M.R.O. 1—30,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1620	Press / ~~Mis.~~	
104 107 Dated	10-11-	~~19~~	1864

14/15

Not to be folded or roughly handled

5. The Order, 13th April 1861, No. 489, on that letter sanctioned the leasing of convicts in one or two instances on the terms proposed, and referred to the mode of settlement as already determined and still in force in respect of labor furnished to Departments.

6. The part of the plan I was most anxious to introduce, namely, the employment of the convicts generally in industrial occupations to private order, has not been carried out; that for the employment of prisoners in public works has been adopted where opportunity offered. The employment of gangs at a distance from the Jail in aid of private works has been adopted only in the neighbourhood of Cuddapah; the Railway undertaking extra charges of every description. It is this which the order of Government would suggest the extension of.

7. In 1861 Colonel Horsley consulted me as to the employment of convicts in forming a road, and I was then of opinion that if a proper selection were made convicts might be employed without Police guards under the custody of the prison's officers only. In this opinion I was strengthened by the detail of a similar practice in Australia with which I was favored by His Excellency Sir William Denison to whom I had communicated my idea.

8. The Government, I believe, disapproved of the practice of employing convicts on such works otherwise than fully guarded; the expense of such a change in my plan seemed prohibitory; and I moved no further in the matter till the 4th November 1862 when, under the pressure for prison accommodation, I addressed you, and it was decided to employ gangs on the Coimbatore and Metapollam road, and if necessary on the Lawrence Asylum site. Both these gangs have been since employed, but at an extra cost far exceeding that in which the prisoners would have been maintained in the Zillah Jails from which they were transferred had there been room for them.

9. My reference to the Inspector General of Police and the several Superintending Engineers directed by the Order of Government under reply and the answers of those officers are enclosed: I remarked, para. 7, that I was of opinion that the labor of the convicts should in the first instance be made available to the Department Public Works and under the officers of Government; and that in this Department, the Railways and Irrigation works, ample employment for all available convicts might be found.

10. In this expression of my views I consider that it would practically be impossible to supervise and direct convicts in the mode suggested in the last part of the 2nd paragraph of the Order of Government, and that in effect the planters would be far better served by any means which should restrict the requisitions of Government officers in the labor market, which requisitions have of late been such as to raise, I, think unduly, the wages of labor by sudden demands for labor for brief and uncertain periods.

11. Should any planter or body of planters desire to form roads or execute other works on which large bodies of convicts could be usefully and profitably employed for a considerable period, I would regard them in the same position as the Railway or Irrigation Company. And I am inclined to accept Mr. McIvor's suggestion for the employment of a party of 50 convicts in the Cinchona plantation in the mode proposed in my letter of the 16th August 1861, should the Government not consider it objectionable.

12. I spoke with Mr. Betts, the Agent and General Manager of the Negapatam and Erode Railway, with the view to the employment of convicts on the extension of that line. My idea was that it might be worth the while of the Railway Companies to build their permanent sheds, blocking the openings, so that we might temporarily fix gratings for security, and that thus, at small cost, the prisoners might be well and securely housed; but this does not appear to be convenient; and the only place on that line where I should have any hope of getting shelter for a large gang of prisoners would be Caroor.*

* P. S.—Mr. C. Roberts discourages this hope.

13. I have had no communication with the Manager of the Irrigation works; and I do not think it likely that it would be worth his while to erect buildings specially for the prisoners.

14. Mr. Bonnycastle did not desire to extend his demand for convict labor at Cuddapah; and I was not anxious to increase the distance at which they would be located from the Zillah station. I was fully satisfied that this gentleman had done everything that could be done to

Read the following papers:—

No. 104. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 31st May 1864, No. 1.

I had the honor to receive an Order of Government, No. 181, 12th February last, on a consideration of the crowded state of the prisons, in which His Excellency the Governor in Council expressed the opinion that arrangements should be made for employing large gangs of convicts on public works in various parts of the country, and directing me to place myself in communication with the several Superintending Engineers and Inspector General of Police, and then submit a definite proposal for the consideration of Government.

2. The Government further directed me to inquire whether the plan of leasing out the labor of convicts cannot be more extensively introduced; and a suggestion is thrown out that in the great want of free labor in the Wynaad, arrangements might be made with some of the planters for the employment of convict laborers on the terms specified in my letter of the 23rd March 1861.

3. This subject engaged my attention very soon after I took charge of my present appointment; and in my letter to Government of the 8th May 1855, paragraph 5, I proposed the course which appeared to me the best for carrying out the sentences to long terms of imprisonment which a defective state of Jail discipline and our early regulations had induced. I then stated:

1st.—"I would submit generally that the enforcement of a sentence more severely "penal, at least during a portion of the period and its subsequent relaxation, the pri- "soner, unless the privilege is forfeited, being at last reduced only to the condition of a "pressed laborer, artizan, &c., according to his ability, offers most of the advantages proposed in "respect to prisoners with long but definite periods of imprisonment; and that in respect to short "sentenced prisoners, especially those convicted of offences not implying moral turpitude, the pri- "sons be, as far as can be done without material alteration, adapted to the carrying out of the "rigour of strict imprisonment with or without labor, with the least possible amount of degrada- "tion."

2nd.—"I would further propose that the enforcement of discipline should be at once accepted "as paramount to all considerations of the utility of the convict."

4. In my letter of the 23rd March 1861, I had occasion to notice a suggestion of the Finance Committee proposing the leasing out of the labor of convicts. It is only the 6th Clause of that letter to which the order now under reply refers.

6th.—"That before leasing out prisoners as proposed, the number required; the period of "labor; the nature and extent of the work; the period for which the prisoners are required; and "the place of labor shall be distinctly stated in the tender, together with the terms of agreement; "and that the same shall, before the agreement is concluded, be subject to the approval of the In- "spector General of Jails."

