

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

800

Press
~~Mis.~~

242-243

Dated

23.5.1988

6/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
23rd May 1866.

No. 242. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Madras, 8th May 1866, No. 5.

With reference to the Order of Government noted in the margin, I have the honor to inform you that, on the 28th February, I called upon Dr. Pearse, Superintendent of the Jail at Calicut, to furnish me with a full Report regarding the dispatch of the gang of convicts to Madras on the 5th idem, and I, herewith, forward his reply, together with the subsequent correspondence on the subject.

2. Dr. Pearse explains, in the second paragraph of his letter, that, although the convicts were not in robust health, he was of opinion, considering the great recent sickness and mortality in the Jail, that all convicts who could bear a move ought to be sent away at the earliest opportunity, and he states his conviction that more than one life has been saved by the step. In the 3rd paragraph, he explains the cause which led to the gang being placed in the train on the morning of the 6th without a proper meal, viz., that the men were so fettered that they had not sufficient freedom of action to enable them to cook, and that the Police had refused to allow the handcuffs to be removed from the leg irons. The letter from the Inspector General of Police, which is herewith enclosed, confirms this statement.

3. It would have been better had the gang been provided with food before leaving Calicut on the morning of the 5th; but, even had this been done, the unexpected detention of the party at Beypoor, until the morning of the 6th, involved the necessity of cooking at that place; and that such was not carried out does not appear to have been the fault of the Warder.

4. Of the 22 convicts, one died in the train between Beypoor and Salem, as stated, and one in the Madras Penitentiary, on the 9th February, of Dropsy. The remaining 20 were embarked for Port Blair on the 7th April, their health having improved considerably during their two months' stay at Madras. There had been 21 deaths in the Jail at Calicut in the month of January, and as the health of the prisoners continued unusually bad at the time of the transfer, the grounds assigned by Dr. Pearse for removing the convicts to Madras appear to me to be sufficient.

From Assistant Surgeon R. E. PEARSE, Superintendent of Jail, Calicut, to the Inspector General of Jails, Ootacamund; dated Calicut, 6th March 1866, No. 8.

I have the honor to acknowledge the receipt of your letter, No. 820, of 28th ultimo, giving cover to Order of Government, Judicial Department, 21st February 1866, No. 263, calling for a report upon the prisoners lately despatched from this to Madras.

2. First, as regards the health of the prisoners when sent from Calicut, I may observe that they were not by any means in robust health. The point, however, to which I directed my attention was simply whether or not they were fit to travel, and, with reference to this, I examined all the men most carefully a day or two before they were dispatched—the more sickly among them, more than once—exempting them, at the same time, from labor of all kind. As I have admitted, they were not in robust health, it may be said I ought not to have sent them at all; in reply, I can only say that the recent sickness and mortality amongst them had been so great, that I considered it only right and proper that all who could bear a move should be sent away at the earliest opportunity; that one man died on the way, I regard as no answer, for I doubt greatly if the journey can be said to have killed him, and, moreover, I am fully convinced that far more than one life was saved by moving them from this sickly Jail when I did.

23rd May 1866.

4. It would appear that the convicts were fettered two and two by handcuffs being passed through the leg irons. I should like to know by whose authority this was done, and where it was first done. I am not aware of any authority for such a practice.

5. Would it not be possible in future to have a meal cooked over night on such occasions?

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(True Extract).

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

From the Superintendent of Jail, Calicut, to the Inspector General of Jails, Ootacamund, dated Calicut, 13th March 1866, No. 10.

In reply to your letter of the 9th instant, No. 868, I have the honor to state that the convicts were dispatched from the Calicut Jail very early on the morning of the 5th February so as to allow sufficient time after their reaching Beypore for preparing their morning meal, but the Warder states that as it was a dark night they did not cross the Beypore river before 6½ A. M., so that the meal might very well under these circumstances have been cooked on this side the river. I have, however, given instructions that in future all prisoners should take their morning meal before starting, and carry with them the evening meal ready cooked.

2. With regard to the Warder's statement, "when I made preparation to purchase provisions for cooking their morning's meal on the 6th instant", he explains it thus, that he intimated to the Police guard that he was going to issue firewood, cooking pots and water; requesting the necessary liberty to allow of the convicts cooking.

3. The Warder states that it was under the orders of the Head Constable of the guard that handcuffs were attached to the leg irons of the convicts two by two during the night at Beypore, and also during the journey in the Railway carriage. On the return of the Superintendent of Police from the District, I will refer this question to him and duly acquaint you with his reply.

4. The Order of Government adverted to has been since returned.

From the Inspector General of Jails, to the Inspector General of Police, Kotagherry; dated Ootacamund, 22nd March 1866, No. 932.

Certain circumstances connected with the transfer from Calicut to Madras on the 6th February last, of a gang of 22 convicts under sentence of transportation having been under inquiry, the Warder in charge made the following statement: "When I made preparation to purchase provisions for cooking their morning's meal on the 6th instant, the Police guard objected to remove the handcuffs which were attached to the legs of the convicts two by two, as a means of security in addition to the leg irons, and to allow the convicts to cook on the ground, that it was a dark night, and that the building was not a substantial one, hence the convicts travelled by the train without taking their morning's meal on the 6th instant."

2. Upon this, I requested the Officer in charge of the Jail at Calicut to ascertain by whose authority the convicts had been so fettered, to which he replies: "The Warder states that it was under the orders of the Head Constable of the guard that handcuffs were attached to the leg irons of the convicts two by two during the night at Beypore, and also during the journey in the Railway carriage. On the return of the Superintendent of Police from the District, I will refer this question to him."

3. Instructions have been given to the effect that in future prisoners should take their morning meal before starting, and carry with them their evening meal ready cooked, so that there will not be any further inconvenience on that score; and should it turn out that the handcuffs were used as stated, I have the honor to request you will be good enough to issue such orders on the subject as you think fit, in order to prevent a recurrence thereof.

23rd May 1866.

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From the Inspector General of Police, to the Inspector General of Jails; dated Madras, 30th April 1866, No. 696.

With reference to your letter dated 22nd March 1866, No. 932, the Superintendent of Police of Malabar reports that the convicts in question had to be kept in the Adghari's Cutcherry at Chalium (Beypore) for the night. It is an open shed; and for greater security the centre ring of the leg chains (which is usually fastened to the waist) was passed through the handcuffs by which transported convicts are coupled in pairs in transit.

2. In doing this the Police Officers clearly erred in judgment, and orders have been given that leg irons and handcuffs are not in future to be connected in any way.

3. He was further wrong in not uncoupling the convicts temporarily to admit of their taking their meal. Care will be taken that this does not recur.

4. I attribute these errors, on the part of the Officer in charge, to anxiety about his charges alone. He found himself unexpectedly with a band of the Malabar convicts under sentence of transportation, at Chalium, with no accommodation whatever, and six miles from any aid, and he seems to have taken undue measures to prevent escape.

No. 243.

ORDER THEREON, 23rd May 1866, No. 800.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Pro: 21st July 1800 Oct 191-192 Judicial 1866 Sept

Mr. Chief Justice
Quebec 3

Mr. Chief Justice
Lewiston
St. J. Lewis

Date 8th May 1866
Rec 11

Ans.

No 1013.

(Enclosures 5-)

Reports upon the
transfer from Calicut
to Madras 5th July
1866 of 22 Convicts
under sentence of
transportation

23rd May 1866 No. 800.
Very truly
Yours N.

242. 243.

C. 15 June
R. 21