M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1105 — 06 Press
Mis.

22 - 28

Dated 3. 9. 1861 19 .

14/14

Not to be folded or roughly handled

Read the following papers:—

No. 22. PENITENTIARY ON THE NEILGHERRY HILLS.

MINUTE by His EXCELLENCY the PRESIDENT, dated 14th August 1861.

I have, since my arrival at Ootacamund, carefully considered the correspondence on the subject of the construction of a Penitentiary for European Convicts on these Hills.

I am quite aware that the substitution of penal servitude for transportation, even although a great reduction was made in the length of the period of imprisonment as compared with that of transportation, must have very much enhanced the severity of the sentence passed upon Europeans and others, who, under the previous state of the law, would have been sent to a penal Colony. I am also aware that the sentence of imprisonment for long periods is made much more grievous when it has to be passed in a Jail on the plains, where the excessive heat of the climate cannot fail to have a prejudicial effect on the health of the Prisoners.

I therefore am quite prepared to accede to the justice of the claim made by the Judges of the Supreme Court, that the Prisoners, sentenced by them to long periods of imprisonment, should not have their sentences unduly enhanced by being passed within the walls of the Madras Jail or Penitentiary, but that a proper receptacle should be provided for them at some cooler station. The question which I now wish to bring before the Council has reference to the site of this Jail; and a brief summary of what has already taken place on the subject will be a proper preface to my remarks.

In 1855 the Government of India proposed to the Court of Directors that a Central Prison should be established on the Neilgherries, capable of accommodating 100 Prisoners; objections were made to this proposal by the Court on the ground of the cost and inconvenience of transporting Prisoners to this Jail from different parts of India to this central establishment, and a suggestion was thrown out that a Jail might be established in each Presidency. Upon the representations however of the Government of India that the selection of the site had been made not merely on the ground of the suitability of the climate to European constitutions but also on that of its accessibility, the Court of Directors in January 1857 sanctioned the construction of a Jail for 100 Prisoners on the Neilgherries as proposed.

In April 1857 directions were given to the District Engineer of Coimbatore to submit, in communication with Mr. Rohde, the Inspector General of Jails, Plans and Estimates for the building, and the latter Officer was ordered to report, after an inspection of the localities, and communication with the local Officers, what would be the best site on the Neilgherries for an European Prison.

From that time till December 1859, that is for 2½ years, it would seem that nothing was done with reference either to the selection of a site or the preparation of Plans and Estimates, indeed the latter were necessarily contingent upon the decision with reference to the site. Discussions, it is true, had taken place; a Medical Committee had reported in favor of one site, to which the Inspector General of Jails objected; this however was in October 1858, but this latter Officer, although pressed by the Government in June 1859 and again in October 1859 to do that which he was told to do in 1857, did not until December 1859 propose a site; this was inspected and approved by the Governor in March 1860. The Chief Engineer was then directed to submit Plans and Estimates for the building; but various delays have taken place, owing at one time to the misconduct of the District Engineer, at another to a proposal to combine the new Prison with one upon a similar plan containing 56 cells which is now nearly completed at Ootacamund. The object of this proposed combination was to save the cost of two separate establishments of the same kind within a few miles of each other, and at the same time to lessen the expense of the building by the amount of the cost of 26 fresh cells.

The Estimate and Plan is still in progress, but as nothing has been yet definitively settled, I think it advisable upon several grounds, that the subject should be reconsidered, and these grounds I will now proceed to lay before the Council.

I will admit without discussion that the Neilgherries are, in point of climate, *best* suited of any part of India to the European constitution; but I confess I cannot see any reason why

the Government should pay so much more attention to the health of the rogues than to that of the honest men, or why the fact of a man having committed a crime of such a heinous character as would subject him to a prolonged imprisonment, if not to death, should be immediately transferred to the healthiest part of India, subjecting the Government thereby to heavy expense in addition to that which would have been incurred had he been incarcerated in the usual Presidency Jail.

However on the grounds stated at the commencement of this Minute, I think that it would be right to remove the Prisoners from the intense heat of the plains to a more healthy station, while policy and economy would dictate the construction of one Central Jail, instead of three separate Presidency Jails.

The question however of the proper site is one of importance with reference not only to the expense of constructing the building, but to that of maintaining the Prisoners and the Officers who are to look after them.

