

குறிப்பிட்டவர் பொதுமக்களுக்கு நாம் எதிராக நடப்பதில்லையாம் எனக் கூறியார். தான்.

5. 7. 3

(0-229,783)

6. *Chlorophyll a* and *Chlorophyll b* contents were determined by spectrophotometry using the method of Lichtenthaler and Whistler (1987).

5:453

6, 8, 9

- 123 -

31.6.0, 1-20,000-12-10-22.

Government of Madras.

Judicial DEPARTMENT.

5/k

Not to be folded or roughly handled

1st May 1861.

No. 3. Read the following letter from Lord H. ULICK BROWNE, Under Secretary to the Government of India, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 16th April 1861, No. 762.

Home Department.

Referring to the correspondence noted in the margin, I am directed to forward the accompanying copy of a letter from the Government of Bengal, No. 152A, dated the 3rd instant, and of its enclosure, and to enquire when arrangements may be made for the removal from Calcutta of the Convicts under sentence of penal servitude, with a view to their confinement in the new Jail at Ootacamund.

Telegram to Chief Secretary, dated 23rd February 1861.

Ditto from ditto, dated 25th ditto.

Ditto to ditto, dated 27th ditto.

Ditto from ditto, dated 28th ditto.

Letter to ditto, dated 9th March 1861, No. 506.

From J. D. GORDON, Esq., Junior Secretary to the Government of Bengal, to the Under Secretary to the Government of India, Home Department, dated Fort William, the 3rd April 1861, No. 152A.

Judicial.

With reference to the 2nd paragraph of your letter No. 1,031, dated the 1st of June last, I am directed by the Lieutenant Governor to forward, for submission to His Excellency the Governor General in Council, a copy of the correspondence

From Commissioner of Police, No. 212, dated 13th ultimo.

To Commissioner of Police, No. 117, dated 14th ultimo.

From Commissioner of Police, No. 225, dated 16th ultimo.

To Commissioner of Police, No. 148, dated 3rd instant.

noted on the margin, relative to the escape of certain European Prisoners from the House of Correction on the evening of the 12th instant, and to observe that the circumstances therein represented forcibly shew the urgent necessity for the early completion of the contemplated Jail for European Convicts at Ootacamund.

From S. WAUCHOPE, Esq., C.B., Commissioner of Police, Calcutta, to the Secretary to the Government of Bengal, dated 13th March 1861, No. 212.

I have the honor to report, for the information of the Honorable the Lieutenant Governor of Bengal, that last evening, just before locking-up time, the Prisoners in the House of Correction knocked a large hole through the outer wall, and a number of them rushed out and made their escape. It was all over in a few minutes, so that before the Police on duty outside could summon the European Jailors the men were out.

2. The whole of the European Prisoners then broke out into open mutiny, refused to be locked up for the night, and threatened violence to any person who approached them. Information was immediately sent to me; and, on going to the Jail, I entered it with thirty of my European Police, whom I had directed to be in readiness near the Jail, as I had reason to believe that something of the kind might occur. After a short resistance, in which several of my men were wounded by stones, which were thrown plentifully in the dark, I locked up the whole of the Prisoners; and having done so, I took out those sentenced to Penal Servitude and sent them to the Great Jail, where they must be confined in future, or until some place is prepared for their safe custody.

3. On mustering the Prisoners it appeared that seventeen were missing, of whom thirteen were under sentence of Penal Servitude; of these, seven were arrested by the Native Police, after a violent resistance, in which one of my Native Officers and four of the Convicts were injured, and there are therefore at present ten at large. Their names are Burk, Martendale, San-

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ehlon, Wilkinson, Ford, Harding, Williams, Treadwell, Thompson, and Mac-Nalty—the eight first being Penal Servitude Prisoners, and the remainder under terms of imprisonment; several are Soldiers under sentence of Court Martial.

4. I would respectfully urge on the Lieutenant Governor the necessity of having a Legislative enactment passed at once for regulating the discipline in the House of Correction. I have given the strictest instructions with regard to the rules to be maintained, and these instructions I intend at all costs to be most strictly enforced.

