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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th September 1861.

Read the following papers :—

No. 79. From J. ROHDE. Esq., Inspector General of Jails; to T. PYCROFT, Esq., *Chief Secretary to the Government of Fort Saint George*, dated Ootacamund, 19th August 1861, No. 379.

I have the honor to acknowledge the receipt of the Order of Government, of the 17th instant on the consideration of His Excellency the Governor's remarks on the new Prison at this station.

2. My intention was that during the first period say twelve months of their imprisonment the Prisoners should *not be allowed any intercourse* with each other; that occupation should be found for all within their respective cells according to their ability; that *such as cannot apply* their hands to any more profitable use should be employed in picking coir rope (junk) to pieces, for sale for mattresses; that the Prisoners should take exercise for one hour daily in the open air, walking in silence at a *quick step at a distance* of several yards apart. Until water is laid on to each cell, and closets are provided, the Prisoners will be allowed to quit their cells to answer the calls of nature one by one under custody of a warder.

3. Of the 34 Prisoners in the Prisons at Calcutta, 23 are reported as of good character, two of indifferent, and nine of bad character; among those reported of well, however, I see the Prisoner Hawkin's name, he is a *man of color* who has repeatedly broken Jail, and Thomas Nolan the ringleader in the late out-break at Calcutta. Thirteen of the *men* were soldiers, and two men of color, for neither of which class did I anticipate having to provide.

4. In regard to enforcing discipline, if the provisions of Section V, Regulation X of 1832 of the *Madras Code* are applicable to British subjects there will be no difficulty; minor punishments may also be *enforced* under the authority of the Governor General, but before entering on this question, I should wish to see the draft Act prepared for the enforcing of discipline in the Jails at Calcutta.

Section III, Act XVI, 1840.

5. The dietary will be regulated by that of the English Prisons as sanctioned by the Secretary of State.

6. I have in a letter to Sir J. Jebb requested him to send me the Rules and bye-laws under which our best regulated English Prisons are governed.

7. With only five warders any further subdivision of the Prison enclosure other than into three yards would not, in my opinion, be desirable.

8. In regard to the moral and spiritual wants of the Prisoners, I should propose that each cell be furnished with a bible and prayer-book, if its occupant can read; that the Prisoners attend daily the reading of a portion of scripture in the corridor, and that once on Sunday some provision be made for a short service and read sermon and that the Chaplain or other Clergyman be requested to visit each Prisoner as he has opportunity.

9. I would further propose that a Prison Library should be formed of Works of a religious and improving tendency, and that the Prisoners should have the use of these in their cells.

10. I should wish to enclose the well Court, as soon as the well is completed, and these to provide the engine house and buildings for any trade that may be introduced and which cannot be carried on in the cell.

11. In case the draft in the flues is insufficient, fans will be employed for forcing the air into the ventilating passage, in this case a crank will be furnished to two of the cells communicating with the fans in the heating room.

No. 80. MINUTE BY HIS EXCELLENCY THE PRESIDENT, dated 24th August 1861.

I have read Mr. Rohde's letter to the Chief Secretary explanatory of the system which he proposes to adopt with the European Prisoners who will be confined in the new Prison at Ootacamund.

Mr. Rohde would seem to assume that the men about to be sent to this Prison, are men, who have just been tried, and who have the whole of their sentence to undergo. I hardly think that this can be the case, there must be among these men several who have been some time in confinement and it would hardly be fair to treat them in the same manner as Prisoners lately sentenced; it might be as well to state generally that men committed to this Prison will pass the first year of their *sentence* in the mode pointed out by Mr. Rohde, and that at any future period Prisoners who misbehave themselves will be liable to a recurrence of a similar system of discipline.

I think that it will be found necessary to build a place for the confinement of men who have been guilty of offences against discipline which would subject them to *solitary* confinement; it will not do to convert one of the existing cells into a solitary cell. There will be difficulties in detail, owing to the position of the Jail; work will not be easily found for the men.

It would be desirable that this work should be tasked, and that each man while he might be allowed the benefit of any extra work which he may do should also be punished for neglect, in case he will not finish his task; this punishment may be either solitary confinement, or, what would in one sense perhaps be advisable, a corresponding addition to the length of sentence if this can legally be done.

