M.R. O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1400-1410 Press Mis.

279-291

Dated 28 - 8 — 1912

8/9

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 28th August 1862.

No. 279. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated 18th August 1862, No. 413.

I have the honor to forward a copy of my report on the prescribed first quarterly visit to the European Prison at Ootacamund, together with the petitions therein alluded to.

No. 280. ORDER THEREON, 28th August 1862, No. 1,400.

1. Frank Williams.
2. Lewis Harding.
3. John Davis.
4. John Pendergust.
5. James Ford.
6. Henry Martindale.
7. Thomas W. Burke, 2 petitions.
8. Frederick Fowles.

Ordered that the eight petitions from the Convicts named in the margin, who were sentenced by the late Supreme Court at Calcutta, be forwarded, with a copy of Mr. Rohde's report, 20th ultimo, of his visit to the General European Prison at Ootacamund, to the Government of Bengal for their consideration.

2. By the Order of the 10th June last, No. 897, five Military offenders were transferred to the Jail at Ootacamund. These men were on various dates sentenced by Courts Martial to Penal Servitude—not Transportation—under the Mutiny Act for H. M.'s late Indian Army. The Proceedings of Government, 27th May last, Judicial Department, No: 844, will be communicated to the Inspector General for his information. The subsequent Proceedings of 10th June last, No. 897, Judicial Department, it is observed, have been already communicated to him.

3. In regard to Samuel Summers, one of the five Convicts in question, and whose sentence dates 19th December 1860, it is observed that the Order for his intermediate custody was made by the Chief Justice of the late Supreme Court, 15th January 1861, under the Act for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East India Company—and that in the Order, he is described as a Private of the First Madras Fusiliers.

(Signed) T. PYCROFT,
Chief Secretary.

No. 281. To the Secretary to the Government of Bengal, dated Fort Saint George, 28th August 1862, No. 1,401.

I am directed to forward a copy of a report* from the Inspector General of Jails of his visit to the General European Prison at Ootacamund, together with the eight petitions received with it from Convicts imprisoned there under sentence of the late Calcutta Supreme Court.

* Dated 20th July 1862—separately printed.

Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Ootacamund 20th July 1862

The Quarterly visit to the European Prison was made this day. I had frequently gone into the prison with the view to the ascertaining how its internal arrangements were conducted, on one occasion I attended Divine Service in the Prison, and had on several occasions inspected the dinner and gone cursorily over the Prison.

I have the satisfaction of stating that the Prisoners continue to conduct themselves well, only two cases were entered in the Misconduct book, one, that of a prisoner who had, previous to his incarceration, been in a lunatic Asylum, for unbecoming conduct at Divine Service, the other, of a prisoner who contemptuously threw away his Coffee using at the time insubordinate language to the Warder on duty.

The conduct of the Officers attached to the Prison has been very satisfactory and, considering that the building has been recently occupied for the first time and that the appliances were in some respects defective, I have every reason to accept the favorable opinion of them expressed by the Officer in charge and by others who have had opportunities of observation. I would especially quote the remark of the Very Revd. the Archdeacon who had, most opportunely, volunteered his services during his three months residence at Ootacamund and who, by his frequent and prolonged visits, had ample opportunity of judging. "I fully intended," he writes, "before leaving Ootacamund, to have expressed in writing, what I said the last time I met you, "regarding the order and good discipline of the Ootacamund convict Jail. During the two or "three months that I visited it constantly, I was greatly struck with the admirable manner "in which every thing was conducted. As far as I could see the men are treated with the "utmost humanity and kindness, while the excellent Prison Regulations are strictly carried out. "The warders and Jailor behaved to me with great respect and courtesy and seemed well "selected for the Offices they fill, in fact a better staff you could not easily obtain in India."

"The demeanour of the Prisoners, the respect with which they received all I said to them, "their devout behaviour during Divine Service, were quite remarkable and exemplary. All "this combined to make it quite a pleasure to attend to the spiritual wants of the inmates of "the Jail and I shall ever look back with pleasure to my temporary connection with them."

Other clergy who, from time to time, have visited the prison have similarly expressed themselves.

The only faults I have had to find with the prison's Oficers or Servants, are, in the former case, the neglect of the head warder to supply a change of flannel on one occasion, owing, it was alleged, to the difficulty in drying the clothes, and in the other to the quality of the cookery by the paid cook, both these faults have been remedied, the first, by directing that the prisoners should wash their own flannels and socks, and that these should, in damp weather, be dried on horses in the kitchen, the second by dismissing the cook whose attendance had become irregular and telling off two of the prisoners to chop wood, cook and clean up for the whole establishment. I have twice since tasted the dinners and I have reason to believe that the prisoners now receive the full benefit of the rations, much of which was of necessity lost by the want of skill and care in the cook, a very common fault in this station.

