

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

109-110	G.O. No. 1095	Press
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	Dated 10. 7. 1887	19

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department.

10th July 1867.

No. 109. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 20th June 1867, No. 49.

I have the honor to forward a letter from the Commissioner of Police, in which that Officer urges that the Penitentiary is not suited for the reception of the convict Baker, and I have, therefore, considered it expedient to request the Superintendent of the European Prison to suspend the transfer until further notice.

2. The two Jails are pretty much on a par, with respect to Hospital accommodation; for, while there is none at the European Prison, that at the Penitentiary is not adapted for cases of this nature; but I am still of opinion that the presence of Baker in a prison intended for convicts of comparatively short sentences will not be so prejudicial to discipline as it is at Ootacamund. Moreover, it does not follow that the Medical Officer will take the same view of the case as Dr. Donaldson has done with respect to immunity from punishment, and the necessity for the use of tobacco.

3. The best solution of the difficulty would be to send the convict to England if possible. This is done whenever a soldier is sentenced by Court Martial to penal servitude beyond a certain period, but I know of no precedent in a case of this kind, with the exception of that of Captain John Campbell a retired or pensioned Officer of the 21st Native Infantry, who, if I am not mistaken, was sent Home about the year 1852, under circumstances not wholly dissimilar to the present.

From Major C. S. HEARN, Commissioner of Police, Madras, to the Inspector General of Jails; dated Madras, 31st May 1867, No. 205.

I have the honor to submit a few remarks with reference to Order of Government, No. 861, of 27th May, directing the transfer of life convict George Baker to the Madras Penitentiary.

2. Most of the objections urged by various Officers against retaining George Baker in the Ootacamund Jail seem simply to amount to this, that the man is so violent and difficult to deal with as to be a downright nuisance in *any* Jail.

3. The objections urged in paragraphs 2, 3, 4, and 5 of the first letter, No. 25, from the Superintendent, European Prison, apply with equal force to the Madras Penitentiary—nay, with greater force, since the European Establishment is, I believe, the same in both Jails (there are only 3 warders in the Penitentiary), while there are double the number of European prisoners to look after in the Penitentiary, besides 400 or 500 Natives. The duties in this Jail must be much more varied and onerous than at Ootacamund, and leave less time to the Officers of the establishment to devote to a special and difficult case, like that of George Baker.

4. The same remarks apply to paragraphs 2, 3, and 4 of letter, No. 37, of 2nd May, from the Superintendent, European Prison, and also to the letter from the Reverend G. U. Pope. With reference to the remark regarding "stricter discipline" in paragraph 4 of the Chaplain's letter, I am not aware whether the discipline in Ootacamund Jail is less strict than in the Penitentiary, but as all the convicts in the former Jail are long sentenced men, the Reverend Gentleman is probably mistaken on this point. In any case, I am at a loss to know how discipline is to be enforced with George Baker, since you state that his condition requires, not only "immunity from punishment," but extraordinary indulgences.

5. Then there is the point of hospital treatment, on which alone the Medical Committee found their recommendation, and which is, I venture to submit, the only point alluded to in these Proceedings presenting any valid ground of difference between the two Jails, the Penitentiary having a Hospital within its walls. But I would ask you, well acquainted as you are with the Jail premi-

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ses, how far it would be feasible to carry a man suffering from a fit, such as that described by the Superintendent, in his letter, No. 37, from the upper story of the European ward to the upper story of the Hospital ward during the continuance of the attack? or whether it would be justifiable to introduce so dangerous a patient into a general ward occupied by other patients, all requiring quiet and repose, some perhaps themselves in a nervous and excitable state. There is no separate Hospital ward, and I have the assurance of medical authority that it would be imperatively necessary to treat a convict attacked by such a fit within the Madras Penitentiary in *his own cell*. If this be so, the objections raised by Dr. Donaldson in his letter, No. 12, apply equally to the Madras Penitentiary, with this difference, that the limited amount of air in the cell will be hot, instead of cold. I conclude that actual medical attendance is always available at Ootacamund.

6. Then, as to easy removal to the Lunatic Asylum. The question is whether George Baker is insane or not. If insane, he can be sent direct to the Lunatic Asylum. There can be no advantage in passing him through the intermediate stage of the Penitentiary. And surely the Medical Authorities at Ootacamund are in the best position to decide on the point, after a whole year of personal experience and observation of this very peculiar case; whereas, the Medical Officers of the Penitentiary would have to commence *de novo*.

7. Lastly, there is the important consideration of climate, which has not been touched upon in these Proceedings. In Ootacamund, the convict enjoys a climate which agrees with a European constitution. In Madras, the reverse is the case, and the convict is moreover exposed to the periodical recurrence of epidemic cholera, from which Ootacamund is happily free. George Baker is a life convict. Is he to pass his life in the climate of Madras? No doubt, his life would be shortened, and I should imagine that any tendency to epilepsy or insanity would be aggravated by the heat of the climate.

