M.R.C. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1560 Press. ~~Mis~~

245 - 247

Dated 29.9.1863 ~~-10-~~ .

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Not to be folded or roughly handled

Read the following papers:—

No. 345. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 12th September 1863, No. 267.

I have the honor to forward a letter* received from Mr. A. W. Phillips, in charge of the Jail at Chingleput, showing that the premises on which the Order of Government, No. 1,090, was passed were incorrect.

* Dated 8th August 1863, No. 346 in original.

2. I still maintain my opinion that, assuming the facts to be as stated in the last paragraph of Mr. Phillips' letter, Dr. Shortt's reply to that Officer as again quoted by Mr. Phillips in his last paragraph, was contumacious. There can, in my opinion, be no question that when an Officer in charge of a Jail objects to a practice such as that quoted, that objection is to be attended to. Mr. Phillips should in my opinion have given his orders to the Jailer to dispose of the soil as was right. Mr. Shortt has now been for some years in medical charge of the Jail, I have sanctioned larger repairs and improvements to the Chingleput Jail and Hospital than to any other Jail in the country, and Dr. Shortt had only to bring an inconvenience, such as that described, to the notice of Mr. Dowdeswell, who was in constant communication with me on the subject of the Jail, or of subsequent Judges to ensure its removal.

3. I do object to more than one entrance to any Jail building but, unless my memory deceives me, the inconvenience referred to might have been obviated without carrying ordure through the wards.

4. I deny that the occupation of a ward with an offensive and perhaps noxious process and the consequent crowding of patients, is a light matter, nor can I permit a statement to this effect by me in regard to the ordering of Jail accommodation to be spoken of as a frivolous charge without notice. Mr. Whiteside remedied it, and it did not therefore come under my notice at my visit, and I only alluded to it as an instance corroborative of Mr. Shortt's want of attention to ordinary sanitary precautions brought by Mr. Phillips to my notice.

5. As shown by Mr. Phillips, so far is Mr. Shortt's explanation from being ingenuous, that, from the information on which he relies, the excrement was *not* buried within the enclosure during the prevalence of Cholera; what was then done might have been always done, and there can be no question that the burial of ordure within the Hospital enclosure and near the well was never necessary.

6. The replies of Mr. Shortt, as refuted by Mr. A. W. Phillips, seem now to me to lead to the question of whether Dr. Shortt's word is to be believed or not.

7. Since writing this I have seen Mr. Phillips and learned from him that the door by which the ordure might have been removed, without going through the Hospital, was closed *at Dr. Shortt's request*, and I have also heard from Mr. Whiteside to the effect that to the best of his recollection my memory is correct as to my statement regarding the occupation of a ward of the Hospital with some noxious process. I further now learn from Mr. Phillips that Mr. Shortt though warned at a time of scarcity of water, that a certain pond was reserved for the prisoners' use, used it for steeping fibre and thus compelled Mr. Phillips to send the prisoners to a distance to wash.

8. In my opinion, assuming Mr. Phillips to be correct, Mr. Shortt is not a fit person to remain in Medical charge of the Jail, I make no reference to his skill as a Medical man but to his disregard of proper precautions and disingenuous conduct as manifested in the present replies.

From A. W. PHILLIPS, Esq., Session Judge of Chingleput; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated Chingleput, 8th August 1863, No. 316.

I have the honor to acknowledge receipt yesterday of the Order of Government, No. 1,090, dated 8th July 1863, forwarded with your Memorandum, No. 123, dated 3rd August.

2. Government, it appears, have thought proper to pass the order referred to, simply on Dr. Cole's letter and Dr. Shaw's report to that Officer on receiving Dr. Shortt's explanation (which of course was also submitted) taking it for granted that its correctness was as

indisputable as Dr. Cole considers Dr. Shortt's vigilance and attention to his duties. I would, however, beg to be allowed to point out a few slight inaccuracies in the explanation, and perhaps after they are brought to the notice of Government (which I respectfully in justice to myself they may be) my representation and your charges will not be considered so groundless.

3. The first charge made by you on my representation, was, that some *days* prior to the breaking out of Cholera, rice of an indifferent character was served out to the Convicts and that no notice of it had been taken by the Zillah Surgeon. Dr. Shortt after speaking generally of *previous* occasions when he had brought to the notice of the various Judges, who had been in charge of the Jail, the bad quality of the rice, goes on to assert that he personally mentioned to me before the Cholera broke out, that new rice was being used, and this I admit; but it was many *weeks before* the Cholera appeared, and the evil was remedied as far as lay in my power; but the *question* is, did he bring to my notice the fact of unmixed rice having been served out some few *days* before the Cholera broke out, viz., 23rd March, and I can most *positively* and *solemnly* declare that no such representation was made by him to me personally or by letter, if there had been, I surely never should have written to you as I did on the 27th April. Dr. Shortt certainly spoke about some new rice on the 30th March, and wrote on the 1st April, but the Cholera was then at its height. I admit also that Dr. Shortt wrote to me on the 1st June saying that the rice *then* being served out was new; but this was long after Cholera had disappeared, and consequently nothing to the point.

