M.R.O. 1—59,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1016 Press ~~Mis.~~

88-90

Dated 12. 8. 1891 ~~19~~

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 12th August 1861.

Read the following papers :—

No. 88. From T. J. KNOX, Esq., Sessions Judge of Chicacole; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated 25th June 1861, No. 167.

1. I regret to be obliged to trouble the Government with a matter which might have been otherwise settled, but the necessity of performing my duty in exacting labour from the Convicts in the gaol presses me to do all I can, so that no blame may attach to me.

2. The circumstances of the case are as follows.

3. Soon after I took charge of the gaol here, I found great difficulty in finding suitable work for the Convicts, and I saw the Public Works Department breaking stones and gravelling roads, all round my gaol, work evidently suitable for Convicts.

4. I applied on the 9th October 1860 to the District Engineer Captain Harrington for his consent to make over to my charge one or two miles of certain roads and to allow me the yearly sum sanctioned by Government for their repairs, he declined to comply with my request, pleading that he was responsible to Government for the roads and for the accounts of the expenditure, and the tone of his letter shewed me how strongly opposed he was to my proposal. I then wrote to the Inspector of Gaols and got a vague answer from him.

5. I then for months employed the prisoners as well as I could on miscellaneous work and during that time I have seen coolies paid by Government mending the road in front of the gaol, and scores of coolies breaking stones while for the prisoners I was making work.

6. On 22nd April I wrote to Colonel Horsley as I had written to Captain Harrington and he answered that I might take charge of the roads, that it would be a decided advantage to the Public Works Department, because the proportion of the maintenance fund need not be made over to me but could be spent on other parts of the road.

7. I remonstrated and said that without funds I could not procure either stones or gravel because such material is not procurable within such a distance of Chicacole as I could allow the Convicts to travel.

8. I was answered by Colonel Birdwood who naturally coincided with Captain Harrington's views and because the extent of roads I would take charge of was very limited, he would not even allow me the materials to repair tunnels which Colonel Horsley said I might obtain out of the annual allowance.

9. My only object is to provide work for the prisoners, and I only asked for the same privilege that I know the Subordinate Judge at Salem enjoys and probably many other Officers in charge of gaols.

10. I believe myself capable of keeping the roads in repair and of keeping accounts, for as I stated to Colonel Horsley I had for eighteen months sole charge of seventy miles of trunk road in Malabar, but it is for the Government to consider whether this legitimate work on the roads should or should not be given to the Convicts, perhaps the Sub Engineer Mr. Colquhoun might be enabled if relieved of this work to live much nearer more important business and if I do not get means as well as the permission to repair these roads, I do not at present see how the Convicts can be worked in the large gangs the Inspector General of Mofussil Police requires.

11. I must add that besides the trunk roads, I wish charge of the local roads for which a portion of the discretionary allowance is made.

12. It is right that I should distinctly state, that I would not move in the matter did I not require work for the prisoners, for the roads are very well kept but where the money comes from I know not, for since the 1st May, the Department Public Works have certainly spent double the amount of the mileage allowance on the roads in this neighbourhood and when I pointed out the extravagant expenditure to the Sub-Engineer, he admitted the correctness of my estimate,

and I feel that with the bare allowance it will tax my ingenuity to keep the roads in as good order as they are now.

Referred to the Public Works Department.

(Signed) T. PYCROFT,
Chief Secretary.

5th July 1861.

No. 89. Proceedings of Government in the Public Works Department, dated 6th August 1861, No. 1,474.

Communicate a letter from the Deputy Chief Engineer commenting on the circumstances recently brought to notice by the Session Judge of Chicacole relative to the employment of Convicts for the maintenance of portion of roads in the neighbourhood of that town. (Vide Proceedings Public Works Department dated 6th August 1861, Nos. 93 94.)

No. 90. ORDER THEREON, 12th August 1861, No. 1,016.