The health of the prisoners has been quite as good as I could have expected among a body of men whose habits * previous to imprisonment may be presumed to have been in very many instances not those most conducive to health and who have been subjected to a severity in discipline and restriction in diet to which none had been accustomed. In one case, that of the Madras prisoner Murphy, the surgeon considered his removal to Madras necessary, but knowing his antecedents and thinking it desirable to restrict my recommendation in such cases to those of well ascertained necessity, I requested the officer in charge to obtain the prisoner's case from Madras and to lay it before a Medical Committee referring its members

* One M. Murphy for instance was previous to imprisonment 271 days out of a year and a quarter in hospital though a strong halebooking man.

Note. A medical committee having assembled on the 12th instant, consisting of Drs Sanderson & Rogers and the Jail Surgeon, were unanimously of opinion that no immediate diet for was necessary for the removal of the prisoner Murphy who had been placed under a course of treatment a further report on this case is promised.

to the record of this prisoners case when, on a former occasion, he presented first, his transfer from Madras to the old jail at this station and afterwards his removal to Madras, on which occasion he was undoubtedly malingering.

In regard to the Medical Officers opinion of the insufficiency of the diet. I obtained a memorandum of their weights when admitted and after three months confinement, the result showed* a general falling off except in the case of the prisoner Murphy. I had on several occasions remarked that the food, though by no means worse, or worse dressed than may be often met with at tables in Ootacamund, was in quality inferior to what it would be under a similar diet table in England, the potatoes procurable contain, if I mistake not, less nourishment and the bread baked in Ootacamund is not equal to good English home-hold bread and is much inferior to the ration bread served out to the troops at Wellington and under these circumstances I directed an addition of suet pudding containing 3 oz of flour and 1 oz of suet to each prisoner and with this Dr. Stewart expressed himself satisfied. Otherwise the diet remains at the rate already approved by Government.

* A falling off on weight on first arrival at Ootacamund is not unusual among visitors.

There had been considerable delay in providing proper employment for the prisoners, owing to the a difficulty in getting material. at first the prisoners complained of the want of occupation, mat making, including the picking of Coir is the principle labor but material has been long expected for employing prisoners who have or who have learned, trades, at their respective business.

The subjoined note shew the trade professed by the different prisoners.

There is a great want of work sheds and last delay will yet take place in finishing the well court. I have decided on erecting work sheds in the centre of the yards. At present the prisoners in association are employed in the corridor on arrangement in many ways objectionable.

The sanction of Government to the [illegible] has been received by the District Engineer and the work is in progress. At present the well is empty houses of some distance from the prison which is productive of [illegible] and involves much extra labor.

The prison continues to be supplied with water partly by means of a cart and partly by the labor of native convicts; a well is in progress but will not be pushed on till after the rains and the springs are sluck, beyond the depth at which the soil is turn.

The Prison is now full, the names of the Prisoners are given in the subjoined note.†

I had received from the Officer in Charge an intimation that several of the Prisoners convicted of Prison breach at Calcutta, claimed to have already undergone the additional punishment for that offence, inasmuch as they were on the sentence being passed, removed to the House of Correction and there put to hard labor for the period assigned, these prisoners were

† Alfred Freeman... ... Painting and Drawing
James Burke... ... Steam Loom fitter
John Freeman... ... Rope Maker.
Thomas DeGeary... ... Laborer.
Henry Watson... ... Veterinary Surgeon. Tailor handy with the needle.
Frank Williams... ... Seaman and Sail Maker
Lewis Harding... ... Shoe Maker
Robert West... ... Seaman, can make mats and ropes
Patrick Flaherty... ... Laborer
Walter Douglas... ... Shoe Maker.
John Davis... ... ... Gardener
C. A. Sands... ... ... Chemist Druggist, and Tailor.
Joseph Wilkinson... ... Bricklayer
James Foord... ... ... Miner
James Pendergrust ... Laborer.
Henry Martindale ... Has some knowledge of Surgery
William Watson... ... Gardener
Thomas Cormick... ... Laborer

