M.R.O. 1—32,000—16-10-33.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	313	Press Mis.
236-239		
236-239		
Dated	31-8-1864	

6/7

Not to be folded or roughly handled

No. 236. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Ootacamund, dated 15th July 1864, No. 69.

In reference to an application from the Superintendent, Chinchona Plantation, for convict labor, I have the honor to submit in reference to a remark that I made in a letter of yesterday, suggesting, that to obviate the depression consequent, in some classes, on transfer to this climate (indeed on any transfer) that indulgences should be granted, that I consider that were some such stimulus to voluntary exertion applied, the expensive system of guarding adopted in the case of the Lawrence Asylum gang might be avoided. His Excellency Sir W. Denison suggested a course that seems to me wholly free from objection, and one the best calculated to meet the end proposed; namely, that moderate tasks should be assigned, and that the aggregate of all extra work should, at the ordinary rate, be carried to the prisoner's account as so many days' sentence undergone in diminution of the term of imprisonment. I proposed to leave it optional with the convict to continue his full term and take a cash payment on release for his extra work.

2. The Government would not only in the adoption of this system save the cost of these convicts for the days of remission purchased by the extra labor, but would be applying a stimulus that it may be hoped will have a most salutary effect after the convict's release. I have already said that I think the Police guard might under these circumstances be greatly reduced by day, if not altogether dispensed with.

3. To render my meaning unmistakeable, a gang of 36 Convicts and three Maistries with one Warder to control them are now fully tasked at three cubic yards of ordinary earth-work dug and carried within 40 yards distance; the task will be reduced to two cubic yards, and if the gang does 36 × 2=72 cubic yards its task is complete; but if the gang does 108 cubic yards daily, three days' sentence are blotted out for two days' labor, or if the men prefer it they receive one day's pay to credit for three days' work.

4. The Government possess the power to remit the whole or any portion of a sentence, and no further legislation to this end is needed.

5. The question of the extent to which Police guards would be necessary must in part depend on the character of the gang; but I should be inclined to think that in general 1 Constable to 10 Prisoners ample.

6. Details would of necessity be arranged by me in communication with each Officer in control of convict gangs.

Letter to Chief Secretary, 8th May 1855, paragraph 5.

7. This system seems less open to objection than that I formerly proposed of placing the convict in the position of a pressed cooly under surveillance.

Proceedings of the Madras Government, Judicial Department,
31st August 1864.

No. 237. MINUTE by the Honorable T. PYCROFT, dated 24th August 1864.

I agree in this order; but I think that Government should be very cautious how, in reliance upon the scheme, they reduce the convict guards and risk letting loose upon society villains who have been apprehended and convicted with so much difficulty and expense. The present has greater effect than the future on, the Native mind of the lower order, and a convict may prefer the chance of his immediate escape to the prospect of his having a few months of his imprisonment remitted some years hence. I have therefore added a few words to the draft prohibiting any reduction in the scale of guards without prior reference to the Inspector General of Police and the sanction of Government.

(Signed) T. PYCROFT.

No. 238. MINUTE by the Honorable E. MALTBY, dated 25th August 1864.

I concur in the above remarks, and consider that there should be a declared limit to the diminution which a convict can earn in the term of his sentence. It is so important to inspire the idea of certainty of punishment that the original sentence should, in my opinion, be invariably carried out to a fixed extent at least.

(Signed) E. MALTBY.

No. 239. ORDER THEREON, 31st August 1864, No. 1313.

The Governor in Council authorizes the Inspector General of Jails to adopt as an experiment the plan proposed in the foregoing letter of allowing any extra work performed by prisoners, in addition to the prescribed daily task, to be carried to their account in diminution of the term of imprisonment; such diminution, however, not exceeding one-sixth of the original sentence.

2. In the case of prisoners preferring to receive payment for their extra work in preference to a remission of a portion of their sentences, the Governor in Council will not object to the officers in charge making such payment in the shape of a daily grant of condiments or other addition to their diet. It is probable that in the case of long sentenced prisoners such a stimulus to labor would be more effective than the expectation of an eventual reduction of sentence.

3. Mr. Rohde will report, for the information of Government, any measures that may be taken by him in pursuance of these orders; and the guard over the convicts is on no account to be reduced without prior reference to the Inspector General of Police and the sanction of Government.

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

Exd. T. Cartledge.

No 1792

I agree in this ordn. but I think the Government should watch any cautious how, in reliance upon ~~the~~ ~~scheme~~, they reduce the convict guards and risk letting loose upon society villains who have been apprehended and convicted with so much difficulty & expence. The present has greater effect than the future on the native mind of the lower order and a convict may prefer the chance of his immediate escape to the going

prospect of his having a few months of his imprisonment remitted to some years hence - I have therefore added a few words to the Draft prohibiting any reduction in the scale of punishment without prior reference to the Inspector General of Police & Sanction of Government

E Wyndham

August 24/64

№ 1793

- I concur in the above remarks and consider that there should be a limit to the diminution which a Convict can earn in the term of his sentence - It

it is important to impress the idea of certainty of punishment that the original sentence should in any case be reasonably carried out to a certain extent at least.

E Ravenscroft

25 Aug 64

Judicial 1864 Dept.

Minutes by
the Honorable T. Pycroft
Dated 24th Augt 1864.
the Honorable E. Maltby.
Dated 25th Augt 1864

Ordered 31st August 1864.

Read 1792 to 1793

Expressive of their opinion
relative to the diminution
of Convict Guards.

237-238

(Signed) W. H. Hall,
Secretary to Government.

Exd. T. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Inspector General
of Jails.—

Read minutes by the Honble
Messrs T. Pycroft & E. Maltby
} 1715 July 1864. No 69
24th & 25th August 1864.

Order thereon 31st August 1864. No 1313.

The Governor in
Council authorizes the
Inspector General of
Jails to adopt as an
experiment the plan
proposed in the foregoing
letter of allowing any
extra work performed
by prisoners, in addition
to the prescribed daily
task, to be carried to
their account in diminu-
tion of the term of
imprisonment — ~~to~~
remunerate.

Minute

Minute

~~remove it to them for~~
~~their extraordinary~~
~~maintenance to be~~
~~issued on the requisition~~
~~of the Governor, under~~
~~notice to the Sheriff.~~

such diminution however not exceeding 1/6th of the original sentence.

In the case of prisoners ~~entering~~ preferring to receive payment for their extra work in preference to a remission of a portion of their sentences, ~~they~~ the Governor will not grant ~~it~~ a warrant for ~~it~~ such payment unless the Officer in charge ~~of the~~ shall make such payment in the shape of a daily grant of condiments or other addition to their diet. It is probable that in the case of long sentenced prisoners, such a stimulus to labor would be more effective than the expectation of an eventual reduction of sentence.

3. Mr. Rohde will report for the information of Govt. any measures that may be taken by him in pursuance of these orders. ~~and the~~

Award on the Convicts ~~guards over the convicts~~ is on no account to be reduced without the prior reference to the Inspector General of Police and the sanction of Govt.

To the Inspector Gen.l of Jails. 3 Sept 1861.
" Inspector General of Police. 3 Sept 1861.

Judicial 1864 Department

No. 1113

PROCEEDINGS of GOVERNMENT.

Jul 1906
2nd 1907
183/68

Dated 31 August 1864

B

Circ

from 00 to 19/8

238 to 239