M.R.O. 1—33,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1250 Press ~~Mis.~~

37-38

Dated 10-10-1861 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10th October 1861.

No. 37. Read the following Proceedings of Government in the Public Works Department, dated 2nd October 1861, No. 1,823.

Making certain observations in connection with the repairs executed to the Tranquebar Jail. (Vide Proceedings Public Works Department, dated 2nd October 1861, Nos. 21 and 22.)

No. 38. ORDER THEREON, 10th October 1861, No. 1,250.

Communicated to the Inspector General of Jails, and the Sessions Judge of Negapatam.

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

Exd. T. O'Conner.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Endorsement of the Chief Engineer, dated Chepauk, 5th September 1861, No. 4,654.

Read the following letter from Captain R. F. OAKES, District Engineer of Tanjore, to Lieutenant-Colonel W. I. BIRDWOOD, Deputy Chief Engineer, Southern Circle, dated Pudengudi, 8th August 1861, No. 102:—

SIR,

As directed in paragraph 7 of Proceedings of the Madras Government, No. 1,383, dated 25th July, I have the honor to inform you that I examined the Jail at Tranquebar on the 5th instant, and beg to reply to Mr. Rohde's and Mr. Clarke's complaints, specifically, as directed therein, though I have already met the charges brought against the Department on each point in my letter noted marginally.

No. 377, dated 27th February.

Mr. Rohde's statements.	*Replies.*
Paragraph 6 of do. The roof was taken off the western range of wards in October or November. The work is scamped; some new wood, very little has been put in, the tiles are now falling down, the reepers being generally rotten.	The roof was not taken off in October or November. The roof was in the state described by Mr. Rohde when he examined it, temporary repairs having been undertaken to render it serviceable to meet Mr. Clarke's wishes, but in direct opposition to my orders as stated in paragraph 6 of letter No. 377. Materials could not then be procured for the permanent repair of the roof. A sum of Rupees 48-7-9¾ was wasted in shifting tiles of this roof, and 44-10-11¼ in removing and re-building walls in this cell. The building has since been re-roofed, and is in good order.
Separate entrance to the Subordinate Courts and walls on ramps had not been completed.	No mention was made of the necessity of supplying these works when the Jail was originally examined and reported upon, and they were not provided for and included in the estimates till November, when owing to the monsoon, bricks could not be prepared or purchased. Upwards of 100 prisoners had been kept in the Jail for years without such works being considered necessary. These works have been completed.
A grating not put over the half of the Cook-room well.	Materials had not been procured for this work; this might perhaps be regarded as a necessary work if there were no sentries over the Jail, but without assistance from above a prisoner could not escape by this well. A sentry is posted close to it. The grating for the well and a gate on the north side of the

Paragraph 7 of No. 377.

Paragraph 4.

Paragraph 9 of Mr. Clarke's letter No. 42, dated 22nd January 1861.

Jail have not been provided up to date, as Mr. Rohde undertook to supply them from Madras *on emergency*, upwards of six months ago, and Mr. Clarke intimated to the Executive Officer, that it was not necessary for the Department to supply them.

The floors, where new, were badly laid.

Last clause of paragraph 9, No. 377.

The portion of the floor which was badly laid was taken up and re-laid at the cost of the Maistry.

The delay seems endless.

Paragraph 8 of No. 377.

There was delay in carrying out the works owing to alterations in the original allotments, the carrying out of works contrary to orders to meet the Judge's wishes, also to the period when the work was undertaken, viz., in the monsoon, and to the difficulty of procuring scientific labor in Tranquebar or its neighbourhood.

2. Mr. Clarke's complaints, with one exception, being similar to Mr. Rohde's, need not be replied to separately. In paragraph 11, he states that he *repeatedly* called my attention to the delay in completing the works, Mr. Clarke addressed me twice on the subject of the Jail works, viz., on the 8th November* and 4th January.†

No. 43, dated 22nd January 1861.

* Demi Officially.
† No. 8.

3. As regards the unsatisfactory style of the repairs, I presume that Mr. Clarke refers to the roof of the western cell and the floor of the eastern. The former has been re-roofed, and is in excellent order, though the white ants are again beginning to attack it, as I brought to the Jailor's notice on the 5th, and the latter was removed and re-laid at the Maistry's cost, and is also in very good order. There are a few bricks in the floor of the northern cells which are loose, but not sufficiently to be removed without difficulty, here as already stated, the floor consists of a single layer of bricks on jelly.

