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# MADRAS RECORD OFFICE.

## Government of Madras.

Financial DEPARTMENT.

G.O. No. 436 Press / Mis.

BM 24-25

Dated 7. 9 18 31 .

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**Not to be folded or roughly handled**

FINANCIAL DEPARTMENT.

No. 436.

FROM

THE HON. R. S. ELLIS, C.B.,
*Chief Secretary to the Government of Fort St. George,*

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to forward, for the favourable consideration and orders of the Governor-General in Council, the accompanying copy of a letter from Dr. Urquhart, the Coroner of Madras, urging his claim to be held eligible to pension.

2. Dr. Urquhart is a medical man and utilizes in the practice of his profession the spare time which is at his disposal. The opinion of this Government, on his first application, and after references to the Governments of Bombay and Bengal in view to ascertaining the practice as to the Coroners of the Presidency towns of Bombay and Calcutta (*vide* Proceedings, 22nd May 1871, copy enclosed), was adverse to his claim; but I am to say that His Excellency in Council now thinks that the despatch of the Secretary of State referred to is scarcely applicable to Dr. Urquhart's case. The duties of his office are arduous, and have been efficiently performed; and the demand upon him is, as he says, continuous. The Government, therefore, recommend that he be declared eligible to pension.

I have the honour to be,
Sir,
Your most obedient servant,

Captain, R. E.,
*Under Secretary, P. W. D.,*
for *Chief Secretary.*

OOTACAMUND,
*7th September* 1871.

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From J. URQUHART, Esq., M.D., Coroner of Madras, to the Acting Chief Secretary Government, Fort St. George, dated Madras, 17th June 1871, No. 26.

With reference to the Order of Government, No. 684, dated 22nd May 1871, I have the honour to submit the following statement, in the hope that His Excellency the Right Honourable the Governor in Council may be pleased to re-consider the question of my eligibility for pension as Coroner of Madras.

2. In the letter from the Acting Under Secretary to the Government of Bombay, the Coroner is said to be ineligible, under the spirit of paragraph 14 of the despatch of Her Majesty's Secretary of State, No. 94, dated 30th September 1859. This paragraph, I humbly submit, has no reference to Coroners, who are not servants of the Supreme Courts, although, by the Coroner's Act, liable to be fined for neglect of duty by the Judges of these Courts, but to persons who in the Supreme Courts hold certain offices *in virtue of their profession, i. e.*, because they are "Advocates, Solicitors, and others," members of the legal profession, but who are still allowed, besides holding these offices, to practice their profession in these Courts. The Coroner's is not a professional appointment; for men of any or of no profession hold and have held the office. By accident, I have a profession, but, of four Coroners who preceded me, two had no profession—one was Captain of a merchant

ship, and one only was a Surgeon, and he never practised his profession at all. The present Coroner of Calcutta is not a medical man, but was, if I am correctly informed, originally in the Army. The officers alluded to in the paragraph quoted by the Government of Bombay have large pay given them for occasional Government work *in* their profession, and their appointments thus render them the most distinguished members of their profession and directly tend to their professional advancement. On the other hand, the Coroner's duties are continuous though irregular, the pay is very small, and the work is of such a nature as to render any other regular employment almost impossible, no part of the day or night being exempt from liability to be called upon to do duty. Again, the rule itself has not been followed invariably even in the case of Officers of the Supreme Courts, as to whose position there could be no doubt. Mr. C. Dale, late Government Pleader and Taxing Officer of the Court, received a pension, although he never held any office requiring entire devotion of his time to its duties.

3. The letter of the Junior Secretary to the Government of Bengal clearly indicates that the Government of Bengal take an entirely different view of the paragraph from that taken by the Bombay Government; for, from that letter, it appears that the Coroner of Calcutta is also Magistrate of Police, Southern Division. If the paragraph had any reference to Uncovenanted Servants generally in the Judicial Department, the Magistrate, who is also Coroner, could not be eligible for any pension at all, instead of being able to obtain the maximum pension; for, if he is Coroner as well as Magistrate, his whole time cannot be devoted to his magisterial duties, and, therefore, he must be ineligible according to the reading of the Government of Bombay, as the two offices are evidently not amalgamated. The Government of Madras have not unfrequently permitted their Uncovenanted Servants to take up other appointments than those for which pension is obtainable. Thus, the present Master Attendant is and has been Sheriff for some years, and Mr. Cower, late 2nd Judge of the Madras Court of Small Causes, who lately retired on pension as *Judge*, was permitted to undertake the duties of Registrar of the Diocese for a considerable period.

