M.R.O. 1—33,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 838 Press ~~Mis.~~

72-73

Dated 1.6.1864. ~~19~~ .

5/6

Not to be folded or roughly handled

Read ... J. ROHDE, ... l of Jails; ... int

to A. ...DT, Es... ...

Geor... ...nd Lt...

I have ... 64,

...ed

...pector General of Police obje... I states that his intention

in the letter on which the ... was pas... simply directed to the numerical strength of gangs to be t...

3. This, in my opinion, has at all times b... the Police to determine, by simply ...trength of the gang should not ... guard with the available force a...

4. With the ... ...s establishments and the cars on them for the ...hout the wall... important that the demand for attendance on gangs on tran... ...ingleput should be as... ...hen I was late... elly, I found ...ra Warders had of necessity been employed for Jail duties owing to the large num-... This is a serious evil.

...Robinson would have his guard responsible for safe custody only, leavi... ...rge ...nts, supplies, and the internal economy to the prison's War...

...refer to C. O. F. U., 10th November 1827, p. 2, you will find that from the mo... prisoners were made over to the guard, the Magistrate and not the officer of ...sponsible, not for ... custody only, but for all advances of money for the ...nd it was to the Magistrate that the officer in charge looked for all ...s. The C. O., 27th April 1841, No. 138, was still clearer on this point.

7. My own opinion is that prisoners under sentence of transportation, should be handed ov... ...Madras, and I ...have very little confidence in the influence of ...seven Rupees a month in maintaining discipline, or in keeping the prisoners pro-pe... ...for a journey of perhaps 400 miles.

...embodied the old rules with only such modifications as a ch... ...rcumstances ca... the paper sent out on the 7th January 1859, of which a copy is annexed.

8. In my opinion all transfers of transportation convicts should be made by sea or Railway, as far as possible, to Madras. It would save a great deal of trouble if a Government Steamer called at ...along our coasts twice a year, or oftener ...under war-rants duly signed, and which might be respected on the hi... ...Jail bu... those of Nellore, Bellary, Kurnool, and Madura would have to s... ...by land abo...ve 50 miles; indeed the Nellore prisoners too might be picked up.

...diate object of my letter, I wish to be informed whether my Cir-cu... ...No. 133, m... ...tion of the Gove... ...Order 16... ...and wh... ...Govern-me... ...of the s...

...gest reason I can assign for sending a Jail Warder with the party throughout is ...acquainted with the prisoners.

Fr... ...OBINSON, Esq., Inspector General of Madras Police; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated Kotigheri, 4th April 1864.

I venture to solicit a re-consideration of your order noted marginally.

Circular No. 133.

2. My lette[illegible] uate[illegible] r[illegible]

* 25th January 1863, N[illegible] be esco[illegible] is point the

War[illegible]
plies, req[illegible] olice
cannot a[illegible] m their onerous guard du[illegible] uch,
account[illegible] nts will arise. Further, t[illegible] d at
the f[illegible]

be requisite to send more than [illegible]der.

No. 73. ORDER THEREON, 6th June 1864, No. 838.

It was not the intention of the Governor in Co[illegible] the foregoing letter, that an alteration should be made in the prac[illegible] prisoners when being removed in charge of the Police from one station to arranged by Warders detached by the officer in charge of the Jail. It was mer[illegible] the numerical strength of the gangs should be arranged by the Police.

(True Extract.)

To the Inspector General of Jails.
„ „ of Police.

[illegible] J. Tulloch.

CIRCULAR NO. 133.

Proceedings of the Inspector [illegible] f Jails, under date the 22d February 1864.

Read Extract from the Proceedings [illegible] Government, Judicial Department, custody of a gang of 36 prisoners sentenced to transportation, with Order thereon [illegible] February 1864, N[illegible]

From, W. Robinson, Esq., Inspector [illegible] of Madras Prisons, to A. J. Arbuth[illegible] Secretary to Government, Fort St. [illegible] dated Madras, 25th January 1864.