On the Neilgherries the cost of building is at least double of that in the plains, the bricks which cost at Coimbatore 8 Rupees per 1,000 cost on the Hills from 5 to 10 Rupees; the tiles which cost 1 Rupee per 1,000 at Coimbatore cost from 3 to 6 Rupees on the Hills; lime has to be brought from the plains, and costs double what it does at Coimbatore, and labour follows very much the same proportions.

So much as to the cost of buildings: now as to the expense of maintaining the Prisoners—In the first place the temperature of the Hills is such as to make fires necessary, and if this be the case in dwelling houses where the inmates are not subjected to the depressing influences of a Jail, much more must it be the case in a Prison. Fuel however is scarce and dear on the Hills, especially at Ootacamund, where it has to be brought from a distance, and at Jakatallah where so much has been used for burning the bricks for the Barracks as to leave the Hills nearly bare.

Then as to the food of the Prisoners—Rice at Coimbatore is 7 measures to the Rupee, at Ootacamund it is 5½, the difference representing the cost of conveyance, for all is grown in the low country. On the Hills too the Prisoners eat rice, and cumboo and ghee are supplied as extras, the rice costing a Rupee for seven measures, while at Coimbatore they eat cholum at sixteen measures to the Rupee. The diet for European Prisoners, though different and more expensive, would probably maintain the same ratio as regards cost, to that in the low country as mentioned above; Clothing too would be more expensive. The wages of Warders would be higher.

After a careful consideration of all the circumstances, I am of opinion that every requirement with reference to the health of the prisoners which could reasonably be demanded from the Government, would be met were the Prison erected either at Coimbatore or upon the table land of Mysore. Should there be any political objection to the erection of the Prison at Bangalore, this could be obviated by building it at Oossoor.

Healthy sites could easily be found—the situation is much more central than that of Ootacamund, the means of reaching it by Railway more available than can ever be the case on the Neilgherries, in fact the site on the table land of Mysore is preferable to that on the Neilgherries in every respect but one—it is not quite so cool. Should, however, the Government of India be still of opinion that the European Prison ought to be erected on the Hills, then it becomes a question whether it would not be the best plan to convert a portion of the Barrack at Jakatallah or Wellington into a Prison, and to give up the Prison at Ootacamund to its original object, namely, that of a Native Jail.

(Signed) W. DENISON.

No. 23. MINUTE by the HONORABLE W. A. MOREHEAD, dated 20th August 1861.

I perfectly concur with the President in the remarks which he has made on the subject of the erection of the Jail for Europeans on the Neilgherry Hills.

I am satisfied that the prisoners would be more healthy at Bangalore than on the Hills.

The climate of Bangalore is sufficiently cool all the year round. In the day time it is always pleasant and agreeable. At night it is cold, rendering the use of a blanket necessary.

It is a place liked by Europeans.

It is moreover in many other respects a suitable locality for the Jail in question; a large European Force is always present at that station. The Commissariat Establishment is effective, and could easily supply the Prisoners with rations, of which there are an abundance procurable. No special charges need therefore be incurred by Government on account of the Jail beyond those immediately connected with its internal management. The Jail could be built at Bangalore, in a very much shorter period, than it could be on the Hills, a matter of some moment after the serious delays which have already occurred in completing, or rather in beginning this Jail. I am of opinion that no political objections of weight could be raised to placing this Jail at Bangalore. We have at Bangalore a large Cantonment, and to our building a Jail or what we please, within its limits, no objection could possibly be urged.

(Signed) W. A. MOREHEAD.

No. 24. MINUTE by the HONORABLE E. MALTBY, dated 21st August 1861.

I fully concur in the reasons for placing the European Jail at Bangalore instead of at Ootacamund. The climate although less cold, is I believe on the whole more suitable, and the expense of building, food, and fuel would be much less. At Bangalore too the presence of European troops would tend to overawe the Convicts. The community of Ootacamund feel, I know, great uneasiness at the idea of a body of desperate English prisoners being placed in their midst, and as there are no troops there and many of the resident families consist of ladies and children, this uneasiness is not without cause, and should not in my opinion be disregarded by the Government.

(Signed) E. MALTBY.

No. 25. ORDER THEREON, 3rd September 1861, No. 1,105.

Ordered that the following letter be despatched.

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

No. 26. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 3rd September 1861, No. 1,106.

I am directed to submit for the consideration of the Government of India, the accompanying Minutes by the Honorable the President and the Members of Council relative to the proposed erection, on the Neilgherries, of a Penitentiary for European Convicts sentenced to Penal Servitude in India.

