

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 442

Press
~~Mis.~~

42-43

Dated 21-4-1857.

Not to be folded or roughly handled

442
JMS

Fort St. George, Judicial Consultation, 21st April 1857.

No. 42. Read the following letter from JOHN FINDLY McKENNIE, Esq., Sheriff of Madras; to T. PYCROFT, Esq., Chief Secretary to Government, dated 1st April 1857.

SIR,

I have the honor to submit a copy of rules now in force at the Grand Jail, for the inspection of Government.

2. In the first place, I would respectfully beg to draw attention to an important omission in those rules, namely their not being issued under the signature of any authority which in my humble opinion they should be, if expected to be implicitly obeyed. They should also bear the concurrence of the Honorable the Judges of the Supreme Court, to whom for the time being, myself and all other Officers connected with Her Majesty's Jail are subordinate.

3. It appears that the said rules were framed and promulgated, as far back as 1836, but by whom is not clearly shewn, amounting, as I conceive, to another proof, that they have not been confirmed by the highest authority.

4. Several changes have besides taken place since those rules were printed, so that they necessarily require revision, on those account, to adapt them to the present time.

5. As only one dozen copies were originally printed, they have long since been disposed of, and none are now left for distribution among the Officers lately appointed to do duty at the Jail.

6. With the view of placing the subject before Government, in as clear and full light as possible, I deemed it necessary previously to communicate with the Roman Catholic Bishop, Chaplain, and the Surgeon of the Prison, whose original replies are herewith forwarded; together with a statement from Mr. Gibbs, Keeper of the Jail, who has been a very long time in his Office, and whose notions, therefore, I may be justified in forwarding; at the same time, I do not think it would be proper for me now to offer any remarks about any of them, one way or the other.

7. I would take the liberty to suggest, that in the rules laid down for the Sheriff, the time when he shall visit the Jail be erased from the old, and not be inserted in the new regulations, which may be permitted to be published. His duties are unlike those of other Officers of the Jail, and no second person ought to know, when or how he may appear among the Prisoners on duty, which must be entirely governed by circumstances.

8. I hope it may not be irrelevant to state, that in consequence of the Peon force being changed every quarter from the Police Office, they neither have time to become acquainted with the rules of the Jail, nor do they acquire sufficient experience to properly manage the Prisoners. I therefore earnestly urge, that instead of the present system, a standing one be granted, reverting to the old system of placing the Peons under the Sheriff by whom they were formerly appointed. Under the present plan, they do not fear the Sheriff, and obey his orders with reluctance, although he is made *solely* and *wholly* responsible for the safe custody of every person committed to his charge. The present manner of guarding the Jail has been pronounced by Magistrates from the other Presidencies (who have visited our Jail) to be foolish and dangerous. Sometimes riots either pre-concerted or sudden break out among the Prisoners. One occurred when I was in Office in 1834, but was duly quelled, owing in a great measure, to mutual understanding and confidence between myself, European Keeper and Peons, whom I appointed. It is hardly to be expected that the present system can work so decidedly and satisfactorily, where subordinates are nominated independently of their superior.

9. Whenever Government may be pleased to sanction new and suitable rules for the Jail, and before revising those appertaining to the duties of the Magistrates, I would beg it to consider whether those rules could not be safely abolished altogether? It is possible, that whilst the Justices have been taken away from other and urgent duties to attend the Jail, their presence and enquiries among the Prisoners may have encouraged complaints, which had no real foundation. Those rules have now stood the test of 20 years' experience, and if enquiries were made among those persons whom Government might be pleased to consider most competent to deliver their sentiments in reference thereto, perhaps, the result would be satisfactory to them.

10. Under all circumstances, any complaint made by the Prisoners to the Justices is referred for adjustment to the Sheriff, who, if allowed could in the first instance, enquire into its merits, and award such punishment as the rules would admit, and if necessary, always in conjunction with the other Officers of the Jail (the Surgeon, Chaplain and Keeper) two of whom are

Fort St. George Judicial Consultation, 21st April 1857.

in daily attendance, and by so doing, much time would be saved in redressing a grievance, if real.

(Signed) J. F. McKENNIE,
Sheriff.

CIRCULAR

From J. F. McKENNIE, Esq., Sheriff of Madras, dated 7th March 1857.

To the Surgeon,
„ Chaplain,
„ Roman Catholic Bishop,
and
„ Keeper of Her Majesty's Gaol, Madras.

Contemplating submitting for the consideration of Government, the rules now in existence for the management of the Grand Jail, I have the honor to request you will have the goodness to state, whether those which are intended for your guidance, are so conveniently arranged, that in attending to them, they do not interfere with your other important duties, and which might be rectified if necessary, should the authorities see fit, before any new regulations are printed.

I request you will be pleased to return the Book herewith sent, at your leisure.

(Signed) J. F. McKENNIE,
Sheriff.

From Surgeon J. W. MUDGE, M. D., in charge of Her Majesty's Gaol; to J. F. McKENNIE, Esq., Sheriff of Madras, dated 12th March 1857, No. 29.