8. Not having had the opportunity of previously submitting these points for consideration, I have thought it my duty to do so now. It seems to me that there could be no difference in the conditions of medical treatment in the two Jails, while by this transfer the convict would be removed from a Jail devoted exclusively to the watchful care of a few European prisoners, to one where the duties and responsibilities are much more general and varied, and from a good climate to a bad one.

9. Should the transfer however be carried out, I request explicit instructions on the point of conveying George Baker to Hospital, while under the influence of these fits.

10. I would also observe, in connection with this subject, that I have no power as Superintendent of the Penitentiary to flog any prisoner for breach of prison discipline. The necessity has happily never arisen since I took charge, but it would seem reasonable that the Superintendent of Jails in Madras should have the same power which is accorded to Officers in charge of Jails in the Mofussil.

No. 110.

ORDER THEREON, 10th July 1867, No. 1095.

From the above correspondence, it appears that there are difficulties in providing accommodation in the Penitentiary for the life convict Baker, at present confined in the Jail at Ootacamund. The convict Baker has latterly been subject to severe epileptic fits, and, when thus attacked, requires careful watching. The difficulty of providing sick orderlies was reported by the Superintendent of the Jail at Ootacamund, and the Medical Officer in charge also pointed out that there can, in that prison, be no adequate hospital treatment for a patient suffering under epilepsy. It was accordingly resolved, on the recommendation of the

Inspector General of Jails, to transfer Baker to the Penitentiary at Madras.

G. O., dated 27th May 1867.

The Officer in charge of the Penitentiary has, however, clearly shown that there will be precisely the same difficulty, as regards the confinement of the convict Baker in the Penitentiary, as has been

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experienced in the Jail at Ootacamund, and that, even as regards hospital treatment, nothing would be gained by the proposed transfer.

2. Major Hearn explains that the Hospital in the Penitentiary is altogether unsuited for the reception of a prisoner subject to epileptic fits. It consists of the upper story of a building at some distance from the cells in which European prisoners are confined—these cells being also on an upper story—so that it would be necessary to carry a patient when suffering from fits down one and up another steep stair-case, if he is to be treated in the Jail Hospital; the only alternative being to treat such a patient in his cell, exactly as is done in the case of Baker at Ootacamund.

3. Under these circumstances, the Governor in Council is not of opinion that any advantage would result from transferring the convict Baker from the Ootacamund Jail to the Penitentiary at Madras, as proposed by the Inspector General of Jails, and sanctioned in G. O., dated 27th May last. The difficulty of providing suitable accommodation is the same in both prisons, while at Ootacamund the convict Baker is placed in much better conditions for the recovery of his health than at Madras.

4. The Inspector General of Jails will give such instructions as may seem necessary for providing extra attendance upon Baker when suffering from illness, so as to avoid unnecessary harassing of the Ootacamund Jail Warders, and as little interference with Jail discipline as possible.

5. The convict Baker should be kept under strict medical observation, and the state of his health, and especially his mental condition, be from time to time reported to Government.

(True Extract).

Acting Chief Secretary.

To the Inspector General of Jails.

„ Inspector General, Medical Department.

„ Superintendent of the Jails at the Presidency.

Exd. J. H. Burns.

Judicial Department. 30

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Inspector General of Jails.

Recd letter 20 June 1867 No 119.

Order thereon 10 July 1867 No 1095.

From the above correspondence it appears that there are difficulties in providing accommodation in the Penitentiary for the life convict Baker, at present confined in the jail at Arcotamund. The convict Baker has latterly been subject to severe epileptic fits, and when thus attacked requires careful watching. The difficulty of providing such orderlies was reported

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G. O. d/ 27th May 67.

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in the case of Baker at Cootacamund.

3. Under these circum-
stances the Governor in
Council is not of opinion
that

that any advantage would result from transferring the convict Baker from the Botacammund Jail to the Penitentiary at Madras, as proposed by the Inspector General of Jails, and sanctioned in G.O. dated 27th May last. The difficulty of providing suitable accommodation is the same in both prisons, while at Botacammund the convict Baker is placed in much better conditions for the recovery of his health than at Madras.

4. The Inspector General of Jails will give such instructions as may seem necessary for providing extra attendance upon Baker when suffering from illness so as to avoid unnecessary ^{of Botacammund} harassing of the Jail warden of the Botacammund Jail.

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M. L.

21-1-1906
To the Inspr. General of Jails }
— Inspr. Genl. Madras Dept. }
— Inspr. of the Jails at the Presidency }
des. 12/7

Pro. 27/5/67 at 266-267
in 28/5/67 at 266-267

Received 1867. Department.

No. 1095

PROCEEDINGS OF GOVERNMENT.

1649/68.

Off. 2204. 26/69.

1870-1871
Dated, 1871, 1869.

35-1-1
27/5/67.

109. 110.