M.R.O. 1—20,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1457 Press —Misc—
57-58

Dated 28 — 10 — 19 1859

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 22nd to 31st October 1859.

No. 57. Read Proceedings of Government in the Public Works Department.
(Here enter 20th October 1859, No. 2470.)

No. 58. ORDER THEREON, 28th October 1859, No. 1457.

Under date the 26th Ultimo, the Inspector General of Jails, who had been authorized by Government to undertake the building of the Utákamund Jail, reported that he had been informed by the Chief Engineer that no more than the Rupees 10,000, already sanctioned, would be available, during the present official year, for the Jail. This limitation, he stated, would add most materially to the expense of the building, and any money sanctioned, after May next, would be of little use to him till the end of the year. He understood it to be the object of Government that this work should be completed as soon as possible, and he was making every preparation for building. He had engaged competent persons to superintend what he could not obtain by contract—he had purchased carts and cattle—had opened a brick field—cut and prepared firewood—purchased some timber, and engaged to take more. He could not now stop the work without loss and risk of being unable to re-commence it; to stop brick-making now, till May, would be to stop it till this time next year; to turn out 1,000,000 bricks by May next, he must lay out Rupees 7,000, with 3,000 additional for delivery. The delivery of lime, which must also be got before the monsoon, would cost 5,000 more, exclusive of all charges for actual building.

12th May 1859.....	5,000
27th Augt „	5,000
Rs...	10,000

6th October 1859, No. 1370.

2. On the above application, the Governor in Council, looking to the emergency of the work, and the strong desire expressed by the Government of India, that it should be pushed on with all practicable expedition, was of opinion, that the Inspector General of Jails, should not be restricted to the expenditure of Rupees 10,000, sanctioned during the present official year, for the Jail at Utákamund, but that he should be supplied with such funds as he might require within the total amount of the estimate, Rupees 30,000. The Chief Engineer was, therefore, instructed to provide for this being done by a proportional diminution in the expenditure allotted to other less urgent works in the same District.

3. Colonel Bell now represents, that in the recent allotment, consequent on the limited expenditure allowed for public works, the sum sanctioned in the Budget for new works in the Coimbatore District, had been reduced from Rupees 72,098 to Rupees 43,000. In the latter sum, provision was made to the extent of Rupees 10,000 for the Utákamund Jail. If effect were to be given to the foregoing Orders of Government, a sum of Rupees 13,000 only would be available for the other works in the District—and of this amount, Rupees 8,000 had already been expended, leaving a balance of about Rupees 5,000 with the District Engineer. The works, he adds, are chiefly railway feeders, which have been specially ordered to be pushed on with the greatest vigor. There are the new trace of the Cunur ghat, regarding which an equally urgent Order had been passed, and the Cunur and Uty road, the estimate for which had been three times submitted to the Government of India, and at last sanctioned on account of its great importance to the safety of travellers and goods. If Mr. Rohde was to have all the money allowed in the Order of Government, all the new works, without exception, must be absolutely stopped in a very short time.

4. The Governor in Council observes, that there is a most urgent necessity for the Jail at Utákamund, which is in part designed for the reception of Europeans.

5. The Supreme Government, in the first instance, declined to sanction the work as "a Jail for Native prisoners at Utákamund"—but, it having been explained in a letter, under date the 7th August 1858, No. 1073, in this Department, that the work in question was designed partly as a Prison for Europeans sentenced to penal servitude until a larger Prison could be constructed solely for their use—that the want of some Jail in a suitable climate for the confinement of such

Major R. Strachey's letter, 23rd September 1858, No. 4606, paragraph 6, Public Works Department.

Convicts, was most pressing—that they could not be effectually put to hard labor in the low country—and that to imprison them there for any protracted period was cruel; sanction of the Government of India was thereon at once given.