2nd Rule.—"That the labor of all well-conducted convicts, two-thirds of whose term of sentence "have expired, shall be available with the sanction of the Inspector General of Jails for employ "beyond the precincts of the Jail for labor on payment, either on Government works, for which sanc- "tion of a specific sum has been given, or for labor on private work on such terms as the Inspector "General of Jails may approve; and it shall in the case of such convicts, two-thirds at least of whose "sentence has expired, be left to the Inspector General to determine the extent to which imprisonment "shall be relaxed; together with the place of confinement; the bounds within which the convicts "shall be restricted; the proportion of convict Maistries to the gang; the number, pay, and des- "cription of officers in charge; and the rules and terms under which they shall be employed: pro- "vided that in this case the whole cost of the gang shall be defrayed by the person or Depart- "ment employing them."

"Para. 4. I have only in one instance had a direct offer for convict labor; this was at Cudda- "lore, and I said the gunnies should be woven and sewn at 7 Rupees per 100 bags; but I think I "can get contracts elsewhere. I had at one time thought of proposing to the Railway to furnish "convict labor for heavy cuttings, if the Company would place secure but unfinished station "buildings in the vicinity at my disposal for their accommodation."

ensure economy, discipline, the health of the gangs, and convenience of the prison authorities; but I was not satisfied that he obtained a fair and full equivalent from the unwillingness of the Warders; and this although Mr. Child, the Sessions Judge in charge, gave no little attention and pains to the work.

15. A perusal of the replies of many of the officers whom I am directed to consult shows that they are practically unacquainted with details in respect to the discipline and direction of convicts. And I may generally remark that the replies which have been obtained under a mistaken impression of the mode in which convicts can be employed, with due regard to discipline, cannot be regarded otherwise than as generally approving the course suggested.

16. I must premise that the suggestion for employing convicts otherwise than within the prison walls forms no part of my plan in order to imprisonment operating *to deter from crime;* but that the plan I suggested in 1855 of employing convicts in the last period of their terms in works of industry according to their capabilities and habits, and on wages either by the day or piece, was for the purpose of inducing habits of steady industry, and has but little in common with the practice now proposed. The temporary employment of prisoners otherwise than as then proposed beyond the Jail walls I look upon as a necessary evil; and I shall therefore accept it as such in noticing the opinions expressed by the officers consulted.

17. The first two paragraphs of Mr. Robinson's letter are in exact accordance with my own repeatedly expressed opinions; and as soon as we are able to satisfy the Judges that such a system of imprisonment is enforced as shall warrant a reduction of their sentences, I would in no way relax in a system of rigorous *imprisonment;* but as this cannot now be done, and our long-term convicts have to be dealt with and this of necessity beyond the prison walls, the least evil seems to be in their "location in large gangs on extensive Government works likely to occupy them over a series of years" as stated by the Inspector General of Police. I entirely concur in all that this officer has suggested, and can only say that experience at Lovedale justifies the remarks.

18. Only one point I would name additional, and this is that a properly qualified officer constantly resident in the vicinity should have charge of the convicts. In stating this I do not give up my opinion recorded first in 1855 and confirmed by that of Sir W. Crofton in a note to me some time since: that reform is impracticable except by the introduction of an intermediate stage, of which the plan I suggested may be regarded as a modification adapted, wisely or not, to the habits of this country.

19. The opinion of Captain Chambers, and of the three District Engineers to whom he referred, is that the prisoners might with proper machinery be made available; but that practically this could not be done to such an extent as the Government Order would propose with the superintendence now available.

20. Colonel Anderson states, that employment could be found for 200 convicts in the Bezwarah and Seetanagram quarries; but that if worked in irons too they would be unable to avoid danger, a fact that any one acquainted with the cliff cannot fail to see. He says a gang of 100 would find employment on two sides of the Kistna, and that 100 might be employed at Nellore in quarrying laterite.

21. Colonel Hemery says, there are no works in his Division on which the labor of convicts could be employed.

22. Colonel Boileau states, that work could be found for convicts in almost every range of his Division; that 250 might be employed at the new salt platforms, and 100 at the Powder Mills; 50 in the conservancy of the Fort in lieu of the establishment of sweepers now at a monthly cost of Rupees 84; that 150 might be employed on the station roads at Saitvade; 100 on Cantonment road work at the Mount; 100 in a radius of five miles all round Chingleput; 200 on the roads about Tripaty, Chendragherry, Naggery, Pulleput, Kurcumbady, Calastry and Mundanoor; 100 on roads within five miles of Raniput; 100 on the Vellore Cantonment roads; 200 on the Trunk roads Nos. X and XI.

23. Captain Gahagan states, that only on the Jail buildings can convicts now be employed in his range.

24. Captain Bean states, that he has avoided the use of convict labor since it has been charged at two-thirds that of free labor; but that he has no doubt that under the proper control and supervision of a Public Works officer who could enforce tasks, their labor would prove satisfactory; but that he does not see how this supervision can be afforded.

25. Colonel Walker names several works on which the labor of convicts might be advantageously employed, namely, the Tambracherry and Carcoor Ghats, and the Coonoor Ghat, and at Cannanore and Coimbatore, but that the difficulty in obtaining Police guards where the experiment has been tried, and in conducting the work to suit the Police rules, are such as to induce him to give up the notion excepting for blasting on the Coonoor Ghat.

26. Captain Moberly would locate prisoners in thatched sheds under the immediate control of officers of the Department Public Works, and instances the success of this course at Paumben.

27. I think there is a general impression that the labor of convicts might be made available to the Department Public Works under the immediate control of its own officers; but those who allude to the subject at all do not encourage a hope that proper and constant supervision and control, such as I deem necessary to the maintenance of discipline and economical working of the system, could be afforded. I pass over the suggestions for working convicts in detached parties as utterly subversive of discipline, unless under such a system as that I proposed for an intermediate stage between rigorous imprisonment and freedom; and I am not now called on to notice proposals for employing convicts resident in Jails, nor at this moment need I refer to proposals for the employment of convicts in this or that locality otherwise than for the sake of illustration.

