M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 95 Press ~~Mis.~~

183 184

Dated 15 — 1 — 18 66.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
15th January 1866.

No. 183. Read the following Proceedings of the Madras Government in the Judicial Department:—

Declining to sanction the transfer of any prisoners to the Chinchona Plantation at Neddiwuttum, until the experiment of employing convicts on the Dodabettah Plantation has been fully tested. } (Here enter 19th December 1865, No. 1,813.)

No. 184. ORDER THEREON, 15th January 1866, No. 95.

Miscellaneous.

Communicated to the Superintendent of Government Chinchona Plantations.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

To the Superintendent Government Chinchona Plantations, with Procs. Judicial Dept. No. 1,813.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Judicial Department,
4th December 1865.

Read the following papers :—

No. 21. From the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 11th November 1865, No. 489.

I have the honor to state, for your information and that of His Excellency the Governor in Council, that, on visiting the Jail on the Dodabett Plantation, Mr. McIvor informed me that the Neddiwuttum Plantation Jail would shortly be ready for its prisoners. I rode out with him, and inspected the building, which, though substantially nearly ready, was not in so forward a state of completeness as I supposed. I particularly requested Mr. McIvor to take measures to hasten the work, and get the building ready by the end of the month, as I should not like to move prisoners in the Southern Districts after the 20th or 25th of December, when cholera generally prevails.

2. I shall limit the gang in accordance with the Orders of Government, 5th September 1865, proportioning the numbers to the size of the building, at the ratio laid down for the Dodabett Jail, which it is like, though about treble the size.

3. Before I make arrangements for the transfer of prisoners to this and other plantation Jails, I must beg the Government to re-consider the whole question of the charge of the gangs, and that of the individual in whom the power of punishment, under Regulation X of 1832, should be vested.

4. In my first letter, 13th August 1864, I suggested that powers of punishment of prisoners in the Dodabett Plantation should, under Regulation X of 1832, be vested in the ordinary course in the Joint Magistrate of Ootacamund,—the question of superintendence I did not then enter on.

5. In my letter of the 19th May of the present year, I suggested that Mr. McIvor should have charge of the gang, with such special powers of punishment as, under the provisions of Regulation I of 1833, the Government might confer on him; all offences which should not be summarily dealt with under those powers being exercised by the Joint Magistrate. The Government decided on vesting the powers of punishment under Regulation X of 1832 in the Joint Magistrate, making no order in regard to charge and minor punishments.

6. Major Campbell met me previous to my seeing Mr. McIvor, and both urged that the power of punishment, with such limitation as to the Government should seem fit, should be vested in the Officer in charge. Practical inconvenience and some irregularity has resulted from the present arrangement, and I think, with Major Campbell, that it is an objection that the prisoner is led to consider himself as a person of consequence when so much trouble has to be taken to ensure punishment for every misdemeanor on his part.

7. I have said irregularity has arisen under the present rule, alluding to written reports of the offences of prisoners signed by the Jailer being received in evidence. On viewing these reports of the Jailer, I found that they included a recommendation of the measure of punishment to be awarded. I desired that the evidence should in all cases be forwarded with the accused prisoner; but I mentioned to Mr. McIvor that I should suggest a change in the system, and this more especially as the Neddiwuttum prisoners could not in case of misconduct be sent in, and the distance to the Dodabett Jail and the inconvenience resulting from sending in prisoners for

trial are greater than I anticipated, even at the date of my letter of the 19th May 1865.

8. I would now suggest that Mr. McIvor be entrusted with powers of punishment under the provisions of Regulation I of 1833, as already suggested in my letter of the 19th May. I think Mr. McIvor is himself convinced that it would be sufficient that these powers need not be to the full extent provided by Regulation X of 1832, and that it is the certainty and immediateness of punishment, and not its severity, that ensures respect. I would, therefore, suggest that he be authorized to punish to the extent of 40 lashes; any prisoners habitually subjecting themselves to severer punishment I should remove.

9. I do not consider it necessary to refer to the correspondence on this point, I enclose it in case you care to look into it, but it involves no point which I have not adverted to.

10. I found that the side rooms of the Jail were not occupied, under an idea that they were not secure, I have therefore not allowed for them in calculating the contents of the Neddiwuttum Jail, each room of which measures $72 \times 32 \times \frac{16 \times 23}{2} = 42524$ feet, or 83048 feet in all, which divided by 564, the rate arbitrarily assumed in the Government Order (1241), gives accommodation for, say, 147 prisoners. My own opinion is that 200 might with equal safety be confined in the building, and the chances are that they would even then have, each, one-third more air than they had in the Jails from which they are transferred.

From the Superintendent of Government Chinchona Plantations, Ootacamund, to the Inspector General of Jails; dated Ootacamund, 3rd November 1865, No. 95.