The 2nd charge, regarding the burial of the night soil within the Hospital compound, Dr. Shortt, I observe, pleads guilty to, and the authorities consider it more of an error of judgment; but I would submit that in direct contradiction to Dr. Shortt's assertion, viz. that during the prevalence of Cholera he thought it the safest plan to have the night soil buried in the vicinity of the Hospital, I have before me the depositions of the Hospital Warder and Sweeper, which were taken at the time, showing that it was only buried there *prior* to the breaking out of Cholera, [illegible] but that the practice was stopped, and that then the night soil was then carried out by the very thorough-bare which Dr. Shortt commends, as very properly as so objectionable. I regret now, that I did not examine these men in Dr. Shortt's presence; but the fact is, I did not *then* believe the report to be correct, and only questioned them to ascertain whether there was any foundation for what I had heard from the Jailer, had been going on.

From the N. B., appended by Dr. Shortt, to his letter marked G, it might be inferred that I wrote privately to Dr. Shortt to express regret for what had passed, and that I had requested him to desist from handing up the correspondence on my own account; but if Dr. Shortt be called upon to produce the letter, it will be seen that I said nothing of the kind.

In refutation of Dr. Shortt's assertion, that I have only *twice* visited the Jail Hospital since I have been in charge of the Jail, and that I have not *at any time* personally inspected and visited the locality of the objectionable burials, I beg simply to say that Dr. Shortt is mistaken.

The 3rd charge is contumacious conduct; this I beg to observe I never intended to charge Dr. Shortt with in my letter of the 27th April, which led to your bringing the case before Government. I merely stated that in my opinion the burials were very objectionable, and that as the Zillah Surgeon in admitting them not only justified himself but declared his intention to resort to the practice *again*, if sickness broke out, I asked you to give expression to your views, viz., whether he was to be allowed to do so or not, and I am sorry that the wording of my letter misled you.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot; to J. ROHDE, Esq., Inspector General of Jails, Ootacamund, dated Cuddalore, 31st August 1863, No. 168.

I have the honor to acknowledge receipt of your letter, No. 230, dated the 24th instant, and in reply regret that I cannot speak as positively as I wish as to the mode in which the Hospital ward of the Chingleput Gaol were occupied during the time I was in charge of the Gaol last year.

Proceedings of the Madras Government, Judicial Department,
29th September 1863.

2. Only one of the Hospital wards was used for sick patients; one was, I know, occupied as a lock-up ward for prisoners, for whom accommodation could not be provided in other parts of the Gaol, then under repair; and in the third, unless I am very much mistaken, Dr. Shortt had fibres of various kind stored. I cannot speak with absolute certainty however on this point, though my present impression is that your statement is correct. Dr. Shortt also had fibres in the verandah of one of the Gaol buildings; but, if I recollect right, they were not in the same stage of preparation as others he had in his possession.

3. I remember specially bringing to your notice one fact in connection with Dr. Shortt and his care of the sanitary state of the Gaol which was this. Very little rain fell at Chingleput throughout the hot season of last year, and much difficulty was experienced in providing water for the various requirements of the large body* of men then confined in the Gaol. I ordered that the meadow in what used to be the Gaol garden should not be watered as usual from the tank at the end of the garden, and that the water should be specially reserved for washing the prisoners' cloths. Dr. Shortt was made aware of this order by the Jailer (now I believe, employed in the Coimbatore District) but he did not hesitate on his return from leave to place a quantity of plant of some description, from which he was extracting fibre, in the tank to soak, and thereby rendering the water putrid and fetid to an intolerable degree, I was then compelled to send out a large gang of men under a guard to wash the cloths at a water channel upwards of a mile from the Gaol, an arrangement I found very troublesome as well as expensive.

* Upwards of 400.

(True Copy.)

(Signed) J. ROHDE,
Inspector General of Jails.

No. 246. MEMORANDUM.

Forwarded in continuation of letter dated 12th instant, No. 267, from this Office.

OOTACAMUND,
18*th September* 1863.

To the Chief Secretary to the Government of Fort Saint George.

No. 247. ORDER THEREON, 29th September 1863, No. 1,560.

The Governor in Council does not deem it necessary to pass any further orders in the matter referred to in the foregoing letters.

The notice which has already been taken of it in the Proceedings of Government under date the 8th July last, No. 1,090, will, he has no doubt, be sufficient.

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

Exd. T. McMootry.

To the Inspector General of Jails, dated 6

Sub. Department.

No. 2064.

25

From
The Inspector General of Jails.
Dated 12th September 1863.

For orders.

I see no occasion for the Lieutenant Governor to call for the Inspector's full report on the Jail at Lodiana and would not re-open the matter - the action already taken with no doubt be sufficient - I would write to Mr Robertson that the Government has no orders to pass on the subject beyond those already issued -

21-9-63.

J P

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters:—

From the Joint Magistrate of Bhatkal (through the Inspector General of Jails — } Here Enter 31st Augt 1863. No 168

From the Inspr Genl of Jails — Here Enter 12th Septr 1863. No 267

Order thereon 29th September 1863. No 1660

The Governor in Council does not deem it necessary to pass any further orders in the matter referred to in the foregoing letters.

The notice which has already been taken of it in the Proceedings of Government under date the 8th July last, No 1090, will, he has no doubt, be sufficient.—

To the ~~Inspector Genl of Jails~~

To the Inspector General of Jails dupd. 6

Pro: Lspr

Judicial 1863. Department.

No. 1500.

PROCEEDINGS OF GOVERNMENT.

Dated 24 September 1863

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