

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |      |                 |
|----------|------|-----------------|
| G.O. No. | 1010 | Press           |
|          |      | <del>Mis.</del> |
| Dated    | 24 6 | 19 867          |

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,*

*24th June 1867.*

No. 234. Read the following letter from the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to the Chief Secretary to Government, Fort Saint George; dated Saint Thomé, 13th June 1867.

I have the honor to forward, for submission to Government, the accompanying correspondence with the Officer in charge of the Guindy Jail, and the Inspector General of Jails, on the subject of some work performed to the Little Mount by the convicts at Guindy.

Enclosures 12, being 7 copies of letters and 5 original letters, with 1 bill, to be returned.

2. The points for consideration are—1st, whether the Church at the Little Mount is entitled annually to the gratis labor of convicts for its benefit; 2ndly, whether the work performed by the convicts this year should be gratis or paid for.

3. With regard to the first point, viz., the origin of the claim, I beg leave to state that the claim arose from a portion of the land belonging to the Church at the Little Mount being taken up by the Government, for the formation of a direct road to Guindy from the Marmalong Bridge.

4. The land in question was at that time occupied by numerous huts and houses of Natives. On a personal communication with Don Anthonio, the land was cleared and occupied for the purpose of the road by the Collector of Chingleput and the Superintendent of Roads. Immediately afterwards, the promise made of compensation by an annual contribution of convict labor appearing to have been forgotten by the Officers of Government, Don Anthonio raised a claim, and then the labor of convicts was supplied, and continued to be so supplied till after his death. Afterwards, objections were raised, which gave rise to a correspondence and reference to Government by the Right Reverend Dr. Lobo, Don Anthonio's immediate successor, whereupon Government passed the order in Extract Minutes of Consultation, Public Department, No. 1217, under date the 16th November 1854.

5. On every occasion of a change of Officers in charge of the Guindy Jail, difficulties were raised, and a natural zeal on the part of these officers disposed them to think that convicts should not be allowed to perform private work. Last year, in supplying the convicts, it was intimated to me that they would be charged for. The mistake was afterwards rectified and the labor declared gratis.

6. This year also, on my application, in supplying a gang of convicts, the Officer in charge of the Guindy Jail, apparently unacquainted with antecedents, informed me that they would be charged for at the rate of two Annas per man. As such mistake was often made and afterwards rectified, I ordered them work, under the hope that the mistake will be rectified by a reference to higher authorities, and the correspondence herewith submitted was the result.

7. The Right Honorable the Governor in Council will observe from the letter of the Inspector General of Jails, dated the 7th ultimo, that he has declared that the services of convicts allowed this year should be gratis, pending further inquiries into the matter.

8. The Officer in charge of the Guindy Jail, however, forwards a bill, and demands payment for work performed by the convicts this year, on the ground that it was not the same as was done in previous years; and this leads to the second point for consideration, viz., whether the work performed by the convicts this year should be gratis or paid for.

9. The Officer in charge of the Jail rightly observes that the work performed this year is not the same as that performed in former years, or that mentioned in the report from the late Military Board, and approved of by Government in their Order above referred to.

10. The description of work performed this year is this:—A portion of the rough stone revetment wall, which stood out for centuries, slipped and fell down during the last monsoon, and, as I was informed that the work was suited to convicts, and it being emergent, I ordered them to rebuild the same, under the impression that the Church had a claim for their labor.

11. The usual work at the Little Mount, viz., the clearing of the ground and repairing the road was left unperformed this year, except a rut in the road near the Marmalong Bridge, which was dangerous to conveyances, and which they performed on the last day, or a day before the last, when they struck work.