SIR,

With reference to your letter of the 7th Instant, forwarding copy of rules for the government of Her Majesty's Jail, I have the honor to state, that in para: 1, after the word present "either himself or his Assistant" should be inserted, as in the event of Cholera proving fatal to any cases in Jail it might much interfere with the Surgeon's other duties if obliged to be personally present at every inquest on such cases.

The other rules appear in every way suitable.

(Signed) J. W. MUDGE, M. D.,
*Surgeon 1st District, in charge of
Her Majesty's Gaol.*

From the Reverend Mr. RICHARD FIRTH, M. A., Chaplain of Black Town, in charge of H. M. Gaol; to J. F. McKENNIE, Esq., Sheriff of Madras, dated 14th March 1857.

SIR,

I have the honor to return the "rules for the government of Her Majesty's Gaol, &c. at Madras," which accompanied your letter of March 12th 1857, and to observe:

1st. That, should a second Chaplain be appointed to the Black Town District, in accordance with the arrangement sanctioned by Government, October 29th, 1852, I believe the rules that have reference to the duties of the Chaplain, (which are excellent in themselves) might be effectually carried out.

2nd. That, so long as one sole Chaplain is required to take all the duties connected with the Chaplaincy of the Town of Madras and Royapooram, adequate attendance at Her Majesty's Gaol will be found either to interfere with other most important engagements, or else to tax unduly and unnaturally the Chaplain's strength.

(Signed) RICHARD FIRTH, M. A.,
Chaplain of Black Town, in charge of H. M. Gaol.

Fort St. George, Judicial Consultation, 21st April 1857.

From the Right Reverend Doctor J. FENNELLY, Roman Catholic Bishop; to J. F. McKENNIE, Esq., Sheriff of Madras, dated 28th March 1857.

MY DEAR SIR,

I have read over the rules for the government of Her Majesty's Jail, which are soon to be re-printed, and I will be very thankful, if you will be good enough to recommend to Government a few verbal alterations to meet the views of Catholics. For the word "Christian," which occurs three times in the Chapter *Duties of Chaplain*, the word "Protestant" should be substituted. It is inexpedient to impose on the Church of England Chaplain the duty of looking after Prisoners of various religious denominations, who will not listen to his instructions, nor care for his ministrations. In two other places further on (No. 14 duties of Keeper and No. 12 Debtors) the word "Christians" occurs, and should for the same reason be written "Protestants."

In suggesting these alterations, I content myself with putting the evil from my own door, not knowing what may be the wishes of the dissenting congregations on the subject. If they look at the matter as I do, I think their feelings ought not to be disregarded.

(Signed) + J. FENNELLY.

From Mr. H. GIBBS, Keeper of Her Majesty's Gaol; to J. F. McKENNIE, Esq., Sheriff of Madras, dated 9th March 1857.

SIR,

In accordance with your request, I have suggested that in reference to the punishment of Criminal Prisoners, after being sentenced to transportation, in cases when they mis-behave themselves in the Gaol, instead of confining them in separate cells, it will be advisable to deal with them in the same manner as in Company's Gaols, that is to say, they should receive punishment by means of flogging; for from experience, I see that solitary cells confinement to determined characters, produces no advantage whatever. The last number of transported Convicts who left the Gaol for the Tenasserim Provinces lately, had given a vast deal of trouble to every one connected with the Gaol, because they cared nought for confinement in the cells. They threatened to commit suicide; one said he would break his head and by that means put an end to his existence, another said he would pull out his tongue, and so on, one said one thing, and another another, and all that I could do with them was to iron them and place them in the cell. Respecting the Regulations No. XVI relating to the Duties of the Keeper and the Deputy Keeper, No. VIII, I think it expedient to cancel them out as they are not to be found in any of the English Regulations touching Gaols, which I have perused. Regarding the food of the Criminal Prisoners, it is said in the regulations relating to Criminal Prisoners that they should be victualled by the Commissariat, by cooks appointed for the purpose, but I wish to state that since my taking charge of the Gaol, nearly 4 people belonging to Razapootra caste have lost their lives, because they have a custom among them not to eat of any food cooked by any other person but their own caste, and therefore, it will be deemed secure to form a rule, that in such cases they should be allowed to prepare their own meals. But, however, I leave the matter to your superior judgment, for I may like all others, be wrong in suggestions.

(Signed) H. GIBBS,
Keeper of H. M. Gaol.

No. 43. ORDER THEREON, No. 442; dated 18th April 1857.

Resolved that the letter recorded above, with its enclosures, be referred to the Inspector of Prisons for any observations he may have to offer on them; and paras: 8, 9 and 10, of the letter to the Commissioner of Police for his remarks.

(Signed) T. PYCROFT,
Chief Secretary.

Mr. W. B.

Resolved that the letter recorded above, with its enclosures, be referred to the Inspector of Prisons for any observations he may have to offer on them; and paras. 8, 9 and 10 of the letter to the Commissioner of Police for his remarks.

Mr. H. H. H.
Mr. G.
Mr. W. B.

Mr. George,
18th April, 1857

[Signature]

Copy to Inspector of Prisons
with letter ^{copy of} enclosures
and 1 mfg. Encl. - the latter to be ret'd.

Dispt. 23^d

" Commr of Police with paras
8, 9 & 10 of the letter

Dispt. 23^d