"*Para* 5. *I am writing to Mr. Ro[illegible] to intimate to Police Officers the number of convicts for transportation, and to [illegible] of the gangs, &c., to them. I shall then instruct Police Officers never to [illegible] in the same gang, and to see that many men concerned in the [illegible] patched together.*

ORDER THEREON, 16*th F*[illegible]

"*I [illegible] The I[illegible] I be requ[illegible] sue instructi[illegible] by Mr. Robinson, directing all officers in charge of Jails to [illegible] the safest [illegible] gangs of convicts required to be sent from one place to another to the D[illegible] should also in every ca[illegible] Descriptive Roll[illegible]

[illegible] This Orde[illegible] ernment modifies the instructions under which the transfer of prisoners has hitherto been conducted. Henceforth in all cases of transfer of Prisoners, Officers in charge of the Jails from which the transfers are proposed, will "intimate to the Police Officers "the number of Convicts and leave the arrangement of the gangs, &c., to them." The Police "guard should also in every case be furnished with a Descriptive Roll of the Convicts entrusted "to them."

2. Under these instructions the duties of the Prison's Officers in respect of gang made over to the Police ceases when the gang quits the Jail enclosure.

3. Officers in charge will make the necessary provision of clothing and will require from the Medical Officers the usual certificates and instructions and hand over the same to the Police with the convicts, but the Police Officers will not be instructed by the Officer in Charge of the Jail on any point connected with the conduct of the gang on the road.

4. Where Prisoners are transferred to road gangs, or to other Jails, the Officers in charge gangs or Jails to which the transfer is made, should be apprised of the despatch of the [illegible] letter. Extracts of the prisoners and Convicts Registers, containing the names of the Prisoners and all particulars therein entered, should be sent by Post.

5. Warrants and Descriptive Rolls must in all [illegible] handed over and received with the Prisoners together, in the case of transfer [illegible]

OOTACAMUND;
Offg. Or Inspr. Genl. of Jails,

in charge of Jails and gangs.

TRANSPORTATION AND TRANSFER OF PRISONERS.

C. O. F. U. 2nd February 1805.E.M. C. 15th June 1858. Inspector's Circular 49. 3rd July 1858.

1. All Convicts sentenced to be transported, shall immediately, be sent to the custody of the Commissioner of Police at Madras, to the intent that execution, on the said sentence, may be done, as opportunity offers for carrying it into effect.

C. O. F. U. 22nd July 1814 P. 1.

2. Before any prisoners are sent, from a Zillah station, to the depôt at Madras, they shall be examined by the Zillah Surgeon, who shall certify to the officer in charge of the Jail, that they are in a fit state of health to proceed on the Journey. If the Surgeon should consider it necessary that any of the prisoners should be allowed meat on the journey, or should find that any of them are in want of necessary clothing to protect them from the effects of weather, and he shall state such opinion in his certificate, the officer in charge of the jail shall thereupon, issue an order for the supply of such necessary extra food or clothing.

C. O. F. U. 22nd July 1814, P. 2. 26th June 1841 No. 143.

3. A paper shall be drawn out and signed by the officer in charge of the jail from which any prisoners may be sent as above, containing a descriptive Roll, in the annexed form, as well as a list of the prisoners, and the allowance of food, which each is to have on the road, and fixing the stages per diem, beyond which they shall not proceed. If the distance from the station, whence the convicts are sent to Madras, be such as to render it proper to break the journey by rests, the Officer in charge of the jail, shall fix certain stations where the parties may halt. In determining these points, the Officer in charge of the jail, is to bear in mind the bodily health and strength of the prisoners and the length of their imprisonment, which may have, itself, induced considerable debility. To these directions, the Officer in charge, will add such other orders as may appear to him necessary or expedient.

Descriptive Roll of a prisoner under sentence of transportation, forwarded to the Depôt at Madras.

By what Court.	No. of Case on Calendar.	Name.	Color and Caste.	Age.	Height.	Distinguishing marks or defects.	Crime.	Date of Sentence.	Remarks as to previous condition, character and conduct.

Court

Date Judge.

C. O. F. U. 22nd July 1814 P. 3. 9th December 1837 No. 96.

4. The above paper, as well as a copy of the Surgeon's Certificate, shall be given in charge of a trustworthy Peon or Deloyet, who shall in every instance be furnished by the Officer in charge of the jail, whence the prisoner is sent originally, and who shall accompany the prisoners, from the station of their departure, until their arrival at Madras or other their destination and who shall be held answerable for the due performance of the orders therein contained.