Paragraph 8, No. 377.

4. Mr. Clarke may perhaps have referred also to the gates in the walls of the ramps. These were first furnished with gates half batten and half with rails, as provided in the original estimate; entire batten doors were then supplied at Mr. Clarke's request, and were fixed on hinges placed in blocks secured in the side walls. Mr. Clarke then wanted frames to be provided for the doors, but as the estimate did not provide for frames, and they were unnecessary, the Executive Officer intimated that he could not make any further alteration without orders from me, and Mr. Clarke did not address me on the subject though I adverted to it in a letter I addressed to him on the 12th April.

5. With reference to paragraph 8 of the Order of Government in which a letter addressed by Lieutenant Hunter to Mr. Clarke is adverted to, and for which Lieutenant Hunter is reprimanded, I have the honor to inform you that Lieutenant Hunter sent me a copy of the correspondence which passed between himself and Mr. Clarke on the subject of the interference of the Jailor with the work-people employed on the Jail repairs, stating fully the circumstances under which he had put a stop to the work, and I now regret that I did not address you on the subject as well as Mr. Clarke, for if I had done so, I should have prevented Lieutenant Hunter from falling under the displeasure of Government, and I trust that under the following explanation, the Government will withdraw their censure on his conduct.

6. Previous to the Jailor's being requested to remove from the rooms he occupied, he had been warned by the Assistant Overseer, that as soon as the repairs to the rest of the building were completed, the floor of the rooms he occupied, and the shifting of the flat-tiles near the ridge would be undertaken, and that he would be required to shift his quarters while these repairs were being carried out; it was not until all the other buildings had been repaired that he was requested to shift his quarters for a few days, and by declining to do so, he put an entire stop to the work, for there was no other work on which the Bricklayers could be employed, the only other incomplete work at that time being the fixing of the southern postern.

7. On receiving, therefore, the report of the interference of the Jailor on the 30th March, Lieutenant Hunter had no alternative, but to stop the work until the Jailor shifted his quarters; and he was not able to return to Tranquebar at once, as his presence was required at the lower Anicut, for the Coleroon had freshed, and the extensive repairs in progress to that important work were arrested. The Judge's reply reached Lieutenant Hunter on the 4th, he proceeded to Tranquebar on the 5th, resumed work, and completed the gate of the southern postern on the 6th. The Judge, you will observe in his reply to Lieutenant Hunter, states in paragraph 1, that he has been unable to discover that the Jailor, has, on any occasion, taken upon himself to turn out the work-people employed by the Department Public Works, or to assume any undue authority, while in paragraph 2 he states that the Jailor "requested the Amin to proceed with the other works in hand," instead of moving when he was requested, and when there were no other works to carry out, the Jailor might have turned into one of the other cells in the western face, which had been recently completed.

No. 209, 1st April.

8. With reference to the catalogue of works which Mr. Clarke enumerates, as still incomplete, viz., the southern Sally Port Gate, the flooring of the cells and certain alterations to the gates on the ramps, I beg to inform you that the only incomplete floor was that of the cells occupied by the Jailor. For the postern, bricklayers were not required, nor for the alterations to the gates on the ramp, the latter have not been carried out, as mentioned in paragraph 4.

9. I deem it unnecessary to enter further into the statements made by Mr. Clarke in his letter to Lieutenant Hunter, as they are met in my letter No. 126, dated 12th April, a copy of which is enclosed.

10. Lieutenant Hunter appears to have incurred the censure of Government for having written to the Judge. If this is deemed an offence, I am to blame, for I had requested the Judge to inform the Executive Officer in writing, of any minor changes he might require, as the practice he had previously adopted of intimating his wishes verbally to the Executive Agent, had placed that Subordinate in a very unpleasant and unfair position, as already described, and as the Judge had, on more than one occasion, addressed Lieutenant Hunter directly regarding the works in progress at the Jail, that Officer thought he was justified in requesting the Judge to put a stop to the interference of the Jailor instead of delaying the works by referring the matter to me; the more so, as there was no other work which could in the mean time be undertaken.