Referred to the Inspector General of Jails.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel W. I. BIRDWOOD, Deputy Chief Engineer, in charge of Central Office of Public Works, to J. D. SIM, Esq., Secretary to Government, dated Chepauk, 16th July 1861, No. 2,766.

SIR,

No 1,228, 13th July 1861.

1 Letter from the Session Judge at Chicacole, No. 100, dated 22nd April 1861, with two enclosures.
1 Do. do., No. 128 dated 23rd May 1861.
1 Copy of letter to the Civil and Session Judge, No. 202, dated 6th May 1861.
1 Do. to do., No. 1,654, dated 14th June 1861.

1. I have the honor to acknowledge Proceedings of Madras Government marginally noted.

2. I think that the Session Judge, Mr. Knox, must surely have mislaid the letters received from this Office, and retained but a very imperfect remembrance of their purport. I notice copies of them do not, as is usual, form an accompaniment to his letters. I have the honor now to forward them, and Government will observe that in my letter* so strangely misinterpreted by Mr. Knox, I distinctly repeated Colonel Horsley's decision, that if it was found expedient to hand over a portion of the roads to Mr. Knox, materials would of course be supplied by the District Engineer, on Mr. Knox's requisition. Colonel Horsley had further added the proviso in his letter,† that the concurrence of the District Engineer for the necessity of supplying such material would be requisite.

* No. 1,654, dated 14th June 1861.

† No. 202, dated 6th May 1861.

3. It seems to me that if, as Mr. Knox states, his sole object is the employment of the prisoners, his wishes are hereby fully met. It appears, however, that Mr. Knox desires the control and expenditure of a portion of the maintenance allowance, and further now declares that he could not, with the prisoners' aid, maintain the road in its present order, even with the absolute control of a portion of the maintenance allowance. I therefore see nothing to be gained by such a transfer; but on the contrary, the result is only likely to be a confusion of accounts and divided responsibility, naturally distasteful to the District Engineer.

4. In reply to paragraph 12, in which Mr. Knox somewhat rashly (it seems to me) asserts that there has been an undue and extravagant expenditure on the roads in the immediate neighbourhood of the town of Chicacole, I would beg to state (pending a reference which has been made to the District Engineer on the subject) that the maintenance allowance is a discretionary fund in the hands of the District Engineer, who may lay it out to meet the traffic demands on any portion of the line on which he considers it more immediately required, provided the whole line is maintained in fair order, and it stands to reason, that there will be a greater thoroughfare in the immediate neighbourhood of a large town, than generally throughout the line. Mr. Knox also makes his remarks at a season when the largest expenditure occurs preparatory to the setting in of the monsoon.

5. Had Mr. Knox been satisfied simply to obtain employment for his prisoners on the roads in the vicinity of the jail, I am perfectly certain no objection would have been raised by the District Engineer, and Government need not have been troubled in the matter; but Mr. Knox's object evidently is to obtain the absolute control of the repairs of the roads in question and the maintenance allowance for them.

6. I do not see that Government would be any gainers by such an arrangement.

ORDER THEREON, 6th August 1861, No. 1,474.

1. Ordered to be communicated to the Judicial Department, with reference to the Order in that Department, dated 5th July 1861.

2. The proposal made by the Session Judge of Chicacole has little to recommend it so far as the Public Works Department is concerned; but it can be allowed if, as is stated, work is required for the convicts and cannot otherwise be advantageously provided. On this point, the opinion of the Inspector General of Jails appears desirable.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Judicial Department.
" Chief Engineer.

Exd. S. T. Augustin.

Proceedings of the Madras Govt.

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Read letter from the Sessions Judge of Chicacole — Dated 28th June 61 No. 157.

Read also Process in the Public Works Debt — Dated 6th Aug. 61. No. 1474.

Ordered — 12th August 1861 No. 1016.

Referred to the Inspector Genl of Jails.

Jl Bd

The Inspector Genl. of Jails — with Cs. No. 1474 } 15/8