

13TH OCTOBER 1884, No. 2613, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, dated Ootacamund, 11th August 1884, No. 248.

I have the honor to forward the following correspondence marginally noted, for the information of His Excellency the Governor in Council, and to request that an immediate order may be passed in the Public Works department for a shed to be erected during the rainy season wherever gangs of convicts may be employed in order that they may obtain temporary shelter.

Letter, No. 34, dated 4th August 1884, from Medical officer to Superintendent of Jails.
Letter, No. 295, dated 4th August 1885, from Superintendent, District Jail, to Executive Engineer.
Letter, No. 490, dated 7th August 1884, from Executive Engineer to Superintendent of Jails.
Letter, No. 212, dated 9th August 1884, from Superintendent, District Jail, to Medical officer.
Letter, No. 35, dated 10th August 1884, from Medical officer to Superintendent of Jails.
With letter, No. 214, dated 11th August 1884, from Superintendent of Jails to the Inspector-General of Jails.

2. From the Medical officer's letter to the Superintendent of Jails, Ootacamund, dated 4th August 1884, No. 34, it will be observed that, on the return of the gang from work on the Coonoor road on 2nd instant, 20 convicts came in complaining of being disabled by cold, five were detained by the apothecary of whom two were in a state of collapse; one of these was then getting an attack of pneumonia, and, as the Medical officer reports in his letter, No. 35, of 10th August 1884, died of that disease 72 hours after admission into hospital, though there was nothing in his condition to indicate that he was in a weaker state of health than any of the others.

3. The Executive Engineer in his letter, No. 490, dated 7th August 1884, addressed to the Superintendent of the District Jail, Ootacamund, states he is unable to comply with the Superintendent's request (and I may add the Medical officer's recommendation) to shelter the convicts during the rains "even did he consider that convicts should be treated with more care and consideration than Sapper sepoys or ordinary hill labor."

4. I think the Executive Engineer forgets the different position a convict is in, to a Sapper sepoy, or a paid laborer; these latter, if a heavy shower comes on, can seek shelter under trees, pials or any other place convenient to their work, whereas it is impossible for a convict to do so; he cannot leave his gang or the place which has been allotted to him to work at, to run under trees or into a pial, and he must therefore continue at his work, get drenched to the skin and march back a distance of some two miles in his wet clothes.

5. The Government in its order on the Administration Report of the Jails in this Presidency for the past year, dated 1st July 1884, No. 1598, Judicial, "regret to notice that a very high death-rate prevailed among the native convicts at Ootacamund." I think that one of the reasons for this high death-rate may be owing to the want of shelter during the rains, now reported.

6. From the Superintendent's letter to the Medical officer, dated 9th August 1884, No. 212, it appears that shelter for the convicts, when it is raining heavily, has been hitherto provided. I am at a loss, therefore, to understand why the Executive Engineer is unable to comply with the request now.

ENCLOSURES.

From Surgeon-Major W. FARQUHAR, M.D., Medical officer in charge of Jails, to the Superintendent of Jails, Ootacamund, dated Ootacamund, 4th August 1884, No. 34.

I have the honor to report that, on Saturday last, 20 men came in from the works on the Coonoor road complaining of being disabled by cold.

2. Five were detained by the apothecary; of these, two were in a state of collapse, requiring two hours to bring them round; of these two, one is now getting an attack of pneumonia. On Saturday there was heavy rain, and the place of working being on the top of a hill is bleak and exposed.

3. As many of these men are by no means strong, I hope that during heavy rains, the men may be placed under shelter.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Executive Engineer, Nilgiri Division, dated Ootacamund, 4th August 1884, No. 205.

In forwarding copy of a letter from the Medical officer, Jails, I have the honor to request you will be so good as to give the necessary orders regarding sheltering the convicts when raining.

From J. C. LARMINIE, Esq., Executive Engineer, Nilgiri division, to the Superintendent of the District Jail, Ootacamund, dated Ootacamund, 7th August 1884, No. 490.

With reference to your letter, No. 205, dated 4th instant, I have the honor to inform you that I am unable to comply with your request of sheltering the convicts when raining, even did I consider that convicts should be treated with more care and consideration than Sapper sepoy or ordinary hill labor.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Medical officer, Jails, Ootacamund, dated Ootacamund, 9th August 1884, No. 212.

I have the honor to inform you that I forwarded a copy of your letter to the Executive Engineer, Nilgiris. I now enclose that officer's reply, which I think is far from being satisfactory. We have nothing to do with Sapper sepoy or ordinary hill labor. What we want is shelter for the convicts when it is raining heavily, which hitherto has been provided.

2. I would be glad of a further expression of your opinion, as it is my intention to submit the correspondence to the Inspector-General of Jails for his decision.

