M.R.O. 1—32,500—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1192	Press Mis.
	227-230	
Dated	29 — 8 —	19 1865

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

29th August 1865.

No. 229. Read the following letter from E. W. BIRD, Esq., Session Judge of Tanjore, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George ; dated Tanjore, 31st July 1865, No. 470.

Under the provisions of Section 390 of the Code of Criminal Procedure, I have the honor to report the following case for the orders of Government.

2. An individual named Maritevan, was committed to this Court by the 2nd Class Sub-Magistrate of Needamangalum for trial, on a charge of voluntarily causing grievous hurt, by means of a dangerous weapon. With the records of the case, the Sub-Magistrate forwarded a certificate, obtained from the Native Surgeon at Mannargoody, of the fact that the accused was laboring under " mental aberration" when the case was under investigation before the Sub-Magistrate. In confirmation of this opinion, Dr. Ross, the Zillah Surgeon at Tanjore, under whose personal observation the accused has, at my request, been placed for the past fortnight, in the Jail, deposed before this Court, when the Prisoner was brought up for trial to-day, " that the accused is now of unsound mind, and is incapable, in con- " sequence, of making his defence." I have thereupon postponed the trial, under Section 389 of the Code of Criminal Procedure, and beg to report the circumstance to the Government, with a view to their passing such orders as may be deemed necessary as to the place in which he is to be kept under custody pending his recovery.

3. Copies of the Native Surgeon's Certificate and of the depositions of Dr. Ross and Serjeant Major Fowler, the Jailer at Tanjore, are herewith forwarded. From the latter two the Government will perceive that Dr. Ross is of opinion the prisoner should be removed to a Lunatic Asylum, as the only hope of his temporary recovery, and that, on sanitary grounds, the lunatic, whose habits are disgusting beyond conception, ought not to be allowed to continue with the other convicts in the Zillah Jail, where there are really no means for the security or proper treatment of such a case as his.

4. I beg to add that the facts on which the prisoner has been forwarded for trial, on the charge of causing grievous hurt, are as follows :—The prosecutor, one Shonien, was, on the evening of the 28th March last, washing himself in some water, near a channel in the village of Pilavanacoody, in the Mannargoody Taluq, when the prisoner, a perfect stranger to him, without provocation or notice, rushed up to him, and, with a club, inflicted such injuries on him, that his arm was broken in several places, and had, eventually, to save his life, to be amputated near the shoulder. The prisoner, as appears in evidence, was mad then, had been mad for a long time before, and has been mad ever since. His committal to this Court for trial was a proceeding of the Sub-Magistrate which was contrary to Section 388 of the Code of Criminal Procedure, as prisoner has never yet been able to defend himself, but it appears to have been adopted under instructions of the Magistrate.

5. Under the circumstances, as the man in question is a dangerous and disgusting lunatic, whose stay in the Zillah Jail is likely to be not only dangerous on sanitary grounds to the other convicts in this now crowded Jail, but also hurtful to himself, I beg to request the sanction of Government for his immediate removal either to the Lunatic Asylum at Madras, or to the Trichinopoly Jail, should there be proper accommodation there for such a case as his.

This is to certify that Marree, sent by the Needamangalum Sub-Magistrate, was kept in the Hospital from the 6th to the morning of the 9th instant, and, from the observation I have made, I am led to conclude that he labors under mental aberration, and I hear he had also the attack last year for some time.

(Signed) P. S. MUTTUSAMY, MOODELLY,
Native Surgeon, Civil Dispensary,
Mannargoody.

MANNARGOODY, *9th April* 1865.

(True Copy).

(Signed) E. W. BIRD,
Session Judge.

Session Case No. 47 of 1865.

1st Witness examined by the Court.

Name, James Ross.

Father's name, James Ross.

Name of his Village, Tanjore.

Name of his Taluq, do.

Caste. } Protestant, Christian.
Sect. }

Profession, Civil Surgeon of Tanjore.

Age, 35.

The above named witness, having taken the usual oath, deposes as follows :—

To questions by the Court.

