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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Dated 22-12-~~19~~ 1863

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 22nd December 1863.

Read the following papers :—

No. 187. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 2nd November 1863, No. 397.

I have the honor to request that, with the sanction of the Government, you will inform me whether any change is likely to take place in the charge of Jails by Sessions Judges, as I am engaged in drafting a revised set of Rules, necessary from changes that have taken place, and I shall probably propose to Government some modifications of the old rules in respect to the duties of Sessions Judges in charge, if that arrangement is still to continue.

2. Under the old rule you are aware that warrants were often addressed to the Criminal Judge in charge of the Jail, and the rules were many of them framed on this footing.

3. There is now I believe a better prospect of getting efficient Jailers than was the case a few years ago, and their duties and responsibilities may perhaps be increased and the Judge to some extent be relieved if he is still to continue as Officer in charge, though I do not at present see my way to his being relieved from the immediate and responsible superintendence.

4. I presume the Central Jails are to be under Officers specially appointed; in this case, if the Jails were pushed on, the duties of the Judge and perhaps of Magistrates might be reduced to those of "visiting" Zillah Jails. At present the large cash transactions as well as the supervision of the Jail are necessarily in the immediate charge of the Judge.

No. 188. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 2nd November 1863, No. 400.

In acknowledging the Proceedings of Government, dated 24th ultimo, No 1684, I have the honor to state that the Circular I issued to guard Officers against undue expenditure in providing articles for the use of Jails has been withdrawn as directed.

2. I cannot coincide in the opinion expressed that under a system of contracts the Jails will be supplied at a lower rate with such articles as timber, the demand for which is so uncertain and so small that it would not be worthwhile to any one to undertake it except at a large advance on ordinary market rates.

3. For grain and diet generally, contracts are preferred where they can be had, but except in the midst of large trading communities they are rarely obtained with any advantage.

4. In regard to the supply of material for manufactures, the contract system would perhaps answer; but I question if the immediate result would be satisfactory.

5. My great difficulty has been want of agency for the supply of country articles. The Government has an immense, and I believe very efficient establishment, with agencies in every part of the country, which could, without any additional assistance, provide every thing that was occasionally needed for every Department, and I do not hesitate to say that through the Commissariat the Jails would be far better supplied with country articles in occasional demand than they can be by any system of separate and small contracts. A note sent round to the first class Agency houses will generally ensure a supply at a very moderate cost of any imported article or information where the article can be had, or its supply within a reasonable time at a very moderate rate of commission. The first thing in the purchaser is to know what is wanted, the next is to describe it exactly. I believe that any one would be quite safe in offering to purchase every article required for the Jails of the description alluded to at two-thirds the price at which tenders for so small and uncertain a demand would be obtained.

6. One very material point with a person tendering is to be assured that the Officer inviting tenders knows when he is faithfully served, and that the acceptance or rejection of his goods will depend on their being good or bad, respectable persons will not tender when improper means are required to get the articles passed, and this will often be the case when the Officer inviting tenders cannot of his own knowledge pronounce an article good or bad; few Officers in charge of Jails know whether they receive a good or a bad article; but if Officers were at liberty to purchase

through the Commissariat, there would be no difficulty. The duty of a Comm[illegible] to know the quality and value of an article, and where to get it when wanted. Sessions Judges in charge of Jails are not selected for these qualifications, and must necessarily in [illegible] at a disadvantage.

No. 189. ORDER THEREON, 22nd December 1863, No. 1996.

In his letter, No. 397, the Inspector General of Jails inquires whether any change is likely to be made in the arrangement under which the charges of the Jail is now vested at most stations in the Civil and Session Judge.

2. The question has more than once been raised whether it is fitting that this duty should be imposed upon the Zillah Judge. In many Districts where the business of the Court is heavy the Judge has but little leisure for superintending the discipline and management of the Jail; and, in principle, it is clearly wrong that a Judicial Officer should be employed on a duty so purely executive. In the North West Provinces, the Jails, which were formerly under the charge of the District Magistrates, have now been placed under the Civil Assistant Surgeons or Zillah Surgeons as they are designated in this Presidency; and in the Administration Report for 1861-62, reference is made to the change as being one from which favorable [illegible] expected. In the Report in question, the Lieutenant-Governor adverts to the importance of having the District Jails "under the supervision of Officers, who can, without prejudice "to their other duties, devote a certain portion of their time daily to Jail [illegible] —time "which the already overworked District Officers cannot afford." He [illegible] that "the scheme of placing the District Jails in the hands of Civil Surgeons involved no change "in Jail management, nor did it introduce any new principle, seeing that the employment of "Medical Officers as Superintendents of Central Prisons had be[illegible]t, the "whole matter consisted in simply transferring a certain amount of duty from one class of Offi- "cers, who were already overwhelmed with work, to another, who had leisure and inclination to "attend to details; and from the complete success which has attended the mana[illegible]ement of "Central Prisons under the supervision of Medical Officers, it is [illegible]xpect "equally favorable results under similar m[illegible] in District Jails."

3. The Governor in Council, however, is aware that, in this Presidency, some of the Officers who have given most attention to the subject of Jail discipline, are opposed to placing the Jails under the exclusive charge of Medical Officers, and consider th[illegible] duty which should be performed by the District Magistracy, except in the case of the Central Jails, to each of which a separate Officer should be appointed in the capacity of Governor of the Jail.

4. Mr. Rohde, in his letter now under review, suggests that when the Central Jails are built, the charge of the District Jails may be left to the Jailer [illegible] the general supervision of the Judge and Magistrate as visitors. The Governor in Council questions the expediency of this arrangement. It appears to him that an Officer of a higher grade than the Jailer must be held responsible for the expenditure, which, as Mr. Rohde remarks, involves large cash transactions and also to see, by constant visits, that discipline is duly enforced and labor exact[illegible]

5. Before, however, passing final orders on the subject, the [illegible]solves to request that the Inspector Gen[illegible]ls will obtain the opinion of the Officers named in the margin [illegible]rrangement for the management of the District Jails, viz., whether they should be left, as at present, under the Zillah Judges, or whether they should be placed under the Zillah Surgeons, or under the District Magistrates or their Assistants; or whether any other arrangement would be preferable. In considering the subject, the several Officers whose opinions are now called for, will bear in mind that, very shortly, many of the Districts in this Presidency will be well Officered by Covenanted Assistants, and that in some Districts there are Uncovenanted Officers who might be entrusted with the duty.

Inspector General
Mr. G. A. Harris.
" L. C. Innes.
" C. Collett.
" D. F. Carmichael.
" G. L. Morris.
" C. A. Bell[illegible]

Proceedings of the Madras Government, Judicial Department,
22nd December 1863.

6. For the charge of the Central Jails, the Governor in Council proposes to employ Officers of the Staff Corps, beginning with the Jail at Salem which is now being enlarged and will shortly be capable of holding some 600 or 700 prisoners. The Controller of Military Finance will be requested to state whether, in the event of Officers of the Staff Corps being employed on duties of this nature, their Military pay and allowances can be debited to the Military Department; the Civil salary for the charge of the Jail, which will probably be fixed at Rupees 200 per mensem, being alone debited to the Judicial Department.

7. The proposal made by Mr. Rohde, in his letter, No. 400, that Jail supplies should be furnished through the Commissariat, is one which cannot be entertained.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

[redacted]

Exd. T. McMootry.

Proceedings of the Madras Govt
Read the following letters from the
Genl of Jails.
(Rec'd Inter 2d Novr 1863. No 1971

Order thereon 22d December 1863 No 1068

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Judicial 1863 Departt

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Proceedings of Govt

dated 22d December 1863

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