From Surgeon-Major W. FARQUHAR, M.D., in medical charge of Jails, Ootacamund, to the Superintendent of Jails, Ootacamund, dated Ootacamund, 10th August 1884, No. 35.

With reference to your letter, No. 212, forwarding letter, No. 490, from the Executive Engineer, I have the honor to observe that, if in future the convicts are not to have shelter during heavy rain, it will be necessary to remove from the working gangs a great number of men, who, while fit for ordinary labor, are not able to stand exposure to such extreme wet and cold as was the case on the occasion referred to.

2. The man referred to in my letter, No. 34, as getting an attack of pneumonia, died of that disease 72 hours after admission. There was nothing in this man's condition to indicate that he was in a weaker state of health than any of the others.

3. It seems unnecessary here to point out the many ways in which these convicts differ from Sappers or other free men inured to hill labor.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Inspector-General of Jails, dated Ootacamund, 11th August 1884, No. 214.

Copy of letter, No. 34, dated 4th August 1884, from Medical officer, Jails, to Superintendent of Jails.

Copy of letter, No. 205, dated 4th August 1884, from Superintendent, District Jail, to Executive Engineer, Nilgiri Division.

Copy of letter, No. 490, dated 7th August 1884, from Executive Engineer, Nilgiri Division, to Superintendent, District Jail.

Copy of letter, No. 212, dated 9th August 1884, from Superintendent, District Jail, to Medical officer, Jails.

Copy of letter, No. 35, dated 10th August 1884, from Medical officer, Jails, to Superintendent, Jails.

I have the honor to enclose copies of correspondence, as per margin, and to request you will be pleased to take such steps as you may deem fit in view to the convicts working under the orders of the Department of Public Works being placed under shelter when raining.

From Colonel J. BEATTY, R.E., Superintending Engineer, IV Circle, to the Chief Engineer, Public Works department, dated Coimbatore, 23rd August 1884, No. 398 E.W.

In reply to your endorsement, No. 483-E, of 25th instant, I have the honor to inform you that I do not agree with the Executive Engineer about the provision of shelter for convicts employed on large public works, who, I think, should be dealt with differently from Sapper and free labor; but, as the party of convicts in question may at once be transferred* to the plains, it is no longer necessary to consider what shelter should be provided for them at Ootacamund.

No. 546-E.

Transferred to the Judicial department in continuation of endorsement, No. 545-E, dated 25th August 1884, and with remark that the views of the Superintending Engineer as to shelter for convicts at Ootacamund are concurred in by the Public Works department.

OOTACAMUND,
25th August 1884.

(Signed) J. SHAW-STEWART, Col., R.E.,
Secy. to Govt., P.W.D.

To the Judicial department, with original papers.

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, dated Ootacamund, 11th September 1884, No. 291.

In reply to your official memorandum, No. 2033, dated 8th September 1884, I have the honor to report that whenever convicts are worked by the Department of Public Works, they are, whilst at work, entirely under orders of that department. Native jail warders accompany the gang at the rate of one warder to 40 or 50 prisoners, who see them perform the allotted work, and these warders have no authority to remove any of the prisoners from one work to another.

2. From the correspondence between the Executive Engineer and the Superintendent of the District Jail, Ootacamund, which took place as lately as 14th June 1884, and which is now forwarded for your perusal, it appears the Department of Public Works is held responsible for any accident that may occur. I therefore infer the general well-being of the prisoners rests upon that department also. For if a warder is not authorized to remove any prisoner from the work he is put to, neither would he be authorized to remove the whole gang to a place of shelter when rain falls, unless permitted to do so on the order of the Public Works officer supervising the work.

ENCLOSURES.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Inspector-General of Jails, dated Ootacamund, 11th September 1884, No. 242.

With reference to your memorandum, No. 3978, dated 10th September 1884, I have the honor to inform you that whenever convicts are worked under the orders of the Department of Public Works, whilst at work they are entirely and solely under the orders of that department. Native jail warders accompany the gang at the rate of one to 40 or 50, and these jail subordinates see that the convicts perform the work allotted to them, and this has been the custom to my knowledge for the past 18 years.

I beg to attach copy of memorandum, No. 282, dated 14th June 1884, from the Executive Engineer, Nilgiris, and my reply thereto.

No. 24.

Forwarded to the Executive Engineer, Nilgiri division, for orders on the following points:—

Are the convicts under the orders of this department during the time they are on the work?

Are the warders authorized in removing the men (convicts) from one portion of the work to another whenever they chose to do so without first asking the permission of the Department of Public Works officer in charge?

