

MADRAS RECORD OFFICE.

Government of Madras.

judicial DEPARTMENT.

G.O. No.	1771	Press
		~~Mis~~
Dated	6-11-	1967

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
6th November 1867.

No. 61. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 11th October 1867, No. 110.

With reference to the Order of Government noted in the margin, directing that from time to time a report should be made regarding the bodily and mental condition of the convict Baker, I have the honor to forward copy of a letter from the Medical Officer, dated 2nd instant, in which he states that Baker's health is very good, and that he is perfectly rational. The report required was confined to these two points, but as Dr. Donaldson has also given his opinion regarding Baker's behaviour, of which he has fewer opportunities of judging than the officer in executive charge, I forward a letter from Lieutenant Colonel Campbell on the subject, from which it will appear that, although Baker has been quiet since the 29th July, it is not considered expedient that his fetters should be removed. I was also given to understand on visiting the prison last Tuesday that Baker had been overheard to mutter that he had not yet done with the Keeper.

2. I believe that Baker's life was spared because there was reason to suppose, that although not actually insane yet that, when under strong excitement, his mind was liable to become affected to such an extent that he could not be held responsible for his actions. The cases of persons of this description are well understood in England; they are carefully watched by experienced persons, the treatment is varied according to circumstances, and there is no want of attendance or of fitting appliances of every kind. Here it is not so, and I do not see what to look forward to as regards Baker. To keep him in irons for an indefinite period would be objectionable, while, on the other hand, they could not be removed without a degree of risk, which, considering the nature of the crime for which Baker is now imprisoned, it would be scarcely justifiable to incur; and I, therefore, venture to submit, for the consideration of Government, the propriety of sending him to England.

From Lieutenant Colonel W. R. CAMPBELL, Superintendent, European Prison, Ootacamund, to the Inspector General of Jails, Ootacamund; dated Ootacamund, 4th October 1867, No. 173.

I have the honor to forward copy of letter, No. 25, dated 2nd October 1867, from Surgeon J. Donaldson, in Medical charge of European prison, reporting on the physical and mental condition of life convict George Baker; for the quarter ending 30th September 1867, as requested in your letter marginally noted, which accompanied Proceedings of Government, No. 1095, dated 10th July 1867.

2. Convict Baker is still kept under strict surveillance, and is permitted no communication whatever with any other prisoner. He is allowed out of his cell for two hours a day for exercise, a period certified by the Medical Officer to be sufficient for the purpose of health; with this exception, and on Sunday mornings and Wednesday evenings during the hours of Divine Service, he is strictly confined to his cell, the trap-door being open during the day, so that he may be said to be subjected to the discipline of the separate system. The chains have not been removed since the commission of the offence of the 22nd July 1867, nor would such a step be expedient or advisable.

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3. He is subjected to no restriction in diet, beyond the pudding allowed to prisoners at work, specially sanctioned by the Inspector General of Jails; in all other respects, he receives the full ordinary prison diet.

4. He is permitted the free use of the Library, and is allowed the use of knitting needles to work in his cell, at his own request.

5. From 23rd to 29th July 1867, his conduct was highly unsatisfactory, being exceedingly violent and insubordinate, persisting in abusing the prison officers whenever they come near him in his cell, swearing, singing obscene songs, and uttering threats against the life of the Keeper. On one occasion, 29th July, he threw from his cell a metal basin, containing the hot coffee served for his breakfast, at the Head Warder; since the last mentioned date, his behaviour has been quiet and orderly.

6. On the 5th August, he was reported to be in a fit; he was watched by the Keeper and one of the Warders through a peep-hole in the cell door, when it became evident beyond doubt that the fit was feigned; the object was soon after made manifest by his informing the Medical Officer that he had just had a fit, and asking for indulgences which had been discontinued. This feint was made on the day (Monday) of the usual visit of inspection of the Superintendent and Medical Officer, and a few minutes before the usual hour of the visit; since this date, Baker has had no fit, nor any other illness, but has enjoyed uninterrupted good health.

From Surgeon J. DONALDSON, M. D., Senior Medical Officer, Neilgherries, to the Superintendent of the European Jail, Ootacamund; dated Ootacamund, 2nd October 1867, No. 25.

In accordance with directions received in Proceedings of Government, No. 1095, dated 10th July 1867, I have the honor to report to you, for the information of Government, that convict Baker is now in good health, both mentally and physically; he has been taking since July 5th, regularly, the only medicine which appears to keep his ailment in check, and he has had no decided "fit," since 12th of same month; his bodily health is now very good, and his appetite great; indeed, he complained this morning that he had not enough to eat; to use his own expression "he was very hungry and felt himself half-starved;" he is taking the full 'prison diet;' his mental state is also good at present; he is perfectly rational, and has been very quiet, and well-behaved of late.

No. 62. ORDER THEREON, 6th November 1867, No. 1771.

In the letter above recorded, the Inspector General of Jails reports that both the mental and physical condition of convict Baker are good, and that he has been perfectly rational since the 29th July last, but that it is not considered safe at present to remove his fetters.

