

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	804	Press Mis-
191-192		
Dated	27-6-1860.	

11/12

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
27th June 1860.*

No. 191. Read the following letter from J. ROHDE, Esq., Inspector General of Jails, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 14th June 1860, No. 263.

I have the honor to submit, at the request of the Collector of Coimbatore, the question of whether a party of the Coimbatore convicts are to be placed at his disposal or as he himself puts the matter, "1st, whether as Magistrate and Collector, I am not entitled to at least a portion of convict labor in the station, (I asked * 149 is the actual number available for outside work. "only 36 out of 267*) I undertaking to work them under the new Police Rules, "and having *nothing* to do with their discipline; 2nd, whether if so allowed, I may or may not, "use my own discretion as to what public work best to employ them on; and, 3rd, whether *Govern-ment* deem the sanatory cleansing of a large populous town, an unfit work for convicts"?

2. I will not trouble the Government with the mass of correspondence that has passed on this matter, the question arose on my proceedings held on one of several visits to that station, a copy of which is enclosed; the system Mr. Thomas wished continued, I had good reason to object to. I was not aware of the extent of Mr. Thomas' interference with the convicts till Mr. Bird mentioned it to me on his return from Acting as Judge of the station. I subsequently called Mr. Ward's attention to several instances of disregard of Jail rules and from conversation with him and other enquiries was satisfied that the very loose state of discipline in the Coimbatore Jail was attributable in part to the Officer in charge having permitted his interest in the Jail to flag, the Collector having in fact obtained sometimes one gang and sometimes another till the greater number were employed here and there in utter disregard of rules, the Jailor and prison's Officers receiving orders direct from the Collector or as far as I could learn, in his absence from a Deloyat, and in regard to one gang, from a private servant, though it is right to remark that Mr. Thomas states they had no such authority from him.

3. I had determined to seize the first favorable opportunity for placing matters in a state less unfavorable to discipline, and in my proceedings of the 29th February called on the Sessions Judge to assume the sole control of the convicts; I at the same time provided for all works on which prisoners could be employed being carried out by convict labor, the control and whole responsibility resting on the proper Officers. I specially pointed to the work undertaken by the District Engineer with the sanction of His Excellency the Governor, as one admirably adapted to the introduction of a better system, which I was the more anxious about as the new Police would enter on their duties, and the employment of the whole body of convicts at one place was desirable. I may mention that His Excellency the Governor fully coincided in these views and suggested my directing the labor of the convicts to this work.

4. The roads and all public works are now I find under the management of the District Engineer exclusively, and these afford ample opportunities of enforcing labor with due regard to discipline, and I see no reason to permit any departure from the ordinary course either in Coimbatore or elsewhere.

5. It is essential that every Officer in charge of convicts should be subject, in his charge, to me, and while I have provided that the works shall be efficiently performed under direction of the proper officers, I have carefully guarded against divided authority and divided responsibility. I am bound to consider discipline in my own Department together with the efficiency of the Police in connexion with it, so far at least as not to throw difficulties in their way; again I am bound to secure the greatest return for the convict's labor that I can do consistently with other considerations, and it is impossible to maintain any of these advantages unless the Rules laid down are adhered to and this they cannot be, if irresponsible agency is permitted.

6. I do not forward Mr. Thomas' letters as they allude to matters of no consequence to the question, I may however mention that both officially and in correspondence, which both Mr. Ward and myself considered demi-official, the arrangements were fully explained to Mr. Thomas.

*Proceedings of the Madras Government, Judicial Department,
27th June 1860.*

7. I have not acted in any way contrary to my usual practice on this matter. At Cannanore, at Salem and in general instructions I have maintained the same principles and laid down the same rules. Indeed 22 years ago I worked with Captain Buckle on precisely similar principles, he employed every convict in the Jail and I enforced labor and discipline on his works.

Proceedings of the Inspector General of Jails, Judicial Department, dated 29th February 1860, No. 78½.

The only remark called for in regard to the employment of the prisoners, other than has been already noted, is occasioned by the proposition to improve the large tank near the Jail, a great part of the bed of which is now, as the waters subside, a stinking morass and fertile source, no doubt, of malaria; the work, as described by the District Engineer, is admirably adapted to the employment of the convicts in one large gang at really hard labor.

2. The Sessions Judge is requested to arrange for the discontinuance of all other labor beyond the Jail precincts and the employment of every able bodied convict now employed on these works in one gang under his own control, on such work as the District Engineer may require.

3. The Sessions Judge is requested to arrange with the District Engineer for the conduct of this work so that there shall be no divided responsibility, the Engineer's subordinate entrusted with the duty of marking out the work and reporting its progress being precluded from any such interference with the convicts or the prison's Officers as may afford a pretext for neglect of any of the rules prescribed for maintaining discipline among convicts at labor.