12. The Inspector General of Jails states that it has been reported to him that the convicts did also perform the usual work on the 15th, 16th, and 17th May last, when they struck work; but I must observe that, in the bill sent to me by the Officer in charge of the Jail, and herewith forwarded, what he calls extra work is charged for up to the 15th May. It must be apparent from this that they worked only for two other days, and not three; and if they did perform any of the usual work, it must be only on these two days, viz., the 16th and 17th. On one of these two, the convicts were employed in filling up a rut in the road near the bridge, as mentioned before, and on the other in rebuilding another small portion of revetment wall which slipped in another side of the Mount. The little rut which was filled up near the bridge can be taken as the only job which falls under the description of the usual work; and, besides this solitary one, no other of the same description was performed by the convicts this year.

13. If it be true that the convicts worked three days on the usual work, viz., the 15th, 16th, and 17th May, the bill must be erroneous, because it charges me up to the 15th, while I can be charged only up to the 14th. If it be true that the convicts were employed up to the 15th on the extra work, then they could have been employed only for two days on the usual work; and I think that, of the two, one day was spent on another revetment work, and this is not charged for in the bill.

14. I must respectfully beg leave to explain, with reference to the description of work the convicts were employed upon this year, that I ordered them to re-build the revetment, under the impression that the Church had a claim for their services; and, as in no other year such a work did exist, and this was the first since convicts were allowed to execute work for the benefit of the Church, I ordered their employment on this work, not anticipating that any objection would be raised against it.

15. The objection which was raised was against rendering any gratis work at all for the benefit of the Church. In his letter, dated the 22nd March last, in intimating to me that he has ordered the Jailer at Guindy to send a gang of convicts to clear the Little Mount, the Officer in charge of the Guindy Jail stated, in paragraph 2, that "they would be charged for at the rate of two Annas per man per diem," and surely when the convicts were brought to work on the 27th idem, the Jailer could have had no authority to speak to me about

ordinary work which would be gratis, and extra work which should be paid for, or to make any distinction at all as to what should be gratis or what on payment; for the order to charge for any work which they might be required to perform was positive. Therefore, the Jailer when he brought the convicts to work on the 27th March, had no reason to speak, and could not have spoken, to me about extra work, or I occasion to understand him as speaking about such a work; for, if the labor of convicts were to be paid for, it was immaterial on whichever work they were to be employed upon. If, therefore, the Jailer stated to Mr. Atkinson that I told him that "I was willing to pay for the work," he should have also added, "if Government order the payment;" for it was this that I told the Jailer on that occasion, and I did so under the impression that Mr. Atkinson was mistaken in ordering the convicts on payment.

16. The Inspector General of Jails appears also disposed to make a distinction between ordinary and extra work, by stating in his letter, dated the 31st ultimo, that it was never contemplated that any labor should be given gratis, except for the special work of clearing the Little Mount; but I hope that Government will concur with me that no such distinction can be reasonably made; for, if the Church was entitled to gratis work, it was immaterial whether the convicts were employed on this work or that, so that either was for the benefit of the Church; and both fell under the same category.

17. The only distinction which can be made is in quantity, and not in quality. Should the Government think that the labor of convicts was occupied for a longer time than usual, and be of opinion that I should pay something, I shall, in that case, be prepared to pay one half of the bill.

18. As the revetment work was different from that mentioned by the Military Board, and approved of by Government in Extract Minutes of Consultation referred to above, perhaps I should have applied to Government for permission previously to my employing them on such a work; and I regret extremely that I had not done so at once. When I applied for the services of the convicts, I had no idea of employing them on other than the usual work; but having been since informed that the revetment work was suited to them, I ordered their employment, thinking that, when once the claim of the Church for gratis work was admitted by the Officers of Government, they would raise no objection to the revetment work.

19. I must, therefore, respectfully submit, for the consideration of the Right Honorable the Governor in Council, that the Churches under the Bishopric of St. Thomé have hitherto never derived any pecuniary consideration or aid from Government; and, as the labor of convicts ordered to be rendered annually is in nature of compensation for the income derived from the land taken up for the road, I trust the Government will see reason to order the work performed this year to be free of charge, though somewhat in excess of that performed in former years.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to A. J. B. ATKINSON, Esq., Assistant Collector and Magistrate and Acting Superintendent of the Jail at Guindy; dated Saint Thomé, 18th March 1867.

