

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 598	Press
282-284	~~Mis~~
Dated 27-4	1884

15/16

Not to be folded or roughly handled

14

*Proceedings of the Madras Government, Judicial Department,
27th April 1864.*

Read the following papers:—

No. 282. MINUTE by the Honorable the President, dated 12th April 1864.

The crowded state of the gaols, while it bears testimony to the efficiency and activity of the new Police, is embarrassing to the Government as involving arrangements for the accommodation of the prisoners whom the existing gaols cannot properly receive, and for the machinery by which the punishments, to which these prisoners have been sentenced, can be carried out.

2. These arrangements involve the erection of two or three large central gaols. I am, however, disposed to believe that the dimensions of these might be reduced, and the punishment of many of the prisoners made more effective, were the Government to carry out a system, adopted by me in Tasmania, of employing the prisoners, in large bodies, upon public works of a character suited to the quality of labour which can be expected from the mixed population of a gaol, and of executing these works by *task*.

3. It would, it seems to me, be very desirable to lessen as much as possible the number of men confined in these central prisons. The expense of erecting them will be great, and the means of providing labor within these gaols for the number of men incarcerated will not be easily procured; so that, practically, the Government will have to maintain a number of men in a state of idleness, losing the value of their labour, as well as the cost of maintaining them; and failing altogether to carry out the object for which the men were incarcerated.

4. I am fully aware that there will always be a proportion of men under sentence whose imprisonment must be of the strictest character, men who could not be allowed outside the gaol walls; but my experience has shown me that the proportion of these is not large and that eight-tenths of the prisoners, at least, might be allowed to work, with irons, or without, beyond the limits of the gaol.

5. It may be objected to this system of carrying out sentences of "rigorous imprisonment" that it does not sufficiently provide for the maintenance of proper discipline among the worst class of offenders; but experience has shown that no such difficulty does in reality exist, that, by proper arrangements, not only is it possible to carry out to its fullest extent the punishment of hard labour awarded to the criminal, but to make this very labour a means of maintaining a very effective system of discipline among the prisoners.

6. The following sketch of the mode of procedure in Tasmania will enable the Council to comprehend the general principle upon which these labouring parties were managed, and to judge to what extent a similar or analogous system might be made to work at Madras.

I. The men were lodged in temporary buildings as close to their work as possible. These buildings were sometimes made moveable; iron being employed freely, as being less likely than wood to be damaged in its removal from one station to another; When, however, the number of prisoners was large regular barracks, of a simple construction, were erected, with all the requirements for the comfort as well as the safe custody of the prisoners. The cost of these buildings was of course charged to the work upon which the convicts were employed. The prisoners, with the exception of a certain number told off to the duties of the gaol, were marched out to work daily; if the work was too distant to permit of their return to barracks for their meals, these were taken with them, were cooked in temporary kitchens run up for the purpose, and partaken of under sheds of a simple character.

II. The men were divided into gangs, each gang being under the special charge of an overseer, who was not only answerable for the men, but for their performance of the task allotted to them.

III. The whole of the work was *tasked*; that is, each man was expected to perform a certain portion of work daily, and was punished if he did not do this; the men being classified, according to their physical powers, into two or three classes to each of which a minimum of work was allotted.

IV. This minimum was fixed low enough to enable each man, if he chose to work hard, to complete 1½ day's work during the hours of labour. Every one was compelled to work a given number of hours whether he had completed his task or not; but as an inducement to work hard the

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*Proceedings of the Madras Government, Judicial Department,
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amount performed beyond the daily task was credited to the prisoner, and allowed to reckon in diminution of the length of his sentence. For instance: suppose a man to be sentenced to two years imprisonment with hard labour, these two years may be taken to represent 600 days of labour exclusive of Sundays and holidays. From this must be deducted the time spent in performing prison duties, say one-tenth of the whole period, or 60 days there will remain 540 days, during each of which the prisoner might earn, by hard labour half of a day, or 270 days altogether. The total period of his sentence being 730 days or two years a deduction of the amount gained, namely 270 days, would reduce the confinement to $730 - 270 = 460$ days, or 18 months instead of two years.