4. The work of the Coroner of Madras has increased greatly during the last twenty years. During the ten years ending December 31st, 1850, the annual average of inquests and adjournments was one hundred and nine; and during the ten years ending December 31st, 1870, the annual average was *two hundred and eight*. In 1862, owing to this increase, a large addition was granted by the Supreme Government to the pay of the Interpreter and Constable attached to the office; and, in 1863, I was recommended by the Hon. Mr. Maltby, who was then Acting Governor of Madras, to apply for an increase to my own pay, which was refused by the Government of Madras, solely on the ground that the Coroners of Calcutta and Bombay had the same pay as was allotted to the Coroner of Madras.

5. The area of Madras is much larger than Calcutta, and very much exceeds the area of Bombay. I have from thirty to thirty-five miles to go over; and, when three or four inquests are required in one day, I have to travel perhaps from one extremity of the Police boundaries to the other. A few Sundays ago, I had an inquest at 7 A.M. at Tondiarpett, near the toll-gate on the road to Ennore, and thence I had to proceed at once to Mylapore great tank to hold another; a third was at the General Hospital; and a fourth again at Mylapore. As there can be no delay in holding any inquest, I have to be in readiness all day and all night also, so that no time may be lost after receiving reports. I cannot be absent from the Presidency, even at night, for more than an hour or two; and I have no Sundays or holidays, except by engaging, at my own expense, a deputy who must be approved of by Government.

6. It will thus, I think, be seen that my whole time, including many hours which are not usually considered official, is at the service of Government; and, if it is necessary to show actual work besides constant readiness, I need only point to my annual average number of meetings, which, taking into account the annual recess, Sundays, alternate Saturdays, and holidays, is not less than the number held by any of the Judges of the Small Cause Court; and, although all my sittings are not equal in length to those of the Small Cause Court, I humbly submit that the irregularity of the work, the uncertain distances to be travelled, and the exposure to all weathers without any regular Court-house, as also the very much smaller pay attached to the office, may fairly be considered as counterbalancing this difference.

7. My predecessors, Captain McKennie and Mr. Liddell, had no employment whatever except that of Coroner, and devoted their whole time to the duties of that office; and if, as I have stated, I have done about double the work they ever did, I trust Government will not consider my employing such irregular portions of my time as are not required in the service of Government in a way which in no degree interferes with my duty incompatible with entire devotion to my office. From the very nature of its duties, any other fixed employment is impossible, and it is only from the accidental circumstance of my being originally a medical practitioner that I can utilize time which must otherwise have been spent in relaxation.

8. I am the Head of a Department and communicate directly with Government; yet the pay of my office (Rupees 350 with Rupees 30 palanquin allowance) is so small as to render it impossible for me, from its emoluments alone, to take the position necessary under such circumstances, and I have never been fortunate enough to obtain another office under Government, which, with the Coroner's appointment, would enable me to maintain this necessary position. I, therefore, trust that, although my spare time, of which every Government servant must have more or less, has been employed in gaining some additional means by my profession, I may not on this account be considered less eligible for pension than if my extra work had been that of a lucrative post in the service of Government; and I am the more encouraged to hope this from the circumstance that other members of the Uncovenanted Service, regarding whose eligibility there is no question, are allowed, when not engaged officially, to publish books and engage in other literary work.

9. I would again beg most respectfully to call the attention of Government to the fact that, for the same pay as they received, I have done almost double the work of my predecessors. I have also been long connected with the Medical College, and for two years did duty as Professor of Medical Jurisprudence in that Institution without remuneration.

10. I, therefore, trust that His Excellency the Right Honourable the Governor in Council will be pleased to re-consider the order declaring me ineligible for pension and to allow me the benefits of the Uncovenanted Service Rules, or at least submit my case, with his favourable recommendation, for the special consideration of the Government of India.

Exd. J. H. Burns.

1871.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,

Fort St. George,

To

The Secretary to the Govt. of India,

Financial Department.

Dated 7th September 1871.

Rec'd. No. 436.

Enclosure.

Forwarding, for favourable consideration, a letter from Dr. Urquhart, Coroner of Madras, urging his claim to pension.