As the festival at the Little Mount is approaching, I beg you will be good enough to detach a gang of convicts, as usual, to clear and repair the roads round the Mount.

4 *Proceedings of the Madras Government, Judicial Department,*  
24th June 1867.

From A. J. B. ATKINSON, Esq., in charge of the Guindy Jail, to the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé; dated Chingleput, 22nd March 1867.  
With reference to your letter, dated Saint Thomé, 18th March 1867, I have the honor to state that I have directed the Jailer at Guindy to send a gang of convicts to clean the Little Mount.  
2. They will be charged for at the rate of two Annas per man per diem.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to Lieutenant Colonel W. J. WILSON, Inspector General of Jails; dated Saint Thomé, 6th April 1867.  
I have the honor to submit, for your consideration, a copy of my letter to Mr. A. J. B. Atkinson, the Officer in charge of the Guindy Jail, with a transcript of his reply.  
2. You will observe that Mr. Atkinson so far complied with my request by ordering a gang of convicts to be sent to clear the Little Mount, but he purposes to charge for their services at the rate of 2 Annas per man per day.  
3. Last year, also, in supplying a body of convicts for the work, it was ordered to charge for the same, but the order was subsequently countermanded.

4. It appears from the records of the Bishopric that the Church at the Little Mount has some right to expect the little work which the convicts were annually required to perform, and I have only to refer you to the Extract Minutes of Consultation, Public Department, No. 1217, dated the 16th November 1854.

5. On the receipt of Mr. Atkinson's reply, I addressed Mr. Fane, the Collector and Magistrate of the Madras District, believing that the convicts were under his orders, but he returned my letter with a demi-official note referring me to you as the authority in whom the control is vested.

6. For the last 20 years and upwards, the work has been annually performed by the convicts free of charge, and if sometimes there was a misunderstanding, it was owing to the change of Officers in charge of the Jail, and to their want of information on the subject.

7. I request therefore you will be so good as to issue the necessary instructions for the performance of the work by the convicts at Guindy free of charge, as usual.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to Lieutenant Colonel W. J. WILSON, Inspector General of Jails; dated Saint Thomé, 12th April 1867.

I have the honor to acknowledge the receipt of your letter, dated the 9th instant, and to forward, for your information, as therein requested, the accompanying copy of the Extract of the Minutes of Consultation, Public Department, No. 1217, dated the 16th November 1854.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to Lieutenant Colonel W. J. WILSON, Inspector General of Jails; dated Saint Thomé, 6th May 1867.

With reference to your letter, dated the 9th, and my reply of the 12th ultimo, I have the honor to request that you will kindly favor me with an early reply to my previous letter, under date the 6th ultimo, as the festival at the Little Mount is about being commenced.

From Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé; dated Madras, 7th May 1867.  
No. 369.

With reference to your letter of yesterday and the previous correspondence, I have the honor to inform you that I have requested the Officer in charge at Guindy to give the services of a party of convicts gratis on this occasion, and that further inquiry into the matter shall be made.

From A. J. B. ATKINSON, Esq., in charge of the Guindy Jail, to the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé; dated Guindy, 20th May 1867.  
I have the honor to forward the accompanying bill, amounting to Rupees 115-6-0, for work done by the convicts at Guindy to the Little Mount, in March, April, and May of this year.

*Proceedings of the Madras Government, Judicial Department,*  
24th June 1867. 6

2. In your correspondence with the Inspector General of Jails, I am fully aware that you did not mention one word about the *extra* work now charged for: you only claimed, under the Minutes of Consultation of November 1854, to have the services of the convicts for the *usual* cleaning of the Little Mount—which is stated to have been allowed as a return for some land laid claim to by one Don Antonio for a road—and which I had refused to give gratis.