28. The first and greatest difficulty is housing the prisoners, and it must in each case be a question of economy whether the value of the services of the convicts justify the expense of erecting, for the time during which the prisoners may be employed in the locality, sufficiently substantial and fire-proof buildings with dwellings for the warders and guards.

29. If, as I proposed, prisoners in the intermediate stage suggested were alone so employed, no further precautions in building would be necessary than would be taken for comfortably hutting as many coolies; but the measures necessary for securing the convicts induce precautions against fire, which would not be requisite if every man could run out of the building on the first alarm. It might in some cases be worth while to erect permanent buildings; but in general secure and temporary houses would be more economical.

30. In a case such as the opening of the new Ghats, referred to by Colonel Walker, I think it likely that large, secure and permanent buildings, erected with a view to other uses and to sale, might be built and ultimately disposed of without loss. In some cases additional security might be obtained by a contrivance similar to that I would have adopted had the Railway given the shell of their permanent buildings temporarily for prison use on their works. Supposing a building 100 feet long and 20 wide built of brick in chunam and substantial, the walls 15 feet high and well ventilated by openings below, and the space between the rafters above left open, with large venetianed and barred ventilators in the gables. Such a building, with roof covering, say 100 feet × 30 or 3300 feet, would cost at say 1¼ Rupees for each foot under cover; Rupees 4950, say 5000; and would accommodate 100 convicts, 400 feet to each, say 50 Rupees for each man, but if well placed and 4 or 5 acres of ground suited to buildings were attached to it, at least this money would be had for it when no longer wanted.

31. It is impossible to lay down any one rule for prisoners employed in aid of Public Works applicable in all cases: much must depend on locality, the nature of the work, the kind of superintendence afforded, the strength of the gang required, the facilities for keeping up the strength of the gang from near or distant Jails. More must depend on the rigour with which it is determined to continue the prisoner's sentence. If the prisoner is to be dealt with rigorously, fully guarded, and securely lodged, I cannot see any way of economically employing prisoners on public works at a distance from Zillah stations if buildings have to be erected for this purpose only and are not ultimately disposed of at full cost. If on the contrary well-conducted prisoners, in the last stage of their imprisonment only, were so employed in their own or neighbouring district, and their labor was paid for, and on that labor they were dependent for their daily food, and the surplus value were handed to them on discharge, proper superintendence and control being provided by the Department requiring them, I should not fear the result. In the one case, the machinery required is as expensive as the building of proper Jails would be; in the other relief may be gained without drawing on funds that were better employed.

32. Where an officer, as at the Asylum works, can be selected uniting the necessary qualifications for the Department Public Works and Prisons' Department, and the prisoners are still subject to rigorous imprisonment and buildings are provided, no rules are necessary beyond those already in force. Where such buildings are not provided and where a qualified officer *immediately* in charge is not available, the only rule applicable, in my opinion, is that prisoners should not be sent: the former conditions might be fulfilled at Bezwara as proposed by Major Anderson, and at Coonoor as proposed by Colonel Walker; the only condition I should there insist on is, that loading and firing, and the removal of charges which have failed, be done by others. In all other things the ordinary rules apply.

33. The Order of Government does not apply to cases in which prisoners at Zillah stations are employed on Public Works in the vicinity, or to cases of prisoners employed on other works at the same stations; for both which there are already rules; nor does it apply to the case of prisoners in a relaxed and intermediate stage of discipline. Special cases will call for special departmental instructions; for all other cases the general rules now in force seem to provide.

34. If the Government still adhere to the opinion that such a relaxation as I proposed is undesirable, I see no course but to follow that adopted at the Lawrence Asylum works wherever it may be convenient to employ a qualified officer.

35. A sketch of a portable prison which I designed some time since is annexed; but I must say I think permanent buildings will be the best, as at all the Ghats they would find purchasers.

From J. ROHDE, Esq., Inspector General of Jails; to the Inspector General of Police and all Superintending Engineers of Divisions, dated Ootacamund, 20th February 1864, No. 132.

In forwarding to you the enclosed copy of an Order of Government, 12th February 1864, No. 181, relative to the relief of the over-crowded Jails, I have the honor to request that you will favor me with your views on the subject.

2. My letter of the 23rd of March 1861, to which the Order of 13th April, No. 489 applies, had reference to a proposal of the Finance Committee 'that the labor of prisoners should be leased out; having stated my propositions for working for private individuals *within walls*, I went on to suggest "that the labor of all well-conducted convicts two-thirds of whose term of sentence have expired shall "be available, with the sanction of the Inspector General of Jails, for employ beyond the precincts "of the Jail for labor, on payment, either on Government works, for which sanction of a specific "sum has been given, or for labor on private work on such terms as the Inspector General of Jails "may approve; and it shall in the case of such convicts, two-thirds at least of whose sentence has "expired, be left to the Inspector General to determine the extent to which imprisonment shall be "relaxed, together with the place of confinement; the bounds within which the convicts shall be "restricted; the proportion of convict Maistries to the gang; the number, pay and description of officers "in charge; and the rules and terms under which they shall be employed: provided that in this case "the whole cost of the gang shall be defrayed by the person or Department employing them."

3. It is to this latter proposal that I would invite your remarks. I am satisfied that in the present state of the labor market, an officer of the Public Works Department, vested with the power of compelling labor, and having method and tact, would do more with a body of well trained able-bodied convicts, securely lodged on the spot, than he would with an equal number of untrained coolies over whom he had no control. I should of course take care that he had selected men who, from having already undergone a large portion of their sentence in the Zillah Jail, were the least likely to attempt escape.

