

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1623	Press ~~Mis.~~
115-117	
Dated 13. 11. 1918	6/7

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
13th November 1865.*

Read the following papers :—

No. 115. From the Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Kotagherry, 22nd August 1865, No. 1700.

I have the honor to give cover to a letter addressed by me to the Officer in charge of the Jail at Chingleput, with his reply.

2. No distinct order has been issued on the subject by Government.

3. When the Police was first introduced, the ratio of Police to convicts was fixed at one Policeman to six convicts, for all work. And the Inspector General of Jails then fixed the minimum number to go out in a gang at 36 convicts.

4. When the retrenchment of 1863 was ordered, I was instructed to meet it; and I did so, in part, by reducing the proportion of Police to convicts to one to seven convicts, adding the condition that the minimum number sent out in a gang must be raised to 50 convicts. The arrangement was sanctioned and the reduction made accordingly.

5. It is easier and much less expensive to guard large gangs; and I am satisfied that convicts are most effectually worked in large bodies.

6. I therefore request that the Government will pass an order to this effect.

7. Of course gangs are sometimes reduced, with reference to the work, and we do not object to an occasional temporary arrangement; but gangs should, as a rule, be kept up to the strength of 50 men, as was arranged and tacitly sanctioned when the reduction was made.

From the Inspector General of Police, to the Officer in charge of the Jail at Chingleput; dated Kotagherry, 11th August 1865, No. 1625.

The Superintendent reports that the rules relative to the number of convicts sent out in one gang, viz., that they are not to be less than 50 together, are not strictly observed in the Jail under your charge.

2. The number of Constables with which the Police undertakes to guard convicts is regulated and based on this understanding. With small gangs one to seven does not sufficiently secure the safety.

3. If, therefore, you reduce the gangs, I must direct the Superintendent to engage extra men, the bill for which, as I have no funds in the budget, will be forwarded for liquidation by you.

From the Officer in charge of the Jail at Chingleput, to the Inspector General of Police; dated Chingleput, 16th August 1865, No. 142.

With reference to your letter of the 11th instant, I have the honor to request that you will be good enough to furnish me with a copy of any Order of Government which provides that convicts shall not be sent out in gangs of less than 50.

2. In the instructions enclosed in Circular No. 70* from the Inspector General of Jails, on the Police taking charge of the Jails, it is provided that no gang "working beyond the precincts of the Jail shall in future consist of less than 36 prisoners."

* 11th February 1865.

The same number (36) is given by the Inspector General of Jails in his abstract of Circular No. 108,† given in the "Contents and Circular Instructions, &c." And in the Manual of Jail Rules, submitted‡ to Government by the late Jail Committee, the same number occurs again—"Out door labor 11."

† 20th March 1862.

‡ 15th April 1865, No. 654A.

3. The employment of gangs of 50 men is a great hindrance to work, and greatly reduces the amount of it. Even in this matter, however, I try to meet the convenience of the Police, as far as I can. But I object to being called to account for inattention to an order which has never been communicated to me. I have several times asked for a copy of any such order, in vain.

4. On the receipt of your answer, I will explain the little reductions which have sometimes been made here in working gangs.

Referred to the Acting Inspector General of Jails for his remarks.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

FORT SAINT GEORGE,
5th September 1865.

No. 116. From Lieutenant Colonel W. J. WILSON, Acting Inspector General of Jails, to the Secretary to Government, Fort Saint George; dated Ootacamund, 16th October 1865, No. 391.

I have the honor to return the letter of the Inspector General of Police, dated 22nd August 1865, No. 1700, with its enclosures, referred to me on the 5th ultimo, for my remarks.

2. After fully considering the subject, and communicating with several officers in charge of regular Jails, and also with others in charge of working gangs, I am of opinion that an order making it imperative that the strength of such gangs should not consist of fewer than 50 men would be found extremely inconvenient, and would result in the loss of labor which might otherwise be turned to good account.

3. The Inspector General of Jails informs me that when he consented that gangs should not consist of fewer than 50 men, he intended that such should be the general rule in Jails where the number of convicts exceeded 100, and where it could be applied without loss or inconvenience, but that his consent was never meant to bear the construction put upon it by the Inspector General of Police.