2. On the punishment of Penal Servitude being substituted for Transportation in 1855, the Government of India proposed to the Court of Directors that a Central Prison should be established on the Neilgherries capable of accommodating 100 Prisoners. Objections were raised to the proposal by the Court on the ground of the cost and inconvenience of transporting Prisoners to the Jail from different parts of India, and a suggestion was thrown out that a Jail might be established in each Presidency. Upon the representations, however, of the Government of India that the selection of the site had been made, on account not merely of the suitability of the climate to European constitutions, but also of its accessibility, the Court of Directors in January 1857, sanctioned the construction of a Jail for 100 Prisoners on the Neilgherries as proposed.

3. In April 1857, the Government of Madras gave directions to the District Engineer of Coimbatore to submit, in communication with Mr. Rohde, the Inspector General of Jails, Plans and Estimates for the building, and the latter Officer was ordered to report, after an inspection

of the localities, and communication with the Local Officers, what would be the best site on the Neilgherries for an European Prison.

4. Until December 1859, however nothing was done, with reference either to the selection of a site or the preparation of Plans and Estimates, indeed the latter were necessarily dependent upon the decision with reference to the site. The site at length proposed was inspected and approved by Sir Charles Trevelyan in March 1860. The Chief Engineer was then directed to submit Plans and Estimates for the building, and these, involving an expenditure of Rupees 1,65,000 are now before Government.

Recently however the Government inclined to the opinion, that the construction of a second Jail on the Hills was inexpedient as the small Jail at Ootacamund might by the addition of 64 Cells be converted from its original purpose of a local Jail into one for one hundred European Prisoners.

5. His Excellency the Governor has taken the opportunity of his visit to the Hills to consider the question in all its bearings and in the views expressed in his Minute the Government quite concur.

6. There can be but little question that the Neilgherries are, in point of climate, *best* suited of any part of India to the European constitution; but there are other tracts quite cool enough and perfectly healthy and there seems to be no reason why Convicts who have committed crimes of such heinous character as would subject them to prolonged imprisonment, should be immediately transferred to the healthiest part of India, subjecting the Government thereby to heavy expense, in addition to that which would have been incurred, had they been incarcerated in the usual Presidency Jail. While it would be right, however, to remove European Prisoners from the intense heat of the Plains to a more healthy station, the important question of the proper site should be decided not only with reference to the expense of constructing the building, but also to that of maintaining the Prisoners, and the Officers who are to look after them.

	Plains.	*Hills.*
Bricks per 1,000 ...	*Rs.* 3 ...	*Rs.* 5 @ 10
Tiles per do. ...	,, 1 ...	,, 3 @ 6
Lime per parah.....	....	*double the rate.*

7. On the Neilgherries the cost of building is at least double of that in the Plains, and labor follows much the same proportion. As to the expense of maintaining the Prisoners, in the first place, the temperature of the Hills is such as to make fires necessary, and if this be the case in dwelling houses where the inmates are not subjected to the depressing influences of a Jail, much more must it be the case in a Prison. Fuel, however, is scarce and dear on the Hills especially at Ootacamund where it has to be brought from a distance, and at Jackatallah, where so much has been used for burning the bricks for the Barracks, as to leave the Hills nearly bare. Then as to the food of the Prisoners, Rice is used instead of the cheaper grain, Cholum, consumed at Coimbatore. The diet for European Prisoners though different and more expensive, would probably maintain the same ratio as regards cost to that in the low country, as shown in the margin. Clothing too would be more expensive, and the wages of Warders, &c., would be higher.

Rice, 5 measures per Rupee at Ootacamund.
Cholum, 16 measures per Rupee at Coimbatore.

8. After a careful consideration of all these circumstances, the Government are of opinion that every requirement, with reference to the health of the Prisoners, which could be reasonably demanded of the Government, would be met, were the Prison erected either at Bangalore or upon the table-land of Mysore or at Coimbatore. The Government do not think that any political objections of weight could be raised to building a Jail within the limits of the Cantonment of Bangalore, but if such be urged, they could be obviated by erecting it at Oossoor. Healthy sites could easily be found, and the Jail could be built in a very much shorter period, than it could be on the Hills—a matter of some moment after the serious delays which have already occurred.

9. The situation of Bangalore is much more central than that of Ootacamund, and the means of reaching it by Railway easier than can ever be the case on the Neilgherries. In fact

Proceedings of the Madras Government, Judicial Department,
3rd September 1861.

a site on the table-land of Mysore is preferable to that on the Hills in every respect but one—it is not quite so cool but although less cold, the climate of Bangalore is on the whole more suitable—the expense of building, food, fuel and clothing would be much less—and the Jail might be constructed in much less time.