7. Practically it is of course but seldom that a man will be found who continues to behave well, and to work steadily, so that the average reduction of sentence earned by the prisoners would not probably average more than one-fourth of a day. Still, however, the object of the Government is gained, the men are subjected to an amount of labour which is felt to be a severe punishment; the very anxiety shown to escape from confinement by shortening the period of work is an evidence of this.

8. I have said before that it is possible to make this very system of tasked labour a means of maintaining a very effective discipline among the prisoners. The ardency of the desire to be allowed to work out a portion of the term of imprisonment by task work makes the withdrawal of permission to work in this way a very effective punishment, it stands instead of corporal punishment to a great extent; and although it would be impossible to discontinue the use of the lash altogether, yet it will be found that the necessity of applying this will occur but seldom when the task work system is worked with judgment and discretion. I can testify to the fact that the men employed in task work were, generally, well conducted, the offences recorded against them being fewer in number and of a less exaggerated character than those registered against a similar number of men employed on day work.

9. The main difficulty in the application of the system to Indian convicts appears to me to be that of finding work suited to the low character, as labourers, of the convict class. Still, however, there are some descriptions of simple work, such as excavation for which they are fairly fitted, and in places where deep cuttings have to be made their assistance will be most valuable.

(Signed) W. T. DENISON.

No. 283. MINUTE by the Honorable T. PYCROFT, dated 14th April 1861.

I concur in the views expressed by His Excellency the President on the desirableness of employing considerable gangs of convicts upon important public works. Sir W. Denison's suggestions are the more valuable inasmuch as he has personally practical experience of the system which he recommends whilst Governor of a Convict Colony.

2. It is certain that, for some years at least, convicts in this Presidency must to a great degree be worked without the walls of their Jails. The prison accommodation now available is not sufficient for the due lodging, much less effectual working of the convicts under sentence of rigorous imprisonment. Several years and a large expenditure of money will be required for the provision of such Jail buildings as must be erected, if all sentences of imprisonment with, as well as without, labour are to be entirely carried out within the Jail enclosures. Nor if space should be found would it be easy to devise occupation for the convicts, which could be given them within the Jail walls, and at the same time amount to "hard labor" in the true sense of the term.

3. It should be borne in mind, that nearly all the convicts in our Indian Jails are from the lower classes of the agricultural population. They can do nought but delve and dig, carry out the rudest kind of husbandry with the most rough and simple tools. To find such men employment in a Jail-yard or sheds would be no easy matter. When in England in 1857, I was informed on my visit to a large county prison, the Devonshire County Jail at Exeter, that the same difficulty had been experienced there. Large gangs of convicts, as is well known, are worked in our English dockyards, and at Portland, Bermuda and other places.

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4. The success of any scheme must of course largely depend upon the care and judgment with which it is carried into effect. If the site and description of the work to be executed, as excavations, embankments, &c., be well chosen, if labor be duly exacted, and discipline fully maintained—conditions as it seems to me not difficult of fulfilment—the plan proposed by His Excellency would, in my opinion, be highly advantageous.

5. That plan as sketched in his Minute, contemplates the convict being allowed to perform extra work for which he is to receive credit in abridgment of his term of confinement. This is not an essential part of the scheme, but has it seems to me much to recommend it. I quite admit that, under ordinary circumstances, the sentence passed by the Judge should be carried out in full. To remit part of a convict's sentence because he has behaved in an orderly manner, kept the Jail rules, which perhaps he had little opportunity or temptation to violate, and maintained a quiet and it may be a sanctimonious demeanour, is no doubt highly objectionable. But the convict described by Sir W. Denison in Tasmania had to work, and work hard for any material reduction of his period of imprisonment. It is generally believed that most of the offences against property, of which prisoners are convicted, originate in idleness and dislike of labor. The thief deems a life of rapine easier than one of honest industry. If by such a stimulus as was afforded in Tasmania a convict can be urged to strong exertion, the effect, besides conducing to the discipline of the gang, may be beneficial as regards himself, and induce a habit of industry which may remain with him after his liberation. No doubt the primary object of punishment is not the reformation of the offender, but the prevention of the offence by the example made; but the two are not incompatible, and should as far as possible go together. But, as I have said, this part of the Tasmanian scheme is no necessary and essential ingredient of the system of employing large gangs of convicts on public works.

