M.R.O. 1—85,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1370 Press Mis.

201-203

Dated 24 8 ~~19~~ 1863

5/6

Not to be folded or roughly handled

Draft order wanting

Proceedings of the Madras Government, Judicial Department,
24th August 1863.

Read the following papers :—

No. 201. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Cocanada, on Circuit, 4th June 1863, No. 40.

I have the honor to forward a letter from Mr. Lestock Stewart, in Medical charge of the European and Native Jails at Ootacamund, submitting for the consideration of Government his claim to an allowance for this extra duty.

2. Mr. Stewart suggests that the 100 Rupees *monthly*, the amount which it is understood is drawn by Surgeons for Medical charge of Jails in Bengal, might be allowed from the 1st April 1862.

3. I beg to recommend the case of the Medical Officer of Ootacamund on whom the charge has devolved, or may devolve, to the favorable consideration of Government. I am very well aware that the duties of Officers in Medical charge on the Hills are very heavy and by no means largely remunerated, the attendance at the Jails involves at times much extra work. I cannot fix any precise amount as that which I would propose as an adequate remuneration, but if 100 Rupees is given in Bengal, I see no reason why a similar rate should not be adopted in Madras.

From Assistant Surgeon L. W. STEWART, Senior Medical Officer, Ootacamund; to W. S. NESBITT, Esq., Sub-Judge of Ootacamund, in charge of the Jails, Ootacamund, dated Ootacamund, 5th May 1863, No. 7.

In forwarding the accompanying Bill for an allowance for my Medical charge of the European and Native Jails from the 1st April 1862 to the 30th April 1863, I have the honor to request you will have the goodness to submit the same for the consideration and sanction of Government.

I have held the Medical charge of the Native Jail since the 21st January 1861, and the European Jail from the 31st March 1862, for which I have received no remuneration, and I submit that in virtue of my succeeding to the office of Senior Medical Officer at Ootacamund, this extra duty, which has taken up a large portion of my time was never intended to be gratuitously performed.

The Inspector General of Jails is willing I believe to recommend that an allowance be made for the Medical charge of the Jails, should Government deem it desirable to refer to that Officer.

In Bengal, I understand the rule is that the Officer in Medical charge to all Native Jails receives one hundred Rupees per *mensem*, and I earnestly trust the same rule may be observed in regard to the Ootacamund Jails, in which Europeans as well as Natives are confined.

This is to certify that Assistant Surgeon Lestock Wilson Stewart, Senior Medical Officer, Ootacamund, has been in Medical charge of the Native and European Jails, the former from the 21st January 1861, and the latter from the 31st March 1862.

(Signed) W. S. NESBITT,
Sub-Judge in charge of the Jails,
Ootacamund.

OOTACAMUND,
18th May 1863.

No. 176.

MEMORANDUM.

The Chief Secretary to Government has the honor to request that the Principal Inspector General of the Medical Department will state with reference to the enclosed letter from the Inspector General of Jails, whether he considers that the duties devolving on the Medical Officer in charge of the Jail at Ootacamund are such as to entitle him to extra remuneration for that charge, and if so, what sum he would recommend.

4th June 1863, No. 40.

2. Mr. Cole will be good enough to state whether it would not be advisable that the charge of the Jail should be entrusted to whichever of the two Medical Officers may be considered best qualified for it without reference to seniority. He will also report how the duties connected with the charge of the Jail have been performed by Dr. Stewart, forwarding a copy of any report on this subject which the Acting Inspector General of Hospitals who has recently visited Ootacamund may have furnished or may be able to furnish.

FORT SAINT GEORGE,
21*st July* 1863.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

To the Principal Inspector General of the Medical Department.

No. 202. From ROBERT COLE, Esq., Principal Inspector General Medical Department, Fort Saint George; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Public Department, Fort Saint George, dated 12th August 1863, No. 175.

I have the honor to acknowledge receipt of Memorandum, No. 176 of 21st July 1863, and to forward herewith Extracts from the report of Acting Inspector General of Hospitals, J. Shaw, F. R. C. S., on the Ootacamund Jail.

Enclosures herewith returned.

2. With regard to the recommendation of the Inspector General of Jails that the Medical Officer in charge should receive some remuneration for his labor, I think there can be no doubt of the justice and propriety of such a measure. Much of the laxity of supervision which is shown by Mr. Shaw to have occurred during Assistant Surgeon L. W. Stewart's term of office, has probably arisen from the absence of definite regulations for the guidance of the Surgeon to the Jail and from the duties being imposed upon the Senior Officer in virtue of his seniority merely.

3. The rate of remuneration seems moderate, and I trust Government will sanction it.

4. The Medical Officer, however, should, as is now the case in Bengal, be held responsible for the internal discipline of the Jail and be required to make daily visits to it. It is obvious, that if proper supervision had been exercised, many of the irregularities alluded to in Mr. Shaw's report could not have occurred.