10. At Bangalore too, the presence of European Troops would tend to overawe the Convicts. The Government are aware that the community at Ootacamund feel great uneasiness at the idea of a body of desperate European Prisoners being placed in their midst, and as there are no Troops there, and many of the resident families consist of ladies and children, this uneasiness is not without cause, and should not be disregarded by the Government.

11. Should the Government of India be still of opinion that the European Penitentiary should be erected on the Neilgherry Hills, it will become a question whether it would not be the best plan to convert a portion of the Barracks at Jackatallah, or Wellington, into a Prison, and give up the new building at Ootacamund to its original object, viz., that of a Native Jail. The Government trust that a reconsideration of the question will lead the Governor General in Council to concur in the views they now entertain on this important subject.

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

Exd. T. Dunn.

Ind L. Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Minutes —

By the Honble the
President — Enter — 14th Augt. 61
" the Honble G. A.
Morehead — 20th Aug. 61
" the Honble R.
Maltby — 21st do —

Order — 4th September 1861 No 1108

Ordered that the
following letter be
despatched —

Ind!

Judicial.

No. 1106.

The Secretary to the Govt. of India.
Home Dept.

Sir.

I am directed to submit for the consideration of the Govt. of India, the accompanying Minutes by the Hon'ble the President & the Members of Council relative to the proposed erection, near Ootacamund on the Neilgherries, of a Penitentiary for European Convicts sentenced to

to Penal Servitude
in India.

2. On the substitution of
Penal Servitude being
substituted for Trans-
portation in 1855, the
Govt. of India propo-
sed to the Court of
Directors that a Cen-
tral Prison should
be established on the
Neilgherries capable
of accommodating
100 Pris-oners. Objec-
tions were raised to
the proposal by the
Court on the ground
of

of the cost & incone-
niences of transport-
ing prisoners to the
Jail from different
parts of India, & a
suggestion was throw-
out that a Jail might
be established in each
Presidency. Upon the
representations, how-
ever, of the Govt. of In-
dia that the selection
of the site had been
made not merely
on account of the
suitability of the cli-
mate to European
constitutions, but also
on that of its accessi-
bility, the Court of
Directors in Jany.
1857, sanctioned the
construction

construction of a Jail for 100 prisoners on the Neilgherries as proposed.

3. In April 1857, the Govt. of Madras gave directions to the District Engineer of Coimbatore to submit, in communication with Mr. Rohde, the Inspector Genl. of Jails, Plans & Estimates for the building — & the latter officer was ordered to report, after an inspection of the localities, & communication with the local officers, what would be the best site on the Neilgherries for an European Prison.

4. From that time till Decr. '59, that is, for 2½ years, nothing was done, with reference either to the selection of a site or the preparation of Plans and Estimates, indeed the latter were necessarily dependent upon the decision with reference to the site. The site & length proposed was inspected & approved by Sir Charles Trevelyan in March 1860. The Chief Engineer was then directed to submit

and there, involving
an expenditure of
Rs 165 are now before
Govt.

Recently however
the first inclined
to the opinion, that
a second Jail on
the Hills was in-
expedient as

[the construction of
the small Jail
at Ootacamund
might by the addition
of 64 cells be con-
verted from its original
purpose of a local
Jail into one for the
hundred European
prisoners,]

submit Plans and
Estimates for the re
building, but various
delays have taken
place, & the Govt. in
their Orders of the 20th
June last expressed
their opinion that it
would be undesira-
ble to construct a
second European Pri-
son near Jackatalla.

The aspect of the ques-
tion having been al-
together changed by
the conversion, into
a Jail for European
convicts, of the small
Jail at Ootacamund
now nearly complete
As it has been decided
to

to extend this prison
so as to afford accom-
modation for 100 pri-
soners, no orders have
been passed on the
Estimate for Rs 1,65,000
prepared for the pro-
posed Penitentiary
at Jackatalla.

