishment of Penal Servitude.

3. This report shows that however well a convict may behave, however much he may reform, he still must undergo for two-thirds of his punishment, that is, for years, nine or ten hours daily hard labor of a severe kind, on prison fare, as represented by the evidence of the Chaplain.

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26th April 1864.

4. It is to be understood that this order is not addressed to good Soldiers.
5. It is to be read to each Regiment, Battery and Detachment at three successive Parades, and once a month to prisoners in confinement.

(By Order.)

(Signed) E. HAYTHORNE, Colonel,
Adjutant General H. M.'s Forces in India.

Colonel Jebb's Report for 1856 and 57.

P. 20, and App. p. 155.—A sentence of Penal Servitude in England involves a short period (from 9 to 12 months) of separate confinement, and then hard labor upon Public Works.

P. p. 20, 21, and App. p. 157.—A convict under a sentence of Penal Servitude may either be retained for the whole term of his sentence in England, or may, after a time, be removed to a penal Colony.

P. 21, and App. p. 157.—By good behaviour a convict may obtain a remission of some part of his sentence.

P. 21, and App. p. 157.—For example: in the case of a man sentenced to 10 years' Penal Servitude, he may be removed to a penal Colony after undergoing 5 years of his sentence in England; and in the Colony he may, by further good conduct, entitle himself at an early period to the qualified liberty of a ticket of leave, and subsequently to conditional pardon.

In the case of a man similarly sentenced, and retained for release in England, he may by good conduct obtain a remission of two and half years of his sentence, that is to say, he may obtain his release after seven and half of imprisonment and hard labor. Thus it will be seen that every convict, however good may be his behaviour after he is imprisoned, must pass one-half of his sentence in hard labor upon Public Works in England; if he is to be removed to a penal Colony, and if he is to be released in England, must pass three-fourths of his sentence in such labor.

Sentences for life are only dealt with according to the special circumstances of each case. When circumstances may justify the application to such cases of the general rules applied to term convicts, no remission of the sentence in England can be given until after 12 years of imprisonment and hard labor; nor can any life convict be removed to a penal Colony, until after eight years of imprisonment and hard labor upon Public Works in England.

Reports of Directors of Convict Prisons for 1857.

Portland.....	p. 136
Portsmouth.....	p. 164
Dartmoor.....	p. 193
Chatham.....	p. 239

other in-door labor) vary from 9½ hours to 10 hours and 40 minutes.

	A. M.	A. M.	P. M.
Prisoners rise and clean cells and wards.....	5. 0 to	5.45	0.45
Breakfast.....	5.45	6.15	0.30
Prayers.....	6.15	6.40	0.25
Labor in the Quarries.....	6.40	11.20†	4.40

	P. M.	P. M.
Dinner, making up Hammocks and repairing cloths.....	11.20	12.20

	P. M.	P. M.
Labor in the Quarries.....	12.20	6.20†
Supper.....	6.20	6.50
Prayers and Lectures.....	6.50	7.25

	P. M.	P. M.
Cleaning shoes, shaving, and reading in cells.....	7.25	8. 0
Taking down Hammocks.....	8. 0	8.10

(These periods include mustering, and going to and from the working grounds.)
N. B.—When the weather is too bad for out door labor, the convicts are occupied in white-washing, scouring and various necessary internal works. In weather that is merely showery the prisoners are not withdrawn from work.

• See p. 33 of Colonel Jebb's Report, or p. 141 of the Report of the Directors.

In four* of the chief convict prisons of England, the hours of daily out-of-door labor (exclusive of clearing cells and wards, and

The manner in which the convicts spend their days in the Portland prison, is detailed in the margin. The treatment is the same, with slight variations, in the other prisons.

The Chaplain of the Portland prison in his report for 1857, remarked upon the labor exacted in that establishment in the following terms:—

"In adverting to the effect of the labor of Portland prison upon the men, I would beg to be allowed to remark that I think the working of the large Quarries, to provide stone for the break-water, meets the incorrigible offender by visiting him with very severe toil, and for such men scarcely any thing could be more effectually deterring than this hard and incessant labor.

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26th April 1864. 15

"The execration with which the idle have regarded this compulsory toil presents the Portland prison as an important agent of terror to repress crime. Many men on leaving do not hesitate to admit that, before they committed the crime which brought them hither, they had no notion that they should be subjected to so severe a yoke, and they have often added that they should wail their old companions of their experience."