William Hawkins ... ... Clerk and can make Books
Frederick Parker ... ... Ship Carpenter
Joseph Hutchinson ... ... Shoe Maker.
John [illegible] ... ... Ship Carpenter
William [illegible] ... ... Sail Maker
Thomas W. Broders ... Apothecary, Writer.
Charles L. [illegible] ... ... Clerk and Accountant
Thomas King ... ... Harness Maker and Coir Mats
William [illegible] ... ... Sail Maker
Thomas Nolan ... ... Stone Cutter
John [illegible] ... ... Saddler and Harness Maker
Martin Murphy ... ... Farmer
William Brophy ... ... Laborer
[illegible] ... ... Sail Maker
[illegible] ... ... Blue Mat [illegible]
[illegible] ... ... Sailor and can make Nets
[illegible]

authorised to draw up their petitions which are herewith enclosed: the prisoner T. W. Burke at the same time submitted his case stating that after sentence had been passed, the presiding Judge, Sir Charles Jackson, advised him to petition the Executive Government representing his long imprisonment before trial which had not been previously brought to the notice of the Court.

I had endorsed my remarks on Burke's Petition which is enclosed.

The Prisoner James Burke desired to represent his case to the Government, he is one of those convicted of having caused the death of a Police man in the outbreak from the Jail at Calcutta, he states that he employed a Barrister, of the name of Paul, to defend him and that in consequence of his neglect to call the witnesses who were in court (Watson, West and Peterson), he was convicted on the evidence of Broders then a Prisoner in the Jail, that this Broders was re-convicted a month after his release, that it came to the Prisoner's knowledge that Broders told Peterson that he would do prisoner harm and subsequently he has heard that Broders has expressed contrition for having given evidence against him, further that he understands from Pendergust that Clarke has been heard to say he knew the man who struck the blow. The Prisoner states that his object is to obtain an investigation such as was granted by the Lieutenant-Governor of Bengal in Freeman's case.

The Prisoner Nolan states that he had reason to hope that a new trial or investigation would be granted in regard to the evidence on which he was convicted of aiding and abetting in causing the death of the Policeman, that he was convicted on the evidence of a German of the name of Smith, a deserter from the 12th Lancers; that although the Government gave the Prisoner the services of an attorney, named Goodall, he never came near the Prisoner and the Prisoner's witnesses, Cornish and Bryan, were not heard, he states he now trusts that enquiry will be made. This Prisoner and others urge also that a mere reference to the plan of the jail will be sufficient to shew that if the evidence on which one was convicted be true that on which others were convicted of the same act must be false.

The claim of the Prisoners Ford, Pendergust, Williams, Martindale, Davis and Thomas W. Burke to having already undergone their additional sentence is not borne out by the record of their sentence as furnished to me, the sentence for prison breach was to be carried out in the House of Correction in Calcutta *after the expiration* of their original sentence; whether from any error on the part of the Sheriff or his officers, or of other prisons officers, the prisoners were led to believe that they had already undergone their additional sentence, as some of them stated, I know not, but all agree in the allegation that, immediately on the sentence being passed, they were removed to the House of Correction and there kept to hard labor for the exact period of their respective sentences and no longer.

In the case of Fowles he seems to have been sentenced to the common jail, which I presume implies simple imprisonment and consequent on his sentence for prison breach to have been immediately put to hard labor in the House of Correction, if this be the case I think it questionable whether his claim is not well founded. Other Prisoners were undergoing sentences of Penal servitude and might legally, I presume, have been transferred to hard labor, under proper authority, in any prison; whether any circumstances attending their having been put to labor in the House of Correction while in the course of undergoing their original sentence, justifies their claim, I know not, but, should there be any doubt in the matter, the prisoners' subsequent conduct as far as I can form any opinion of it, would recommend their case to favorable consideration.

Lately six military prisoners, sentenced by Courts Martial, were received in this prison; in the case of five the sentence was to *transportation to Western Australia*, one being a prisoner sentenced to two years imprisonment with hard labor by a Military Court at Bangalore, two similar cases in which the term of sentence was for less than one year, were reported but I declined receiving them, the jail being full.

Among the prisoners sentenced to transportation, one Summers claims to have enlisted in Her Majesty's Service subsequent to the amalgamation of the Armies; he belonged to the regi-

tment at Bangalore, the late 1st Fusiliers, the question in which case is the legality of his sentence.
men of the Royal Army not being, he alledges, liable to transportation to Western Australia.

The case of the others sentenced to transportation, but which has virtually been commuted to imprisonment with penal servitude, seems deserving of the consideration of Government. The degree of punishment is recognised as greatly enhanced in the latter case and a certain scale has been recognised by Act XXIV of 1855, which the Government may be pleased to consider in reference to the change in the prisoners destination.

