

Carelessness Seen In Treatment of Burwash Prisoners

Mortally Sick Men Allowed to Work, House Told—Former Medical Officer Rapped

SERIOUS instances of carelessness on the part of Dr. C. V. Malowney, who was removed as Senior Medical Officer of Burwash Reformatory some months ago by Hon. H. C. Nixon, Provincial Secretary, are revealed in a report on the recent inquiry into conditions at Burwash, tabled in the Legislature yesterday by Mr. Nixon.

Two Prisoners.

How one prisoner in an advanced tubercular condition, and with a heart ailment, was put at work, and his illness improperly treated until his death occurred under circumstances described as "inexcusable" is related in the report.

Another phase of the report, which was prepared after an investigation at Burwash by C. F. Neelands, Deputy Provincial Secretary, and Medical Director J. B. Heaslip, M.D., of the Provincial Secretary's Department, describes how another inmate with a heart condition was put on heavy work with a construction gang. He collapsed and died.

These are the most striking of a long list of complaints investigated by Mr. Neelands and Dr. Heaslip, and represent the only cases which, in the opinion of the investigating officials, merited remedial or punitive action. And since Dr. Malowney, the reformatory physician concerned in both cases, had been removed as a result of other complaints before the inquiry was ordered, no other action of importance has resulted from the probe.

Lawrence's Complaint.

Mr. Neeland's inquiry resulted from a complaint produced in the Legislature several weeks ago by Sam Lawrence, C.C.F. member for Hamilton East, in the form of an affidavit signed by Robert Haley, a former prisoner at Burwash. Yesterday's report was tabled by Mr. Nixon as a reply to that complaint.

Haley himself, the report points out, has vanished, and was consequently not available for the hearing at Burwash or for personal interview. But a total of twenty-eight prisoners testified, under oath, at the hearing held by Mr. Neelands and Dr. Heaslip, and statements were taken from fifty-one others in interviews. In addition twelve officers testified, as well as Dr. Malowney, who was recalled to the reformatory for the hearing.

Haley's own personal complaint was investigated as far as his absence permitted, and it was established, the report states, that, although Haley was suffering from a tubercular condition while at Burwash, he was obliged to do work for which he was unfit. "Haley, undoubtedly, had legitimate reasons for complaint," the report admits.

Regarding William Reid, who was killed by a falling tree while working with the bush gang, and, who, Haley's affidavit stated, was sick and confused at the time, the report states that nothing irregular could be established. His only illness at the time consisted of a toothache, the inquiry revealed; and, furthermore, despite Haley's charge to the contrary, the man was given all possible medical aid after the accident.

"Attitude Inexcusable."

Then come the more serious aspects of the report. John Collins arrived at Burwash on May 30 last. He brought with him a report of a jail surgeon that he had "suspicious chest and heart conditions," with further observation and diagnosis by the reformatory doctor recommended. The

Burwash doctor examined him and listed him as having "tachycardiac and chronic pulmonary condition." He was marked as "fit for light work." No afternoon temperature readings, as is customary in such cases were taken, and no X-ray of the chest secured.

The inmate was put at work cutting and clipping grass and other light work, and he died of a lung hemorrhage on Oct. 16.

"The handling of this inmate's case was bad," states Mr. Neelands's report. "Only a very cursory examination was made on his admission by Dr. Malowney; no attention apparently was paid to the jail surgeon's recommendations, and no check-up of his chest condition was made before his fatal illness. He was listed for light work and should not have been at any work at all. In view of the excellent attention which he gave hundreds of other prisoners, the attitude of Dr. Malowney is very difficult to explain and I believe is inexcusable. . . . He saw Collins occasionally, but only prescribed cough medicine. . . . No diet was prescribed."

In this case, as in others listed in the report, Coroner J. S. McKessock's verdict delivered at the inquest is quoted, and merely states that death was due to natural causes.

Complaints Exaggerated.

Next is the case of Nick Vratarich, admitted to Burwash on Aug. 1 last. The junior medical officer listed him as having a heart condition, and recommended "general work." Instead, he was placed with a construction gang, shovelling sand and concrete and using a wheelbarrow. On Aug. 5 he developed a temperature and a chest pain, but was given only milk of magnesia and bismuth mixture. On Sept. 3 he collapsed, and died in the reformatory hospital the next day of hemorrhagic pancreatitis, or rupture of the pancreas.

"I accept Dr. Heaslip's conclusions that Vratarich certainly should not have been placed at such hard labor, but it did not cause the hemorrhagic pancreatitis," states Mr. Neelands's report.

The vast majority of other complaints listed in Haley's affidavit were found to be either unfounded or exaggerated, and the administration of the reformatory, the treatment of the inmates, the conditions in the special punishment cells and other parts of the institution are given a clean bill in the report.

"Dr. Malowney," it states, "generally speaking, did excellent work, but was undoubtedly careless in some respects." It points out that he was relieved of his position early in the winter when the department learned of "carelessness and lack of discipline in the medical department." Mr. Neelands, before leaving Burwash, instructed all officials that they must fully and wisely observe the findings of medical officers in regard to the fitness for work of individual inmates. The report concludes with a word of praise for the Superintendent, T. M. Gourlay.

ELECTIONS ACT CHANGE MOOTED

Provincial Election Deposits Rule May Go

An unproclaimed Ontario act requiring candidates in a Provincial election to put up deposits with their nominations is understood to be slated for repeal under an amendment to the Elections Act which was put on the order paper by Hon. David Croll at Queen's Park yesterday.

The "deposits" amendment to the Elections Act was passed several sessions ago. A rider stated it should come into force when proclaimed by the Lieutenant-Governor-in-Council. Proclamation was first delayed and then never put through, and the amendment still stands on the books. Its clauses closely followed the Dominion law and required deposits, and stipulated forfeiture if a candidate polled below a minimum vote.

It is reported that a Hepburn Government decision to throw the bill "out of the window" was arrived at recently at Queen's Park. Early action for its repeal is expected at the Legislature.

Roebuck Given Premier's Tribute

A SPONTANEOUS tribute to Attorney-General Arthur Roebuck was uttered in the Legislature yesterday by Premier Mitchell Hepburn during the debate on the Government's Hydro policies.

Leopold Macaulay, former Minister of Highways, said: "The other day when the Prime Minister was chopping off J. Lewis Duncan's head, I was wondering if his arm wasn't going to swing a foot further out and chop off his Attorney-General with one fell swoop."

Mr. Hepburn was out of his seat in a flash.

"I'd rather chop off the arm than do that," he said.

MEASURES GIVEN THIRD READINGS

Bill to Appoint County Judge Passes

Third readings were given a number of important bills at the Legislature yesterday.

Among them were:

Attorney-General Roebuck's bills to appoint a ninth York County Judge; to amend the Coroners Act so as to provide for a Chief Coroner in each county; to amend the Summary Convictions Act, so as to change the procedure of appeal from certain lower courts, and to amend the Judicature Act; Welfare Minister Croll's amendment to the Municipal Act supplementing the income tax bill; the amendment to the Embalmers and Funeral Directors Act.