Paragraph 13, letter No. 377.

From Captain R. F. OAKES, District Engineer of Tanjore, to R. G. CLARKE, Esq., Civil and Session Judge of Negapatam, dated Tanjore, 12th April 1861, No. 126.

SIR,

1. I have the honor to inform you that I have received copies of the letters noted marginally, and regret to find that collision has again taken place between the Judicial and

No. 657, from Lieutenant Hunter, to R. G. Clarke, Esq.
No. 209, from R. G. Clarke, Esq., to Lieutenant Hunter.

Public Works Departments, this I had hoped, the arrangements made on my late visit would have obviated, if not rendered impossible.

2. With reference to paragraph 1 of your letter, I would observe, that if the Jailor declined to move from the rooms he now occupies, when requested to do so, to admit of repairs being carried out to them, he exercised undue authority. With regard to paragraph 2, I would beg to call to your rememberance that in the original allotment, rooms were provided for the Jailor; it cannot be laid to the charge of this Department, that the Jailor has been obliged to shift his quarters six times as stated, inasmuch as after the original arrangements were broken up, this Department was not consulted with regard to, and did not in any way interfere with, the location of the Jailor.

3. With regard to your statement that the roofing of the western cells has been three times removed, I beg to inform you that the expression hardly conveys an idea of what has actually been done. In the first instance, the tiles were only shifted to render the building temporarily available for prisoners, and as I informed you, the work was carried out to meet your wishes, and in direct opposition to my orders. On the second occasion, the building was re-roofed, and on the third, the flat-tiles on one yard on either side of the ridge were removed by my order, because I remembered a request from Mr. Rohde that a similar alteration might be effected in the Combaconum Jail. I had hoped my order would have reached Lieutenant Hunter before the roof was completed; it appears not to have done so, but it is as well that the alteration should have been made while the Department were engaged upon the building. From Lieutenant Hunter's letter to me, it would appear that the room which the Jailor occupied was the only one in which the repairs or alterations were incomplete, so that there were no other works upon which he could employ the Bricklayers.

4. With reference to paragraph 3, I would observe that an urgent call of duty rendered it necessary for Lieutenant Hunter to visit the lower Anicut, and that he is responsible through me to Government for the occupation of his time.

5. With regard to the works enumerated by you as remaining incomplete, I observe the outlets by the north and south ramps, are mentioned; the gates for these ramps after being constructed according to the estimate approved by you were altered on my last visit to suit your views. I cannot have them again altered, until I am made fully accquainted with what you now require, and I cannot but regret that if the new gates were not being made as you considered necessary, the matter was not brought to Lieutenant Hunter's notice, while they were in course of construction.

6. I have the honor to request that you will be good enough to explain the statement in paragraph 5: "It is high time that all trifling with the funds and orders of Government, &c., &c., "should be terminated," and would observe that it is rather late to apply for a competent Superintendent to complete the repairs, when the one room the Jailor declined to vacate is the only repair still required, for Lieutenat Hunter states, that the southern Sally Port was completed on the 6th.

7. I now learn for the first time that you did not permit the removal of the tiles from the building made use of, as your cow shed, though you consented to do so on my last visit, and it appears that the repairs to the building were in some measure delayed on this account.

8. Your object in not having the building dismantled is, I am aware, because you are desirous of having it eventually converted into a shed for the accommodation of suitors, but as I have already informed you, it would be necessary to place a very light roof on the building, and moreover the building now used as a stable by you would answer admirably for suitors with but little alteration, while the contingency of a Governor visiting Tranquebar, and requiring accommodation for his horses on account of which you wish to have the stables kept up, is so remote, that I think it hardly necessary to provide for it.

1. Submitted to Government with reference to Proceedings Madras Government, No. 1,383, 25th July 1861.

2. The information now supplied by the District Engineer after personal examination of the Tranquebar Jail, corroborates the statements made in his letter marginally noted,* and already laid before† Government. The western range of wards has been re-roofed and is in good order. The work to the separate entrance to the Subordinate Court and the walls on ramps have been completed. The grating for the well and a gate on the north side of the Jail have not been provided up to date, as Mr. Rohde himself undertook to supply them from Madras.