The Prisoner before the Court has been under my medical observation for some time in the Jail—nearly a fortnight. I do not think he is at present sane. I think he is of unsound mind at present. I do not think he is capable of making a defence at this trial. The prisoner has been exceedingly noisy, restless, and sleepless in the Jail. Sometimes he answers questions rationally; at other times he talks great nonsense. I think, to-day, as he stands here, he is not of sound mind, or capable of defending himself. The prisoner's habits in the Jail are very dirty, in fact beastly. He pollutes himself and all around with his own excrement, and plasters the walls with it; his cell is, on that account, unbearable—it is so offensive. This cell is in front of the Surgery door of the Hospital, and I am obliged, on that account, to keep the Surgery door shut during my visits, because of the offensive odour brought in by the wind. This cell, where the prisoner is now confined, is the only cell in the Jail where he can be confined by himself. I do not think it would be safe to confine him in a cell with other prisoners, because the charge against him shows he is a dangerous man, and the Jailer of the Jail tells me he has already, in the Jail, threatened one of the Jail warders, with a large stone. Besides, the nature of his habits would make it horrible to confine this prisoner with others in the same cell. I think, with judicious treatment, the prisoner's case might yield, and he might recover in some months. But from what I have heard the Court read of the evidence taken in the Taluq in his case, I do not think the recovery would be permanent. I do certainly not think that the prisoner can be, in this Jail, treated so as to give a hope of his recovery here. I think a Lunatic Asylum is the only place where proper treatment could be afforded him. I think too, undoubtedly, that it would be bad for the other prisoners, in a sanitary point of view, if this prisoner were kept in this Jail pending his possible recovery. At present, as far as his present state goes, I consider his, a well marked case of lunacy.

The Assessors have no questions to ask, nor has the Government Vakeel.

(Signed) E. W. BIRD,
Session Judge.

The above evidence was read over to the witness in the English language, which he understands, and was acknowledged to be correct.

(Signed) E. W. BIRD,
Session Judge.

31st July 1865.

(True Copy).

(Signed) E. W. BIRD,
Session Judge.

Session Case, No. 47 of 1865.

Witness examined by the Court.

Name, James Peter Fowler.

Father's name, George Fowler.

Name of his village, Tanjore.

Name of his Taluq, do.

Caste. } Protestant, Christian.
Sect. }

Profession, Jailer of the Tanjore Jail.

Age, 51.

The above named witness, having taken the usual oath, deposes as follows :

To questions by the Court.

I have had the prisoner, now present, in the Jail, from the 15th July. He is decidedly a man of unsound mind. He is to-day the same—mad. He sometimes gives rational answers, but, to-day, and generally, he talks a pack of nonsense. Once, lately, he took up a stone, and would have hit a convict had he not been prevented doing so. His habits are very filthy. He eats his own excrement, and plasters it about the walls and floor; and, therefore, it is difficult to keep him clean. Since his admission, till to-day, the prisoner has not had one day of soundness of mind. From the beginning he has been mad, and is so still. He is noisy and shouts. At night, he is more noisy than in the day. He disturbs me, and, therefore, I think, he disturbs the other convicts during the night.

The Assessors and Government Vakeel have no questions.

(Signed) E. W. BIRD,
Session Judge.

The above evidence was read over to the witness in the English language, which he understands, and was acknowledged to be correct.

(Signed) E. W. BIRD,
Session Judge.

31st July 1865.

(True Copy).

(Signed) E. W. BIRD,
Session Judge.

No. 230. ORDER THEREON, 29th August 1865, No. 1192.

The Governor in Council sanctions the transfer of the lunatic, referred to in the foregoing letter, to the Asylum at Trichinopoly. The Session Judge is requested to ascertain that accommodation is available, before sending him there.

(True Extract).

Chief Secretary.

To the Session Judge of Tanjore.
" Magistrate of Trichinopoly.
" Inspector General of Jails.

Exd. J. H. Burns.

No. 1192 - 29th August 1863

The Governor in Council sanctions the transfer of the lunatic referred to in the foregoing letter, to the Asylum at Trichinopoly. The Sessions Judge is requested to ascertain that accommodation is available before sending him there.

WDM

The Sessions Judge of Tanjore.
" Magistrate of Trichinopoly.
" Inspector Genl. of Jails.