

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1640	Press
		~~His~~
Dated	17-10-1866	

Not to be folded or roughly handled

9/10

Read the following papers :—

No. 199. From Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 8th August 1866, No. 55.

I have the honor to report the undermentioned circumstances, connected with the Jail at Berhampore, and with the Subsidiary Jail at Chicacole, for the information and orders of Government.

2. On the 30th May 1866, an Order was passed, approving of the proposal to occupy the Old Jail at Chicacole as a Subsidiary Jail, upon certain conditions,
J. D., 30th May 1866, No. 844.

and calling upon the Magistrate of Ganjam to report how many Prisoners the building could accommodate, and also to state what he would propose, with reference to the recommendation of the Inspector General of Police, to the effect that all persons from the neighbouring Taluqs sentenced to three months' imprisonment and under, should be confined in the said Jail. I, therefore, inferred that no further steps would be taken until the said report had been submitted, and the last mentioned point decided, more especially as upon it would depend the number of prisoners to be located in the Jail.

3. On the 26th June, I received a telegram from the Assistant Magistrate in charge of the Jail at Berhampore, requesting permission to transfer 40 Convicts to Rajahmundry, on account of the crowded state of his own Jail, to which I replied, the same day, both by telegram and by letter, requesting him to build huts for the surplus prisoners, and declining to sanction the transfer. On the 9th July, I received a letter from the same Officer, informing me that the Jail was still crowded; that the Jail yard was limited in space; and that he had applied to the Agent to the Governor for permission to transfer 100 short sentenced prisoners to Chicacole. In reply, by telegram, I directed him to build Huts outside the Jail, and also informed him, by letter, that transfers ought not to be made without my previous sanction, although there can be little doubt that he was already aware of existing orders as to that matter. It appears, however, that 176 Convicts were sent from Berhampore to Chicacole on the undermentioned dates, viz., 30th June, 1st, 2nd, 3rd, 11th, 12th and 13th July, and I herewith forward two letters from Chicacole, containing requisitions connected with the said transfer. I doubt whether these letters should have been addressed to me at all, as the Jail is Subsidiary, and the arrangements regarding it ought to be made by the Magistrate, but I enclose them, in order to save time. The first of these letters is from the Acting Principal Assistant, who states that he has called for an estimate of the cost of repairing the Jail. I will forward this estimate when received. The other matters I propose to dispose of by sanctioning an Indent for Tools, and by directing the use of the diet scale, No. 3, according to Jail Rules, pending any further orders which Government may be pleased to issue. The other letter is from the Assistant Magistrate in charge of the Jail, who reports that he has found it necessary to entertain three Warders, one on 8 Rupees, the other two on 7 Rupees each per mensem, and he requests permission to employ a Jailer, on a salary of 18 Rupees per mensem. Taken by itself, and considering the number of prisoners in the Jail, the demand is very moderate, but unless there has been any Order of a date subsequent to that quoted above, the whole Proceedings which I have detailed are entirely unauthorized.

4. It is distinctly stated that the Jail at Chicacole is to be a Subsidiary Jail for the reception of prisoners from the adjacent Taluqs, and that no additional expense is to be incurred; the only point which remained for decision being the period of sentence which should determine the class of Convicts to be committed to the Jail. The limit recommended by Mr. Forbes was six months, and that by Mr. Robinson three months; while that prescribed by the New Jail Rules for Subsidiary

Page 3, paragraph 30.

Jails, generally, is thirty days. I may here observe that, if prisoners sentenced to periods exceeding one month are admitted into this Jail, the number is likely to be considerable, and additional expense for supervision and guarding must be expected. Indeed, the present number is far in excess of that which may be supposed to constitute the population of a Subsidiary Jail. It also appears that this Jail was intended to be filled by direct committals from the Sub-division, but this intention, if not entirely defeated, must be seriously interfered with, by the transfer from Berhampore. I do not know what report may have been made as to the extent of accommodation, but my predecessor, in his report for 1857-58, gives 153 as the number of Convicts who may be properly confined in the Chicacole Jail. In those days, 500 feet of cubical space was considered a fair allowance, and I believe the calculation was made accordingly.

5. Of the 176 prisoners sent from Berhampore, one died, and 36 have been released up to this date; 39 will be released in all this month, 60 in September, 18 in October, 17 in November, 4 in December, and 1 in January 1867; so this detachment will be considerably reduced by the end of September, but I have no means of giving any opinion as to the number of prisoners likely to be committed direct from the neighbouring Taluqs, for, as I have already observed, this will depend upon the class of prisoners who are to be sent there, and also upon the state of the District. Should the number continue to be anything like what it is at present, I submit that it will be necessary to provide an Establishment, consisting of a Jailer, a Writer, and a certain number of Warders.