6. Again in his letter of the 16th April 1859, the Member for Madras reported to Government, that the Honorable Sir Charles Jackson had asked in the Legislative Council, what steps had been taken to provide a suitable Jail for Europeans sentenced to penal servitude in India under Act XXIV of 1855, and in putting the question, had enlarged on the cruelty of subjecting Europeans to lengthened periods of penal servitude in the Jails at the Presidency Towns, and on the ill-consequences which inevitably attended the interference of the Executive Government in granting pardons, an interference which was, however, unavoidable, as long as there was no Jail available in a climate suitable to Europeans.

7. On the 19th May last, the Secretary to the Government of India, in the Department Public Works, wrote that the Governor General in Council requested that all practicable means might be taken to urge on the work, so that there should be *some* provision available for the imprisonment of Europeans in the climate of Utákamund, at the earliest possible date. It was added, that the matter was one to which the Government of India, attached much importance.

8. Further, in view to the more vigorous prosecution of the work, it was specially committed for execution to the Inspector General of Jails, as reported to the Government of India, under date the 6th April last.

9. There is at present in Her Majesty's Gaol at Madras, an European under sentence of penal servitude, who has been confined there upwards of four years. On his health failing, he was sent last year to Utákamund, but after a brief stay, had to be sent back to Madras, as there was no place fitted for his detention.

10. From the above, it is manifest, that both under the Orders of the Government of India, and in the interests of humanity and public justice, it is imperative that nothing should be allowed to retard the construction of the Jail at Utákamund. At the same time, it is clear from Colonel. Bell's letter that, if the sum required by the Inspector General of Jails, be assigned him from the general funds for the Coimbatore District, all the other important works, now in progress there, must shortly be brought to a stand.

11. In this emergency, the Honorable the Governor in Council resolves, that such money as Mr. Rohde may require for the construction of the Utákamund Jail, within the balance of the Estimate, or (20,000) twenty-thousand Rupees, be placed at his disposal, in addition to the sum granted by the Government of India, for expenditure on public works, during the current official year. This proceeding will be reported to that Government in the Public Works Department, for confirmation, under the peculiar circumstances stated above.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

PUBLIC WORKS DEPARTMENT.

Judicial.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel J. H. BELL, Chief Engineer; to J. D. BOURDILLON, Esq., Secretary to Government, dated 18th October 1859, No. 6294.

With reference to the orders as per margin, directing that the Inspector General of Jails should be supplied with such funds as he may require for the prosecution of the Jail at Utákamund, within the total amount of the estimate* for that work, I have the honor to report for the information of Government, that in the recent allotment consequent on the limited expenditure allowed for public works, the sum sanctioned in the budget for new works in the Coimbatore district, was reduced from Rupees 72,098† to Rupees 43,000.

No. 2449, dated 12th October 1859.

* Rupees 30,000.

† Exempted from the restrictive orders..... Rs. 68,085
Emergent works..... 4,013
72,098

2. In the latter sum provision was made to the extent of Rupees 10,000 for the Utákamund Jail, so that if effect be given to the foregoing orders of Government, a sum of Rupees 13,000 only will be available for the other works in the district, and of this amount, I would beg to observe, that about 8,000 Rupees have been already expended, leaving a balance of about Rupees 5,000 with the District Engineer.

3. The works are principally railway feeders, which I received some months since the special orders of the Honorable the Governor, to push on with the greatest vigor. There is also the new trace of the Coonoor ghât for which an equally urgent order was passed, and lastly there is the Coonoor and Ooty road, the estimate for which has been three times submitted to the Government of India, and at last sanctioned on account of its great importance to the safety of travellers and goods.

12th July 1859, No. 1638.

5th September 1859, No. 2130.

4. If Mr. Rohde is to have all the money allowed in the order of Government, all the new works without exception must be absolutely stopped in a very short time, unless the District Engineer is able to retrench his repair expenditure; but of that I know nothing as yet.