3. Thus the sanction of the Inspector General of Jails for the use of the convicts this year gratis could only possibly apply to that *usual* work, as the work now charged for was never mentioned by you to him, nor exemption claimed from payment of this bill.

4. I have to request a settlement of this account, in order that I may carry it to the credit of Government in the current month.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to A. J. B. ATKINSON, Esq., in charge of the Guindy Jail; dated Little Mount, 22nd May 1867.

I have the honor to acknowledge the receipt of your letter, dated the 20th instant, and the bill which accompanied it, and to inform you, in reply, that, believing the Church had some claim for the services of convicts, I employed them in rebuilding a part of the revetment wall of the Little Mount, erected some centuries ago, which had fallen down, as the work was urgent and of a very ordinary and easy description suited to convicts.

2. It is true that the convicts were never employed upon work of this kind before, because there was hitherto no such work to be performed. The revetment stood out for centuries, and if the portion rebuilt by the convicts is well done it is likely the convicts will seldom or never have again such work to perform.

3. Besides the rebuilding of the revetment wall, the convicts had done no other work this year. The Inspector General of Jails has allowed the work performed by the convicts this year to be gratis, pending further inquiries which he proposes to institute; and if the work performed by them this year, in lieu of that mentioned by you as authorized in the Order of Government, is not gratis, nothing else can be, as they performed no other work this year.

4. Under these circumstances, I think I should defer the payment of your bill, until I am informed of Colonel Wilson's decision upon the result of his inquiries.

5. The bill is, therefore, herewith returned.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to Lieutenant Colonel W. J. WILSON, Inspector General of Jails; dated Little Mount, 22nd May 1867.

I have the honor to forward the accompanying copy of a correspondence which has taken place between me and the Officer in charge of the Guindy Jail, respecting payment for work performed by the convicts to the Little Mount.

2. As I believed the Church had some claim on the services of convicts, I employed them in rebuilding a portion of the revetment wall which had fallen down, as being of immediate importance, instead of employing them in repairing and clearing the roads and removing prickly pears; but the Officer in charge of the Guindy Jail thinks that the labor of convicts should not be free, because I employed them on other description of work than has been hitherto performed by them; but as one description of work or the other is for the benefit of the Church, I do not see that any line of distinction could be drawn between them.

From Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé; dated Madras, 31st May 1867.  
No. 501.

In reply to your letter of the 22nd instant, I have the honor to state that the labor of the convicts employed in building the wall or revetment ought to be paid for, as charged by Mr. Atkinson. It was never contemplated that any labor should be given gratis, except for the special work of clearing the Little Mount, which is reported to have been done on the 15th, 16th, and 17th instant. Moreover, Mr. Atkinson states you told the Jailer, on the 27th March, that you were willing to pay for the extra work at two Annas per man per diem.

Proceedings of the Madras Government, Judicial Department,  
24th June 1867.

From A. J. B. ATKINSON, Esq., in charge of the Guindy Jail, to the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé; dated Guindy, 3rd June 1867.

With reference to your letter, dated Little Mount, May 22nd, I have the honor to state that I have received the final orders of the Inspector General of Jails regarding the extra work done by the convicts at Guindy to the Little Mount.

2. I beg to enclose a bill for the sum of Rupees 115-6-0, and have to request an early settlement, in order that I may carry that account to the credit of Government.

To the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé.

|                                                                                                                                 |           |
|---------------------------------------------------------------------------------------------------------------------------------|-----------|
| To hire of 923 convicts from 25th March 1867 to 15th May 1867, both dates inclusive, at the rate of two Annas a man per diem... | Rs. A. P. |
| ...                                                                                                                             | 115 6 0   |
| Total...                                                                                                                        | 115 6 0   |

GUINDY,  
15th May 1867.

20th May 1867.