5. I have offered a reward of Rupees 200 for the arrest of Burk, who is a desperate scoundrel, and Rupees 100 for each of the others.

From W. S. SETON-KARR, Esq., Secretary to the Government of Bengal, to the Commissioner of Police, Calcutta, dated 14th March 1861, No. 117A.

I am directed to acknowledge the receipt of your letter No. 212 of yesterday's date, reporting the circumstances under which some of the European Prisoners in the House of Correction made their escape on the evening of the 12th instant, and in reply to observe that it is clear that such an occurrence could not have taken place had a proper system of securing the Prisoners in the House of Correction been in force.

2. You are accordingly requested to submit, for the information of the Lieutenant Governor, a full report, explaining particularly the defects of system or management, whether general or occasional, to which this discreditable affair is attributable.

3. In the meantime the Lieutenant Governor approves of your having offered a reward of Rupees 200 for the arrest of Burk, and Rupees 100 for each of the other nine Prisoners, who are reported to be still at large.

4. With regard to your 4th paragraph, I am desired to state that, on your explaining the provisions of the Legislative measure recommended by you, they will be immediately taken into consideration.

From S. WAUCHOPE, Esq., C. B., Commissioner of Police, Calcutta, to the Secretary to the Government of Bengal, dated the 16th March 1861, No. 225.

I have the honor to acknowledge the receipt of your letter No. 117 A. of the 14th instant, stating that the escape of the European Prisoners from the House of Correction, reported in my letter No. 212 of the 13th idem, could not have occurred "had a proper system of securing the Prisoners in the House of Correction been in force," and desiring me to submit a full report "explaining particularly the defects of system or management, whether general or occasional, to which this discreditable affair is attributable."

2. In reply I beg to state that the Jail whence the Prisoners in question broke out is a House of Correction and not a Convict Prison. So long as it was used for its proper purpose, and so long as only European Prisoners sentenced to short terms of imprisonment were confined in it, the state of discipline and subordination maintained over its inmates were perfect.

3. But in 1859, owing to the substitution of Penal Servitude for transportation, and the increase of the Criminal European population in Calcutta, and throughout India, a large number of Europeans sentenced to long terms of imprisonment, varying from four years to imprisonment for life, have been placed in the House of Correction, and these men, all desperate characters, had nothing to lose but everything to gain by breaking Jail. If they remained, death in a Jail in Bengal would probably be the end. If they escaped, they would obtain their freedom. If they broke out and were recovered, an additional year to what they considered perpetual imprisonment is all that could or would be added.

4. It may be imagined, therefore, that the Penal Servitude Prisoners would, as they actually did, constantly conspire to break out of Jail, and my chief object was to counteract their plans and remove from contact with the rest the ringleaders who urged on the rest and instigated them to rebellion. For this purpose, whenever I discovered a plot, I separated the ringleader from his comrades so that he at least should not influence the rest.

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5. Consequently although I was compelled to contend against the greatest difficulties, against the weak construction of the Jail, and against the desperate and reckless character of the Penal Servitude Convicts, my management, which for four years had been considered creditable, succeeded in maintaining discipline in the House of Correction.

6. But in September 1860, I was officially informed by the Sheriff of Calcutta that I had no legal power to place Convicts in solitary or separate confinement, and when this opinion was, to my knowledge, endorsed by the Chief Justice of the Supreme Court and by the Advocate General, when I knew that my system of discipline would be supported neither by the Judges of the Supreme Court nor by the Legal Advisers of the Government, I was compelled to give up that system which had hitherto proved tolerably satisfactory and get on as I could until the passing of a Legislative enactment, which I understood would be brought forward for regulating the discipline in the Jail, and I have since then constantly been in dread of some outbreak.

7. Had I omitted to bring to the notice, or failed to acquaint the Government of the dangerous nature of the Prisoners in the Jail, or the likelihood of an outbreak by the Convicts, I should have been fairly liable to censure and my management might have been denominated "discreditable," but I have stated to the Government on many occasions what I have now done and have for upwards of a year pointed out the desperate nature of the Prisoners confined in the House of Correction, the advisability of removing them elsewhere, or if retained, the necessity of increasing the European Establishment. I have also shewn the unfitness of the House of Correction to be used as a Convict Prison, and the ease with which a determined man could break out. I gave the names of a number of Convicts utterly reckless of life, who had expressed a determination to escape at all hazards, as most of them have now done, and informed the Government that, for the safety of the Jail, I had been obliged to separate them from their comrades.