6. In conclusion, I will state briefly my reasons for opposing any further transfers from Berhampore, either to Rajahmundry or to Chicacole, and for preferring to build huts instead. In April last, 60 Convicts were sent to the Central Jail at Rajahmundry from Berhampore. The expense of this was considerable, Rupees 766 having been incurred for the passage money of the Convicts, and Rupees 312 for that of the Police Guard going and returning. The relief obtained, at this cost, was of very short duration, and it was evident that the benefit gained by any other transfer would not be at all commensurate with the expense attending it. With regard to Rajahmundry, even had there been accommodation, which there was not, there would have been a risk in sending men to a new and healthy Jail from a District in which Small-pox and Cholera were prevalent, and it was clear that a transfer to Chicacole would interfere with the accommodation designed for the criminals of the adjoining Taluqs, and very probably lead to the continuance of the marching backwards and forwards, which it was intended to save.

7. In a letter, dated 18th July, the Officer in charge at Berhampore informed me that he expected to have 100 Convicts huttet by the end of that month.

From the Acting Principal Assistant Magistrate of Chicacole, to the Inspector General of Jails; dated Chicacole, 26th July 1866, No. 45.

I have the honor to report that 175 prisoners have been received into the Subsidiary Jail at Chicacole from Berhampore Jail, and 4 have been sent in from the neighbouring Taluqs. Of these, one has died, and 24 have been released; so the present strength of the Jail is 154.

2. In accordance with instructions received from the Magistrate of the District, I have the honor to forward an indent for tools, and to suggest that it would be well if sanction for their purchase be sent with as little delay as possible, as the prisoners are necessarily doing no work at present.

3. The Sub-Engineer in charge of Chicacole Range has been requested to prepare an estimate for the repairs of the Jail. As soon as it is received from him, it will be forwarded to your Office.

4. I have the honor to request instructions as to whether the scale of diet, No. 3, applicable to Berhampore and other Jails in the Northern Division, is to be adopted in this Jail.

From the Assistant Magistrate in charge of Jail, Chicacole, to the Inspector General of Jails; dated Chicacole, 26th July 1866.

I have the honor to inform you that I have found it necessary, with the sanction of the Acting Principal Assistant Magistrate, to entertain three Warders, one on 8 Rupees a month, and two on 7 Rupees each, for the Subsidiary Jail here. I must also beg you will obtain sanction for a Jailer for me. At present one of the Cutcherry servants has charge of the Accounts, &c., but I cannot spare his services permanently, nor do I think he would be fit to undertake the work. I would beg to recommend that a salary of Rupees 18 be allowed for the Jailer.

No. 200. From Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 10th August 1866, No. 57.

In continuation of my letter of the 8th instant, No. 55, regarding the Subsidiary Jail at Chicacole, and the transfer made thereto from Berhampore, I have the honor to forward, herewith, an explanation received this day from the Senior Assistant Magistrate in charge of the Jail at the latter place.

2. Mr. Horsfall states that, in his letter of the 27th June, he informed me that it was intended to remove 100 short sentenced prisoners to Chicacole. This is not quite accurate. He wrote to say that he had applied to the Agent to sanction the transfer, and as I took it for granted that Mr. Forbes must be aware that transfers from regular Jails were not made, except by order of the Inspector General of Jails, and that he would set his subordinate right, I did not consider it necessary to interfere.

3. From the third paragraph of Mr. Horsfall's letter, it may be inferred that my telegram of the 26th June limited him to the erection of huts within the Jail enclosure. Such was not my intention, nor do I think that the telegram will fairly bear such a construction. The original copy thereof is herewith enclosed.

4. I do not, for a moment, doubt that Mr. Horsfall has acted with the best intentions throughout, but, if he contemplated the transfer of 100 men to Chicacole, he might as easily have telegraphed to me for instructions, as he did the day previous, viz., the 26th June, when he requested sanction for the removal of 40 men to Rajahmundry; and it does not appear why he should have pursued a different course on these two occasions.

5. When I called upon Mr. Horsfall to explain why he had disregarded my instructions regarding the transfer to Rajahmundry, I had reason to believe that the Convicts had already been dispatched. I am satisfied that, in making preparation for this transfer, Mr. Horsfall was misled by Captain Bloomfield's telegram; but Officers in charge of Jails never had authority to arrange such matters between each other, and it is manifest that transfers made without the knowledge of the Inspector General of Jails might be the source of very serious embarrassment, especially at a time like this, when many Officers have applied to have their Jails relieved. Captain Bloomfield informs me that he did not anticipate that his telegram would be acted upon without reference to me, but still it was liable to be misunderstood, as appears to have been the case.