From the Very Reverend B. F. AMARANTE, Vicar General of Saint Thomé, to A. J. B. ATKINSON, Esq., in charge of the Guindy Jail; dated Saint Thomé, 7th June 1867.

I have the honor, with reference to your letter, dated the 3rd instant, to inform you that I have made a reference to Government about the bill therewith presented for payment, and that I shall be prepared to meet your demand should the Government order its payment.

No. 235. ORDER THEREON, 24th June 1867, No. 1010.

The foregoing correspondence has reference to a claim for Rupees 115-6-0 made by the Officer in charge of the Guindy Jail against the Reverend B. F. Amarante, Vicar General of Saint Thomé, for work performed by the convicts in re-constructing a stone revetment on the road round the Little Mount.

2. It appears that it has been usual to allow convict labor in clearing the road round the Little Mount, in compensation for Church land ceded to Government, for the formation of a direct road from the Marmalong Bridge to Guindy.

3. Although the revetment work done by the convicts this year is different from that usually required, it appears to have been necessary for the maintenance of the road round the Little Mount. The Governor in Council is pleased, therefore, to sanction this work being done by convict labor without any charge.

4. The sanction of Government should, in future, be obtained, previous to the employment of convicts, free of charge, on any work of an unusual character required on the road round the Little Mount.

(True Extract).

To the Vicar General of Saint Thomé.  
" Inspector General of Jails.  
" Public Works Department.

Ed. J. H. Burns.

Acting Chief Secretary.

Munaguram on a letter from  
the Very Rev. B. F. Amarante. Vicar Genl.  
of St. Thomé - 7th June 1867

Letter of 13th Oct/54

In October 1854  
the Revd. H. L. de la  
to Ag Bishop of St  
Thomé brought to the  
notice of Government  
that Mr. McLean  
the collector of St. Thomé  
just had under the  
order of Lord Elphinstone,  
St. Thomé, in order a spring  
request to the Revd.  
Don Antonino to pay  
and a road to be  
cut thro' the grounds  
of the Little Mount  
Church, from the Mar-  
malong Bridge,  
direct to Guindy  
Park. That this  
had split up the lands  
of the Church, and  
that to repair the  
loss

Capt Lord Elphinstone  
 & his son & son  
 undertook to put  
 the road round the  
 Little Mount in order  
 plant trees - remove  
 the prickly pines -  
 and keep the Little  
 Mount clear by the  
 Convicts. Upon  
 the Road Lord's  
 son applying to  
 Col. Worster, who was  
 in charge of the Con-  
 victs at Quindry, he  
 have the prickly  
 pines removed he  
 declined to do so  
 without special orders.  
 The matter having  
 been referred to some  
 enquiry was made  
 of the Military Board  
 whether any Agree-  
 ment or understanding  
 had

\* 29. September  
 1854.

Order No 1094 - 9  
 20. Octr/54.

Letter No 236 - 9  
 14. Novr/54.

Order No 1217 - 9  
 16. Novr/54.

had ever existed  
 by which the clearing  
 of the ground round  
 the Little Mount was  
 to be performed at the  
 cost of Government.  
 The Military Board  
~~expressed~~ reported that  
 the correspondence which  
 they had had with the  
 Master of the  
 Road Lord's  
 son and the Superintendent  
 of Government Roads,  
 gave a color to the  
 belief of an under-  
 standing having  
 existed as to the in-  
 tention of the ~~authorities~~  
 to clear the ground  
 in the vicinity of the  
 Little Mount. They  
 on the recommenda-  
 tion of the Board  
 Government approved

ed of the ground  
being kept clear,  
and the prickly  
pines being removed.