Some of the prisoners of the Church of Rome complained of the privation of the services of a Priest. I explained to them that the ministrations the Protestant prisoners had received had been purely voluntary, that their Priest had been repeatedly invited, that the Government allowances for the services of Priests was not I believe given unless they exceeded a given number. Some asked permission to meet in the evening to say the Rosary to which I informed them there would be no objection.

Several of the prisoners asked whether they might meet 4 or 5 together for prayer. I was aware that this had been their habit in Calcutta, but I said I should prefer their having social reading and prayers from written forms in the evening at lock up hours in the corridor as appointed in the rules. Circumstances had induced a delay in giving effect to this rule.

The charge for dieting this prison has not justified the apprehension that it would be excessive and there is reason to hope that in future years other charges will be materially reduced.

The clothing brought by the Calcutta prisoners is not of good quality, blankets having been procured hastily in the local market have not been of good quality, clothing for newly received prisoners and clothing for the next issue is now being made in the prison and I have no doubt of every thing required by the prison being made up for future years free of charge of good quality.

The employment of tradesman is necessarily restricted in some instances as the introduction of material is not in all cases desirable, the objection will to a certain extent be removed by

The only indispensable want in the interior of the prison which has been supplied during the quarter has been a larder in the middle of the kitchen yard.

The absence of water closets to the cells has been productive of less inconvenience than I anticipated. The privies have not been offensive, they are convenient and are readily cleaned.

The draught in the cells is less than I expected even when the [illegible] is used. fans will be necessary for a short time daily especially in high winds.

The cooking stove which Colonel Orr kindly undertook the construction of, answers well its purpose.

The contrivance made, at my suggestion, for supplying hot water to the baths has not been connected, some accident has occurred to that on the bath side of the heating room and, being built in, the repair will be troublesome. I only discovered it on the day I visited the Jail.

The asphalte in some of the cells is too soft from deficiency in grit which it was found difficult to work in the proper proportion. Experiments will be tried in pressing hot quartz in to the floors where the defect is greatest. The floor has stood otherwise well and though complained of as striking cold to the feet I am not quite prepared to say that its advantages do not preponderate to recommend it.

The doors of the cells in high winds rattle, the play all west to prevent the shoots of the lock being wood bound having in some cases allowed this

The bell cranks require springs which were not received with the furniture, this part of the fittings would be benefited by the services of a good professional bell hanger.

MADRAS,
11th August 1862.

Inspector General of Jails.

VELLORE, 1st AUGUST 1862.

The gang, detained for labor in the fort, consisted of 182 convicts, chiefly from Chittoor; in order, however, to secure the breaking up of gangs, in the absence of means for separating prisoners in the Zillah Jails, some have been sent to the prison at this place. The diet of the Jail has been reduced to that of the Chittoor Jail, but, from some cause, probably the imperfect cooking of the grain where each man cooks for himself, the men were not looking in good condition, though fifty of their number, sent a year ago to Salem and there fed in messes, on Raggy alone, for six days in the week, presented a sleek healthy appearance.

2. Among the prisoners I observed about twenty aged and evidently infirm men, several of whom had been, I was informed, lately transferred from Chittoor—a list of these has been taken down and unless there are any special reasons for their being kept here they will be remanded to the Zillah Jail.

3. An East Indian, lately sentenced, was transferred to this Jail for labor, he was dressed as a Native. There is no reason why East Indian Convicts, accustomed to exposure, should be exempt from the ordinary labor of the Jail, but the cloth should be made up into shirt and trousers.

4. The gang at this station, being sent here for labor on the public roads, and the establishment of the Jail not being sufficient to allow of prisoners being kept unnecessarily within the walls, none but able bodied convicts, suited to hard labor, on the public roads, should be transferred to this Jail; the attention of the Sessions Judge will be called to this point.

5. There is a prisoner in the Jail, Streenevasa Pillay, formerly Cutwal of the town, under sentence to seven years' imprisonment; his transfer to another Jail seems desirable and it will be convenient to send him to Coimbatore in charge of the Warder who will shortly deliver a Coimbatore prisoner at this Jail, or otherwise, as may be found convenient; Mr. Barlow has been authorized to make the transfer.

6. At present three Police-men and one Warder are withdrawn to guard and look after two or three sick prisoners who are treated in the Station Hospital: the cost of this arrangement is not less than 25 Rupees monthly, and the arrangement is in every way objectional. There is a difficulty in providing accommodation for the sick within the Jail which is crowded, but, if the Jailer were provided with quarters in the immediate vicinity of the Jail, his present quarters might be used, in part, as a Hospital; in the meantime the number in Jail must be reduced and the small ward now occupied, by night, by six prisoners, may be used for the sick, and the Government will be requested to direct their treatment within the prison.