4. I herewith forward seven enclosures, in original, on the subject in question, from which I think it will appear that the enforcement of the order proposed by Mr. Robinson would be found objectionable in practice; nor does it seem to me that the concession made in paragraph 7 of his letter under remark would remove those objections. If the departure from the general rule is to be dependent upon the will of the Police, the disposition of the labor of the convicts will be under the control of that Department, and the officer in charge of the Jail will be in a false position. It will be observed, from Mr. Thompson's letter, that on one occasion the Police objected to take charge of 48 men, being only two below the strength of the ordinary gang, and a similar unreasoning adherence to the letter of their instructions on the part of Subordinate Officers may be expected to recur.

5. Officers selected by Government to be Superintendents of Jails must be presumed to possess sufficient discretion to admit of their being trusted with the composition of their working gangs, and while I do not object to these being made up to the strength of 50 men, as a general Rule, where the body of convicts exceeds 100, I would permit the Officers in charge to use gangs of 36, or even of a still smaller number, in cases where the nature of the work, or the peculiar state of the Jail, made it either necessary or expedient; but the Officers in question are the proper persons to decide as to the existence of such necessity or expediency, and the

Officers in charge of the Police guards should be directed to carry out their orders accordingly. The responsibility will thus be placed where it ought to be, and the Superintendents of Jails will doubtless be careful in the exercise of the discretion vested in them. If necessary, subsidiary instructions may be circulated for their guidance.

6. The rules at present in force regarding Scavengers and funeral parties will of course remain as heretofore.

From the Officer in charge of Convicts on Lawrence Asylum Works, to the Acting Inspector General of Jails; dated Ootacamund, 14th September 1865.

I have the honor to acknowledge the receipt of your letter, No. 259, dated 8th September 1865, and in reply to inform you that although, with one exception noted below, my gangs are as a general rule not below 50, I do not think it would be advisable to raise the number of convicts from 39, the number that can be now sent out in one gang, to a minimum of 50; for occasions now and then arise when the labor of 39 men is ample to complete the work required.

2. I have a gang employed daily at the Workshop. As of course several convicts, such as Artificers, &c., are of a far higher class than, and far excel in intelligence, the ordinary run of coolies, these men are most advantageously employed in the Workshop, as sawyers, hammermen, assistants in the shop, &c. The number I actually require is about 30; but as I cannot send out less than 39, the gang has to be made up to that number, and work has to be found somehow for the rest. I can manage to do this for the few now in excess, but should not be able to have the gang at all if I could not have less than 50, or, if I had, then should have the labor of 20 men wasted; so that in this instance the proposed change would lead to very great inconvenience. If therefore it is carried out, I would request that in this instance an exception should be made, or indeed that I should be allowed to send in charge of a warder the actual number only I require.

3. Besides this gang I generally send out three other gangs, one of 50 for planting operations; and when I was much below my number, viz., 335 the other day, I was obliged to reduce this gang also to 39. The other gangs are larger. I find that in the last six months, not counting the Workshop gang, which is invariably 39, I have sent out 39 men 58 times—the number of gangs above 39 being 416. The planting work will however soon be finished, and I shall then as a rule have only two other gangs, one at the brickfields and one at excavation. These gangs will be then over 100 each, but it is occasionally convenient to divide the brickfield gang, and send them in one big and one small party of 39 men.

4. Except that each gang has only one Head or a Deputy Constable, I believe the practice here at all events is to send out Constables in the strength of one to the same number of convicts, whether the gang is great or small, so that no saving to the Police would be effected. A warder goes with each gang; but as I never by any chance have more than five gangs, the work is not hard on them.

5. I would note, however, that, as convicts are always employed in parties, viz., 1 maistry and 12 men, if the number is raised at all, 32 or 4 parties would be a more convenient number to fix than 50.

From the Session Judge of Trichinopoly, to the Acting Inspector General of Jails; dated Trichinopoly, 12th September 1865, No. 211.

In reply to your letter, No. 301, dated 8th instant, I have the honor to state that I consider it most undesirable to increase the working gang of convicts, beyond the number they are now composed of.

2. According to the present rules, the number of the prisoners in each gang consists of 35, and a smaller number has never been sent out to work by me.

3. In conformity with the orders issued to the Police, such gangs can never be broken up or separated, no matter how trifling the work that is being carried on, and consequently when it is required to perform any labor which four prisoners could easily execute, or for which indeed there is no room for more than that number to be worked, whilst four Convicts are thus being em-

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ployed, the remaining 38 look idly on, and thus the labor of this great number of prisoners has frequently been completely and entirely lost.

No. 203.

OFFICIAL MEMORANDUM.