I am afraid that some difficulty will be found in arranging for exercising the Prisoners; there are only three guards, and as several men must in this case be exercising at the same time, they may possibly find means of over-powering the guard; it would seem almost advisable to double the number of guards, then there need never be more than two men exercising at once.

I do not think that it would be advisable to muster the Prisoners in the Corridor daily for the purpose of hearing prayers and a portion of the Scriptures; there might be some risk of an out-break which could not be resisted by the Turnkeys present.

The question of the mode of arming these men should be considered.

The regulations hinted at in Mr. Rohde's letter apply however to only the first year of imprisonment——what steps does he propose to take in future years with a view to relaxation of punishment——I do not see that the Prison is adapted to any but the single system of separate confinement. There is a question which it is desirable should be settled before the Prisoners from the other Presidencies are sent to Madras, and that is; what is to become of them when their sentences expire or they receive pardons?—are they to be turned soon upon society in this Presidency?—or will they be sent back to the Presidency from whence they came?—this is a serious question as regards Madras. Our own Criminal European population is small, but if we are to have the refuse of the whole of India poured upon us, merely because we happen to have a cool climate, the expense of our Police system will be very much enhanced.

Mr. Rohde's letter is not sufficiently precise to allow the Government to either approve or disapprove, except in the most general terms; he must draw up a connected series of Rules for the conduct of the Officers and the discipline of the Prisoners before the Government can express any decided opinion with regard to these matters.

(Signed) W. T. DENISON.

MINUTE BY THE HONORABLE W. MOREHEAD, dated 31st August 1861.

I quite agree with the President as to the value of Mr. Rohde's letter.

The different points noticed by the President are most important and all call for serious consideration before this Government declare the Jail ready for the reception of Prisoners.

I cannot but think that the Jail is quite unsuited for the object arrived at. It is too small and deficient in every requisite that a Jail should have. Better I think at once to say so, than to go on, holding out false hopes as to our soon having a Jail fitted for the safe custody and punishment of European Convicts.

I have long felt that the Ootacamund Jail was a fiction, and that to turn it to use, as intended, could never succeed.

(Signed) W. MOREHEAD.

Proceedings of the Madras Government, Judicial Department,
13th September 1861.

MINUTE BY THE HONORABLE E. MALTBY, dated 31st August 1861.

I concur in the remarks on Mr. Rohde's letter and in the opinion that the Jail at Ootacamund is not a suitable place of confinement for European Convicts. In some late papers the superiority of Bangalore over the Hills was discussed, and I believe, unanimously admitted.

(Signed) E. MALTBY.

No. 81. ORDER THEREON, 13th September 1861, No. 1,151.

Mr. Rohde explains in his letter recorded above, the system which he proposes to adopt with the European Prisoners, who will be transferred to the new Prison at Ootacamund.

2. Mr. Rohde seems to assume that the men about to be sent to this Prison, are men who have just been tried, and who have the whole of their sentence to undergo. This can hardly be the case. There will be among the men, several who have been some time in confinement, and it would hardly be fair to treat them in the same manner as Prisoners lately sentenced. The course pointed out by Mr. Rohde must, therefore, be modified, so as to apply only to the first year of the *sentence* of the men committed to this Prison. At any future period, Prisoners who misbehave themselves, will be liable to a recurrence of a similar system of discipline.

3. The Government think that it will be necessary to build a place for the confinement of men, who have been guilty of offences against discipline, which would subject them to *solitary* confinement. It would not do to convert one of the existing cells into a solitary cell.

4. As regards putting the Prisoners to labor, there will be difficulties in detail, owing to the position of the Jail. Work will not easily be found for the men. It would be desirable that their work should be tasked, and that each man, while he might be allowed the benefit of any extra work which he may do, should also be punished for neglect, in case he will not finish his task. The punishment may be solitary confinement.

5. There will also be some difficulty in arranging for exercising the Prisoners with the present three yards. As several men must in this case be exercising at the same time, they may possibly find means of over-powering the guard. The Government think it advisable that the number of yards should be doubled. Then there need never be more than two men exercising at once.