* No 377, 27th February 1861.
† No. 280, 8th May 1861.

3. The floor of the eastern cell has been taken up and re-laid at the cost of the Maistry.

4. The objections of Mr. Clarke, Civil and Session Judge, it will be observed from paragraphs 2 and 4 of the District Engineer's letter, have received every attention to the extent the estimate provided.

5. Adverting to paragraph 8 of the Orders, the District Engineer reports that after the repairs of all the other buildings had been completed, the Jailor was requested to shift his quarters for a few days, as the repairs to those alone remained to be carried out; this the Jailor declining to do, the District Engineer remarks, necessitated the stoppage of the work, and a complaint to the Judge. Lieutenant Hunter, who was at the lower Anicut and not able at the time to quit that work for the reasons given by Captain Oakes, returned to Tranquebar on the 5th, and the Jail repairs were immediately resumed.

6. Had Lieutenant Hunter's proceedings in this matter been confined to simply informing the Judge of the Jailor's conduct in refusing to vacate his quarters, and that unless such was done the work must necessarily be put a stop to, all the other repairs required to the building having been previously carried out, his conduct would have been blameless. But Lieutenant Hunter's letter dated 30th March 1861, copy of which was received with Proceedings of Government No. 1,536, dated 12th August last, conveys the impression that the work had been stopped, not because there was no other work to be done, but until explanation were afforded by the Judge as to whether the Jailor in refusing to vacate his quarters, and turning out the people sent to execute the repairs, acted under his authority. This doubtless was reprehensible on the part of Lieutenant Hunter, who in pursuance of the Orders of Government No. 1,383, dated 25th July last, has been reprimanded for his conduct, and admonished not to act so improperly again.

7. With reference to the remarks of Captain Oakes in the last paragraph of his letter, the Chief Engineer does not consider that Government, in the latter part of paragraph 8 of their Order last quoted, intended to condemn the course adopted by Lieutenant Hunter in writing to the Judge direct, because it appears from Captain Oakes' letter herewith enclosed that the Judge had addressed that Officer direct on the subject of the repairs to the Jail, on several previous occasions. Moreover, it has been distinctly laid down in Chapter IV of the new Code that Executive Officers and Agents are to communicate when necessary with the Revenue (and it is presumed equally with the Judicial) Officers of the District, and attend to their requisitions to the extent of their ability and means within the rules. Under this order Lieutenant Hunter appears to have been fully warranted in addressing the Judge direct on the subject of the Jail repairs; but, at the same time, he was under no circumstances justified in informing that Officer that he had stopped the work pending the receipt of his explanation in regard to the Jailor's conduct.

Paragraph 5 under the head of "*Executive Officers and Agents.*"

8. The Chief Engineer would only observe in conclusion, that the conduct of the Jailor in the matter under reference appears to have been wholly unjustifiable, as his duty was to have vacated his quarters as soon as he was made aware that the workmen were ready to execute the repairs required thereto. Had this course been adopted by the Jailor the unpleasant correspondence which has subsequently passed on the subject would have been avoided.

(Signed) W. H. HORSLEY, Lieut.-Colonel,
Chief Engineer.

ORDER THEREON, 2nd October 1861, No. 1,823.

1. The explanations now submitted show that, though the work to the premises in question was not performed altogether so well, or so promptly as it should have been, still that portion of it which Mr. Rohde condemned, consisted of mere temporary repairs not contemplated by the District Engineer. The buildings have since been properly completed, and are now reported by Captain Oakes to be in good order.

2. As regards Captain Hunter's letter to the Judge, the Government see no occasion to modify their censure. As he could not personally visit Tranquebar, they would not have objected to his writing to the Judge had he done so in a becoming manner.

3. It would have been sufficient to have sent up the original letters for the perusal of the Government and have saved their transcription in the Central Office.

(True Extract.)

Secretary to Government.

To the Judicial Department.
" Chief Engineer.

Exd. S. T. Augustin.

No. 1250 — 10th October 1867.

Communicated to the Inspector Genl. of Jails, & the Sessions Judge of Negapatam.

[illegible]

The Inspector Genl. of Jails.
& Sessions Judge of Negapatam.

Exhibits and Order.

Aug. 10/10