The labor is evidently very severe, and before arriving at this, it will be remembered that it is an essential preliminary that the convicts should have undergone a certain period of probation in separate confinement, "the subdued" disciplined state" in which they emerge from that state being considered a good preparation for their transfer to associated labor on Public Works.

• P. 163 of Colonel Jebb's Report.

(Signed) W. GREY.

By order of His Excellency the Commander-in-Chief.

(Signed) W. G. WOODS, Lieutenant Colonel,
Adjutant General of the Army.

(True Extract.)
(Signed) G. P. EATON, Lieutenant Colonel,
Commanding Royal Artillery, M. Division.

BANGALORE,
14th September 1863.

No. 274. ORDER THEREON, 26th April 1864, No. 591.

His Excellency the Governor in Council proceeds to pass orders on Mr. Rohde's report on his last inspection of the European Jail at Ootacamund.

2. The suggestion made in paragraph 3, in regard to the completion of the well which has been commenced will be considered in the Department of Public Works; as also the remarks in paragraph 6, with reference to the supply of water.

3. The Governor in Council concurs in the opinion of the Inspector General as to the expediency of restricting the manufactures carried on within the Jail to articles, the supply of which can be maintained, and for which there is likely to be a permanent demand; but adverting to the question of working the prisoners, it seems desirable that Mr. Rohde should consider the possibility of introducing such descriptions of labor as may be calculated to induce action of the skin. Mr. Rohde does not state why saving should not be continued, nor why carpentry cannot always be maintained. The Governor in Council directs that Mr. Rohde will report fully on the labor question. He will furnish a Statement, showing the work on which each prisoner has been employed during the first fifteen days of the present month, and the daily task exacted from each, accompanied by such remarks and suggestions as may occur to him.

4. The remarks of the Inspector General on the prisoners referred to in paragraphs 16 to 27 will be communicated to the Government of Bengal, and to His Excellency the Commander-in-Chief respectively.

5. The Inspector General has been already instructed by telegraph to send the prisoner Murphy to Madras.

6. With reference to Mr. Rohde's suggestion that, with a view to the prevention of European vagrancy, the prisoners in the Jail at Ootacamund should, previous to the expiration of their sentences, be granted licenses, having annexed to them such conditions as shall enforce their removal from the Continent of India; it appears to His Excellency the Governor in Council to be questionable whether either the Supreme or the local Government possess the power, under the existing law, of granting licenses bearing such conditions. By Section 9, Act XXIV of 1855, the Governor General in Council was empowered to grant any convict ordered to be kept in Penal Servitude, a license to be at large during any portion of his servitude within the territories then "in the possession and under the Government of the East India Company;" but no power is given by this Act, or by any other, with which the Governor in Council is acquainted to attach to such license the condition that the convict shall quit India. The proper course would seem to be that the Government of the Presidency in which the convicts were sentenced, should remit a portion of the sentence subject to the

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conditions of the nature of those suggested by the Inspector General; but before passing orders on the subject, the Governor in Council resolves to refer it to the Advocate General for his opinion, both with reference to prisoners sentenced by the Criminal Courts, and to prisoners sentenced under the Mutiny Act.

(True Extract.)

H. J. Cunningham
Chief Secretary.

To the Inspector General of Jails.
" Principal Inspector General Medical Department.
" Public Works Department.
" Military Department.
" Adjutant General.
" Advocate General.
" Sessions Judge Ootacamund.

*No 1864 Deptt
Pro. of Govt for May
1911*

*175
Pro. of Govt on the
Judicial Deptt*

*Dated 26 April
Received 29*

*No 591
No. 1275-14th May 1864.*

*3/8 Referring orders on
Mr. Rohdes report on his
last inspection of the European
jail at Ootacamund,
Coimbatore Dist.*

No. 66. 67

With an Order

[Faint, mostly illegible handwritten notes in a vertical column on the left side of the page.]

Let

1275 195
no 1275.

Communicated to the
Superintending Engineer of the Division
for early attention with reference
to para 2.

Chepault
4th May 1864

To the Superint^g of the Divⁿ
23
Off^r 8th May.

X^o 87.