

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	304	Press ~~Mis.~~
Dated	26 - 2 - 1918	67

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*Proceedings of the Madras Government, Judicial Department,
26th February 1867.*

No. 227. Read the following letter from Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 8th December 1866, No. 115.

I have the honor to forward the correspondence specified in the margin, relating to the accommodation at Salem of a

From Inspector General of Police, to Inspector General of Jails, dated 3rd November 1866, No. 1818.
From Lieutenant Gordon, Superintendent, Central Jail, Salem, to Inspector General of Jails, dated 12th November 1866, No. 189.
From Inspector General of Police, to Inspector General of Jails, dated 17th November 1866, No. 1909, with enclosure.

gang of 31 convicts, under sentence of transportation, when en route from Tinnevely and Tanjore to Madras, and also regarding the admission of such gangs into Jails on the line of march in future. The

particular instance which gave rise to this correspondence has been disposed of, as far as the conduct of the Superintendent of the Central Jail at Salem is concerned; but as the Inspector General of Police appears to be of opinion that marching parties of convicts are entitled to admission into Jails on the line of route, even although an epidemic should be prevalent therein, I request that Government will be pleased to issue such orders on the subject as will set the matter at rest.

2. Convicts, on their way to Madras, or to other places, are frequently obliged to march considerable distances, and it is but seldom that they pass through or near stations where there are Jails. The advantages which they may be supposed to derive from admission into a Jail here and there for a single night, do not appear to me of sufficient weight to counterbalance the risk, either of imparting, or of contracting, disease which would be incurred thereby, and I agree with my predecessor in his views on this subject, and which are briefly expressed in his letter of the

Judicial Department, 21st February 1866, No. 263.

10th February last, published with the Proceedings of Government noted in the margin. He was opposed to the admission of marching gangs into Jails under any circumstances, and especially in the

case of Salem, where the Prison is upwards of three miles from the Railway Station; and I am given to understand that the 294th paragraph of the new Jail Rules was drafted with the intention of meeting the point now raised. The words "safe custody," however, are not very clear, unless they are meant to apply to the nature of the building, for the guarding rests with the Police, and not with the Magistrate.

3. Whatever decision may be come to on the general question, I submit that the existence of an epidemic, either in the Jail, or amongst the men of the marching gang, would make it incumbent upon the Superintendent to refuse admission.

From W. ROBINSON, Esq., Inspector General of Police, to the Inspector General of Jails; dated Madras, 3rd November 1866, No. 1818.

The following occurred recently at Salem.

2. A body of 31 convicts, under sentence of transportation, and sent from Tinnevely and Tanjore, under escort of Police, arrived at the Salem Jail. On the plea that there was Cholera in the Jail, the Superintendent refused admittance, and sent the convicts and guards away. The Police took them to the Town Police Station, situated in the middle of that populous town, and locked them up in the wretched, utterly inadequate Police Cell.

3. The Superintendent of Police does not mention the accurate dimensions of the Lock-up, or state how many Police prisoners were already there to swell the mass of misery. He remarks "how they got them all in, I cannot understand." I know the place, and am satisfied that there could scarcely have been sitting room for the majority.

Wilson

4. During the night, one poor creature was seized by Cholera of a malignant type, and died in the Civil Hospital. Whether the fatal epidemic spread from the infected Lock-up at the town, I have yet to learn.

5. What I request is that you will inform me whether your Officer had your authority for refusing to take charge of this body of convicts. He probably had warning that gangs of convicts for transportation were being moved up to Madras, and should have made preparation. His duty, as I take it, is to receive and make arrangements for the safe custody and healthful accommodation of all convicts who may be properly brought to the Establishment over which he presides, and that he was not at liberty to refuse to do his duty by these convicts.

6. The occurrence of untoward circumstances, such as the out-break of Cholera in the Jail, does not relieve him from his duty, or justify his casting it on others. Such occurrences should merely suggest more energetic and humane exertions on his part, in behalf of those for whom he becomes responsible the moment they reach the Jail gate.

