

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 861	Press <u>Mis.</u>
<i>266-267</i>	
Dated 27-5-1918	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

27th May 1867.

No. 266. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Madras, 20th May 1867, No. 32.

I have the honor to forward the correspondence noted in the margin, regard-

ing George Baker, a convict, who was
Letter No. 25, dated 17th April 1865, from Superintendent
European Prison, with one enclosure.
Do. 27, do. 2nd May do. do. do.
European Prison, with three enclosures.
Do. 54, do. 17th May do. do. do.
European Prison, with one enclosure.

received into the European Prison at
Ootacamund on the 22nd August 1866.

He was convicted before the High Court
at Madras of culpable homicide, amount-

ing to murder, and was sentenced to death, which was committed to penal servi-
tude for life.

2. This convict has been subject to Epileptic Fits ever since his admission, and they appear to come on whenever he is excited, which is frequently the case, as his temper is very bad. This liability to Epilepsy is, in the opinion of the Medical Officer, sufficient to require immunity from punishment, and also the occasional use of tobacco—an indulgence which is prohibited to other convicts. As there is no hospital, Baker must be attended to in his cell, and his condition during his attacks is such as to render the assistance of other convicts necessary. I have no doubt that he could control himself to some extent if he knew that any obscene language, or other breach of discipline, would be followed by a sound flogging; but, under the circumstances, I concur with the Superintendent that it is very desirable to remove him from the European Prison, and I, therefore, recommend that he should be transferred to the Penitentiary, from whence, should it be necessary, he could easily be removed to the Lunatic Asylum.

From the Superintendent, European Prison, Ootacamund, to the Inspector General of Jails, Madras; dated Ootacamund, 17th April 1867, No. 25.

I have the honor to forward copy of letter (as per margin) to my address, from Surgeon J.

No. 7, dated 15th April 1867.

Donaldson, M. D., in medical charge of the
European Prison, recommending the transfer of
life convict George Baker, now in the European

Prison, to some Jail where he would have the advantage of "hospital treatment" when prostrate with his malady, Epileptic Fits of the severest description, which cannot but affect both body and mind, and I beg strongly to support Dr. Donaldson's recommendation.

2. The retention in this prison of a convict suffering from the malady above referred to is attended with many and serious inconveniences, all more or less objectionable as regards discipline, and the necessary precautions for the safety of the prisoners confined in the prison, a few of which I proceed to notice.

3. The appointment of sick orderlies, rendered absolutely necessary when the convict Baker is prostrate with the fits, involves the necessity of leaving, at least, three other prisoners out of their cells during the night, with lights burning in the upper corridor, and necessitates the attendance, on duty, of a second warder in the prison during the night, which, with the limited number of warders (three), interferes with the usual routine, and demands from these men an amount of duty which it is unreasonable to suppose they can efficiently perform, added to which there is the highly objectionable practice of leaving three, and sometimes four, prisoners in undisturbed communication at large in the corridor for several nights in succession.

4. The introduction of tobacco into the prison for the use of this man (which appears absolutely necessary on medical grounds) is in itself highly objectionable, being entirely opposed

27th May 1867.

to prison discipline, and calculated to produce many evil results, to the annoyance of the Superintendent, and the Officers of the prison generally: as other prisoners confined for mere Military offences, and who are hard working and well behaved men, naturally consider that they are as much entitled to tobacco as Baker, who was convicted of murder. This, of course, keeps up irritation and discontent in the minds of the convicts generally, who are prohibited smoking.

5. The mental and physical condition of the convict Baker renders it impossible to inflict any punishment for the breach, by him, of prison rules or discipline, as a recent occasion has shown; and, unfortunately, his sullen and morose disposition, and his very bad temper, render a breach of prison discipline on his part by no means unlikely or infrequent.

6. It has long been my opinion that men, such as he, laboring under incurable maladies, should not be admitted into the European Prison, and I have, accordingly, resolved, in future, before entertaining the application for admission of a prisoner, to ascertain if he is subject to any such malady, and, if so, to object, as far as practicable, to the admission into the prison of all such prisoners—a resolution which I trust may meet with your approval.

From Surgeon J. DONALDSON, M. D., Senior Medical Officer, Nelloerries, in medical charge of European Jail, to the Superintendent, European Prison, Ootacamund; dated Ootacamund, 15th April 1867, No. 7.