2. The Inspector General of Jails recommends that convict Baker should be sent to England, on the ground that there are difficulties at the Jail of Ootacamund in the way of treatment of prisoners in the condition of convict Baker, such as would not be found in establishments in England for the treatment of prisoners who are suspected of being of unsound mind. From the correspondence which accompanies the letter of the Inspector General of Jails, the Governor in Council sees reason to doubt the fact that convict Baker is now insane, or that he really labors under such physical infirmity as would justify his being exempted from ordinary Jail discipline, including corporal punishment, for insubordinate conduct. With a view to forming a judgment on this point, the Governor in Council resolves to appoint a Committee consisting of the Officers noted marginally, who will examine convict Baker, and consider such evidence regarding his case as may be given by the officers connected with the

Surgeon J. Wilson.
" Colvin Smith, M. D.
" M. C. Furnell.

*Proceedings of the Madras Government, Judicial Department,
6th November 1867.*

Ootacamund European Jail. The Committee will submit a report to the Inspector General of Jails for transmission to Government, on the mental and physical condition of convict Baker, and will state whether, in their opinion, there is any sufficient reason why he should not be subjected to ordinary Jail discipline, including corporal punishment, when guilty of outrage or serious offences against the Prison regulations.

(True Extract).

Chief Secretary.

To the Inspector General of Jails, with two enclosures returned.
To Surgeon J. Wilson, Coonoor.

" Do. Colvin Smith, Ootacamund.
" Do. M. C. Furnell, do.

Exd. J. Tulloch.

Judicial DEPARTMENT.

No. 2201.

From The Inspector General of Jails.

Dated 11th October 1867.

FOR ORDERS.

I would certainly send K. Connel
Baker home at once and report
to K. Horn for having done so. The
will grumble, may be, but
cannot send him back again.

It is clear that he cannot be
properly managed at Otter
-house. As Col. Mitton says
he cannot be kept in prison all
his life, yet it would not be

safe to remove them - At home
the management of their cases
is better understood - the bill-
-dies and appliances are
better suited to it - and the
man himself in new scenery
and new people and under
a different system of treatment
might become more tractable

23/10/65

JR

I do not see why the whole
of Baker's conduct - should not be
assumed just as much as the fit-
war, which he himself reported

he had had, which was proved through
Mr. Keyhole of the Tell. It is, however, quite
clear that the said officers at 100% are sent
on riding their skins off horses, & that when
they leave to deal with real or feigned ~~bankrupts~~
and it may therefore as well to send the
man home now as a few years hence.

I do not know how far we shall be able to
our circle. I say why we send home such a man
we cannot - declare him to be an imbecile - because
acknowledge that we cannot - make a mistake and
man who is completely repaying it feared by his
persons & who withal away we, and I think, an

23 Oct 67

I would advise him to come with a
 medical certificate that he is insane.
 He ought not to be sent home because it is
 difficult to control him. We shall have
 a staff of warders at the Prison and
 of controlling him. I would like him in
 iron wanted. I am well assured that
 there is a real character of mind.
 Let the matter be decided by the
 Government.

Subsist Department.

PROCEEDINGS of the MADRAS GOVERNMENT

Read the following letter
 from the Inspector General of jails
 (Here enter 11th October 1864 No 110.)

Order thereon. 6 Nov 6/67 No 1771.

In the letter above
 recorded the Inspector General
 of jails reports that both the
 mental and physical condition
 of convict Baker are good and
 that he has been perfectly
 rational since the 29th July
 last, but that it is not con-
 sidered ^{at present} safe to remove him
 from the jail.

2. The Inspector General
 of jails recommends that convict
 Baker should be sent to England,
 as there are difficulties at the
 jail of Madras in the
 way of treatment of prisoners
 in the condition of convict
 Baker, and would not be
 found in establishments
 in England for the treatment
 of such prisoners. Baker
 prisoners who are suspected of
 being of unsound minds.

on his present
 state

W.D.

by K

from the correspondence which accompanies the letter of the Inspector General of Sails, the Governor in Council sees reason to doubt the fact that convict Baker is now insane, or that from physical infirmity he should, when insane, be exempted from ordinary sail discipline, and especially from corporal punishment. With a view to ascertaining the facts the Governor in Council resolves to appoint a committee consisting of the Officers noted marginally, who will examine convict Baker, and consider such evidence regarding his case as may be given by the Officers connected with the establishment. The committee will submit a report to the Government on the mental and physical condition of convict Baker, and whether in their opinion there is any sufficient reason why he should not be subjected to

~~insert~~
 I would say
 or that he really
 labour under some
 physical infirmity, as
 would justify his being
 exempted from ordinary
 sail discipline
 in favour of corporal
 punishment for
 insubordination. Therefore
 + forming a judgment on
 this point
 * Surgeon J. Wilson
 Surgeon Edwin Smith M.D.
 Surgeon M.C. Furnell.

Insert
 Submit a report to the
 Inspector General of
 Sails for his consideration.

Ordinary sail discipline
 including corporal punishment
 when guilty of serious offences
 and for Person regulations
 of sail discipline

1/11

The Chief of Sails with the following
 Surgeon J. Wilson - Cornwall
 " Edwin Smith - Portacamp
 " M.C. Furnell - Portacamp

Dispt 7/11/67

61-62

10/27/67

Chief-1867. Department.

No. 1771

PROCEEDINGS OF GOVERNMENT.

25th-2735.

Dated 10/27/67

Send to Mr. [unclear]

C. J. [unclear]
R. [unclear]