5. With reference to the 2nd paragraph of your Memorandum, I am of opinion that seniority for the appointment of Surgeon to the Jail should have due weight, but that Government should exercise discretionary power and appoint the Officer considered best qualified for such a charge.

6. Assistant Surgeon Stewart's tour of duty on the Neilgherries having expired, I am saved the pain of having to recommend his removal, on the ground of gross neglect of duty as Medical Officer in charge of the Jail. Mr. Stewart will be furnished with the graver part of the evidence contained in the Inspector General of Hospital's report, and will be called upon for explanation.

7. From the evidence of that report, I am of opinion that Assistant Surgeon Stewart has, by proved indifference to his duty, as Medical Officer in charge of the Jail, put it out of the power of the head of the Medical Department to support his application for pecuniary recompense for past services, consequently my approval of a fixed salary for the duties does not apply to that Officer.

8. The conduct of the Assistant Apothecary (Risly) will be noticed in the Military Department.

Extracts from report on Jail at Ootacamund by Acting Inspector General of Hospitals, J. SHAW, dated —— July 1863, No. 19.

"I have the honor, for the information of the Principal Inspector General, to make the following observations upon the state of the Medical arrangements at the Ootacamund Jail.

KITCHEN.—My first visit was to the kitchen, dinner was being prepared. In the oven I remarked several plates with apparently very savoury contents. I fancied these might be intended for the Warder's dinner; but upon inquiry I was informed they were for the prisoners on the sick report.

PRISONERS WHEN COLD AT NIGHT GET PEPPER MINT WATER.—15. The Apothecary volunteered to me the information that the prisoners often complained to him of being cold at nights, and asked for something to warm them, and he informed me that he was in the habit, on these occasions, of giving them Pepper Mint water. It did not occur to me at the time to ask by whose authority this was done.

OCCUPATION OF PRISONERS.—16. On my visit to the Jail I found some of the prisoners making coir-mats, some mending their shirts, and others were wandering about the gallery doing nothing.

NECESSITY FOR REGULAR WORK.—I was informed that the materials for certain works were expended, I allude to this, as I am satisfied that, were regular work exacted, the number of sick would generally be less.

IMPERFECT SURVEILLANCE.—17. It has been my disagreeable duty to report the very unsatisfactory manner in which the Medical duties of the European Jail have been performed; but it is also my duty to point out, that had the Magistrate in charge of the Jail exercised the surveillance which is expected from him, the lax* attendance of the Medical Officer would not have been permitted, and many of the objectionable measures, would either have been checked, or never have been attempted.

* Mr. Stewart only visits the Jail once a week instead of daily.

CONSERVANCY OBJECTIONABLE.—18. The conservancy of the European Jail is objectionable, all the ordure is collected into one necessary, which empties itself into a channel, and is thus carried into a cesspool at the back of the Jail. If I understood correctly, the system is that, when one cesspool is full, the channel is directed to another; the ordure in this place is very offensive.

OFFENSIVE SHOLAH.—29. There is a Sholah near the Jail which is used as a necessary by the natives in the neighbourhood, and from which, I am told, the stench is at times very great.

WARDERS' HOUSES DAMP.—20. "The Warders' houses are built upon the face of the Hill. I was requested to examine them. Each has two rooms, the front one which was not floored, was damp, the back room has a wooden floor, and is perfectly dry. More complete surface drainage, and wooden floors in the front rooms, would remove the damp."

(True Extracts.)

(Signed) W. R. CORNISH,
Secretary, Principal Inspector General Medical Department.

No. 203. ORDER THEREON, 24th August 1863, No. 1,370.

The Governor in Council will recommend to the Government of India that an allowance of Rupees 50 per mensem may be granted to the Medical Officer in charge of the European and Native Jails at Ootacamund, as remuneration for his duties in connection with the Jails.

2. The Officer who is to hold this charge will in future be selected by Government.

3. It is clear from Mr. Shaw's report that the European Jail has been grossly neglected by the Medical Officer lately in charge of it, Assistant Surgeon Stewart. The supervision of the Subordinate Judge, to whom the Acting Inspector General refers in the 13th, 14th and 17th paragraphs of his report under the designation of Magistrate, appears also to have been very defective. Mr. Nesbitt will submit through the Inspector General of Jails any explanation he may have to offer in regard to his alleged omission to issue any orders regarding the closing of the cells at a proper hour, and his having neglected to bring to notice the lax attendance of the Medical Officer.