I have the honor to inform you that convict C. Baker is still in the same unsatisfactory state of health. Sometimes he is without the Epileptic Fits for two or three weeks; then they suddenly recur, and he has many fits in one day, or in a few hours. An orderly must then be detailed to wait on him, and be in the cell with him; and one such orderly is scarcely able to take care of him. Treatment palliates, but does not, and will not likely, cure this complaint, which it appears has been on him more or less since childhood. He is relieved by "tobacco smoking," and this sedative seems to ward off the fits better than ordinary medicines; but smoking is against the Jail regulations, and is disapproved of by the Inspector General of Jails. Above all, there is no hospital attached to the Jail, to which he can be removed; and there are many objections to his being confined to his cell when the fits are more frequent or severe than usual. In short, I consider the Jail here not a fit place for the life confinement of a man suffering from such a disease; and, if it can be done, I would recommend his being transferred to some Jail where he would have the advantage of "hospital treatment" when prostrate with his malady.

From the Superintendent, European Prison, Ootacamund, to the Inspector General of Jails, Madras, dated Ootacamund, 2nd May 1867, No. 27.

With reference to your letter, No. 183, dated 23rd April 1867, I have the honor to forward,

*Together with original letter, No. 12, dated 23rd April 1867, from Surgeon J. Donaldson, M. D., in medical charge of the prison.

from the Officer in Medical charge of the European Prison, a more full and explicit statement of the case of life convict George Baker*, and also to remark further on those points referred to in my letter, No. 25, of the 17th April 1867.

2. The necessity for leaving three men out of their cells during the night, as stated in my letter referred to above, can only be explained by stating that the attendance of these men is necessary, to prevent injury to Baker during his convulsions which are exceedingly violent; besides this, the fits occur so suddenly, and in such rapid succession, that, unless immediate assistance were at hand, the life of the prisoner might be endangered. It must be remembered that all the prisoners are locked up in their cells at 9 p. m. by the Keeper, with the "master key," which is never out of his possession, and that no cell can be opened by the warder on duty after it has been so locked; hence it will be observed that some considerable time must elapse before assistance could be procured for Baker, in the event of such being required during the night—a delay which, as before stated, might be attended with serious consequences. Regarding the four men being left out of their cells for several consecutive nights, this was found necessary on three different occasions—twice during the month of December last, for two nights, and once in February, for one night—at which times his

27th May 1867.

fits were more than ordinarily severe, and three men were found insufficient to manage the prisoner during his violent struggles.

3. The statement that Baker cannot be punished for breaches of prison discipline is founded on his physical condition, which renders him unfit to undergo any kind of punishment ordinarily inflicted for prison offences. This matter was discussed by the Medical Officer and myself on the "recent occasion" referred to in my former letter, which was that Baker had behaved in a highly improper manner to the Dresser, threatening to kick him out of his cell whilst in the performance of his duty. The other breaches of discipline referred to are the result of Baker's ungovernable temper, and though, taken singly, are perhaps not very gross in their nature, but they become aggravated by their frequency, such as insolent and intemperate language to the Keeper and warders. The convict has twice during the last month threatened to lay violent hands on himself, and, on another occasion, he showed some ill-temper because his neck which had a blister on, was not, as he alleged, properly dressed; Warder Parsons, then on duty, told him that the Dresser had dressed it as directed by the Doctor, to which Baker replied, in a most insolent manner, "you might as well put so much—* on as that." Disgusting and insolent language has often been made use of by him in the presence and hearing of other prisoners, which cannot but have a very bad effect, especially

* A most filthy expression.

when it is observed by them that a man convicted of murder, as Baker is, can so misbehave with impunity.

4. I have taken the opinion of the Medical Officer as to the expediency of inflicting on Baker any of the several kinds of punishment provided by the rules of the European Prison, and that Officer has stated that I could neither inflict corporal punishment, nor award solitary confinement, either in dark or light cell, in his case.

5. In conclusion, I beg to enclose true copy of a letter to my address from the Reverend G. U. Pope, M. A., Chaplain to the Prison, wherein he gives his opinion regarding the temper, state of mind, &c., of the said Convict George Baker, and it will be observed that Dr. Pope considers him a dangerous subject, at times only fit for an Asylum.

6. With reference to paragraph 5 of your letter, No. 186, under reply, if you consider it necessary that I should convene a Medical Committee to report on Baker, I request you will favor me with instructions to do so.

7. The Proceedings of Government, No. 514, dated 1st April 1863, enclosed with my letter, No. 25, dated 17th instant, were so enclosed by an oversight.