No. 41, dated 20th January 1860, paragraphs 3, 4, 5, and 6.
No. 107, dated 17th February 1860, paragraph 3.
No. 381, dated 2nd June 1860, paragraph 3.
No. 543, dated 1st August 1860, paragraphs 3, 4, and 5.

8. And when I found that, as the law then stood, these desperate characters could not be removed to the Andaman Islands or elsewhere, I pointed out how completely the discipline of the Jail was being subverted by their contamination, how several had attempted to escape, and the impossibility of carrying out their sentences properly; and I urged the necessity of passing a short Legislative enactment giving the Government power to remove such Prisoners to other places.

9. Last of all I informed the Government that the Sheriff, as legal custodian of the House of Correction, had directed the release from separate confinement of certain Prisoners, and had informed me that I had no legal power to punish refractory Prisoners by placing them in solitary confinement; and as this opinion was that of the Chief Justice, and afterwards endorsed by the Advocate General, I was rendered helpless, and in this letter I concluded by stating that I did not feel assured of the security of the Prisoners.

10. Nevertheless, notwithstanding the desperate and reckless character of the Convicts, the unfitness of the House of Correction to contain them, the want of European Jailors to coerce them, and the absence of power to punish them, but one man, up till the 11th instant, succeeded in breaking Jail, and it appears to me that, under the circumstances, my management is entitled to some credit for having kept them so long without a successful attempt at escape much longer, I may add, than I expected.

11. With reference to the escape referred to in your letter under reply, I beg to state that the European Jailors in the House of Correction being so few in number, all that they can do is to make frequent rounds through the wards to see that all is right. One hour previous to the

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occurrence every thing was correct, but shortly afterwards the Prisoners seized and locked up the Native Official left in charge of the ward, and selecting a weak part of the wall which had been left open many years before and subsequently filled up, broke through it and rushed out. With such expedition was it done that, had there been a Guard of Europeans in the Jail Guard-room, they could not have been brought to the spot in time to prevent the escape.

12. I trust that I have shown satisfactorily that this escape was in no ways owing to the management of the Jail, but entirely to the unfitness of the House of Correction to be used as a Convict Prison, the reckless character of the Prisoners confined in it, the small number of European Officials to look after them, and the want of power to punish sufficiently refractory Prisoners of a desperate character; and I may add that, since the elimination of the Penal Servitude Prisoners from the House of Correction, it has been brought into a state of the most perfect order and discipline such as has not been witnessed there for many months.

13. With reference to the 4th paragraph of your letter under acknowledgment, I beg to state that the Legislative measure which I am anxious to have introduced is that recommended by the Advocate-General in his letter dated the 6th November 1860, in which he suggested, first, that the House of Correction should be separated entirely from the Great Jail, and that Rules for enforcing prison discipline in regard to Europeans and to Prisoners sentenced to imprisonment with hard labor by the Courts established by Royal Charter in all parts of India should be framed, and should, when sanctioned by the Supreme Government, be embodied in an Act of the Legislature, and that power, from time to time, to frame additional Rules should be expressly conferred on the Local Government by that Act.

14. This will be ample to maintain the House of Correction in perfect discipline, but I must deprecate most strongly the idea of again converting that Building into a Convict Prison unless it be re-built and adapted for the purpose. At present it is not fair to the Penal Servitude Prisoners themselves to put the temptation of escape in their way; it inflicts a grievous injustice on the inmates of the House of Correction, some of whom, though of respectable character, are there merely for some act of folly, by compelling them to associate with desperate ruffians; it is a hardship to the Jail Officials to expose them to the violence and insults of criminals whom they cannot coerce; and lastly it is unfair to me, to hold me responsible for the safety and discipline of Penal Servitude Prisoners confined in a Building utterly unsuited, through weakness of construction, for such a purpose.