7. In order to secure proper cooking, cooks from whom all classes will ordinarily eat, will be told off in the proportion of one to 25 prisoners and no private cooking will be permitted.

8. The Maistries' extra allowance will be regulated as directed in the rule originally laid down, namely, that they shall receive a double quantity of condiment and of condiment only, there has been an error in regulating their allowance hitherto at a rate exceeding this.

9. All direct dealings between convicts and the bazaar-men, even by means of tickets will be discontinued, the grain and condiment will be served out, for each day, directly to the cooks, by whom alone the food will be prepared and served out.

10. The Warders should be compelled to maintain silence in gangs proceeding to and returning from labor, and silence on these occasions should be enjoined on the prisoners by a written rule.

11. There is a building, near the Jail, now used as a school, which would be convenient for the Jailer's residence if it can be spared; in this case the expense of converting the Jailer's present residence into Hospital and Guard room will be trifling.

12. Task work is not enforced; whenever the prisoners are engaged in work which may conveniently be tasked, this should be done and be calculated by its cost by contract labor and the value of the convicts' daily work calculated at two-thirds the cost of free labor; thus if a yard of earthwork costs 6 Pice and the daily wages of a cooly are 2 Annas, a prisoner should be compelled to do $\frac{24 \times 2}{3} = \frac{16}{6}$ 2⅔ cubic yards of such work daily.

MADRAS,
August 1862.

Inspector General of Jails.

Govt.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Inspector Genl. of Jails — Enter 18" Augt. '62 No. 413.

Order — 28 August 1862 No. 1400

1. Frank Williams.
2. Lewis Harding.
3. John Davis.
4. John Pendergust.
5. James Ford.
6. Henry Martindale.
7. Thomas W. Burke — 2 petitions.
8. Frederick Fowles.

Ordered that the right petitions from the Convicts named in the margin, who were sentenced ~~to Penal Servitude~~ by the late Supreme Court at Calcutta, be forwarded, with a copy of Mr. Rohde's report, 20 Ulto., of his visit to the general European Prison at Ootacamund, to the Govt.

Govt. of Bengal for their consideration.

2. By the Order of the 10th June last No. 897, five Military Offenders were transferred to the Jail at Ootacamund. These men were on various dates sentenced by Courts Martial to Penal Servitude+ under the Mutiny Act for H. M's. Late Indian Army. ~~Act XXIV of '55 does not apply to their case, nor has there been any commutation of their sentences. from transportation to penal servitude~~

1 — not Transportation —

The proceedings of Govt 27 May last Jud Dept No 844 with a communicated to the Inspector General for his information — The subsequent proceedings, ~~original~~ of 10 June last No 897 Jud Dept. it is observed

~~the~~ have been already communicated to him —

+ and when sentence dated 19 Dec 1860

~~[illegible]~~.

3. In regard to Samuel Summers, one of the five Convicts in question+, it is observed that the Order for his intermediate custody was made by the Chief Justice of the late Supreme Court under the Act for punishing Mutiny & Desertion of Officers & Soldiers in the Service of the East India Company — & that in the Order he is described as a Private of the First Madras Fusiliers.

15 January 61

JP

The Inspector Genl. of Jails.

with Jud. Order No. 844 } Dept 29th 3

List / Desp^d 29th

Judicial.

No. 1401.

The Secretary to the Govt. of Bengal.

Sir-

I am directed to forward a copy of a report* from the Inspector Genl. of Jails of his visit to the general European Prison at Dotacamund, together with the eight petitions received with it from Convicts imprisoned there under sentence of the late Calcutta Supreme Court.

* Dated 20 July '62 - separately printed.

Fort St George,
28 August 1862

Judl. 1862 Department.

No. 1400.

PROCEEDINGS OF GOVERNMENT.

Dated 28 Augt 1862.

7093 Madras—Printed at the Government Press

C 21 Augt 1862

Jud. 1862 (Dept.
[illegible]
No. 1401.

To The Secy. to the
Govt. of Bengal
Pro. 4th Sept. 1862 Oct. 1443.
Feb. 1852.
— 457/63.
d/28 Aug. 1862

Forwarding copy of a Report from the Inspector General of Jails of his visit to the General European Prison at Ootacamund together with the 8 Petitions received with it from Convicts imprisoned there under Sentence of the late Calcutta Supreme Court.

279 @ 281