7. I am under the impression that the exercise of a little judgment and resource would have provided for the convicts for a single night. A Police or Warder guard-room might have been given up for the night; a few might have been accommodated in the Central Tower, and so on. Be this as it may, I am satisfied that if he could not receive them within the Jail walls, it became the Superintendent's duty to go out with that gang of convicts, and not to leave them until he had seen every man suitably and healthily accommodated.

8. What order the Officer did give—whether he sent the Jail Officer to see the Convicts fed and housed—I have yet to learn; but it appears probable that he contented himself with merely refusing admittance with reckless disregard of what might become of them. The wearied guard turned away from the Jail, marched back their over travelled chain-gang to the town, some two or three miles, and locked them up in the only available black-hole to which the guard could resort. The consequences were most disastrous.

9. It is not, I conceive, the duty of the Magistrate to provide accommodation for convicts who should be admitted to the Salem Jail, still less are the Police so authorized. The only place they could take them to was the Station-house.

10. The proper course for the Police would have been to refuse to continue in charge, and to have withdrawn at the Jail: they had fulfilled their duty. But I am most anxious to meet Officers of your Department in the most accommodating manner, and I claim similar consideration at your hands.

11. I am not aware that you have issued any rules for our mutual guidance under such circumstances. The thing may have been done, but no copy has been sent to me.

12. I beg that you will at once take the matter up, and place it on a proper footing, as it is not the first time that such an occurrence has taken place at Salem, and other instances have been reported from other Jails. Horrors of this kind arise out of simple want of management.

13. I am sending a copy of this to the Sanitary Commissioner.

MEMORANDUM.

The Superintendent of the Central Jail, Salem, is requested to explain the circumstances under which the gang in question was refused admittance into the Jail.

OORACAMUND,
6th November 1866.

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

From Lieutenant A. J. F. GORDON, Superintendent of Central Jail, Salem, to the Inspector General of Jails; dated Salem, 12th November 1866, No. 189.

As requested in the endorsement on the accompanying letter from the Inspector General of Police, No. 1818, of the 3rd instant, I have the honor to state the circumstances under which the gang of convicts therein alluded to were refused admittance to the Jail under my charge.

2. A party of convicts, 31 in number, from Tinnevely and Madras, arrived at the Jail, and as epidemic Cholera prevailed inside, and the party were en route to the Penitentiary at Madras, the late

Jailer refused to allow them to be admitted, but suggested that the party should encamp outside, in the Jail compound, and offered for their accommodation a shed open at each end, and then water-tight, with an area of 855 square feet, and a cubical capacity of 15,390 cubic feet. The Head Constable in charge of the party, however, refused to guard the convicts outside, on the plea that it was unsafe, as they were all en route to Madras to be transported, and declared that he should take them to the Town Station. The first intimation I received of the arrival of the party was when I visited the Jail on the following morning, when the foregoing particulars were reported to me.

3. Since receiving the letter under reply, I have made further inquiries from the late Jailer, whose statement is corroborated both by the Jail Writer and Jail Dresser, and who both distinctly state that the shed was offered for the accommodation of the party; and the late Jailer and Writer now further say that tents were also offered. This is the first that I had heard of tents having been placed at their disposal, but I distinctly recollect the late Jailer reporting to me, on the morning after the occurrence, that the large shed before alluded to had been offered to the Head Constable.

4. There can be little doubt that the above is substantially a true account of what happened, as Mr. Casey's services have been since dispensed with, and the Writer and Dresser have no object to gain by supporting his statement.

5. I regret that the late Jailer did not think fit to make a reference to me on the subject, but at the same time I consider he acted to the best of his ability, and in a manner which he considered best calculated to prevent the party being infected, and carrying the disease with them to the Penitentiary at Madras.

6. As regards the particular case of Cholera, it appears that the man was by no means well when the party reached the Jail; that the Dresser saw him and treated him for Diarrhoea, but appears to have had no idea that the symptoms were premonitory of Cholera.

7. From the above particulars, I think it will be clear to you that the blame which Mr. Robinson so gratuitously heaps on my shoulders—and which is based (so far as regards my share in the matter), on a number of suppositions, entirely groundless—rests rather with the Officers of his own Department, who took the gang to the Town Station Black-hole by choice, and not from necessity.

