M.R.O. 1—30,000—18-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 944 Press ~~Mis.~~

257-258

Dated 28-6- 1864

5/6.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28*th June* 1864.

No. 257. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq , Chief Secretary to Government, Fort Saint George, dated Ootacamund, 23th May 1864, No. 756.

The present constitution of the Ootacamund Zillah requires that there should be a proper Zillah Jail for debtors, &c. It is desirable that accommodation should be provided for Europeans as well as Natives. The present building used for a prison answered its purpose very well when short sentenced prisoners transferred from the plains, and others to whose confinement in an insecure building there was no great objection, were kept in it. When the Central Prison at Coimbatore is completed, it will still do for a gang of short term men who only will be kept here, but under any circumstances a suitable Civil Prison (Jail) is needed. My own impression is that such buildings should be detached from convict prisons, or at least so distinct that there can be no inter-communication. I have therefore the honor to request that His Excellency the Governor in Council will state whether I am authorized in anticipating sanction for a small Jail at a cost of say 10,000 Rupees, in which case I will prepare the necessary plan and specification.

2. Mr. Innes' letter on the subject now enclosed shows the necessity for the measure and the classes for which accommodation is made.

From L. C. INNES, Esq., Session Judge of Ootacamund; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated 27th April 1864, No. 96.

I have the honor to bring to your notice that there is no Civil debtors' Jail at this station.

2. The practice at most stations is to appropriate a portion of the Criminal Jail as a Debtors' Jail, but there is no portion of either of the Jails here properly available for this purpose.

3. A most objectionable practice prevails of keeping Native Civil debtors in the Police guard-room of the Native Jail where alone there is any spare accommodation.

4. It is obvious that in the case of Native female debtors the Police guard would be a most improper place to keep them in, and to hold them in custody in the female criminal ward is an unjustifiable course.

5. The only portion of the Native Jail in which European or East Indian Civil debtors could be conveniently held in custody is the room now occupied as the office room of the Jail, and if the books are to be kept in proper order and the internal economy of the Jail is to be properly attended to, this office cannot be spared. It is besides unsuitable for European or East Indian females.

6. The European prison having been built especially as a place of Penal Servitude, and having seldom any spare accommodation would be generally unavailable for the custody of Civil debtors.

7. It is not merely for Civil debtors that a Civil debtors' prison is required; under Sections 163, 192 and 365 of the Code of Criminal Procedure, as well as under certain Sections of the Code of Civil Procedure (among which Section 93 may be instanced), the Courts are empowered to commit offenders to custody for contempts of Court; in some of these Sections the custody contemplated is clearly expressed to be the Civil debtors' Jail; in others it is apparently implied; and in Regulation II of 1820 the Magistrate in default of payment of fine by a European British subject convicted of assault is authorized to commit him "to some place of confinement within "the said Zillah or District which, in the judgment of such Magistrate, shall be fit for receiving "such offender;" leaving it with the Magistrate to determine whether the Criminal Jail is or not a suitable place of confinement.

8. It is most desirable therefore that there should be some place or places, apart from the Criminal Jail, especially appropriated for the reception of Civil debtors and other persons whom the law authorizes Judicial Officers to commit to some custody other than that of the Criminal Jail.

Proceedings of the Madras Government. J *partment,*

28th June 1864.

No. [illegible].

Before passi[illegible] ORDER TH[illegible] June 18[illegible]

would wish to h[illegible] [illegible]he foregoing letter, the Gove[illegible]

[illegible] Jails for t[illegible] [illegible]eneral of Jails, whethe[illegible]

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the neces[illegible] [illegible]pointing a separate keepe[illegible] Civil Jail. [illegible]void

[illegible]

To the Inspector General of Jails.

Exd. J. Tulloch,

I suppose something of the kinds or may be wanted. might not be added to the present Jail so that one keeper might look after both. There are not likely to be many candidates for imprisonment - I suppose we can hardly spend 1000 rs on such work this year but if Bobbs might prepare detailed & specification & submit them for the inspection of Govt

Yrs
JP

N 1

N 1: This might be asked
JP

Exd. J. Tulloch.

List

Judicial Department

Proceedings of the Madras Government

Read the following letter from the Inspector General of Jails.

(Ord Inter 28th May 1864 No 756)

Order thereon 28th June 1864. No 944.

Before passing Orders on the proposal made in the foregoing letter, the Governor in Council would wish to have the opinion of the Inspector General of Jails, whether an addition could not be made to one of the present Jails for the Confinement of Civil debtors and other persons whom the Law authorizes to commit to some Custody other

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Inspector General of
Jails. &c

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