4. The opportunity now afforded of employing the whole body of convicts in one gang is most favorable for the introduction of the new Police arrangements in connexion with the Jail.

5. Any other works which the Sessions Judge cannot wholly give up may probably be kept up by employing security prisoners on them.

6. The Sessions Judge is requested to ascertain from the Magistrate, or District Engineer, to whose charge the maintenance of the station roads properly belongs, and to provide for the continuance, under the directions of that Officer, of a system of labor after the tank work shall be completed.

7. It must be clearly understood that the responsibility of maintaining discipline and enforcing hard labor, in accordance with the Jail rules, rests with the Officer in charge: the Executive Officers merely pointing out the work to be done and suggesting the best mode of carrying it on.

8. In regard to nurseries for avenue, trees and gardens, which the Inspector General is informed are now maintained in several places by convict labor, the existing nurseries must of course be maintained till the monsoon sets in, if the Police arrangements are deferred so long, by a few prisoners, but any nursery to be formed hereafter must be within the Jail precincts when a few prisoners, whose unexpired term of sentence is short, or security or worn out men, may be so employed.

9. In regard to maintenance of avenues and topes, this is not work that can be performed by convicts with due regard to the Jail rules and as remarked by the Inspector General in 1855, the continued and constant watering of such trees at all, is (in his experience) prejudicial to them.

(Signed) J. ROHDE,
Inspector General of Jails.

No. 192.

ORDER THEREON, 27th June 1860, No. 804.

The Inspector General of Jails submits, at the request of the Collector of Coimbatore, whether a party of the Coimbatore convicts may be placed at the disposal of that officer, to be employed at his discretion on such public works as he may deem best.

*Proceedings of the Madras Government, Judicial Department,
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2. Mr. Rohde points out the evils that have ensued, and are like to recur from any interference with the prisoners on the part of the Collector. He has in his proceedings of 29th February last called upon the Sessions Judge to assume the sole control of the convicts. The Judge has been desired to employ them in one large gang at really hard labor, for the present in improving the large Tank near the Jail, and afterwards on the station roads. The responsibility of maintaining discipline and enforcing hard labor in accordance with the Jail Rules will rest with the officer in charge of the convicts, the Executive officer merely pointing out the work to be done, and suggesting the best mode of carrying it on.

3. The opportunity afforded of employing the whole body of convicts in one gang at work on the Tank is observed to be most favorable for the introduction of the new Police arrangements in connection with the Jail.

4. The Honorable the Governor in Council concurs in these views. The entire body of convicts in the Coimbatore Jail must be entirely under the control of the Judge, acting under the general instructions of the Inspector General of Jails, and the Collector is not to have any at his disposal, nor to interfere with them in any way whatever. At present all convicts fit for work will be employed in one gang on the Tank; when that is done the Judge will determine, after communication with the Collector and District Engineer, and reference if necessary to the Inspector General, what work is next to be undertaken—but whatever it may be, although the District Engineer will give his advice or suggestions as to the mode in which it is to be executed, all authority or supervision over the convicts engaged in it, will rest in the Judge alone.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

3^k
Judicial Department
N. 263.

From,

J. Rhode Esq^{re}
Insp^t Gen^l of Sails

To,

J. Pycroft Esq^{re}
Chief Secy to the Gov^t of
Port S^t George

Sir,

I have the honor to submit,
at the request of the Collector of
Coimbatore the question of whether
a party of the Coimbatore convicts
are to be placed at his disposal or
as he himself puts the matter,
"1st Whether as Magistrate and
"Collector, I am not entitled to at
"least a portion of convict labor
"in the Station. (I asked only 36 out of
"276) - I undertaking to work them
"under the new Police Rules, and
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* 149 is the
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2. I will not trouble the Government with the mass of correspondence that has passed on this matter, the question arose on my proceedings held on one of several visits to that station, a copy of which is enclosed; the system Mr. Thomas wished continued I had good reason to object to. I was not aware of the extent of Mr. Thomas' interference with the convicts till Mr. Bird mentioned it to me on his return from acting as Judge of the station. I subsequently called Mr. Ward's attention to several instances of disregard of Jail rules and from conversation with him and other inquiries was satisfied that the very loose state of discipline in the Gaol at Bangalore Jail was attributable in part to the officer in charge having permitted his interest in the Jail to flag, the

He was completely
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5. It is essential that every officer in charge of convicts should be subject, in his charge, to me and while I have provided that the works shall be officially performed under direction of the proper officers, I have carefully guarded against divided authority and divided responsibility. I am bound to consider discipline in my own Department together with the efficiency of the Police in connection with it, so far at least as not to throw difficulties in their way; again I am bound to secure the greatest return for the convict labor that I can so consistently with other considerations, and it is impossible to maintain any of these advantages unless the Rules laid down are adhered to and this they can not be, if irresponsible agency is permitted.