From J. D. GORDON, Esq., Junior Secretary to the Government of Bengal, to the Commissioner of Police, Calcutta, dated Fort William, 3rd April 1861, No. 148A.

Judicial.
Jails.

I am directed to acknowledge the receipt of your letter No. 225, dated the 16th instant, submitting the report called for in the Orders noted in the margin, relative to the escape of the European Convicts from the House of Correction, on the evening of the 12th idem, and in reply to communicate to you the following observations.

2. With reference to the remark in the 7th paragraph of your letter, the Lieutenant Governor is afraid that you have understood that your management of the Prisoners in the House of Correction has been denominated "discreditable." But if you will refer again to the letter of the 14th instant, you will perceive that this understanding, if it exists, is a mistake, not being borne out by the expressions in that letter. The outbreak, in open daylight, through a brick wall, of a very large number of Prisoners was denominated a discreditable affair, and so no doubt it is. And it was stated that this affair must be attributed to defect, either of system or management, which is manifestly the case. Such an affair demanded a fully explanatory Report, which was accordingly called for, and in the absence of which, as the Lieutenant Governor was not in a position to form any conclusion on the question of management, no such conclusion was expressed.

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3. Having now considered your full Report, explaining the causes of this affair, the Lieutenant Governor has much pleasure in exonerating your management of the Prisoners in the House of Correction from all blame; as indeed from the first, after the general experience he has had of the excellent manner in which all the duties of your Office are conducted, the Lieutenant-Governor never doubted he should be able to do, as soon as the case should be fully before him.

4. It appears that the affair is attributable to Prisoners who are sentenced to Penal Servitude having been confined and set to work in the House of Correction, which is an unfit place for such Prisoners, by reason, first, of its intrinsic insecurity as a place of confinement for such a desperate class of men as European and American Convicts, sentenced to long terms of Penal Servitude, are; and, secondly, from the want of lawful powers, as the Law has been lately interpreted, to keep the Prisoners therein confined under such discipline as is requisite for the safe custody of such a class of Prisoners.

5. The Lieutenant-Governor has no doubt that everything that could be done to remedy these fatal defects has been done by you. The defect is shewn to consist in the absence, here and elsewhere in British India, of any building fitted for the secure confinement at hard labor of Europeans and Americans sentenced to Penal Servitude. This defect, so long after the change of Law which substituted Penal Servitude for transportation, is to be deplored, but it is neither the fault of yourself, nor of the Government of Bengal.

6. Now that these desperate men are removed from the House of Correction to the Great Jail, and a European Guard has been placed in that Jail, the Lieutenant-Governor hopes that the mere custody of these Convicts will be better provided for, as the Jail is a much more secure building than the House of Correction.

7. But there is no provision in the Jail for making the Prisoners work; and the Law makes no better provision for the discipline of Convicts sentenced to Penal Servitude, when imprisoned therein, than it does for the discipline of such Convicts when imprisoned in the House of Correction. On this subject you have been requested to put yourself into communication with the Sheriff and the Chief Engineer; and the Lieutenant Governor expects to be favored with the result of your deliberations.

No. 4. ORDER THEREON, 1st May 1861, No. 581.

Copies of the foregoing letter and of the enclosures received will be furnished to the Inspector General of Jails. The Government request him to state when the *Prison* will be ready for the reception of Convicts under sentence of Penal Servitude.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Int

Judicial.

Proceedings of the Madras Govt.

Read letter from the

Govt. of India - Inter 16th April 61 N^o 762.

Order - 1st May 1861. No 581.

Copies of the foregoing letter & of the enclosures received will be furnished to the Inspector General of Sails. The Govt. request him to state when the Prison will be ready for the reception of Convicts under sentence of Penal Servitude.

The Inspector Genl. of

Sails. with first Enclosures.

J.P.

a copy of the report

Penitentiary
Philadelphia
Sept 1881

Indial 1881 Sept

No 581

Proceedings of Court

Office May 1881
Sept 1881

Transmitting the
Inspector General of Police
with copies of the letter from
the Government of Quebec
and of the enclosure
with it and requesting
him to state what the
Procurer of the Prisoners
will be ready for the
negotiations of the same
nature of Penal servitude

3. 4. 4.