

MADRAS RECORD OFFICE.

Government of Madras.

Indiv. DEPARTMENT.

G.O. No.

1642

Press

~~Mis.~~

Dated

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
16th November 1865.

No. 157. Read the following letter from the Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 23rd October 1865, No. 2090.

I have the honor to submit the accompanying correspondence with the Acting Inspector General of Jails, on the subject of removing the worst class of felons into camp on the occurrence of an epidemic in a Jail.

2. The special matter under reference has been disposed of. The Officers erred in permitting their protest against removing a number of Yanadies, who were lying in Jail under sentence of transportation, into camp, to amount to a refusal to take the responsibility of their charge. I rectified the misapprehension by a telegram. But the case is a suggestive one.

3. A few (3 or 4) cases of cholera of a mild kind occurred in the Nellore Jail some time ago. The Officer in charge, in communication with the Medical Officer, determined to clear the Jail. The Police Officers were naturally very apprehensive about having a number of desperate Yanadies, under sentence of transportation, sent out in tents.

4. I asked Colonel Wilson, while admitting that if necessary the measure of removing *all* convicts must be carried out without reference to Police Officers and attendant dangers, to suggest to his Officers that they should consider well before ordering out the few really dangerous convicts who may be in Jail. This he objects to do.

5. I still think that it is advisable to do so, as in first excitement of such an occurrence other considerations are apt to be lost sight of.

6. Under similar circumstances, the Judge of Cuddapah exercised his discreet judgment and probably prevented a serious occurrence, without detriment to the restoration of health in his Jail. Others have done the same.

7. Police Officers have of course been instructed that they are to receive charge as a matter of course.

From the Acting Inspector General of Jails, to the Inspector General of Police, Kotagerry; dated Ootacamund, 13th October 1865, No. 376.

I have the honor to acknowledge the receipt of your letter of the 2nd instant, No. 1954, on the subject of encamping convicts when cholera appears in a Jail as an epidemic. This matter has already engaged my attention, but as Mr. Pelly informed me that it had been referred to you, I refrained from laying it before Government, pending the result of the said reference, as I took it for granted you would direct that all convicts whom the Medical officer might consider it necessary to remove into camp should be guarded by the Police.

2. I herewith enclose an Extract from Mr. Pelly's letter, from which you will observe that the Police did not content themselves with protesting as stated in paragraph 4 of your letter under reply, but positively refused to guard any convict under sentence of transportation for periods exceeding seven years, or any State prisoner.

3. A telegram was subsequently received from Captain Bowen, to the following effect:—"If cholera continues bad among the transported men left in Jail, the Inspector will carry out your order to remove all but life convicts." This did not improve matters, as the removal was made contingent, not on the extent of the epidemic in Jail, but on its *continuing bad* amongst a particular class, so that unless cholera should break out virulently amongst men of that class they must be retained in the infected building. Again, the removal of men under such circumstances might infect the Camp, and in all probability the Medical Officer would hesitate to direct it. Things appear to have remained in this state until the 14th, upon which day the matter was

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settled on receipt of a telegram from the Chief Secretary, desiring that provision should be made for guarding all convicts whom the officer in charge might, in communication with the Medical Officer, decide on encamping.

4. In all cases of this kind, it will be the duty of the officer in charge, in communication with the Medical Officer, to take such steps as they may deem most advisable; and I cannot assume that they will not exercise a sound discretion in the matter. They are the responsible officers, and no doubt will be careful not to clear their Jails except when such may be necessary. It is quite true that on the occasion now in question the disease was of a mild type, but bearing in mind the former recent visitation, I could not venture to say that the present encamping of the convicts was uncalled for.

5. I trust that upon this explanation you will be good enough to issue such orders as may ensure the guarding of all convicts whom the officer or officers abovementioned may deem it necessary to remove.

Extract from a letter from the Officer in charge of Jail, Nellore, to the Acting Inspector General of Jails; dated 13th October 1865, No. 31.