The Session Judge forwards a letter received from the Acting Inspector General of Jails, under date the 8th instant, No. 202, with his opinion that, as a general rule, the gang may consist of 50; the occasions when a smaller number (39) have had to be sent out, have not been very frequent, chiefly to keep the cemetery in good order (twice a month), and now and then to sweep and clean the Court compound and inner yard. The number (39) for such purposes was more than was required, and he considers it would be better if the Officer in charge of the Jail had authority on such occasions to detach only the number really considered requisite.

COIMBATORE, ZILLAH COURT,

14th September 1865.

To the Zillah Surgeon of Coimbatore.

(Signed) G. HARRIS,

Session Judge.

(True Copy).

(Signed) W. F. DAVIS, M. D.,

In charge of Jail.

MEMORANDUM.

With reference to letter, No. 236, of the 7th instant, from the Acting Inspector General of Jails, I have the honor to state that the inconvenience of having to send out gangs of not less than 50 convicts at a time has very frequently been felt. It would, therefore, in my opinion, be desirable to allow Officers in charge of Jails to exercise their discretion in sending out smaller gangs when necessary.

BELLARY,

14th September 1865.

(Signed) R. DAVIDSON,

Acting Session Judge.

(True Copy).

(Signed) W. S. McLEOD,

Commissioner Magistrate.

From J. G. THOMPSON, Esq., Officer in charge of the Jail, and Acting Session Judge, Chingleput, to the Acting Inspector General of Jails; dated Chingleput, 11th September 1865, No. 179.

In reply to your letter of September 7th, No. 255, I have the honor to inform you that ever since I returned from furlough, at the end of 1862, I have found the Police demand as a right that no gang with less than 50 prisoners should ever be sent out of a Jail.

2. At Tellicherry I found this a nuisance; but my attention was given chiefly to improvements inside the Jail, and it was not worth my while to make a stir about it, during the short time I was there.

3. At Mangalore, it was found to interfere so much with work, that I requested to see any order there might be to warrant the demand. No order was produced; and if I remember aright, the Police eventually gave way.

4. Here again, it has often been a nuisance. Except under peculiar circumstances, a gang of 50 is too large to work to advantage in the space within which alone seven Constables can guard them. From being huddled together, they get into each other's way, and confusion and short work are the result.

5. The use of a large gang often involves the necessity of carrying a useless quantity of tools, &c. A road needs emergent repair, to such an extent as to employ one gang of 36 to fetch materials, and another of 36 to work them up. One gang would take out carts, baskets, and digging tools, for 36; and the other would take out road beaters, water-pots, &c., for 36. A single gang of 50 would have to take carts, &c., for 50, and road tools for 50; and would have to carry them all backwards and forwards all the day, from the impossibility of leaving them unguarded. It would not do so much work as the two gangs of 36, even if it could be kept in good order; and in fact it will do much less, in proportion to its number, because of the con-

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fusion that will be inevitable at both the quarry and the road. I think two gangs of 36 would make or mend a mile of road, while one gang of 50 would not do half a mile.

6. It often happens that there are in three different directions three bits of work which would take three small gangs a single day, so as to cost the labor of (3x36) 108 convicts. From the time lost on the road, and the confusion on the spot, they would equally take three large gangs one day each; and would cost the labor of (3x50) 150 convicts.

7. In this Jail, the number of prisoners has been reduced from the July average of 265 to about 240; and so many prisoners are employed in weaving, in the hay field, as cooks and toties, and on the repairs and alterations which are always going on, that for the last month there have never been 100 for work outside the Fort. The present reference has been caused, I believe, by this fact. I should often have been glad of a larger number for the hay field; but I could not have them, without keeping another whole gang, and I could not spare one from outside work. I annex a list of the gangs sent out daily from July 27th.

8. The Police actually objected to take charge of 48 (1), though it made no difference to them; and if I had not been at the Jail, they would have absolutely refused. I have never, I believe, required one extra Constable. My arrangements have tended rather to relieve than to harass the Police.

9. I am now building 17 Solitary cells, arranged as a Panopticon, in which to work those who have come a second time to Jail, those who are refractory in Jail, and those who are rigorously imprisoned for only one month. They will be employed on stone breaking and rice pounding. These 17 prisons will all be guarded by one Constable, so that the Police will be still more relieved. But there will be a still smaller number to go outside, and it will still be impossible to furnish two gangs of 50 each.

Gang sent out of the Fort daily.