(Signed) T. PYCROFT.

No. 284. MINUTE by the Honorable E. MALTBY, dated 15th April 1864.

I quite concur in the advisability of employing a portion of our convicts on important public works. The President's experience gives great weight to his opinion on this subject, and I have myself seen the measure carried out with success in road-making, though on a smaller scale than is now proposed.

2. The necessity of thus employing a portion of our convicts seems to me evident from the already crowded state of our Jails and the apparent impossibility of ever finding in-door labor of a hard description for the great mass of our prisoners. In favor of the advisability of the proposal it may be urged that our convicts will have their sentences carried out in that description of labor to which they are mostly accustomed; that their labor will thus be turned to the most profitable account, and that it will be possible to undertake public works of magnitude and importance, which on account of the increasing dearness of the labor market would otherwise have to be postponed or given up.

3. The proposal is of course based on the assumption that due care will be taken in carrying out the measure by selecting suitable projects and healthy localities, and by employing only those convicts whose characters and sentences qualify them for out-door labor.

4. The whole question of the employment of prisoners has been so often and so fully discussed that I will only add two remarks. The first relates to the President's proposal to adopt a system of task work and encourage the convicts in industry and good behaviour by allowing them to earn a partial remission of their sentences. Experience has shown that it does not answer to take away the hope of reward from convicts. But on the other hand it is essential to the great end of Criminal justice that sentences should be carried out with certainty. In England both these ends appear to be now attained by allowing a well behaved and industrious convict to earn some remission of punishment, but under the restriction that this indulgence is never to exceed a certain portion of the period to which he was sentenced to imprisonment. This wise principle which ensures a fixed amount of punishment should, in my opinion, be always observed.

It would, in my opinion, be very desirable to begin

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27th April 1864.

5. My second remark relates to the works on which convict labor might be advantageously employed. The Southern Canal was commenced with the intention of carrying it on to Porto Novo, and thus establishing water carriage between Madras, Pondicherry, Cuddalore, and the important districts of Tanjore and Trichinopoly. Nothing, however, has yet been done to carry the Canal on beyond the Palaur river near Sadras, and unless our Engineer Officers overlooked difficulties which must prevent the original project being carried out, the extension of the Canal southwards seems to me one of those undertakings on which our convicts could be advantageously employed. The description of the work would suit prisoners, and the locality would be favorable to their health and give facilities for their dieting and safe custody.

(Signed) E. MALTBY.

No. 285. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 27th April 1864, No. 598.

With reference to my letter of the 12th instant, No. 511, regarding the employment of convicts on Public Works I am directed to submit, for the consideration of His Excellency the Viceroy and Governor General in Council, the annexed copies of Minutes which have been recorded on the subject by His Excellency the Governor and the Civil Members of Council.

2. A paper on the subject of prison discipline written by Sir W. Denison when he held the office of Governor General of Australia is also enclosed.

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

Exd. J. Tulloch.