6. It is stated, in the latter part of the second paragraph of Mr. Horsfall's letter, that the men transferred to Chicacole are from that neighbourhood, and that the expense of dieting them there will be much less than it would have been at Berhampore. It is satisfactory to learn that such is the case; but it would have been better if these reasons had been brought forward to support an application to the proper quarter for the transfer.

7. As it may possibly be supposed, from the wording of paragraph 5 of Mr. Horsfall's communication, that I was less guarded in my letter of the 17th ultimo than I ought to have been, I herewith forward the original draft of the letter in question.

8. In conclusion, I beg to state that, although I am of opinion that Mr. Horsfall did not act correctly, either in applying to the Agent for instructions instead of to me, or in making preparations to ship 10 Convicts to Rajahmundry without my sanction, it neither was, nor is, my intention to make these circumstances the subject of any complaint to Government, and if I mentioned them in my letter of the 8th instant, it was only because they were essential to the matter under discussion.

Extract from letter, dated 27th June 1866, No. 98, from J. G. Horsfall, Esq., Acting Senior Assistant Magistrate in charge of Jail, Berhampore.

"I have already applied to the Agent for the removal of 100 short sentenced prisoners to the Chicacole Jail."

(True Extract):

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

From J. G. HORSFALL, Esq., Acting Senior Assistant Magistrate in charge of Jail, Berhampore, to the Inspector General of Jails; dated Berhampore, 31st July 1866, No. 25.

I have the honor to acknowledge the receipt of your letter of the 17th instant, No. 350 calling upon me to explain why certain Convicts were transferred to the Subsidiary Jail at Chicacole, instead of putting them out, as directed more than once, both by telegram and letter, and, secondly why I had disregarded your instructions regarding the removal of certain Convicts to Rajahmundry, issued in your telegram of the 26th ultimo.

2. The first question was answered in a previous letter, and in my letter of the 27th June, I informed you that it was then intended to remove 100 short sentenced prisoners to Chicacole, and again, on the 7th instant, that, besides the 100 prisoners already transferred, 75 more were shortly to follow. I was under the impression that the sole object of the Chicacole Jail was to relieve the over-crowding of that at Berhampore, to which, in a great measure, no doubt, was due

the great mortality prevalent at the time. The relief required was immediate, and it was with this object in view that I telegraphed you for sanction to transfer to Rajahmundry. This procedure being denied, and as the building of huts for so many would have occupied some time, I had no other course open to me than transfer to Chicacole, which was made under the Collector's sanction. In all this I acted to the best of my judgment, and believe that, had not this immediate relief been given to the Jail, we should have ere now been visited by some epidemic disease, with fearful results. At the same time, I would beg respectfully to question the correctness of the assertion that transfers at the present time are worse than useless, at least in the case under consideration. The prisoners were, for the most part, from Chicacole and the immediate neighbourhood, and a Police guard had to be furnished—it mattered little, I should think, whether they marched with prisoners or not; whilst, in the item of dieting, a great saving will have been effected by the transfer, rice being sold at Chicacole at little more than half its price here.

3. Your telegram of the 26th June directed me to build huts in Jail, but this, so far as it was practicable, had already been done, and I wrote to you to that effect; and before the receipt of your telegram of the 10th instant, I had been collecting materials for building a shed outside the Jail, in which 100 prisoners will be confined, on the arrival of the Police guard expected on the 1st proximo. Your telegram, ordering me to make no transfers without your previous sanction, was received on the 18th instant, long after the transfers objected to, and I cannot understand, therefore, how in this case I can be said to have disregarded your instructions.

4. I now come to your second question, and trust that I shall easily prove to your satisfaction that I had no intention of disregarding your instructions respecting the transfer of Convicts to Rajahmundry. On the 26th June, I telegraphed, asking you to sanction the immediate removal of 40 Convicts to Rajahmundry, receiving your reply the following day; but on the 4th instant, the Superintendent of the Central Jail, with whom I, at least, had held no communication, telegraphed to me that I might send the convicts in question, and, under the impression that he had received instructions to that effect from you, I wrote, on the 6th instant, stating that it was my intention to remove them as soon as possible. Subsequent to this, his second telegram was received, cancelling the previous one, and in accordance therewith, though greatly to my disappointment and annoyance, the Convicts were not transferred at all.