Date.	1st Gang.	2nd Gang.	Total.	Date.	1st Gang.	2nd Gang.	Total.
1865.				1865.			
July.				August.			
27th	50	50	100	17th	41	33	74
28th	48	50	98	18th	41	41	82
29th	50	50	100	19th	41	37	78
30th	Sunday.			20th	Sunday.		
31st	44	44	88	21st	44	37	81
August.				22nd	44	42	86
1st	46	45	91	23rd	44	42	86
2nd	43	43	86	24th	44	36	80
3rd	43	36	79	25th	44	45	89
4th	44	41	85	26th	44	38	82
5th	43	35	78	27th	Sunday.		
6th	Sunday.			28th	42	38	80
7th	43	35	78	29th	43	44	87
8th	41	39	80	30th	44	43	87
9th	41	39	80	31st	43	38	81
10th	42	33	75	September.			
11th	42	38	80	1st	44		
12th	42	34	76	2nd	47	38	85
13th	Sunday.			3rd	Sunday.		
14th	42	33	75	4th	46	36	82
15th	39	38	77	5th	45	43	88
16th	40	38	78	6th	45	43	88

CHINGLEPUT JAIL,
13th September 1865.

(Signed) J. G. THOMPSON,
Officer in charge of the Jail,
and Acting Session Judge.

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13th November 1865.

From the Session Judge, Chittoor, to the Acting Inspector General of Jails; dated Chittoor 12th September 1865, No. 23.

In reply to your letter, No. 238, of the 8th instant, I have the honor to state that I quite agree in the advisability of the proposed "general" rule that the number of convicts sent out in one gang should not be less than 50.

2. It is very rarely that a smaller number is sent out from this Jail.

3. At the same time, I would point out the inconvenience that occasionally arises from the present system, under which the Officer in charge of the Jail has no option, but must send out no less than 36 prisoners, though the work required of them may be more conveniently and fully carried out by perhaps 10 men. A certain discretion on this head might, I think, with propriety be left to the Officer in charge of the Jail.

From the Officer in charge of the Jail at Salem, to the Acting Inspector General of Jails; dated Salem, 11th September 1865.

In reply to your letter, No. 237 (without date), I have the honor to state that so long as the proportion of guards to convicts is only one to seven, I am of opinion that the rule prescribing that not less than 50 convicts should be sent out in a gang, should generally be observed. There is no doubt that this frequently involves a waste of labor; and I have occasionally arranged with the Police for a smaller gang to be sent to some particular work, where so large a number as 50 could not possibly be employed. Much depends upon the locality where they are to be employed; and though I am for maintaining the rule, I would leave it to the Superintendent of the Jail and the Officer in charge of the Jail guard to relax it at their discretion, where the strict maintenance of it would involve considerable waste of labor. If the Officers of the Jail and the Police work in harmony, there will be no difficulty in making a satisfactory arrangement.

No. 117. ORDER THEREON, 13th November 1865, No. 1623.

The Governor in Council approves of the course proposed in the 5th paragraph of Colonel Wilson's letter of the 16th ultimo, and directs that it be acted on.
(True Extract).

Chief Secretary.

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

Encl. J. H. Burns.

Judicial

N: 1815.

From The Inspector General of the Police.

Dated 22nd August 1865.

N: 2216.

From The Acting Inspector General of Jails.

Dated 15th October 1865.

For Order.

The course proposed in para 5 of Col: Wilson's letter is, I think, the proper one. I would refer accordingly to the Court from the J. & P. Police of the 22nd August last.

W.D.

J.P.

The simple Plan would be I think to substitute 1 Prisoner to 2 convicts for 1 to 7. and then leave the matter to the Officer in charge of the Jail - in Tasmania with the present blackbirds unburied one convict to 20 Prisoners was the usual allowance W.D.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters

From Supr. feat. of H. River Here enters 22nd Augt. /55. 8th 7th 700
" " Supr. feat. of Jails ————— 16th Oct^r /55. 8th 7th 700.

Order thereon. 13 November 1865 H: 1623.

The Governor in Council
approves of the course pro-
posed in the 5th para-
graph of Colonel Wilson's letter
of the 16th ultimo and
directs that it be acted
on.

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The Supr. Court of N. H. }
a Supr. Court of Jail } Aug 16/11

Oct 1860

Provincial 1865. Department.

No. 1023.

PROCEEDINGS OF GOVERNMENT.

Feb. 27/40.

Dated 13th March 1865