8. Even if the circumstances connected with the occurrence had been as Mr. Robinson supposes, I maintain that there was no necessity to take 31 convicts to a Station-house, and lock them up in a room where there was barely sitting space. For 30 nights previously, this party, on their march from Tinnevely, must have encamped outside the Station-houses on the road, many of which are not capable of holding more than 3 or 4 prisoners; and it would surely not have been a very great hardship for them to camp out for one night more in the Jail compound at Salem.

9. As the facts of the case are so simple; it is useless my replying, paragraph by paragraph, to the Inspector General's letter, but I may add that two other parties of convicts had arrived previously, had been received in the Jail, and passed on to Madras. One of them (from Calicut), who arrived at the Jail at 11 o'clock at night, brought the Cholera with them, I am inclined to think, as the first three cases occurred in the Jail a few hours after they arrived, and I am told that the mortality in the Calicut Jail from the same disease has been something dreadful. The other party, from Tanjore, arrived before the outbreak. The Jailer in acting as he did, in refusing the Tinnevely party admission, merely acted for the safety of the convicts themselves.

10. As regards the feeding of the party, I am further informed that the contractor was ready with supplies, and that the Warder who accompanied the party, and who had been furnished with money for the purpose, was about to make the necessary purchases, when the Head Constable decided on taking the party to the Town Station, and said it would be better to make the necessary purchases in the Salem bazaar. It seems to me that, had the Police acted with a little more judgment, the horrors which Mr. Robinson so ably depicts, and the occurrence of which no one regrets more than I do, would have been avoided. To the most ordinary observer, it is clear that all the Head Constable wanted was to get rid of his convicts, and have the night to himself; he, consequently, took them to the Town Station, and there locked them up. Had he accepted the suggestion of the late Jailer, it would have necessitated his remaining with the convicts all night.

Wilson

*Proceedings of the Madras Government, Judicial Department,
26th February 1867.*

11. Mr. Robinson's letter is addressed to you. I, therefore, refrain from remarking on its style and tone, but the unjust accusations which are contained therein are made against me, and I cannot, therefore, conclude without recording my strong objection both to the charges themselves, and to the language in which Mr. Robinson has thought fit to couch them.

12. I shall feel obliged by your forwarding a copy of my letter to the Sanitary Commissioner.

13. No intimation was sent to me of the probable date of arrival of any of the gangs, except the one from Tanjore, and I received the necessary information from the Officer in charge of the Jail regarding that particular gang, and not from the Police authorities, whose business it was to regulate their march, and whose duty, I conceive, it was to keep me informed of the probable date of arrival of the various gangs who would require accommodation in the Jail.

P. S.—Since writing the above, I have received the accompanying letter from the Superintendent of Police, in which he admits that the result of his inquiry has proved that accommodation, in the shape of tents and shed, was placed at the disposal of the party by the Jail authorities.

My DEAR GORDON,

I have ascertained, beyond doubt, that the offer of tents, or the brick-shed, was made to the Police, and that they declined it. I have written accordingly to the Inspector General, and regret that anything I should have said in diary, should have provoked so unpleasant a letter as the one you showed me this morning.

SALEM, 12th.

Yours truly,
(Signed) E. L. HANKIN.

From W. ROBINSON, Esq., Inspector General of Police, to the Inspector General of Jails;
dated Madras, 17th November 1866, No. 1909.
General Department.

With reference to my letter, dated 3rd November 1866, No. 1818, I beg to submit further information, from which it will appear that the Jail authorities did offer accommodation for the convicts in tents.

2. I have requested the Superintendent of Police to reprimand the Head Constable most severely. It is greatly to be regretted that the Jailer left a matter of this kind to a Subordinate Officer of Police, who had nothing whatever to do with it, and did not satisfy himself that the convicts could be and were suitably accommodated by the Police.

3. I most apologize to yourself and Captain Gordon for writing on—what neither Captain Hankin nor myself knew at the time to be—incomplete information.