Memorandum
The crowded state of the Jail, while it bears testimony to the efficiency & activity of the new Police, is embarrassing to the Govt as involving arrangements for the accommodation of the Prisoners whom the existing Jail cannot properly receive, and for the machinery by which the punishments to which these Prisoners have been sentenced can be carried out. These arrangements involve the erection of two or three large central Jails - I am, however, disposed to believe that the dimensions of these might be reduced, and the punishment of many of the Prisoners made more effective, were the Govt. to carry out a system adopted by me in Tasmania of employing the Prisoners in large bodies, upon public works of a character suited to the quality of labour which can be expected from the mixed population of a Jail, and of executing these works by task - It would, it seems to me, be very desirable to appear

as much as possible the
number of men confined in
these central prisons. The
expense of feeding them
will be great, and the
means of providing labour
within the walls for the
number of men incarcerated
will not be easily procured,
so that, practically, the
Govt will have to maintain
a large number in a state of
idleness. Losing the value
of their labour, as well as
the cost of maintaining
them, and failing altogether
to carry out the object for
which the men were incar-
cerated.

I am fully aware that
there will always be a
proportion of men under
sentence whose incor-
poration must be of the
strictest character. Men
who could not be allowed
outward to the East wall,
but whose experience has
shown me that the pro-
portion of men is not large
and that eight tenths of
the prisoners, at least,
might be allowed to work,
with them, or without,
according to the demands of the

It may be objected to this system
of carrying out sentences of
"rigorous imprisonment"
that it does not sufficiently
provide for the maintenance
of proper discipline among
the worst class of offenders;
but experience has shown
that no real difficulty
does in reality exist - that,
by proper arrangements,
not only is it possible to
carry out to its fullest
extent the punishment
of hard labour awarded to
the criminal, but to make
this very labour a means
of maintaining a very
effective system of discipline
among the prisoners -
The following sketch of the
mode of proceeding in
Lancaster will enable
Parliament to comprehend
the general principle upon
which these labouring
parties were maintained, &
I judge ~~whether~~ to what
extent a similar or ana-
logous system might be
made to work at Mudrae.
The men were ^{lodged} in
temporary buildings, close
to their work as possible -
These buildings were some-
times made movable -
from being employed fully,
or being up while their work

The demand made removal
from the station & authority
when, however, the last
Prisoner was large regular
Barracks, & a simple construction,
were erected, with
all the requirements for the
comfort as well as the safe
custody of the Prisoner -
The end of these buildings was
generally charged to the
work upon which the
convicts were employed -
The Prisoner, with the ex-
ception of a certain number
told off to the duties of the
gaol, were marched off out
to work ^{distant} districts; if the work
was too ^{distant} to permit of
their return to Barracks
for their meals, then were
taken with them, were
cooked in temporary
kitchens run up for the
purpose, and partaken
of under shed, & a simple
charcoal -
The men were divided
into gangs, each gang being
under the special charge
of an overseer, who was
entirely answerable for the
men, but for their perfor-
mance of the task
allotted to them -

The whole of the work was
tasked; - that is each man
was expected to perform
a certain portion of work
daily, & was punished if
he did not do this. The
men being classified, ac-
cording to their physical
power, into two or three
classes to each of which a
minimum of work was
allotted -
This minimum was fixed
low enough to enable each
man, of the class to which
he belonged, to complete 1 1/2 days
work during the hours of labour.
Everyone was compelled to
work a given number of
hours whether he had completed
his task or not. But
as an inducement to work
hard the amount per-
formed beyond this daily
task was credited to the
Prisoner, and allowed to
reckon in diminution of
the length of his sentence.
For instance: suppose a
man to be sentenced to two
years imprisonment with
hard labour, then two years
may be taken to represent
600 days of labour exclusive
of Sundays & holidays, &
from this must be deducted

The time spent in performing
Prison duties say one tenth
of the whole period or 60 days.
There will remain 540 days,
during each of which the
Prisoner might earn, by
hard labour $\frac{1}{2}$ per day or
270 days altogether.