4. I am aware that the labor of convicts, when proper tasks are not exacted and where they are indifferently looked after, is not remunerative; but I also know that when convicts are well disciplined their work is the best to be had in the country. Major Farewell and Captain Hankin speak highly of their labor in the Lawrence Asylum Works. I found in rock blasting for the Euro-

these articles to contractors, and I should think there can be nothing to hinder them doing such simple work as this.

4. I may mention also that judging from my own experience, the Civil Judge seems to find no difficulty in keeping them employed. At your suggestion in December last I proposed to him that the convicts should supply the stone required for the buildings of the new Jail, and offered to pay for it at the contract price, but up to this time none has been supplied.

5. The convicts might also with advantage be employed on the repair and construction of roads in the range for which estimates and allowances have been sanctioned, especially those in the neighbourhood of the station, as a sufficiency of free labor is not now procurable.

6. I could only, however, recommend their employment on these works, at all, under such arrangements that officers appointed by the Inspector General of Jails should virtually occup ythe place of the contractors now engaged under the Department, and be responsible that the convicts earned sufficient at least to cover all their expenses, and the pay of the superintendence employed over them.

From Major J. F. STODDARD, Executive Engineer, Godavery District; to Colonel O. W. S. CHAMBERS, R. E., Superintending Engineer, 1st Division, dated Camp at Dowlaishwaram, 9th March 1864, No. 329.

With reference to your official Memorandum, No. 2288, dated 7th instant, I have the honor to state that having never had any experience of convict labor, I am unable to give any opinion which would be valuable. I was always under the impression that convict labor was very dear and unsatisfactory, as they were under the *immediate* orders of other persons than the officers in charge of the work.

2. I have no doubt that, as Mr. Rohde observes, under the immediate eye of the officer in charge, who should also be an intelligent and energetic officer, convict labor might answer well enough; but with our present reduced establishment I do not see how such control is to be obtained.

3. On a road perhaps, where an officer or European subordinate is constantly engaged on the work, convict labor might prove nearly as good as "free labor," but I can only speak undecidedly on this point, never having had to do with convicts in this Department.

4. I beg to return Mr. Rohde's letter.

From Lieutenant Colonel J. C. ANDERSON, R. E., Superintending Engineer, 2nd Division: to J. ROHDE, Esq., Inspector General of Jails, dated Masulipatam, 26th March 1864, No. 124.

In reply to your letter, No. 132, dated 20th February 1864, I have the honor to inform you that permanent employment could be ensured to a body of 200 prisoners at the quarries at Seetanagram and Bezoarah, but if they had to work in fetters in the ordinary manner, they would be exposed to considerable danger. The cliffs to which quarry men have to mount by the aid of ropes are nearly vertical: while considerable dexterity is required on the part of those employed below, to keep out of the way of the stones as they are rolled down. However, with proper precautions, I believe that 100 men even in fetters might be employed at the base of the principal quarries on the North and South banks of the Kistna.

2. At Nellore, the Executive officer can furnish employment for a party of 100 convicts in quarrying laterite for a period of 20 months, and I should be glad to have this number placed at his disposal at once.

3. There are no other works now in progress in this Division on which I could guarantee steady employment to prisoners.

4. I conclude that the officer under whom they should be employed, will not be held responsible in any way for their safe custody, and that arrangements would be made for exacting a proper amount of work from them.

From Lieutenant Colonel E. HEMERY, R. E., Superintending Engineer, 3rd Division; to J. ROHDE, Esq., Inspector General of Jails, dated Camp Madanapalle, 23rd April 1864, No. 2046.

In reply to your Circular letter, No. 132, dated 20th February last, I have the honor to inform you that there are no works entered in the Budget of 1864-65 for this Division, on which it would be desirable to employ convict labor.

From Colonel A. BOILEAU, R. E., Superintending Engineer, 4th Division; to the Inspector General of Jails, dated Madras, 20th April 1864, No. 6392.

With reference to your Circular letter, No. 132, dated 20th February 1864, I have the honor to state that work can be found for convicts in almost every range of this Division.

2. At the Presidency 250 could be usefully employed at the new Salt platforms now under construction, and 100 at the Powder Mills; 50 men could also be employed for the conservancy of Fort Saint George in lieu of the establishment of sweepers' carts now entertained at a monthly cost to Government of Rupees 81.

3. In the Madras District employment can be found on the following works:—

No. 1 Range.

Salivade roads, say 150 convicts.

Mount Range.

Cantonment road work, say 100 convicts.

Nos. 3 and 4 Ranges.

Roads within a radius of five miles *all round* Chingleput, say 100 convicts.

In the North Arcot District similar employment can be found, viz.,

Chendragherry Range.

Roads near Triputty, Chendragherry, Naggery, Pulleputt, Kurcumbady, Calastry and Maunundoor, say 200 convicts.

Wallajah Range.

Arcot Cantonment roads and roads within a radius of five miles of Rancepet, say 100 convicts.

Vellore Range.

Vellore Cantonment roads, say 100 convicts.

Chittoor Range.

Trunk roads Nos. X and XI, say 200 convicts.

Presidency	400
Madras	250
North Arcot	600
	1250

It will thus be seen that work can at once be found in this Division for 1350 convicts.

From Captain T. E. GAHAGAN, R. E., Executive Engineer in charge, 5th Division; to J. ROHDE, Esq., Inspector General of Jails, dated Salem, 11th March 1864, No. 2170.

In reply to your Circular, No. 132 of the 20th ultimo, I have the honor to state that the only works in this Division for which the services of convicts are, or will be required for some time to come, are the upper story and workshop of the Salem Jail; and that for want of more convicts these two works are making very slow progress.

From Captain J. BEAN, R. E., Officiating Superintending Engineer, 6th Division; to J. ROHDE, Esq., Inspector General of Jails, dated Camp Lower Annicut, 4th March 1864, No. 2023.