From Surgeon J. DONALDSON, M. D., Senior Medical Officer, Ootacamund, to the Superintendent of the European Prison, Ootacamund; dated Ootacamund, 29th April 1867, No. 12.

In answer to your letter, No. 32, I have the honor to enclose an 'abstract' of Baker's case, which will give all information desired by the Inspector General of Jails relative to the disease Baker labors under. Baker says he has been subject to these fits for most of his life before entering the Army. The chief objections to Baker being confined to his cell during the fits, are—first, that he requires at least one, often two, men to wait on him, watch him, &c., and it cannot be desirable to have three men together in so small a space for hours together, often all day, or all night; second, that during a succession of the fits, which sometimes continue without much interruption for perhaps an hour or more, and while remedies are being applied, the Dresser requires the help of one or more men, the limited amount of air in the small cell is rapidly consumed, and there is a want of that steady play of fresh air around the bed of the patient, which is so desirable in such a case, and which can always be obtained in a well appointed hospital; third, because, if confined alone in his cell, he is apt to fall and hurt himself before he can ring his bell, and might be in that unconscious state for a considerable time before any of the warders might discover it.

ABSTRACT OF CASE.

EPILEPSIA.

George Baker, * *Æt.* 23, convicted prisoner.

December 16th, 1867.—Was called to see Baker about 3 p. m. He had fallen down in a fit. I saw this man only on Saturday the 15th, and saw he was out of health, with threatening of an approaching illness. His hands were trembling; his pulse excited and fluttering. There was an uneasy wandering look about the eyes; the tongue was tremulous and clean. He appeared very low and desponding, and, being interrogated, he said he had such symptoms several times before, even "before enlisting," and that he had one severe attack at the Mount, with giddiness and pain in the head (and one or more fits), where he was treated by blisters to the head and neck, &c. He cannot think of any cause for these attacks. Has no complaint to make of his treatment here; "would like his diet changed, and a glass of beer." His functions were all naturally performed. I allowed him the one glass of beer (15th). The fit of convulsions attacked him (16th) about 1 p. m., and had passed off before I was sent for. Found him quiet and rational; not hurt by the fall; had not bitten his tongue. The convulsions were described by the Jailor as very severe and general over the body.—Ordered blister to nape of neck.—Calomel grains 5, Pulv. Jalap. Comp. half a drachm, at bed time; followed by Magnesia Sulphas one drachm, Tartar Emetic grain 1, water two ounces, every three hours (antispasmodic draught also) till bowels are freely opened.—Low diet.

17th.—Had no return of fit, and is now calm and collected. No appetite. Bowels opened twice (had a small dose of oil this morning).—"Light food sage, &c., and continue medicines (saline).—P. M.—Easy; head lighter, no pain or giddiness, no appetite. Allowed white bread and butter.

December 18th.—Had a series of "fits," three of them, slight and easily controlled, about 4 a. m., to day. A companion was in the same cell and was able to help him, and prevent him injuring himself. Bowels very freely open yesterday (7 times).—Omit saline mixture. Bromide of Potassium grains 10 thrice daily.

19th.—Better; no fits. Blister well open. Bowels open. Allowed to smoke.

20th.—Improving, but bowels not open. To have aperient.

21st.—Bowels not open yet, Olei Ricini half an ounce, Olei Crotonis gutta 1.

22nd.—Bowels freely open; head easy, no pain. No return of fits. Has better appetite now, and is in better spirits.

23th.—Continues to improve. The Bromide to be continued and increased to 12 grains, thrice daily. Diet the same (low), with 4 ounces extra of bread.

28th.—Is as well as before attack, and takes his exercise as usual. Increase Bromide to grains 15. Bowels open now regularly.

14th January 1867.—Baker continues well. To have full diet now, and to have the tobacco only twice a day. As the Bromide of Potassium is finished, to take Valerianate of Quinine, grain 1, three times a day.

16th.—Continues well. To smoke only once. Continue medicine.

22nd.—Smoking to be discontinued. Discharged.

3rd February.—Readmitted on 3rd February with same symptoms as above shown. Frequent fits last night, each lasting a few minutes only. Had his antispasmodic draught again, which has been given occasionally when an attack seemed to threaten. The Bromide of Potassium again, grains 10, thrice daily.

4th.—Bowels not open to-day, and had a return of the fit about 11 o'clock a. m. Fit lasted about ten minutes. Opening medicine, &c.

9th.—No fit. Increase Bromide to grains 15.