The total period of the sentence
being 730 days, or two years,
a deduction of the amount
earned name 270 days
would reduce the confinement
to $730 - 270 = 460$ days or 18
months instead of two
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Practically it may occur
but seldom that a man
will be found who continues
to believe well to work
steadily, so that his average
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jected to an amount of
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I have said before that it is
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the withdrawal of permission
to work in this way a very effec-
tive punishment. It stands
instead of Corporal Punishment
to a great extent, and although
it would be impossible to
discontinue the use of the
task altogether yet it will
be found that the necessity
of applying this will occur
but seldom where the task
work system is worked
with judgment & discretion.
I can testify to the fact that
the men employed in task
work were generally, well
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corded against them being fewer
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rated character than those
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in ordinary work. -

The main difficulty in the
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Indian Convicts appears to
me to be that of finding work
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still however there are some
descriptions of simple work

Such an Excavation provided
they are fairly fitted, and
in places where deep cuttings
have to be made these appliances
will be most valuable.

Decision

I concur in the views ex-
pressed by H E the Pres-
ident on the desirability
-ness of employing con-
-victed jump of con-
-victs upon important
public works. In Mr
Decision's suggestion,
are the more valuable
he has personally practical
experience of as much as the sys-
-tem which he recom-

-mends, whether forming
of a Convict Colony.

2 It is certain that
for some years at least,
Convicts in this Prison
-ly must be a great
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-out the work of their

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of the Convicts under
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Madras 1882 - Sept

Proposed by the
the President

1882

Vote 127
1882 127

1882

Suggesting
a committee of inquiry
the Council of our
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public works of inquiry

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-diture of money will
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for agricultural popula-
-tion. They can do nothing
but dig and dig - can
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most simple tools.
To find such men employ-
-ment in a Jail yard
or shed would be no easy
matter. When in England
in 1857 I was informed
on my visit to a large
County prison - the Devon-
-shire County Jail at
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difficulty had been expe-
-rienced there. Large
gangs of convicts, as is
well known, are worked
in our English dock yards,
and at Portland. Bermuda
- and other places -

4 The success of any
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excavation - can be
- made - in - the work
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expected, and dis-
- played fully maintain-
- ed - conditions will
seem to me not diffi-
- cult of fulfillment -
The plan proposed by H.E.
housed in my opinion
is highly advantageous -
5 That plan is sketch-
- ed in his estimate, con-
- tempts the commit-
- ting allowed to per-
- form extra work prob-
- ly is to receive credit
in a judgment of his
term of confinement -

This is not an outline
of the scheme
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punishment - ~~is~~ ^{is} ~~to~~ ^{to}
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and the prevention of
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104
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14.4.64 J.P.

1. - I quite concur in the advisability of employing a portion of our ^{important} convicts ~~labor~~ on public Works -

The President's experience gives great weight to his opinion on this subject, and I have myself seen the measure carried out with success in road making though on a smaller scale than is now proposed -

2. - The necessity of thus employing some a portion of our convicts seems to me evident from the already crowded state of our jails & the apparent impossibility of ever finding ^{the past method of} indoor labor of a hard description for our prisoners.

In favor of the advisability of the proposal it may be urged that our convicts will have their sentences carried out in that manner.

He held the office of Governor

Admiral Mr. DeLo
Promoted by the Senate
of Maryland

Admiral Mr. DeLo
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5. - My second remark relates to the work
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15 April 64 E. Maltby

Indisposed Mr. Maltby
Presented by Mr. Maltby
H. H. H. H.
In the absence
of Mr. Maltby
presented by Mr. Maltby
presented by Mr. Maltby
presented by Mr. Maltby
presented by Mr. Maltby

Sept. 2/5.
dup. 2/5

Official Secy
No. 598.

The Secretary to the Govt of India
Home Department

Sir,

In reference to my letter
of the 12th instant, No. 571,
regarding the employment
of convicts on public works,
I am directed to submit,
for the consideration of His
Excellency the Viceroy
and Government in
Council, the Annexed Copy
of Minutes which have
been recorded on the
subject by His Excellency
the Governor and the
Civil Members of Council.
2. A paper on the subject
of prison discipline written
by Sir W. Denison when
he held the office of
Governor

W. H. H. H.

no General of
Australia, is also
enclosed -

Port St George }
27 April 1864 }

Richard Webb Esq

Esq

To the Hon. the Lord
of the Treasury

of the Treasury

of the Treasury

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