4. The Principal Inspector General of the Medical Department will submit an application in the prescribed tabular form for the increase now proposed.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

SICK PRISONERS.—3. I then proceeded to the Jail, there were 34 prisoners, and out of these 10 were on the sick report. There is no Hospital attached to the Jail, the sick, except such as are confined to their beds, mix indiscriminately with the other prisoners in the gallery of the Jail. I am told some work; but when I was there most of them were loitering about.

STATE OF THE SICK.—3. I had the men on the sick report paraded. I examined them most carefully, and, with the exception of Watson and Murphy, all appeared to me to be in excellent health. Vickery has tape worm; but work would do him no harm.

DIETS OF SICK PRISONERS.—4 "Of the ten, six were upon half diet, which consisted of 1 pint of tea, night and morning, 12 ozs. of bread, 10 ozs. of mutton, and half a pound of potatoes. These were the dishes which attracted my attention in the kitchen.

5. The other four men were upon spoon diet* and extras; one of them T. W. Burke, had extra tea 2 pints, milk 1 pint, bread 8 ozs., chicken 1, custard 1, Portwine 1 measure.

*One pint of tea, eight ounces of bread, one pint of boiled arrowroot.

BURKE'S DIET.—6. This prisoner Burke's daily allowance, including the spoon diet, amounted to tea 4 pints, arrowroot 1 pint, soogee 1 pint, milk 1 pint, bread 16 ozs., chicken 1, custard 1, Portwine 1 measure. According to the Regulations the quantity of bread as an extra is limited to 4 ozs.

"ORDINARY JAIL DIET."—7. By the "ordinary diet" of the Jail, each prisoner is allowed 3 ozs. of meat 4 days in the week, and 4 ozs. the other 3, or 24 ozs. weekly. Half diet according to Mr. Stewart's scale allows 70 ozs. of meat weekly.

PRISONER BURKE'S SEVERAL ILLNESSES.—8. Burke, when received into this Jail 15 months ago, weighed 11 stone; last month he weighed 12 stone $3\frac{3}{4}$ lbs., he has been 289 days upon the sick report, said to have been suffering from the following diseases. Incontinence of urine 62 days; Stricture 35; Diarrhœa 3; Hydrocele 87; Phlegmon seven; Influenza, on three different occasions, for 24, 2 and 24 days; and affection of the Liver for 45. This man was an Apothecary in the Bengal establishment. I happened to be in temporary charge of the Jail for a week or ten days last year, and I was then satisfied he was a finished schemer.

SICK LIST REDUCED.—9. Out of the ten men, six were discharged from the sick list on the 29th. *the day of my visit*, and Burke's extras were stopped; he was put upon half diet, and was well enough to be discharged four days afterwards.

10. I requested Mr. Stewart to inform me upon what authority ten ozs. of meat instead of eight ozs., the regulated quantity for half diet, were issued. His explanation* is most unsatisfactory.

* Letter No. 15, July 16th.

NO HOSPITAL SUBSTITUTE SUGGESTED.—11. I suggested to Mr. Stewart, that, as by the present system he did not succeed in curing his patients, and as there was no regular Hospital, each sick man's cell should be considered his Hospital, and that no one on the sick report should be permitted to leave it without Mr. Stewart's special permission.

EXTRAORDINARY ORDER BY ASSISTANT APOTHECARY.—12. An order had some time before been issued by the *Assistant Apothecary*, directing that four cells should be kept open until 9 P. M. This I suggested should be at once cancelled.

13. I was unable to ascertain satisfactorily under what circumstances and under what authority, the Apothecary thought himself justified in giving this most extraordinary order, nor can I learn that it was brought to the Medical Officer's knowledge, until the Head Jailer very properly addressed the Magistrate in charge upon the subject; the latter called upon Mr. Stewart to know whether he considered it necessary that these cells should be open at extraordinary hours, to this Mr. Stewart replied that the practice was to be discontinued, and the cells were only to be opened at unusual times upon his personal order.

ATTEMPTED EXPLANATION OF THE ORDER.—14. Apparently no orders were issued to the Jailer by the Magistrate upon the receipt of Mr. Stewart's letter, and the practice was brought to my notice by the Jailer at my visit. I have no copies of the letters which passed; but I give their substance as far as my memory serves me.

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(True Extract.)

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„ Inspector General of Jails.
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Rxd. T. McMootry.

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Inspected Report

Proceedings of the Madras Govt

dated September 1863 &c

Recommendation of the Madras Govt
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Contract Clauses Clause
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and until state what
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to prevent the abuses
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Judicial 1863 Dept.

No. 1370.

Proceedings of the Madras Govt.

Dated 24th Augt. 1863.

Approving the proposal to remunerate the Medical Officer in charge of the European and Native Jails at Cuddalore - The Sub Judge called upon to submit an explanation in reference to his defective supervision of the European Prisoner

201 to 203