5. It is for you to consider whether or not I can be charged with disobedience and insubordination, and if you still continue of that opinion, I request that you will be good enough to submit the whole of the correspondence to Government, as I cannot sit down quietly under the censure implied in your letter now under reply.

6. Owing to the present state of the District, my time is fully occupied with my own proper work, and I shall indeed be thankful to be relieved of the duties incurred by my being placed in charge of the Jail.

Telegram from the Inspector General of Jails, to the Jail Superintendent, Berhampore; dated Madras, 26th June 1866.

Build Huts for the extra prisoners—inside the Jail enclosure, if there is room. Transfers to Rajahmundry cannot be sanctioned.

From the Inspector General of Jails, to the Senior Assistant Magistrate in charge of the Jail, Berhampore; dated Ootacamund, 17th July 1866, No. 350.

I have the honor to acknowledge the receipt of your letter, of the 6th instant, No. 105, informing me that 100 Convicts have been transferred to the Subsidiary Jail at Chicacole, and that 40 more were to be sent to Rajahmundry.

2. I informed you by telegram, on the 26th June, that I would not sanction any transfer to Rajahmundry, and I request you will explain why you have disregarded my instructions.

3. I have no information whatever as to the Jail at Chicacole. As far as I know, no final orders have been passed on the subject by Government, and I am in perfect ignorance as to what arrangements have been made as to dieting, medical aid, superintendence, &c., without which knowledge I should never have permitted any transfers thereto from the Berhampore Jail.

Proceedings of the Madras Government, Judicial Department,
17th October 1866.

4. I have already, in my letter of the 11th instant, No. 296, called for a Nominal Roll of the 50 prisoners sent to Chicacole. I now request that I may be furnished, as early as possible, with a similar Roll of all Convicts transferred, containing the necessary particulars as to sex, and date, and period of sentences.
5. In conclusion, I beg you to understand, distinctly, that no transfers are to be made without my sanction. In the present state of things transfers are worse than useless.
6. If you stand in need of accommodation, you must construct huts, as I have already informed you more than once, both by telegram and letter.

No. 201. From the Magistrate of Ganjam, to the Chief Secretary to Government, Fort Saint George; dated Chetterpore, 29th August 1866, No. 164.

I have the honor to state that the accompanying Indent for the pay of three Warders, whom it has been found necessary to employ at the Chicacole Subsidiary Jail, has been declined by the Inspector General of Prisons, though it is a legitimate charge, as 175 prisoners have been drafted from the Berhampore Jail (which still contains more than double its number) to the building at Chicacole—an obviously necessary step under the extraordinary accumulation of prisoners who throng the regular Jail this season. As these prisoners would have to be watched at Berhampore and their Warders paid for, it is difficult to understand why the charge is repudiated. The Government Order permitting Chicacole Jail to be used for short sentenced prisoners as a Subsidiary Jail, on condition that no expense was entailed, did not contemplate the use to which it has become necessary to put it now, for it is actually used as a supplementary District Jail, and that Order cannot be intended to preclude the usual charge for Warders being passed by the Inspector General.

2. I request the Government will be so good as to instruct that Officer on the subject.

Her Majesty's Government of India.

Dr.

Number.	Name.	Designation.	Period for which payment is due.	Amount of pay.			Deductions.			Net amount due.		
				RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
1	Masa Venkayya.....	Head Warder ...	From 13th to end of July 1866, 19 days.....	8	0	0	3	1	7	4	14	5
2	Kummarikanti Venkayya.	2nd ..	Do.	7	0	0	2	11	5	4	4	7
3	Altali Kristnasawmy....	3rd ..	Do.	7	0	0	2	11	5	4	4	7
Total...				22	0	0	8	8	5	13	7	7

PRINL. ASST. MAGISTRATE'S OFFICE,
CHICACOLE, 23rd August 1866.
To the Magistrate of Ganjam.

(Signed) G. D. LEMAN,
Ag. Prinl. Asst. Magistrate.

(Signed) G. S. FORBES,
Magistrate.

No. 202.

ORDER THEREON, 17th October 1866, No. 1640.