With reference to the Order of Government of the 21st October 1865, No. 1500, I have the honor to solicit the favor of your bringing to the notice of Government that serious inconvenience is likely to arise in consequence of my not being invested by Government, under Regulation I of 1833, with the powers of punishment of prisoners under Regulation X of 1832.

2. By the enclosed correspondence, you will observe that the Joint Magistrate of this station has directed that such prisoners as fail to perform their task be forwarded to his Court for trial, together with the necessary witnesses to establish the charge. The Ootacamund Court being nearly 4¼ miles distant by the road, would involve the loss of the entire day's work of the convict, together with that of the witnesses, on every occasion on which it was necessary to inquire into the misbehaviour of any one convict. One Police Guard at present is barely sufficient to guard the men at work, and could not be spared to form this escort; while the prisoners, being aware that no one on the spot has any power over them, may produce serious out-break.

3. I trust, therefore, that you may be pleased to move Government to confer on me the necessary powers of punishment over the prisoners confined in the Dodabetta, Neddiwuttum, and Mailkhondah Jails.

4. I would also, with your approval, solicit permission to reward prisoners who performed work over and above the allotted task, to the full value of the extra work performed, either by giving to the prisoner an extra allowance of food, or money to be deposited on his account, and made over to him on his release, or that the extra work may be taken in reduction of his sentence, as he may select. This would place me in a position to offer a very great encouragement to the convicts, and might prove the means of teaching them the benefits and advantages to be derived from constant and diligent labor.

From the Joint Magistrate, Ootacamund, to the Superintendent Government Chinchona Plantations, in charge of Jail, Dodabetta; dated Ooty, 31st October 1865, No. 124.

I had some conversation with Mr. Rohde to day about the punishment of convicts in your Jail.

2. Mr. Rohde says it is absolutely necessary that convicts who misbehave appear at my Court, and that I should summarily investigate their cases. I beg, therefore, when occasion requires, you will be so good as to forward the individuals to my Court, with witnesses, as also your book, with particulars of the misbehaviour of the convicts, duly signed by you, as Superintendent, when I shall be able to satisfy myself, and record any punishment that I may award in the book.

From the Superintendent Government Chinchona Plantations, to the Joint Magistrate, Ootacamund; dated Ootacamund, 3rd November 1865, No. 94.

In acknowledging your letter, No. 124, dated 31st ultimo, I have the honor to inform you that I am unable to find any Government Order placing me in charge of the Dodabetta Jail or the convicts. It appears to have been an error my taking charge of the prisoners, except so far as regards working them, as, without the power of enforcing obedience, it would be vain my endeavoring to maintain Jail discipline.

2. From the correspondence, it appears that the entire control of this Prison is under you as Joint Magistrate; consequently, I have directed the Jailer, in future, to apply to you for instructions in all matters connected with this Prison.

3. The object in suggesting the construction of Jails on the Chinchona Plantations was to provide a supply of labor at command at all seasons, and at a reasonable cost. To forward such convicts as failed to perform their task would, I fear, negative the results sought to be obtained, inasmuch as to get redress for the non-fulfilment of the daily task would render necessary the loss for an entire day's work, in attending and returning from your Court, of the convict or convicts accused, and of the necessary witnesses; while, in addition to this loss, my department would also have to bear the expense of the extra Police Guard necessary for this duty. I therefore hope that, under these circumstances (pending a reference to Government), you may be able to make it convenient to visit the Jail and punish delinquents on the spot.

(True Copies).

(Signed) W. G. McIVOR,
Superintendent Government Chinchona Plantations.

No. 22. From the Superintendent of the Government Chinchona Plantations, Ootacamund, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 16th November 1865, No. 99.

I have the honor to solicit the favor of your being so good as to bring to the notice of Government that serious inconvenience is experienced in working the convicts employed on the Dodabetta Chinchona Plantation, in consequence of the prisoners having recently ascertained that there is no one on the spot with power to punish them.

2. On Monday, the 13th instant, the whole of the convicts, with the exception of the Chinese, refused to perform their work, were highly insubordinate, and insulting to the Overseer in charge of the gang. On Tuesday, the 14th, this spirit became still more apparent, and, on the 15th, we arranged to march the whole of the Native prisoners to the Court of the Joint Magistrate, but on applying to the Police Inspector for a sufficient guard for this purpose, it could not be supplied. Under these circumstances, the Magistrate kindly visited the Dodabetta Jail, and punished the less serious of the offenders on the spot, amounting to 56 in number, while 11 of the prisoners have been forwarded to the Magistrate's Court to day, to be tried for more serious offences, such as criminal intimidation, &c.

3. The prisoners have hitherto been cheerful, and contented, and willingly performed their work, but a few bad men having instigated the others, they combined to throw off all control. In attempting to send a few of the first offenders into the station, they immediately feigned sick and would not walk, but lay down on the road, one here and another there, so that the men who were walking on, and who had lain down, could not be guarded by the police.