In reply to your Circular letter, No. 132, dated 20th February 1864, I have the honor to inform you that since the Order of Government was passed some years ago, I cannot recollect the date, directing that convict labor should be charged for at the rate of two-thirds of the ordinary market labor available, I have never asked for the services of convicts on public works, as I was convinced, under the system in force, that their employment would be a loss to Government.

2. Under proper control and direct supervision, however, of a Public Works officer who could impose tasks on the convicts and enforce discipline, I have no doubt the measure would be a good one, and I consider their employment will turn out satisfactorily or otherwise according to the extent of this supervision.

3. As the Department is now constituted in my Division, with one Range officer in charge of a large extent of country and numerous works, with, perhaps, one Taluq Overseer under him, I do not see how this attention is to be afforded. The out-going Budget also does not contain, with the undermentioned exception, one road work or project on which I believe the convicts can be advantageously employed, and in which the services of an officer will be exclusively engaged. Under the head of repairs, also, the works are not of sufficient magnitude to justify the hutting or otherwise locating of convicts away from their head quarter Jail.

4. The one exception I refer to is the European barracks and other Military buildings at Trichinopoly, entered in the Supplemental Budget of 1864-65. If these are sanctioned, trained convict artificers, such as carpenters, sawyers, brick-layers and makers, and blacksmiths, might be employed advantageously, and if not generally under the eye of the Range officer, there would always be a Cantonment Overseer at hand to direct and check the work turned out by the convicts.

From Lieutenant Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division; to J. ROHDE, Esq., Inspector General of Jails, dated Coonoor, 20th April 1864, No. 284.

With reference to your Circular, No. 132 of 20th February, I have the honor to report my views regarding the employment of convict labor on works in the 7th Division.

2. The places at which labor will be most wanted during the ensuing season, are the Tamberchery and Karkoor Ghats in Wynaad, the Coonoor Ghat on the Neilgherries, and the stations of Coimbatore and Cannanore, and at each of these places no doubt 200 convicts, or 1000 in all, might be usefully employed. But owing to the inability of the Police Department to furnish guards for the convicts employed during 1863-64, on the Neilgherries and road from Coonoor Ghat to Matoopolliem, and the impossibility of carrying out their rules in such localities with any regard to the interests of the works, I give up the notion of employing convicts in the Wynaad. On the Coonoor Ghat, if permitted to locate them in a shed at the second milestone which the Collector will place at our disposal, and which the Deputy Inspector of Police has seen and approved, I would gladly accept the services of not more than 50 convicts for blasting only, under all disadvantages.

3. The gang for Coimbatore must be hutted on or near the new Jail site, and entirely under the orders of the Range Officer, or Executive Agent in charge of the Jail, invested with powers to punish. For 50 convicts Captain Vertue tells me that there is already space in the Cannanore Jail, for cleaning out and repairing which I have asked him at once to estimate,* and that number should be sent him before the monsoon; the remaining 150 after other shelter is found them. Their work will be entirely that of cutting laterite stones.

* Estimate of Rupees 62 submitted for sanction, and provision of funds

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From Captain F. J. MOBERLY, R. E., Superintending Engineer, 8th Division; to J. ROHDE, Esq., Inspector General of Jails, dated Madura, 4th March 1864, No. 2011.

In reply to your No. 132 of the 20th February 1864, I have the honor to observe that I have for some years been satisfied that convict labor might be turned to much better account than it now is if any officer of the Public Works Department were vested with the power to manage it; these views have been confirmed since I joined this Division and have had an opportunity of seeing the Paumben Jail.

Enclosure 1.
1 copy of letter.

2. The officers of the Department do not avail themselves of convict labor, under the existing arrangements, partly because they cannot count upon its continuance, and partly that they have no control over the prisoners.

3. In Trichinopoly Lieutenant Mead set up a vertical and a circular saw and taught the prisoners to use them. The Jailer took a great interest in the work as long as it was new, and it paid; but as soon as he got tired of it, the cost became greater than that of free labor. We had no power to keep the convicts to work, and failed to convince the Judge that there was a falling off. I think the plan was abandoned.

4. I have here a very heavy amount of earth-work close to the town of Madura; it is difficult to see its progress, and apparently for this reason it is distasteful to contractors, who will not stay long at it. Captain Payne, the Executive Engineer, speaks very well of the economy of the labor of the convicts while he had them, but they were suddenly removed by the late Judge, and the establishment for superintendence left on our hands.

5. I enclose copy of Mr. Goldingham's letter* replying to my inquiry as to the reason for this procedure. The existence of cholera in the town appears to me a very unsatisfactory ground for taking the convicts off a work half a mile out of the town, and employing them on the roads.

* No. 15, dated 2nd March 1864.

6. Captain Payne informs me that the work is certainly hard, carrying earth up an embankment; but the great difficulty to the convicts is that they have to do this without any food between 7 A. M., and 4 P. M. Our free laborers always have a meal at noon. For economical reasons, I have ordered the preparation of a mechanical lift, which I hope to have ready in a few days, and so save the necessity of going up and down the embankment.

7. Unless some more definite rules are issued as to the control over the prisoners, I believe that their employment by the officers of the Department will be declined.

There are distinct and clear rules.
J. R.

8. At Paumben, and I conclude at Ootacamund the prisoners are actually under the command of officers of the Department Public Works who are interested in the out-turn of work, and therefore concern themselves in compelling the convicts to labor.

9. I would suggest that the Government should allow to each District four good iron doors and eight windows. If these were built into thatched sheds with mud walls the prisoners would be, I believe, perfectly secure, as the sentry could keep them constantly in view. I should then be glad to have as many convicts as could be spared for the large works in the District, the bridge over the Shunmooganaddy river near Dindigul for example.

10. Mr. Goldingham reports that he could well spare 80 men from Madura. Just at present I have no occupation for them at Paumben. If work was at any time interrupted at the Shunmooganaddy bridge, they could be usefully employed in the streets of Pulny town and the Coimbatore road.