C O. 22nd July 1814.P. 4.

5. Whenever the party shall arrive at any Zillah Station, the Peon charged with the orders referred to in Rule 3, shall report his arrival to the Officer in charge of the jail at such station, and shall produce to him the paper of orders and the Surgeon's Certificate. The Surgeon, at the said station, shall examine the prisoners, and, if he find them in a fit state to proceed on their

journey, he shall certify the same on the back of the original Certificate. If he should be of opinion that, from fatigue, debility, or other cause, the prisoners, although able to continue their journey, should be allowed longer rests, or to go shorter stages, than those originally fixed by the Officer in charge of the jail from which they were first brought, he is to state this opinion to the Officer in charge of the jail at which they have arrived, who will make such alterations as may be necessary in the orders, and deliver them again to the Peon in charge, who is to obey such last orders, and proceed accordingly to the next station, where he is to make the like re-

If the Surgeon, at any Zillah Station, should be of opinion that any one or more prisoners, ought not, on account of debility or ill health, to continue his journey for a longer time than the party may be permitted to halt, he is to certify the same to the Officer in charge of the jail of his Zillah, who will thereupon, give an order for the detention of the said sick prisoner, a copy of which order shall be delivered to the Peon in charge; who, upon receipt thereof, shall be authorized to give up the said prisoner and to prosecute his journey without him. The prisoner, so detained, shall be forwarded, when sufficiently recovered, by the Officer in whose charge he has been left.

F. U. Circular Letter 7th December 1835.

6. Magistrates, when supplying escorts for Convicts in transit, shall use due means to secure the above order being fully explained to the Peons in whose charge the Convicts may be successfully placed, and any infraction of the rules, should not be passed over unnoticed.

C. O. 22nd July 1814 P. 5.

7. Upon the arrival of the party at the depôt the Peon in charge shall deliver his orders, and the Surgeon's Certificates to the Officer in charge of the Jail, who shall forward the same for the inspection of the Inspector of Prisons, together with a report of the general state of health and condition in which the Prisoners have been delivered into his charge.

C. O. 18th October 1822 and 10th Nov. 1827.

8. When necessary, the Officers in charge of Jails shall apply to the Magistrates of their respective Districts, for a guard of Police Peons to escort convicts passing on to the depôt and when an Officer in charge of a jail, shall have occasion so to apply, he shall furnish the Magistrate with such information as he may possess, relative to the general character of the convicts, in order that, if there should be among them any of a desperate character, the Magistrate may take the requisite precautions against their escape.

See also Inspector's Circular No. 44. 14 May 1858.

C. O. 10th Nov 1827. P, 2,

9. The Magistrate in every instance, shall determine the mode of conveyance, and the strength of the guard; from the moment the Convicts are made over to the guard, furnished by him; he, and not the Officer in charge of the jail, shall be responsible for their safe custody; all orders to the guard, and advances of money, for the subsistence of the Convicts are to be issued by him; the guard will make their report to him; and he will communicate the due delivery of the Convicts, or any occurences concerning them, to the Officer in charge of the Jail.

C, O, 27th April 1841 No 138

10. The Magistrate of the District, whence in the first instance the party proceed, shall furnish the peons with subsistence money for the prisoners, sufficient to last until they reach the next Sudr Station of a Magistrate, whose duty it will be to act in like manner; and the same course shall be pursued by each succeeding Magistrate, until the arrival of the prisoners at their ultimate destination-When between the point of starting and the ultimate destination there is no intervening Sudr Station, the Magistrate of the District, shall furnish the Peons with subsistence money for the entire distance.

TRANSFER OF BANISHED PRISONERS.

Inspector's Letter 8th September 1858.

The several Judges and Commissioners have been requested themselves to name the Prisons to which they sentence Prisoners to banishment.

C, O, 9th Decr 1837, No, 96, P, 1,

The above rules respecting the transmission of prisoners under sentence of transportation from a Zillah station to the depôt shall be applicable to the cases of prisoners sentenced to banishment from one district to another, under the provisions of clause third Section VIII, Regulation XV of 1803.

Do, do, and (C, O, 22nd, July 1814 P, 3.)