The Vicar General  
of St. Thomas, Revd  
Amasa, now  
submits copy of a  
correspondence with  
the Officer in charge  
of the Gravelly Soil,  
and the Inspector  
General of Fairs,  
respecting a claim  
made by the former  
for payment of  
work performed by  
convicts in re-  
constructing a stone  
revetment. He  
Revd Amasa  
states that he ordered  
the work under the  
impression

Letter of 13.  
June 1867-

Letter of 20. May  
& 3. June 67 -  
from Mr. Atkinson

Letter No. 501. of 31.  
May/67. from  
Ch. Wilson.

impression that the  
Church has a claim  
for Convict labour,  
and that beyond the  
filling up a rut  
in the road near the  
Marumalong Bridge  
the convicts have done  
nothing else with  
their hands. He states  
that the Inspector Genl  
of Fairs appears also  
disposed, with the Officer  
in charge of the Soil,  
to make a distinc-  
tion between "Ordinary  
and "Extra work", by  
submitting that the  
latter never con-  
sidered that any  
labour should be  
given gratis except  
for the Special work  
of clearing the little  
knownt - but he  
hopes

hoping that Governor:  
in culture - concerned  
with him in thinking  
that no such distinction  
should be reasonably  
made. I don't think  
the Government think  
that the labours of  
Convicts was occupied  
for a longer period  
than usual, and he  
of opinion that some  
thing should be paid,  
Rev. Amaranthi,  
would, in that case,  
be prepared to pay  
one-half of the Bill.

Rev. Amaranthi  
adds that as the Revill  
ment work was  
different from that  
mentioned by the  
Military Board

\* 928. from 25.  
March to 15.  
May 1867 - both  
dates inclusive.

\* Rs. 1115-4  
one half 57-10

and approved of  
by Government in  
1854, he should  
perhaps have applied  
for permission to  
employ the Convicts  
on the work in question.  
and he repeats ex-  
pressly that he had  
not done so. But  
as the Church is under  
the Bishopric of St.  
Rome have hitherto  
never derived any  
pecuniary considera-  
tion or aid from  
Government, and  
as the labour of Con-  
victs ordered to be  
rendered annually  
is in the nature of  
compensation for  
the income derived  
from

from the land taken  
up for the road, he  
trusts that for ever.

He went with his wife  
to order the <sup>work</sup> performed  
this year to be free  
of charge -

Memorandum  
On a Letter from  
the Vicar General  
of St. Thome  
Referring to the  
kind of building  
for payment of  
Council of the  
Referring to the  
Council of the

W. J. P.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

Very Revd B. F. Amaranthe, Vicar General  
of St. Thome.

Dated 13<sup>th</sup> June 1867

ORDER THEREON 24 June 1867 N<sup>o</sup> 1010-

N.  
W. J. P.

The foregoing correspondence has reference to a claim for Rs 115-6- made by the officer in charge of the Quindly Jail against the Revd B. F. Amaranthe, Vicar General of St. Thome, for work performed by the convicts in re: constructing a stone retment on the road round the little mound.

2. It appears that it has been usual to allow convict labor in clearing the road round the little mount, in compensation for Church land ceded to Government for the formation of a direct road from the Marna-long bridge to Gumidy.

3. Although the reventment work done by the convicts this year is different from that usually required, it appears to have been necessary for the maintenance of the road round the little mount. The Governor in Council is pleased therefore to sanction this work being done by Convict labor without any charge.

The

2170  
4. The sanction of Government should, in future, be obtained previous to the employment of convicts, free of charge, on any work of an unusual character required on the road round the little mount.

27/1 9040.  
in the order of date

To the Vicar Genl. of St. Thomas  
— Inspr Genl. of Jail — } despatch 28/6  
— Public Works Dept. }

Employment of Com.  
Labor of Little Rock  
by Rev. Am. A. C.

2-2-17 B.M.

2-6-17 B.M.

2/2/24 B.M.

234.235.

Infancia 1867. Department.

No. 1000.

PROCEEDINGS OF GOVERNMENT.

St. A. 657168.

59/64 953711.

Dated. 24 June 1867.

C-20: June

R-714