From J. D. GOLDINGHAM, Esq., Acting Session Judge, Madura; to the Superintending Engineer, 8th Division, dated Madura, 2nd March 1864, No. 15.

I have the honor to inform you, with reference to your letter of yesterday's date, that the convicts in question were withdrawn in consequence of the cholera prevailing in the town. The convicts are fully engaged at present on roads and other works, but as soon as the cholera has entirely disappeared I will see if I can accommodate you.

(True Copy.)

(Signed) F. J. MOBERLY, Captain, R. E.,
Superintending Engineer, 8th Division.

No. 105. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 8th October 1864, No. 221.

In reference to the Order of Government, 12th February 1864, No. 181, I have the honor to state that I have arranged with Major Farewell, who acts with the concurrence of Colonel Walker in this matter, to place a building at his disposal suited to the accommodation of 60 prisoners and their guard; that with the sanction of Government I propose detailing 52 prisoners next to be released from the Zillah Jail at Ootacamund to this building, to remain under the control of the officer in charge of the Zillah Jail, as in the case of road gangs in the Zillah Stations.

2. Major Farewell has a large amount of work within two miles of the building, and has no labor available for it without hindering other works.

3. I have told Major Farewell that no charge will be made for these convicts, but that all gratuities must be paid from funds at his disposal.

No. 106. Proceedings of Government in the Public Works Department.

Communicating suggestion of the Superintending Engineer, 8th Division, that the control over the employment of prisoners in Mofussil Jails should be entrusted to the senior officer of the Public Works Department of the Division when the execution of any work is made over to that officer. } (Dated 26th October 1864, No. 3082.)

No. 107. ORDER THEREON, 10th November 1864, No. 1620.

The foregoing papers relate to the employment of convicts on Public Works. In the Proceedings of Government, under date the 12th February last, the Inspector General of Jails was directed to place himself in communication with the Superintending Engineers and submit a definite proposal for employing large gangs of prisoners on public works in various parts of the country. He was also called upon to report whether the plan of leasing out the labor of convicts which had been tried on the Madras Railway, North-West Line, could not be more extensively introduced. Mr. Rohde's report shows that there is little or no prospect of the latter arrangement proving feasible.

2. As regards the location of convicts on public works, several of the officers in that Department appear to be of opinion that the strength of the Executive establishments is not sufficient to admit of that degree of supervision being exercised over the working of the prisoners, which is necessary both for the maintenance of discipline and for the effective prosecution of the works on which the prisoners might be employed; but in the remarks which have been made on this point, there seems to have been a considerable misapprehension of the views of the Government, in suggesting the employment of prisoners on public works. It was not intended that prisoners should be employed in small gangs in various parts of the country and in comparatively unimportant works, the duration of which would not be sufficient to warrant the Government in incurring the cost of temporary prisons. Most of the works named by the Superintending Engineers are open to this objection. It is only where large gangs can be employed under the immediate direction of one of the officers of the Public Works Department, and where the work is of sufficient magnitude and likely to be in progress for a sufficient time to warrant the erection of temporary prisons, that the Government contemplate the employment of prisoners

in this manner. It is also essential that the localities in which they are to be worked should be healthy and free from malaria, and this consideration would usually preclude the employment of prisoners upon any of the mountain passes, except on works in progress near the summit. Keeping these considerations in view, the only practicable suggestion which appears in the papers now under consideration is that made by Lieutenant Colonel Walker for the employment of a gang of prisoners on the Central Jail now in course of erection at Coimbatore. It is understood that arrangements have already been made for hutting prisoners at this Jail; and adverting to the orders lately received from the Government of India, urging the importance of fully utilizing prison labor in the construction of Jails, His Excellency in Council is of opinion that the gang should be increased to a strength of 500 men. This is the number for which provision has been made on the Lawrence Asylum works, and authority has been given for the employment of the same number on the Chinchona plantations on the Neilgherry Hills. Fifteen hundred prisoners will thus be provided for, to the great relief of the Jails; and if due care be taken by the officers in charge of the gangs, the amount of labor exacted from them will be considerably greater than that which has been enforced in the Jails. It will be considered in the Public Works Department whether there are any other works of magnitude on which a gang of not less than 500 prisoners can be effectively worked.

3. The Governor in Council sanctions the adoption of the proposal made by the Inspector General of Jails, in his letter of the 8th ultimo, for placing 52 prisoners at the disposal of the Executive Engineer for employment on works at Ootacamund.

4. Adverting to the 2nd paragraph of Captain Moberly's letter, recorded in the Proceedings of Government in Department Public Works, under date the 26th ultimo, the Governor in Council observes that when a gang of prisoners confined in the Zillah Jail is employed on any work which is being carried out by the Public Works Department at the Zillah station, such gang should during work hours, be entirely at the disposal and under the control of the officer in charge of the work, so far at least as regards the direction of their labor.

5. The remark made by Captain Moberly in the 3rd paragraph of his letter, as to his want of success in obtaining prisoners for employment on the water project in Madura, will be referred to the Inspector General of Jails for report.

(True Extract.)

Chief Secretary.

o the Inspector General of Jails, with Proceedings, No. 3082.
,, Public Works Department.

. T. Cartledge.

Proceedings of the Madras Government, Public Works Department, 26th October 1864.

No. 505. Read the following letter from Captain F. J. MODERLY, R. E., Superintending Engineer, 8th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madura, 19th October 1864, No. 1,471:—

Sir,

1. In reply to G. O. No. 2,926, 11th instant, I have the honor to observe that I understood that G. O. No. 2,721, desired me to turn to better account the labour of the Convicts in Jails; I had also in mind a letter from the Inspector General of Jails, forwarding G. O. No. 181, 12th February 1864, in which Mr. Rohde, as it seems to me, urges the same subject on the Officers of the Department Public Works.