I have the honor to bring the following circumstance to notice, being of opinion that the general question to which it gives rise, viz., whether in the event of a camp being established, consequent on the outbreak of an epidemic in a Jail, it is open to a Superintendent of Police to refuse to assume the responsibility of guarding any class of Convicts (whose removal to the camp is recommended by the Medical officer), on the ground that it would be attended with risk. I cannot say I entertain doubt on the point myself. It appears to me that the duration or nature of the sentence is immaterial; but it is the duty of the Police, under such circumstances, on the requisition of the officer in charge of the Jail, to guard all recommended for removal, and that it is not open to a Superintendent of Police to say "I will not undertake the responsibility of guarding Convicts whose sentence is so and so."

2. The following are the circumstances necessitating this reference. My recent communications have kept you informed of a second outbreak of Cholera in the jail at this station. After it was brought to my notice by the Medical Officer in charge, I telegraphed to Madras for tents. My application was promptly responded to, and the tents arrived on Monday afternoon (4th). The following morning (5th) the Jailer, whom I casually met, informed me that the reserve Inspector, Mr. Beeson, deputed by the Superintendent of Police, Lieutenant Balmer, to superintend the guarding of the camp, had been ordered to refuse to take charge of any Convict under sentence of transportation for a longer period than seven years; this Mr. Beeson confirmed, and at my request subsequently produced that order. On perusal, I despatched a telegram to Lieutenant Balmer at Ongole, and received a reply in the course of the day—not from him, but from Captain Bowen, I believe Acting Deputy Inspector General of Police, to the effect that my objection had been referred to the Inspector General by telegram. Deeming it material that there should be no delay in the matter, I thereupon sent a telegram to the Chief Secretary to Government, and in the course of the evening received a letter from Lieutenant Balmer, of which I enclose copy. In it he distinctly refuses to take charge at the camp of any Convict under sentence of transportation for a longer period than seven years; and of this class there are at present nineteen in the Jail, whose removal to the camp the Medical Officer urges, but which I am powerless to effect, as the Police refuses to assume the responsibility of guarding them.

As regards the State prisoners confined during the pleasure of Government, the Inspector respectfully, but decidedly, refused to receive them.

(True Extract).

(Signed) W. J. WILSON,
Acting Inspector General of Jails.

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16th November 1865.*

No. 158. ORDER THEREON, 16th November 1865, No. 1642.

The Governor in Council considers that the view of the case taken by the Inspector General of Jails is the correct one. The duty and the responsibility of moving prisoners from Jail into Camp, on the appearance of an epidemic, must rest with the Officer in charge of the Jail and the Medical Officer; and all whom they order to be removed must be moved, whatever may be their sentences. It is a matter however in which the Officer in charge should be careful to exercise a due discretion.

(True Extract).

Chief Secretary.

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

Exd, J. H. Burns.

Judicial

No. 2272.

From The Inspector General of M. Police.

D/23^d October 1865.

For Orders.

I think for him to give the
duty and responsibility of moving
prisoners from jail into camp
on the appearance of an epidemic
must rest with the Officer in
charge of the jail and the doctor.
All whom they may order to
move must go, whatever their
sex or may be. No distinction
can be taken in this respect. The
Officer must be left to use their own
discretion without being hampered.

with caution

Prisoners in Camp will be
kept separate from each other
than those within the walls of a
Jail - It will be for the Police
Officer to strengthen the general
arrangement to meet the
 exigency of the case

J.P.

Leoneau - but -
is it clear that there
has in this case been
sufficient cause for
going into Camp &
pulling the lock to the
exposure & uncommence
of getting public tents

From the Jail? was his
order? W.P.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Insp^r Genl. of Police.

(Here enter 23^d October 1885 No. 2090.)

Order thereon 16th November 1885 No. 1642.

The Governor in Council
considers that the view of the
case taken by the Inspector General
of Jails is the correct one. The
duty and the responsibility of moving
prisoners from Jail into Camp
on the appearance of an Epidemic
must rest with the Officer
in charge of the Jail and the
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they order to be removed must be
moved, whatever may be their
sentiments. It is a matter how-
ever in which the Officer in
charge should be very careful

W.P.

to exercise a due discretion.

157-158.

(4)

Dated 18 November 1865.

PROCEEDINGS OF GOVERNMENT.

No. 1642

1042 No. of Road
Buckeia 1865. Department.

To
The Inspector Genl. of Police } des. ps 2/11.
" " " of Sails }