6. I do not forward Mr. Thomas' letters as they allude to matters

matters of no consequence to the question, I may however mention that both officially and in correspondence which both Mr. Ward and myself considered semi-official, the arrangements were fully explained to Mr. Thomas.

I have not acted in any way contrary to my usual practice on this matter. At Cannan, at Salem and in general instructions I have maintained the same principles and laid down the same rules. Indeed 22 years ago I worked with Captain Buckle on precisely similar principles. he employed every convict in the Jail and I enforced labor and discipline on his works.

I have the honor to be,

Sir,

Your Most Obedt. Servant.

Octacumund.

Off. of Insp. Genl. of Sails.

14th June 1860.

Insp. Genl. of Sails.

50
The Inspector General of Police having intimated his readiness to take on himself the guarding of the Jail and of prisoners at labor, I have the honor to request that you will now in communication with him and with the local Superintendent, carry out the arrangement directed in my note* on your Jail, communicated in January last.

The jailor assisted by the permanent jail establishment, will be responsible for the discipline of the jail, and its interior economy, and for carrying out the orders of the officer in charge, in respect of gangs at labor.

The duties of the Police guard are confined to the safe custody of the prison, and prisoners.

The officer in charge of the jail will not give any instructions to the Police, on duty, he will take care that his arrangements are such as may best facilitate the effectual guarding of the prisoners, he will maintain free intercourse with the local Police Superintendent, and caution the jailor and his subordinates against interference.

The jail establishment will now consist of the jailor, deputy jailor, head warder, and warders, and for the present will continue of the strength and on the salary established.

By the Rules already in force, gangs of convicts at labor, are not to be less than 24 in number, in charge of 6 Peons; under the new Police arrangements it is proposed to apportion the guards at 1 to 6 prisoners, therefore no gang of prisoners working beyond the precincts of the jail shall in future consist of less than 36 prisoners.

The number of gangs shall be limited as much as possible, and the Rules already laid down for their security strictly enforced.

* A proportion of the present guard selected from both the permanent and extra establishment will be told off for duty as jail warders, on such salary, as the Government may hereafter determine, the remainder of the guard will be transferred to the Superintendent of the District Police subject of course to removal or retention at his pleasure, they will no longer be borne on the jail returns.

Maistries will be selected from the best conducted convicts, one-third at least of whose term has expired in the proportion of one to 12 working prisoners, and to them will be entrusted the maintenance of order and discipline, among their respective gangs, both in ward and at labour.

For the present the maistries may receive the indulgence of double condiment, they will receive 1½ yards of cloth for the head, in lieu of the cumbly hood, and will be furnished with a brass badge to be worn on the arm.

The duty of the Police guard will not extend to interference in the discipline of the jail, their duty will be laid down by their own officer, who will of course be in communication with the officer in charge of the jail.

The warders will be prison officers, and be wholly under the control of the jailor and officer in charge of the prison, one warder will accompany every gang of prisoners at labor, and will be responsible for the discipline of, and for the fulfilment of their task by the prisoners.

One warder will accompany every gang of 36 prisoners, he will be assisted by convict maistries as already proposed, these maistries will now be in the proportion of one to twelve convicts.

The daily task for each maistry's gang will be set by the warder, and that of each convict or party of convicts by the maistry under the warder's supervision.

The election of maistries from prisoners liable to labor, one-third of whose sentence has not expired is prohibited.

Warders will not be armed, any aid they may require for protection they will receive from the Police.

Prisoners under trial, or otherwise required to appear at the Courts will be committed by the jailor to the custody of a Police Guard responsible entirely for them.

(Signed) J. ROHDE,

Inspector of Jails.

(True Copy)

[Signature]

Inspector of Jails.

76
14 June 1860

at the same time
The same has
been working with the
deputy getting the labor
between prisoners & guard
under his orders. This matter
disregard of Rules & any
sort of general rule and doing
improvements make and
describes to the
of all interferences in
my Dept. Both the Prov. and
I have allowed him to
pretty much what he
but I took the opportunity
of setting a meeting

~~before the Commission~~
Police took the guard
of the jail, with strict
govt with safety Thoms
request. He was very
strong has a finger
in as you must know

Think of moving
down to Madras to
pay my respects to
Sir Charles before he
goes and visit some
of my jails. But with
this new jail I am
obliged to do nothing &
look to every little trifling
thing however one

side forward enough &
guide the workmen for
some miles

Very sincerely Yours
A. H. H.

64c
Judicial Department.

Proceedings of the Madras Jails.

Read the following letter
from the Inspector General
of Jails:-

(Here enter 14 June 1860, No. 263.)

Order thereon 27 June 1860 No. 804

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Box of Books

Judicial 1860 Report

No. 804

Proceedings of Court

of 27 June 1860

of 10 86 + 1128.

Concerning in the views
of the Inspector General
of Jail respecting the
filing of a party of
Convicts at the Hospital
of the Collector of
Cantonment.

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