2. I considered it therefore but fair to myself to point out that I had no control over the employment of the prisoners, which rests entirely with the Judge, advised by the Collector; the latter Officer has retained this control, which, it appears to me, should have been transferred to the senior Officer of the Department Public Works, when the execution was made over to him.

3. I have made applications at times during several months for the services of a strong gang of prisoners on the water project, but I have been as yet unsuccessful.

No. 506. ORDER THEREON, 20th October 1864, No. 3,082.

No. 1,352, dated 16th September 1864.
" 1,613, " 27th " " "

Communicated to the Judicial Department, with reference to the Orders in that Department marginally noted.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Judicial Department.
" Superintending Engineer, 8th Division.

Exd. T. O'Connor.

Judicial 1852 Regd

Proceedings of Gordon Hall
for Absolute Deed
Lot 3052

Filed 16th
Issue 28th Feb 1852

Sept 11th 1852

No. 2249

Common Seal of the
Corporation of the City of
Toronto and the Corporation
of the Township of York
to Hall Deed

Plan

Plan of a Portable Prison
for 36 Prisoners.

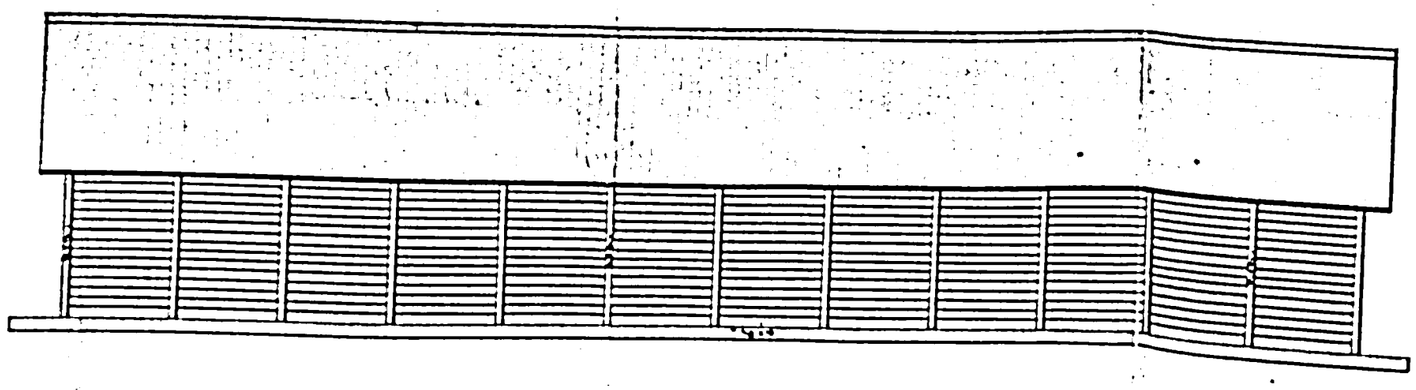
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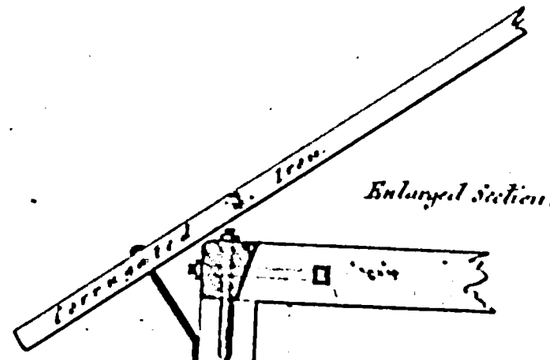


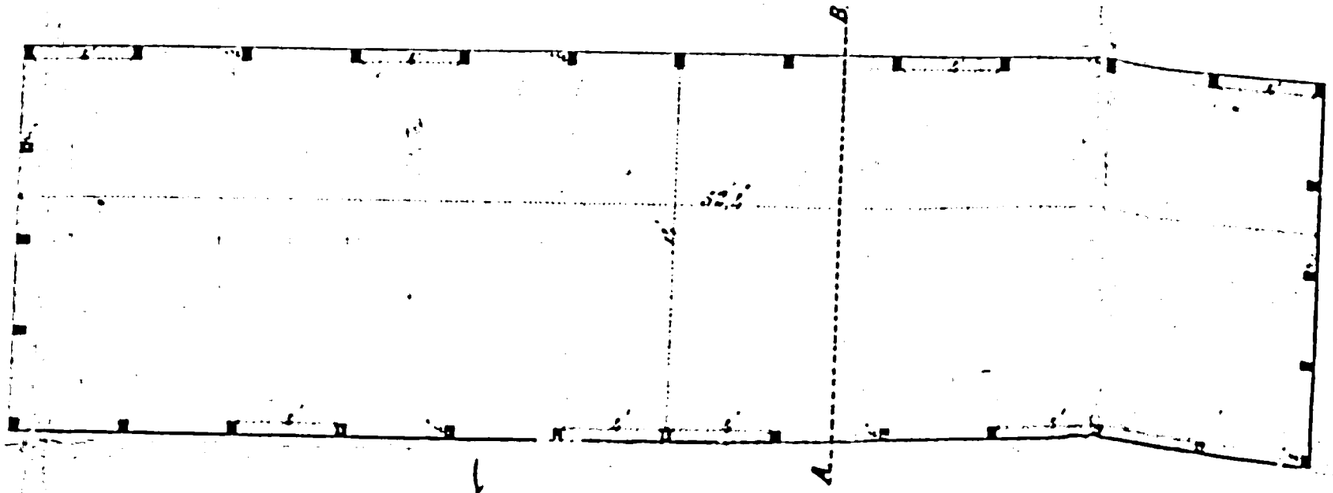
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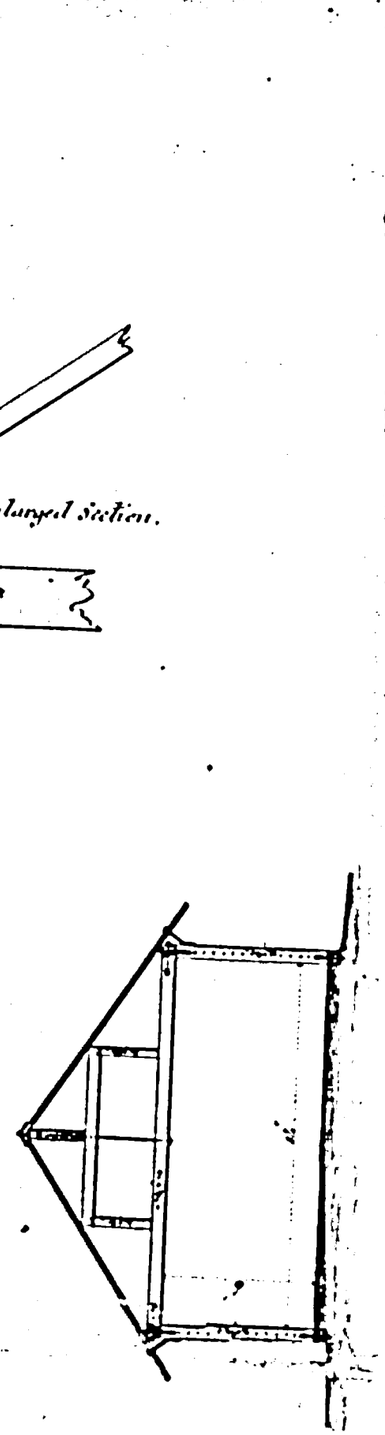