Besides the "paper" and copy of the Surgeon's Certificate, referred to in Rule 5 of this section, the Peon or Deloyet accompanying the banished Prisoner, shall be furnished with a letter to the address of the Officer in charge of the jail to which the prisoner is banished.

REMOVAL OF PRISONERS NOT SPECIALLY SENTENCED TO TRANSPORTATION OR BANISHMENT.

C, 5, Section VIII Regulation XV of 1803,

Act VIII of 1856 and O, G, 13th May 1856,

See Inspector's Circular No. 33 22nd July 1857,

The Inspector of prisons is competent, to order the removal of all convicts, under sentence of imprisonment, to any jail, or district within the Company's possessions, in which it may be thought proper to keep or employ them, during the period of their respective sentences, although no specific sentence of banishment may have been passed against them. But no such removal shall take place, without the special order of the Inspector.

The above Rule, shall be applicable to all convicts on whom sentence of imprisonment shall have been passed by the Superintendents of police at Madras, in the exercise of the jurisdiction transferred to them by Act XXII of 1837, in respect of offences, committed within the Collectorate of Madras against any Regulation relating to the Public Revenue.

C, O, 27th August 1841, No, 144,

* Instructions of [illegible] should be taken that they are not sent back to the Zillah from which they are by sentence banished, unless other change is not likely to be of service.

† Convicts are not to be removed, unless an absolute and urgent necessity exists for their removal.

F, U, Dy, 6th Feb. 1847

C, O, 11th March 1830.

Officers in charge of Jails, shall have authority, without previous reference, to transfer to any other * Jail, which may be indicated by the Medical Officer, any convict, whose removal on account of sickness may be certified by the latter Officer to be urgently † necessary; reporting the circumstance to the Inspector of prisons, and at the same time forwarding a copy of the medical Certificate of the case. The original warrant for the confinement of the convict shall be sent with him, and shall be endorsed over to the Officer in charge of the Jail to which he is sent; and the latter Officer shall receive the convict, and deal with him in all respects the same, as if originally sentenced to be imprisoned in the Jail under his charge.

Officers in charge of Jails, in supplying convicts for employment under the Magistracy, or Military, or other authorities within the Zillah, shall send those whose sentences are shortest, keeping up the supply by new Convicts, as their sentences expire: but when supplying convicts for employment at a distance from the Zillah jail, those alone shall be selected, whose unexpired period of sentence exceeds 6 months.

C, O, 24th October 1838, No. 99.

* F, U, Pro. 9th April 1850.

No more than two Prisoners who have been sentenced in the same case should be transferred from the Zillah on employment or other duty.

C, O, 8th January 1839 and 2nd March 1841, Nos, 100 & 135,

* Convicts who may have once effected their escape are not to be removed.

F. U. Pro. 10th Octbr. 1848.

Order of Govt. 9th June, 1837.

Officers in charge of jails on the occasion of their giving effect to any order for the * transfer of convicts destined for employment on public works in the Provinces, shall observe the utmost care in the selection of the convicts for employment on works of this nature; and that none but able bodied individuals, in a perfect state of health, and in full possession of their natural strength and vigour, shall be included in the gangs.

Convicts especially banished, during the period of their sentences, to a particular Zillah, prisoners convicted of the crime of murder by thuggee, or of having belonged to a gang of thugs, and convicts of desperate * character, shall not be transferred to a working party, detached for employment at a distance from the Zillah Jail.

No convicts shall be transferred who, from old age or other cause are unfit for hard labor, and all convicts previous to transfer, shall be inspected by the Medical Officer of the jail.

No convict, banished under sentence of a Court to a particular prison, shall be transferred except on Medical certificate, and no convict so banished shall on any ground be transferred to his own district or its neighbourhood without special reference to the Inspector of Prisons and his sanction being obtained previous to transfer.

E, M, C, 15th June 1858.

Convicts sentenced to transportation from stations on the coast or from stations from which sueh convicts may conveniently be forwarded to the coast for shipment, shall when opportunity offers be sent by sea to M[illegible]

Inspector's Circular 3rd July 1858 No. 49.

The usual forms will be observed in transferring prisoners by land.

In forwarding prisoners by sea to Madras, Officers in charge of prisons will send the prisoner to the sea port of embarkation under the same rules as are prescribed for the transfer of convicts by land; one peon will accompany the prisoner from the Jail from which he is ultimately transferred to Madras, arrangements for the safe custody, diet and care of the prisoner and for the passage of the peon in charge will be made, with the Officer commanding the ship by the Officer in charge of the Jail from which the prisoner is embarked.