4. But I do trust that you will put this matter on such a proper footing as will prevent a recurrence. When the Police have delivered the convicts at the gate of the Jail, they have nothing more to do with them, except to guard them wherever the Jail authorities place them, and I beg that the option which led to this occurrence may never again be given to them.

Extract from the Diary of the Superintendent of Police, Salem.

13th.—I went down to the Jail this morning. Saw Gordon. He is very angry at the Inspector General's letter, reflecting on his conduct as Jail Superintendent in not making arrangements for the reception of the 31 convicts en route to Madras.

The Inspector General wrote the letter on a remark I made in diary to the effect that Gordon had refused them admittance, owing to there being Cholera in the Jail. I added that the Police had taken them to the Town Station-house and locked them up there for the night; that one of the convicts was seized with Cholera; that he was taken out of the Lock-up to the Dispensary, and died there.

When this happened I was at Ahtoor, and simply wrote from a report made to me by the Head Quarter Inspector, without in any way guaranteeing accuracy of detail, or imagining that my brief mention of the affair would be taken as the basis of an official complaint to the Inspector General of Jails.

I now learn that an offer was made, on the part of the Jailer, to accommodate the convicts in tents, or in an open brick-shed outside the Jail, and that the offer was declined by Head Constable Dawson, in charge of the party, on the plea that the rain was coming on, and that better accommodation was to be had in the Town Station-house.

Vencatachellam wrote word to me that the Jail Superintendent had refused admittance, without saying anything about the offer of shed or tents (he was not aware of it himself he says), and I transferred so much of his report to my diary; but the report of the convict having been attacked with Cholera in the Town Lock-up is a mistake. He was attacked on the road, and taken to the Civil Dispensary, where he died. Vencatachellam is not responsible for this mistake however; it is solely my own. I inferred it from his report, and I see that it does not fairly bear that inference.

I don't think Head Constable Dawson particularly to blame for refusing the offer of tents. He is not supposed to know much about sanitary arrangements, whilst he does know that a lock-up, however small, affords more secure accommodation than tents or an open shed; he knew also that the prisoners coming along the road must have been confined in worse places than the Town Station-house.

I exceedingly regret that I should have misled the Inspector General, and been the cause of the letter referred to.

(Signed) E. L. HANKIN,
Superintendent of Police.

No. 228. ORDER THEREON, 26th February 1867, No. 304.

The Governor in Council concurs in the opinion of the Inspector General of Jails, that parties of convicts on the march should under no circumstances be admitted into Jails. It is observed that the construction of a safe Lock-up at Sooratedungalum was sanctioned so far back as the 28th February 1866, with the special view of obviating the inconveniences pointed out by Lieutenant Colonel Wilson, and the necessary orders will

G. O., Public Works Department, 28th February 1866, No. 677.
now be issued in the Public Works Department, to ascertain what progress has been made in the work, and when the Lock-up is likely to be completed.

(True Extract).

Chief Secretary.

To the Inspector General of Jails, with enclosures, returned.
" Public Works Department.
" Inspector General of Police.
" Magistrate of Salem.

Exd. J. H. Burns.

*pointed out by Lt Colonel
Wilson*

11/4
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Inspector
General of Jails.

His letter 8th Dec 1866 No 115.

Order. Dated 26 Feb 1867 No 304.

The Governor in
Council concurs in the views
of the Inspector General of
Jails as to the admission
of marching parties of
convicts into jails on the
line of route. It is observed
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of obviating the inconvenience
pointed out by Lt Colonel
Wilson

L.C. P.W.O. 28 Feb 1866 No 677

Not to be
admitted
under any
circumstances
WY

Wilson, and the necessary
orders will now be issued
in the Public Works Department
to ascertain what progress
has been made in the work
and when the lock-up is
likely to be completed.

To the Chief of Police.
Public Works Department }
Chief of Police }
Magistrate of Salem } 4/3.

Industrial 1867. Department.

No. 304.

PROCEEDINGS OF GOVERNMENT.

Date 26 February 1867.

No. 519.

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