Elevation.









Pelican mud
Office of Surveyor Gen.l of Gaols
12th November 1802.

Thos. Fitzpatrick

Judicial Department

Proceedings of the Madras Government

Read the following:-

Letters from the Inspector General of Jails — Recd. Inter. 31st. May 1864 No. 1
— do — 8th October 1864 No. 221.
Proceedings of Govt. P. W. Dept. — do — 26 Octr. 1864 No. 3082.
Order thereon 10 November 1864 — No. 1620.

The foregoing papers relate to the employment of Convicts on Public works. In the Proceedings of Government under date the 12th February last, the Inspector General of Jails was directed to place himself in communication with the Superintending Engineers and submit a definite proposal for employing large gangs of prisoners on public works in various parts of the Country. He was also called upon to report whether the plan of leasing out the labor of Convicts which had been tried on the Madras Railway, North West line, could

Ind. Jud. Dec. 1865 No. 113

could not be more satisfactorily introduced. Mr Rohde's report shows that there is little or no prospect of the latter arrangement proving feasible.

2. As regards the location of Convicts on public works, Sir ~~the Superintending Engineers~~ appear generally to be of opinion that the strength of the Executive Establishment is not sufficient to admit of that degree of supervision hitherto exercised over the working of the prisoners which is necessary both for the maintenance of discipline and for the effective prosecution of the works on which the prisoners must be employed. But in the remarks which have been made on this point there seems to have been a considerable misapprehension of the views of the Government in reference to the employment of prisoners on public works. It was not intended that prisoners should be employed in small gangs in various parts of the Country and in comparatively unimportant works the duration of which would not be sufficient to warrant the Government in incurring the Cost of temporary prisons. Most of the works named by the Superintending Engineers are open to this objection. It is only where large gangs can be employed under the immediate direction of one of the Officers of the Public Works Department and where the work is of sufficient magnitude and likely to be in progress for a sufficient time to warrant the creation of temporary prisons, that the Government contemplate the employment of prisoners in this manner. It is also essential that the localities in which they are to be worked should be healthy and free from Malaria

Malaria, and the Conclusion would inevitably be drawn upon the employment of gangs of prisoners in the mountain passes except on works in progress near the summit. Recognizing these considerations as valid, the only practicable application which appears in the papers now under consideration is that made by Lieut. Colonel Walker for the employment of a gang of prisoners in the Central Prison in the Coimbatore District. It would appear that arrangements have already been made for putting prisoners to work at this jail; and adverting to the orders lately received from the Government of India urging the importance of fully utilizing prison labor in the construction of jails, His Excellency in Council is of opinion that the gang should be increased to a strength of 500 men. This is the number for which provision has been made on the Lawrence Asylum works, and authority has been given for the employment of the same number on the Chinchona plantations on the Nilgherry Hills. Fifteen hundred prisoners will thus be provided for, & the speedy relief of the jails and due care be taken by the Officers in charge of the gangs, the amount of labor exacted from them will be considerably greater than that which has been enforced in the jails. It will be considered in the Public Works Department whether there are any other works of magnitude in which a gang of not less than 500 prisoners

prisoners can be effectively worked.

The Governor in Council sanctions the adoption of the proposal made by the Inspector General of Jails in his letter of the 8th ult. for placing the 52 prisoners at the disposal of the Executive Engineer for employment in work at Cheyamund.

Adverting to the 2d part of Capt. Roberts's letter recorded in the Min. of Govt. in P.W. under date the 26th ult. the G. in Council observes that when a gang of prisoners confined in the Zillah jail is employed on any work which is carried on by the P.W. Dept at the Zillah station, such gang should during work hours, be entirely at the disposal and under the control of the Officer in charge of the work, so far at least as regards the direction of their labor.

The remark made by Capt. Robertson in the 3d para. of his letter as to his want of success in obtaining prisoners for employment on the Water project in Madura will be referred to the Insp. Genl of Jails for report.—

To the Insp. Genl of Jails with Govt Order No 808 dated 14/11
The Civil Engr. Dept.

Judicial 1864 Depart.

No 1620.

Proceedings of Govt.

Dated 10th Nov. 1864

Fct 2475 - 2472 - 2494 -
2509.
4249/65.