Whenever prisoners are so despatched by sea, notice by post, and by Telegraph when practicable, should be sent to the Commissioner of Police at Madras, in order that he may provide a proper guard for the security of the prisoner on the Ship's arrival in the Madras roads, a duplicate of the letter will be forwarded by the ship.

The peon who accompanies the prisoner or prisoners will deliver them in the charge of the keeper of the Justice's Jail ("penetentiary") at Madras, and, on receiving his written acknowledgment, will be discharged from responsibility and return to his duty under such orders as he may have received from the Officer who deputed him.

The Commissioner of Police will be requested to give instructions for the receipt being passed for the person of any prisoner so delivered and by post to advise the Officer by whom the transfer is made of the prisoner's delivery.

Every prisoner's descriptive roll will accompany him on transfer.

In advising the Commissioner of Police of the transfer of any prisoner, mention should be made of the prisoner's former position in life, his character and conduct as noticed in Jail.

The list of the prisoners kit should be noted on the descriptive roll which accompanies the prisoner and which will be handed to the keeper of the Jail on delivery of the prisoner.

All papers for the information of the keeper of the Justice's Jail must be in English, all for the guidance of the peon in the language he understands.

Officers in charge of Jails will inform the Inspector, by certificate in the enclosed forms, both of the transfer of prisoners and of the prisoners in their custody awaiting means of transport

The passage or diet money for prisoners transferred and for their warders will be adjusted in Madras in the case of Government vessels. Where the transfer may be made otherwise than in Government vessels, payment will be made by the Officer in charge of the Jail from which the prisoner is embarked; but prisoners are not to be so despatched by private ships if an opportunity of shipment in a Government vessel is at hand, nor are the rates of passage money for prisoners to exceed, (above 5 Rs.,) those paid for ordinary native deck passengers from ports within 200 miles of Madras (land travelling distance) or 10 Rupees if above that distance, the peon's passage will be paid for at the ordinary rate.

Under these rules prisoners sentenced to transportation from Chicacole will be transferred to Vizagapatam for embarkation unless opportunity offers of shipping on arrival at Calingapatam: Vizagapatam prisoners will be shipped direct from that Port, those of Rajahmundry will, in case of opportunity for immediate embarkation offering, be sent to Cocanadah in one night by canal, otherwise they will be lodged in the Masulipatam Jail, to which Guntoor prisoners under sentence of transportation will in like manner be forwarded, Prisoners from Nellore, Cuddapah, Bellary, Chittoor, Salem, Coimbatore and Chingleput will be forwarded by land, advantage being taken of the Railway for safe and speedy transport where it is available. Officers in charge of other jails, will avail themselves of such opportunities by sea as may offer.

F. U. Dy. 13th June 1838. Circular.

When convicts are marching to be employed on public works, at a distance from the Zillah station, the irons shall be taken off their legs, and they shall be secured in a line by an iron chain passing down the centre, to which each convict should be attached by the wrist.

They shall be supplied with two blankets or cumblies, with the usual body cloth, and a cour[illegible]

[redacted]

Jud. Dept. 103/64

Judicial Department,

PROCEEDINGS of the MADRAS GOVERNMENT.

From [illegible] 16th Nov.

To [illegible] Inn [illegible] 1838.

[illegible] the inten[illegible]
[illegible] -7 [illegible]mer in form[illegible]
[illegible] [illegible] Order[illegible]
[illegible] reference to [illegible] foregoing
[illegible] letter that an alteration
should be made in t[illegible]
practice under which the
distinction of prisoners when
being removed in charge
[illegible] the peon [illegible] one
[illegible] tion [illegible] then has been

[illegible] It was [illegible] mend[illegible], in
[illegible] tended that the numerical
strength of the [illegible] should be
arranged by the Police

To the Inspr. Genl. of Jails & Superintt. of Police } dated 16/6

PROCEEDINGS *of* GOVERNMENT.

S. No. 1796/65.

Dated 6 June 1865

Passing orders respecting the Dieting of transportation Convicts when removed from one Station to another.

73.76