The Governor in Council observes that the transfer of prisoners from the District Jail to the Subsidiary Jail at Chicacole, which, under the orders noted in the margin, was intended for the confinement of short sentenced prisoners from

G. O., 30th May 1866, No. 844.
G. O., 23rd June " " 1015.

Proceedings of the Madras Government, Judicial Department,
17th October 1866.

the neighbouring Taluqs, should not have been made without the sanction of the Inspector General of Jails. Under the pressing emergency, however, which arose from the over-crowded state of the District Jail, it became necessary to find additional accommodation without delay; and it appears that the men transferred to Chicacole belong to that neighbourhood, and that the expense of dieting them there would be much less than it would have been at Berhampore. The prisoners selected would appear moreover to have been persons whose periods of imprisonment had nearly expired. Under these circumstances, the Governor in Council is pleased to sanction the payment of the salaries of the Warders employed for the occasion in Chicacole, amounting to Rupees 13-7-7.

2. The greater number of the transferred prisoners must have been released by this time; and the Government request that the Inspector General of Jails and the Magistrate will, in communication with each other, restore matters to the intended status, as speedily as possible, without risk to the health of the prisoners. The Subsidiary Jail should be restored to its legitimate purpose; any necessary relief to the regular Jail, in the present exceptional state of things, being provided by the responsible Head of the Department, in such manner as may appear to him most fitting.

3. A copy of Government Order, 28th June last, No 1015, which was not communicated to Lieutenant Colonel Wilson, will now be furnished to him.

(True Extract).

Chief Secretary.

To the Inspector General of Jails, with five enclosures returned,
and Proceedings, No. 1015.

„ Magistrate of Ganjam.

„ Accountant General.

Exd. J. H. Burns.

cannot deny, that the
my dear friend and explanation of
my official report of this date regarding
the business, and to the same, and
the business, and at the same, I
write to mention that the order of the
30th May is the only communication I
have received on the subject, and my
Report is based on the supposition
that the intention of the order is that
the same is expected to be, that
is to say that the land at Chichester
is to be subdivided and for the use of
the adjoining estates. - By referring
to this intention, and by informing the
Committee to view the same as
intended for the purpose of subdividing

6 weeks you may perhaps be able to
get on without any additional aid
of establishments, could I think it be
less probable. The only extra establishment
required resulting by an increase in the
number of prisoners should be stationed
at Brompton where there is already
a Dept. of Justice, & it is of course
is to be a large number at present. I
don't see how the Dept. can do without
some extra establishments. The in-
crease caused by the transfer from
Brompton will have caused is a
great measure by the Dept. of Justice.
No doubt Foster and Brompton have

acted with the best intentions, but I think
it would have been better if my
telegram of 25 June regarding this had
been acted on at once.

Yours very truly
W. H. R.

Fail at being very good - I think
McLeod is doing all he can in the
way of providing temporary accommodation.
Would not think of the temporary
occupation of the Kiln House
provided the present state of
things continues?

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Recd the following letter:

From the Inspector General of Jails (Received 8th 4th August 1866 No. 5467)
" Magistrate of Ganjam (--- 29th --- 1866)

Order thereon 17 Oct^r 1866 N^o 1640.

The Governor in Council
observes that the transfer of
Prisoners from the District
Jail to the Subordinate Jail
at Chicacole, which, under
the orders noted in the mar-
gin, was intended for the
confinement of short sentenced
Prisoners from the mughlan-
ing taluqa, should not
have been made without
the sanction of the Inspector
General of Jails. Under the
pressing emergency, however,
which arose from the overcrowding
State

G.O. 50th May 1866 N^o 3114
G.O. 28th June 1866 N^o 1015

WV

state of the District Jail, it became necessary to find additional accommodation without delay, and it appears that the men transferred to Chicacola belonged to that neighbourhood and that the expense of detaining them there would be much less than it would have been at Berhampore. The Prisoners selected would appear more over to have been persons whose periods of imprisonment had nearly expired. Under these circumstances, the Governor in Council is pleased to sanction the payment of the salaries of the Warders employed for the occasion in Chicacola amounting to Rs. 13-7-7.

2. The greater number of the transferred Prisoners must have been released by this time, and the Government request that the Inspector General of Jails and

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and the Magistrate will, in communication with each other, re-
create matters to the intended status as speedily as possible, ~~decrease~~ without risk to the health of the Prisoners. The subsidiary Jail should be restored to its legitimate purpose, any necessary relief to the regular Jail in the present exceptional state of things being provided by the responsible head of the Department in such manner as may appear to him most fitting.

3. A copy of G.O. 28th June last No. 1015, which was not communicated to Lieutenant Colonel Wilson will now be furnished to him.

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To the Inspector General of Jails
with 5 Berhampore Jail - and G.O. No. 1015
Magistrate of Ganjam -
Acct General

Despatch 19/10

Federal 1866. Department.

No. 1610.

PROCEEDINGS OF GOVERNMENT.

~~Order 2034.~~

~~129107~~

Dated.

October 1866

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