6. The Government do not approve the proposal to muster the Prisoners in the corridor daily for the purpose of hearing prayer and a portion of scripture. There would be risk of an out-break, which could not be resisted by the Turnkeys present. The question of the mode of arming these men should also be considered.

7. It has already been noticed that the regulations hinted at in Mr. Rohde's letter, apply only to the first year of imprisonment. The Inspector General has not shown what steps he proposes to take in future years with a view to relaxation of punishment. It does not appear that the Prison is adapted to any but the single system of separate confinement.

8. On the whole Mr. Rohde's letter is not sufficiently precise to allow the Government either to approve or disapprove, except in the most general terms. They resolve to request him to draw up a connected series of Rules for the conduct of the Officers and the discipline of the Prisoners, and when he submits it, the Government will be able to express a decided opinion with regard to the matter.

9. The Government have not as yet received copies of the draft Act referred to in paragraph 4 of Mr. Rohde's letter.

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

Exd. R. H. Lee.

Judicial.

Proceedings of the Madras Govt

Read letter from
the Inspector
General of Jails — Inter 19 "Aug. '61 —
No. 379.

Read Minutes thereon by H. E. the President and the Honble the Members of Govt.

Order — 13th Sept. 1861 — No. 1151.

Mr. Rohde explains in his letter recorded above, the system which he proposes to adopt with the Juvenile Prisoners, who will be transferred to the new Prison at Cotacamund.

2. Mr. Rohde seems to assume

assume that the men about to be sent to this Prison, are men who have just been tried, & who have the whole of their sentence to undergo. This can hardly be the case. There will be among the men, several who have been some time in confinement, & it would hardly be fair to treat them in the same manner, as Prisoners lately sentenced. The course pointed out by Mr. Rohde must, therefore, be modified, so as to apply only to the first year of the sentence of the men committed to this prison. At any future period, Prisoners who misbehave themselves, will be liable to a recurrence of a similar system of discipline.

3. The Govt. think that it will be necessary to build a place for the confinement of men, who have been guilty of offences against discipline, which would subject them to solitary confinement. It would not do

do to convert one of the existing cells into a solitary cell.

4. As regards putting the prisoners to labor, there will be difficulties in detail, owing to the position of the jail. Work will not easily be found for the men. It would be desireable that their work should be tasked, & that each man, while he might be allowed the benefit of any extra work which he may do, should also be

be punished for neglect, in case he will not finish his task. The punishments may be solitary confinement.

5. There will also be some difficulty in arranging for exercising the Prisoners with the present three yards. As several men must in this case be exercising at the same time, so they may possibly find means of overpowering the guard. The Govt. think it advisable that the number of yards should

should be doubled. Then there need never be more than two men exercising at once.

6. The Govt. do not approve the proposal to muster the prisoners in the Corridor daily for the purpose of hearing Prayer & Scripture. There would be the same risk of an outbreak, which could not be resisted by the Turnkeys present. The question of the mode of arming these men, should also be considered.

7. It has already been noticed that the regulations hinted at in Mr. Rohde's letter apply only to the first year of imprisonment. The Inspector General has not shown what steps he proposes to take in future years with a view to relaxation of punishment. It does not appear that the Prison is adapted to any but the single system of separate confinement.

confinement 5.

8. On the whole Mr. Rohde's letter is not sufficiently precise to allow the Govt. either to approve or disapprove, except in the most general terms. They resolved to request him to draw up a connected series of Rules for the conduct of the officers & the discipline of the Prisoners, & when he submits it, the Govt. will be able to express a decided opinion

opinions with regard to the matter.

9. The Govt. have not as yet received copies of the draft Act referred to in para 4. of Mr. Rohde's letter.

The Inspector Genl. of Jails.—13/9

Received 10th September

№ 1157

Proceedings of 60?

№ 13th September 1877

Ans. Pro: 23d. Nov: 1877 Com: 157-160

Ft. No. 201/62.

Passing Orders on the
exportation of the Inspector
General of Jails of the
System which he pro-
poses to adopt with the
European Prison at
Rotacamund.

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