5. Mr. Rohdes' demand is, I observe, double the amount allowed in the budget for the Jail before the retrenchment of 10 lacs was made by the Government of India.

6. The only way in which it appears to me that the instructions of Government can certainly be complied with, and the other works in Coimbatore at the same time prosecuted, is by the appropriation of part of the money realized by the sale of the timber of the Bezoarah bridge towards the construction of the Utákamund Jail. This money was not taken into account in the estimate of available funds, because it was not known to be realized when the allotment was made.

7. But I am not in favor of this course. As I have above remarked, it was not intended, when the budget was forwarded to the Government of India, that more than 15,000 Rupees should be spent on the Jail in the current year; and if the work is emergent, it cannot be said to be more so than many others which are necessarily under restriction, because it is impossible to find money for all. It would be far preferable in my opinion, to observe as strictly as possible the allotment already made to each district and to the particular works therein.

8. Mr. Rohdes' argument about the risk of loss from delay unfortunately is of too general application to be of any extraordinary importance in the case of the Jail.

ORDER THEREON, 20th October 1859, No. 2470.

Referred to the Judicial Department.

(True Extract.)

Actg Dy. Secretary to Government.

To the Judicial Department.

Exd. Wm. Thomas.

Judicial. 85

Proceedings of the Madras Govt.

Read letter from the Chief Engineer — Enter 18th October 1859. No. 6294.

Minute of Hon'ble Sir Charles Trevelyan dated 28th October 1859 No 1457.

Order. 28 October 1859 No 1457.

Under date the 26th Octo, the Inspector General of Jails, who had been authorized by Govt. to undertake the building of the Utakamand Jail, reported that he had been informed by the Chief Engineer that no more than Rs. 10,000, already sanctioned, would be available, during the present official year, for the Jail. This limitation, he stated, would add most materially to the expense of the building, and

12 May 1859	5,000	
27 Augt. "	5,000	
	Rs. 10,000.	

57

1858

No. 1457 Minute of the Honble Sir Charles Trevelyan dated 28th October 1859.

Read a letter from the Chief Engineer, Nilgiris, dated 18th October 1859, No. 6294, reporting that the Inspector of Jails has been informed that no more than Rupees 10,000 will be available during the present official year for the Utakamand Jail, and that the Inspector of Jails considers that this limitation will add most materially to the expense of the building, and that

Copies to Chief Engineer, Nilgiris. Inspector of Jails, Nilgiris. Collector of Nilgiris. Board of Revenue &c &c

had any money sanctioned, after May next, would be of little use to him till the end of the year. He understood it to be the object of Govt. that the work should be completed as soon as possible, & he was making every preparation for building. He had engaged competent persons to superintend what he could not obtain by contract — he had purchased carts & cattle — had opened a brick field — cut & prepared firewood — purchased some timber, & engaged to take more. He could not now stop the work without loss and risk of being unable to recommence it — to stop brickmaking now, till May, would be to stop it till this time next year — to turn out 1,000,000 bricks by May next, he must lay out Rp. 7,000 with 2,000 additional for delivery. The delivery of lime, which must also be got before the monsoon, would cost 5,000 more, exclusive of all charges for actual building.

2. On the above application, the Governor in Council, looking to the emergency of the work, & the strong desire expressed by the Govt of India that it should be pushed on with all practicable expedition, was of opinion, that the Inspector General of Jails

6 Oct. 1859 No. 1370.

Kondi
Sails ~~must~~ not be restricted to the expenditure of Rs. 10,000 sanctioned during the present official year for the Sail at Ellakimund, but that he should be supplied with such funds as he might require within the total amount of the estimate, Rs. 30,000. The Chief Engineer was therefore instructed to provide for this being done by a proportional diminution in the expenditure allotted to other less urgent works in the same district.