5 The Hon'ble the Govr
has taken the
opportunity of his
visit to the
Hills to consider
the question in all
his bearings and
in the views expres-
in his Minute the
1st inst. to which

are the tracts quite
evil enough & perfectly

5. The Govt are, however,
of opinion that the
subject should be
reconsidered. There
can be but little ques-
tion that the Neil-
gherries are, in point
of climate, least suited
of any part of India
to the European con-
stitution — but there
seems to be no reason-

reason why ~~c~~ Convicts ~~a~~ who have committed ~~as~~ crimes of such ~~an~~ heinous character as would subject them to ~~a~~ prolonged imprisonment, ~~if sent to such a~~ should be immediately transferred to the healthiest part of India, subjecting the Govt. thereby to heavy expenses, in addition to that which would have been incurred, had they been incarcerated in the usual Presidency Jail.

(While it would be right, however, to remove European Prisoners from the intense heat of the plains to a more healthy station, the important question of the proper site should be decided not only with reference to the expense of constructing the building, but also to that of maintaining the prisoners, & the officers who are to look after them.

On the Neilgherries the cost of building is at least double of that in the Plains, and labor follows much the same

	Plains.	Hills.
Bricks ₹1,000	Rs. 3	Rs. 5@10
Tiles ₹ do	" 1	" 3@6
Lime ₹ Parah	double the rate.	

same proportion.
As to the expense of maintaining the Prisoners, in the first place, the temperature of the Hills is such as to make fires necessary, and if this be the case in dwelling houses when the inmates are not subjected to the depressing influences of a Gaol, much more must it be the case in a Prison. Fuel, however, is scarce & dear on the Hills especially at Dotacamund when it has to be brought from a distance, & at Jackatallah, where

Rice – 5 measures & Ragee at Dotacamund. Cholum – 16 do & do at Coimbatore.

so much has been used for burning the Bricks for the Barracks, as to leave the Hills nearly bare. Then as to the food of the Prisoners, rice is used instead of the cheaper grains, Cholum consumed at Coimbatore. The diet for Europeans, the Prisoners different more expensive would probably maintain the same ratio as regards cost to that in the low country, as shown in the margin. Clothing too would be more expensive, & the wages of Warders, &c., would be higher.

After a careful con-

sideration

consideration of all these circumstances, the Govt. are of opinion that every requirement, with reference to the health of the Prisoners, which could be reasonably demanded of the Govt, would be met, were the Prison erected Bangalore either at ~~Cannanore~~ ~~Cape~~ or upon the table-land of Mysore or at Coimbatore. The Govt. do not think that any political objections of weight could be raised to building a jail within the limits of the Cantonment of Bangalore, but if such be urged they could be obviated by erecting it at Daffoor. Healthy sites could be easily be found, & the jail could be built in Bangalore in a very much shorter period than it could be on the Hills — a matter of some moment after the serious delays which have already occurred. ~~in completing the buildings of the Civil Courts~~

of Bangalore. The situation is much more central than that of Cannanore

& the means of reaching it by Railway
Easier
~~easily available~~ than
can ever be the case
on the Neilgherries.
In fact the site on
the table-land of
Mysore is preferable
to that on the hills
in every respect but
one — it is not quite
but
so cool ^ altho' less
cold, the climate of
Bangalore is on the
whole more suitable
— the expense of
building, food, &
& clothing
fuel, would be
much less — &
Rs
~~Special charges~~
conducted for
~~would be incurred by~~
by

much less time
~~Government of the~~
~~Daily Express, there~~
~~immediately connected~~
~~& with it is under~~
~~railway direct.~~

at Bangalore too,
the presence of Eu-
ropean troops would
tend to overawe the
Convicts. The Govt.
are aware that the
community at Bo-
lacanund feel
great uneasiness
at the idea of a body
of desperate English
prisoners being pla-
ced in their midst
& as there are no
troops

troops there, & many of the resident families consist of Ladies & children, this uneasiness is not without cause, & should not be disregarded by the Govt.

Should the Govt. of India be still of opinion that the European Penitentiary should be erected on the Neilgherry Hills, it will become a question whether it would not be the best plan to convert a portion of the Barracks at Jackatalla or Wellington into a Prison, & give up the new building at Ootacamund to its original object, viz., that of a Native Jail. The Govt. must also take into consideration if the question will lead the Govt. in Council to concur in the views they have entertained on the subject heretofore.

Fort Saint George
4th September 1861.

Medical 1861 Sept.

No. 1106.

To The Secretary
to the Govt.
of India.
Home Dept.

Dated 4th Sept. 1861.

Forward with observations
the Minutes recorded by the
Members of Government proposi-
ing the erection of a European
Penitentiary settlement at Bangalore
or upon the Table land of
Mysore or Coimbatore in lieu
of that one under construction
at Octacamund.

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