12th.—Had three short lived fits (within ten minutes all three) at 4 p. m.

18th.—Up to this date no more fits; feels well, and able to take exercise.

27th.—Continues well. Full diet, and to be struck off sick list again.

* Received into Ootacamund European Prison on the 22nd August 1868.

(Signed) W. R. CAMPELL,

Supt., European Prison.

9th March.—Readmitted, the fits having again recurred. The Bromide of Potassium was finished about 14 days ago (more has been indented for). To have, instead, the Iodide of Potassium, grains 5, three times a day, in Chinchona infusion. Low diet as before.

11th.—Had a fit last night—not very severe, no hurt sustained. Is allowed his tobacco again as before; it seemed to soothe him very much. Continue medicine.

14th.—No fit since last report. To have half diet. Continue remedies.

18th.—No fit since last report; is feeling well. To have full diet.

10th April.—No fit till to-day. Treatment as before. Cannot get Bromide of Potassium. None in store.

16th.—Another fit to-day. Blister to nape of neck.

23rd.—Another fit. Add Bicarbonate of Potash, grains 5, to each dose (G. 10) of the Iodide.

Above "abstracted" from Journal by Dresser Ramasawmy.

(Signed) J. DONALDSON, M. D., Surgeon,

Senior Medical Officer,
Neilgherries.

From Reverend G. U. POPE, M. D., Chaplain of the European Prison, Ootacamund, to the Superintendent, European Prison, Ootacamund; dated Ootacamund, 27th April 1867.

In reply to your official letter, requesting an opinion regarding life convict George Baker, I beg to express my decided opinion that his temper, state of mind, and habits, generally, render him a very unfit inmate of this prison.

2. He is subject to fits, which are preceded by a savage tone of mind, rendering him dangerous. This amounts to phrenzy at times.

3. Indulgences are necessary for him during his recovery, which excite the most injurious feelings in the minds of the other men.

4. At times, he seems more fit for an Asylum; at other times, he requires a stricter discipline than that of this Prison.

From the Superintendent, European Prison, Ootacamund, to the Inspector General of Jails, Madras; dated Ootacamund, 17th May 1867, No. 54.

With reference to your letter, No. 376, dated 8th May 1867, recommending the advisability of a Medical Committee to report on the condition of life convict George Baker, I have the honor now to forward, in original, the Proceedings of a Committee, as above, by which you will observe that the Ootacamund European Prison is not considered a proper place for the confinement of a convict, subject, as Baker is, to such severe and frequent Epileptic Fits.

Proceedings of a Medical Committee convened by the direction of the Inspector General of Jails at Ootacamund, 13th May 1867.

PRESIDENT.

Surgeon J. Donaldson, M. D., Senior Medical Officer, Neilgherries.

MEMBERS.

Surgeon C. J. Rogers, 2nd Regiment N. I.

M. C. FURNELL, Medical Officer, Neilgherries.

The Committee having assembled at the European Jail on Monday, 13th May, 8 a. m., and having examined the convict George Baker, and inquired into the history of his case, as well as considered the reasons given in letter, No. 32, of the Superintendent of the Jail, and letter, No. 7, of the Medical Officer of the Jail, for recommending his transfer from this Jail to one where he could have efficient hospital treatment, when laboring under Epileptic Fits, are of opinion "that this Jail is not a proper place for the confinement of a prisoner subject to such severe and often repeated fits, and recommend his transfer as above."

(Signed) J. DONALDSON, M. D., Surgeon,

Senior Medl. Officer, Neilgherries,

President.

(") C. J. ROGERS, Surgeon,
2nd Regiment N. I.

(") M. C. FURNELL, Surgeon,
Medl. Officer, Neilgherries.

Members.

6

*Proceedings of the Madras Government, Judicial Department,
27th May 1867.*

No. 267.

ORDER THEREON, 27th May 1867, No. 861.

Under the circumstances stated in the foregoing letter, the Governor in Council directs that the convict George Baker be removed to the Penitentiary at Madras.
(True Extract).

Chief Secretary.

To the Inspector General of Jails.
,, Superintendent of the Jails, Presidency.

Exd. J. H. Burns.

14
27 May 1867 No. 861.

Under the circumstances stated
in the foregoing letter the Governor
in Council directs that the convict
George Baker be removed to the Peniten-
tiary at Madras.

to the Insp^r Genl of Jails despt 28/5
--- Supt of the Jails, Presidency. despt 29/5