3. Colonel Bell now represents that in the present allotment consequent on the limited expenditure

expenditure allowed for public works, the sums sanctioned in the budget for new works in the Coimbatore district, had been reduced from Rs. 72,098 to Rs. 43,000. In the latter sums provision was made to the extent of Rs. 10,000 for the Ellakamund Sail. If effect were to be given to the foregoing orders of Govt., a sum of Rs. 13,000 only would be available for the other works in the district — 3/5 of this amount, Rs. 8,000 had already been expended, leaving a balance of about Rs. 5,000 with the District Engineer. The works, he adds, are chiefly railway feeders which have been specially ordered to be pushed on with the greatest vigor.

There

There are the new traces
of the Lunier ghat, re-
garding which an equal-
ly urgent order has
been passed, & the Cuttack
City road, the estimate
for which had been three
times submitted to the
Govt. of India, and at
last sanctioned on
account of its great
importance to the safety
of travellers & guards. If
Mr. Rohde is to have
all the money allowed
in the order of Govt., all
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lutely stopped in a very
short time.

Major R. Strachey's
letter, 23rd Septem. 1858
No. 4606 - para 6. Sub.
ord. Dept.

6th. The Governor in Council observes that there is a most urgent necessity for the Jail at Cuttack, which is in part designed for the reception of Europe-
5. ans.] [The Supreme Govt. had in the first instance declined to sanction the work as a Jail for Native Prisoners at Cuttack and Midnapore but, it having been explained in a letter, under date the 7th Augt. 1858 No. 1073 in this department, that the work in question had been designed partly as a Prison for Europeans sentenced to penal servitude until a larger prison could be constructed solely for their use — that the want of some Jail in a suitable climate for the confine-
ment of such Convicts is most pressing — that they could not be effec-
tually put to hard labor in the Jail country — & that to imprison them there for any protracted period was cruel; the sanction

sanction of the Govt. of India was thereon at once given.

6. Again in his letter of the 16th April 1859, the Member for Madras reported to Govt. that the Honble Sir Chas. Jackson had asked in the Legislative Council what steps had been taken to provide a suitable Jail for Europeans sentenced to penal servitude in India under Act XXIV of 1855 & in putting the question had enlarged on the cruelty of subjecting Europeans to lengthened periods of penal servitude in the Jails at the Presidency Towns, & on the ill consequences which inevitably attended the interference of the Executive Executive Govt. in granting pardons, an interference which was, however, unavoidable, as long as there was no Jail available in a climate suitable for Europeans.

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India attached much importance.

8. Further in view to the more vigorous prosecution of the work, it was specially committed for execution to the Inspector General of Jails, as reported to the Govt. of India under date the 6th April last.

9. There is at present in H.M. Jail at Madras, an European under sentence of penal servitude, who has been confined there upwards of four years. On his health failing he was sent last year to Utakamand, but after a brief stay, had to be sent back to Madras, as there was no place fitted for his detention.

10. From the above it is manifest that both under the orders of the Govt. of India, & in the interests of humanity & public justice, it is imperative that nothing should be allowed to retard the construction of the Jail at Utakamand. At the same time it is clear from Colonel Bell's letter that, if the sum required by the Inspector General of Jails be assigned him from the general funds for the District, all the other important works now in progress there, must shortly be brought to a stand.

11.

In this emergency, the Honble the Governor in Council resolves that such money as Mr. Rohde may require for the construction of the Utakamund Rail within the balance of the Estimate, or 20,000 Twenty Thousand Rupees, be placed at his disposal in addition to the sum granted by the Govt. of India for expenditure on Public Works during the current official year. This proceeding will be reported to that Govt. in the Pub: Wks Dept: for confirmation under the peculiar circumstances stated above.

JP.

The Inspector General of Rails -
" Pub: Wks: Dept:

Sup'd 3/02

Proc.s of Govt. 31st Oct.r
Judicial 1857 Octr

№ 1457.

Proceedings of Govt.

Dated 28th Octr/57

R. №s 1937
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