4. On the 3rd instant, I had the honor to bring to the notice of the Inspector General of Jails, the inconvenience likely to arise in consequence of my not being invested, under Regulation I of 1833, with the powers of punishment of prisoners under Regulation X of 1832, and as the Joint Magistrate of this station states* it to be impossible for him to visit this Jail, or to take charge of it, I trust the Government may, therefore, be pleased to issue early orders on the subject of my letter above noted.

* Court, Ooty 4th November 1865.
"I return the letter sent, I fancy, for my frank, as I am not "authorized to frank or in charge of Dodabetta Jail; and "I beg to inform you that, as it is quite impossible for me, "in my position as Magistrate, to visit your Jail as you "request, I have forwarded your letter, No. 94, of 3rd "November 1865 to Mr. Rohde."

5. The subject of this letter I have communicated personally to Mr. Rohde, and understand from that gentleman that he has recommended me to have charge of the Jails on the Chinchona Plantations, and be entrusted with some limited powers of punishment of prisoners, but that these powers should not amount to those in Regulation X of 1832.

6. Should the Government consider it advisable to give me any charge of the prisoners, except in so far as working them, I respectfully submit that with this charge the full powers of punishment be conferred, as, without such, any attempt to work the prisoners successfully on our plantations must I fear end in failure.

No. 23. From the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 18th November 1865, No. 517.

In acknowledging the Order of Government of the 8th instant, No. 1589, relative to the arrangements for controlling the prisoners on the Chinchona Plantations, I have the honor to state that my letter of the 11th idem will have anticipated the question. I am of opinion that, all things considered, it will be best to confer on Mr. McIvor the powers of punishment enacted by Regulation X of 1832, as provided by Regulation I of 1833. It will be for the Government to decide on the extent to which such powers shall be conferred. I do not anticipate any abuse should full powers be conferred; but, should there be any objection to this, I consider that, by limiting the extent of punishment to 36 stripes, there will be ample power; indeed, I do not generally consider that stripes in excess of 36 or 40 are so beneficial as the nominally milder punishment.

No. 24. ORDER THEREON, 4th December 1865, No. 1724.

Under the provisions of Regulation I of 1833, the Governor in Council directs that the Superintendent of the Government Chinchona Plantations, in his capacity of Superindendent of the Jail at Dodabett, shall exercise the powers of punishment created by Regulation X of 1832. The Inspector General will report to Government, at the expiration of six months, the number and nature of the punishments inflicted by Mr. McIvor, with such remarks, if any, as he may have to make upon the subject.

2. The Governor in Council does not deem it necessary to pass any orders with reference to the Jails which it is proposed to establish at Neddiwuttum and Mailkhondah, as those Jails are not yet completed. The Inspector General will apply to Government for sanction before taking any steps with reference to the transfer of prisoners to either of those Jails.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.

Exd. J. H. Burns.

Proceedings of the Madras Government, Judicial Department,
19th December 1865.

No. 155. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 11th December 1865, No. 620.

In reference to the Order of Government, No. 1724, dated 4th instant, I have the honor to report that the Neddiwuttam Jail building is now reported complete.

2. I must solicit early orders in regard to the transfer of the convicts, as I really do not know how to dispose of many in the southern Jails, and I am most anxious to move any gangs in the south before the usual season of epidemic disease.

No. 156. ORDER THEREON, 19th December 1865, No. 1813.

The Governor in Council is not prepared to sanction the transfer of any prisoners to the Chinchona plantation at Neddiwuttum, until the experiment of employing convicts on the Dodabettah plantation has been fully tested.

2. The Inspector General will abstain from taking any steps in the matter until further orders.

(True Extract).

G. Cumberland
Chief Secretary.

To the Inspector General of Jails.
„ Revenue Department.

Exd. J. H. Burns.

Rec^d

Copy in a Letter to Eng^d
of 13th March N^o 86 of 1866
Mis:

N^o 183 & 184.

83-151

Rev^e 1865 Depart^t
Rec^d of Govt for P^y Jany 166.
N^o. 8648.

Proceedings of the Madras Govt in the Ind^l
Depart^t.

Dated 19th & 23d Decem^r
Received 22^d ^y 1865.
N^o. 1873.

E. I. N 19

Declining to sanction the transfer of any prisoners to the Chinchona plantation at Neddiwuttum, until the experiment of employing convicts on the Dodabetah plantation has been fully tested.

N^o 95 - 15 Jany

With an order

N^o 95

Communicated to the
Supt^d of Govt^t Chinchona
Plantations.

15th Day 166.

1 Fol. Copy of Govt Chinchona Plantations Desp^h Eng^d Dep^t
No 1813 Des 15 Jany