As the department is held, I believe, responsible for any accident that may occur, I think we should also be allowed to use our own judgment in selecting the men to work the points, which I consider is a post in which we cannot be too careful about. Requesting therefore that you will kindly issue orders on the above for my guidance.

OOTACAMUND,
13th June 1884.

(Signed) R. A. BRAGG,
Sub-Engineer.

No. 282.

Forwarded to the Superintendent, District Jail, Ootacamund, for favor of reply to the above queries.

Would it not be advisable for some officer from the jail to visit the convicts occasionally when they are at work?

OOTACAMUND,
14th June 1884.

(Signed) J. C. LARMINIE,
Executive Engineer.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Executive Engineer, Nilgiri division, dated Ootacamund, 14th June 1884, No. 157.

With reference to your memorandum, No. 282, dated 14th June 1884, herewith returned, I have the honor to state that the convicts must carry out whatever work they are put to by your subordinates. If the warders supervising the work of the convicts consider the convicts are working in a dangerous place, it is the duty of the warders to point out the same to your officials. The convicts are entirely under the orders of your department, and the warders have no right whatever to shift any convicts from one work to another.

The deputy jailor has been directed to visit the convicts at work almost daily for the future.

ORDER—dated 13th October 1884, No. 2613, Judicial.

It appears from the correspondence now submitted that neither the Jail nor the Public Works authorities have referred to the rules bearing upon the subject to be found in the Public Works Code (paragraph 1546 *et seq.*). These rules appear to give complete control to the Jail department in the matter, and the Superintendent of the Jail, Ootacamund, would have been justified in declining to furnish a gang of convicts in case proper arrangements were not made for shelter. The Jail Code contains no rule exactly defining the respective shares of responsibility resting upon the Jail and Public Works departments. The Inspector-General of Jails will, in communication with the Department of Public Works, submit draft rules upon the point for insertion in the Jail Code.

2. His Excellency the Governor in Council much regrets to be obliged to notice the conduct of Mr. Larminie, the late Executive Engineer, Nilgiri division, in this matter. The letter which he addressed on the 7th August 1884 to the Superintendent of the District Jail showed a want of common humanity as well as of common sense, and the Government direct that he be severely reprimanded for the same.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Department of Public Works.
" Inspector-General of Jails.

Exd. J. Wright.

P.W.D.

Govt. of 1884 Madras.
JUDICIAL.

No 2761 Madras Nov 3/84

A copy of the foregoing
Proceedings in the Judicial
Deptt. will be forwarded
to the Supty. Engr: VI
Circle for Communica-
-tion to Mr. Larminie,
also to the Supty. Engr:
IV Circle for information.

(Signed) JH

Issued

Recd.

Encl.

G.O., 13th October 1884, No. 2613.

No 2761 Madras Nov 3/84

OCTOBER.

Convict Labor.

Directing the Inspector-General of Jails to submit, in communication with the Department of Public Works, draft rules defining the respective shares of responsibility in affording shelter to convicts under orders, and censuring the conduct of Mr. Larminie, the late Executive Engineer, Nilgiri division, in this matter.

S.E. VI Circle

S.E. IV Circle

With order

13TH OCTOBER 1884, No. 2613, JUDICIAL.

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2. From the Medical officer's letter to the Superintendent of Jails, Ootacamund, dated 4th August 1884, No. 34, it will be observed that, on the return of the gang from work on the Coonoor road on 2nd instant, 20 convicts came in complaining of being disabled by cold, five were detained by the apothecary of whom two were in a state of collapse; one of these was then getting an attack of pneumonia, and, as the Medical officer reports in his letter, No. 35, of 10th August 1884, died of that disease 72 hours after admission into hospital, though there was nothing in his condition to indicate that he was in a weaker state of health than any of the others.

3. The Executive Engineer in his letter, No. 490, dated 7th August 1884, addressed to the Superintendent of the District Jail, Ootacamund, states he is unable to comply with the Superintendent's request (and I may add the Medical officer's recommendation) to shelter the convicts during the rains "even did he consider that convicts should be treated with more care and consideration than Sapper sepoy or ordinary hill labor."

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(Signed) J. SHAW-STEWART, Col., R.E.,
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ENCLOSURES.

From J. G. DOWNING, Esq., Superintendent of the District Jail, Ootacamund, to the Inspector-General of Jails, dated Ootacamund, 11th September 1884, No. 242.

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Sub-Engineer.

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(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Department of Public Works.
„ Inspector-General of Jails.

Exd. J. Wright.

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Govt. of (1884) Madras.
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Convict Labor.

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With order

No 2761 May 6th Nov 1884

A copy of the foregoing
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cation to Mr. Larminie,
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(Signed) J. J.

S. E. VI Circle

S. E. IV Circle