2

No. 26

From

John Urquhart Esquire

Coroner of Madras

To

W. Huddleston Esquire

Acting Chief Secretary to Government

Fort St. George

Sir,

With reference to the Order of Government No. 684, dated 22nd May 1871, I have the honor to submit the following Statement, in the hope that His Excellency the Right Honorable the Governor in Council may be pleased to reconsider the question of my eligibility for pension as Coroner of Madras

2. In the letter from the Acting Under Secretary to the Government of Bombay, the Coroner is said to be ineligible under the Spirit of paragraph 14 of the Despatch of Her Majesty's Secretary of State No. 94 dated 30th September 1859. This paragraph I humbly submit has no reference to Coroners, who are not Servants of the Supreme Courts although by the Coroner's Act liable to be fined for neglect of duty by the Judges of these Courts, but to persons who in the

the Supreme Courts hold certain offices <u>in</u> the <u>value of their profession</u> i.e. because they are "Advocates Solicitors and Others" members of the legal profession, but who are still allowed besides holding these offices, to practice their profession in these Courts. The Coroner's is not a professional appointment, for men of any or no profession hold and have held the office. By accident I have a profession, but of four Coroners who preceded me two had no profession one was Captain of a Merchant Ship and one only was a Surgeon and he never practised his profession at all. The present Coroner of Calcutta is not a Medical Man but was if I am correctly informed originally in the Army. The Officers alluded to in the paragraph quoted by the Government of Bombay have large pay given them for occasional Government Work <u>on</u> their profession, and their appointments thus render them the most distinguished Members of their profession and directly tend to their professional advancement. On the other hand the Coroner's duties are Continuous though irregular, the pay is very small, and the work is of such a nature as to render any other regular employment almost impossible; no part of the day or night being exempt from liability to be called upon to



3

to do duty. Again the rule itself has not been followed invariably even in the case of Officers of the Supreme Courts as to whose position there could be no doubt. Mr. C. Dale late Government Reader and Taxing Officer of the Court received a pension although he never held any office requiring entire devotion of his time to its duties.

3. The letter of the Junior Secretary to the Government of Bengal clearly indicates that the Government of Bengal takes an entirely different view of the paragraph from that taken by the Bombay Government; for from that letter it appears that the Coroner of Calcutta is also Magistrate of Police, Southern Division. If the paragraph had any reference to Uncovenanted Servants generally in the Judicial department, the Magistrate who is also Coroner could not be eligible for any pension at all, instead of being able to obtain the Maximum pension; for if he is Coroner as well as Magistrate, his whole time cannot be devoted to his Magisterial duties, and therefore he must be ineligible according to the reading of the Government of Bombay, as the two offices are evidently not amalgamated. The Government of Madras

have

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=nanted Servants to take up other appointments
than those for which pension is obtainable. Thus
the present Master Attendant is and has
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Judge, was permitted to undertake the duties
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4. The work of the Coroner of Madras has
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During the ten years ending December 31st 1850
the annual average of Inquests and Adjourn-
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Acting Governor of Madras, to apply for an
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the Government of Madras solely on the ground
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5. The area of Madras is much larger than
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to go over, and when three or four Inquests are
required in one day, I have to travel perhaps
from one extremity of the Police boundaries to the
other. A few Sundays ago I had an Inquest
at 7 A.M. at Tondiarpett near the Tollgate
on the road to Ennore, and thence I had to
proceed at once to Mylapore Great Tank to
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there can be no delay in holding any Inquest
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also so that no time may be lost after receiving
Reports. I cannot be absent from the
Presidency even at night for more than an
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are not usually considered official, is at the

Service

Service of Government; and if it is necessary to show actual work under Constant readiness, I need only point to my annual average number of Sittings, which, taking into account the annual recess, Sundays, alternate Saturdays, and holidays, is not less than the number held by any of the Judges of the Small Cause Court; and although all my Sittings are not equal in length to those of the Small Cause Court, I humbly submit that the irregularity of the work, the uncertain distances to be travelled, and the exposure to all weathers without any regular Court House, as also the very much smaller pay attached to the office, may fairly be considered as counterbalancing this difference.

7. My predecessors Captain M.Kenzie and Mr. Liddell had no employment whatever except that of Coroner, and devoted their whole time to the duties of that office; and if as I have stated I have done about double the work they ever did, I trust Government will not consider my employing such irregular portions of my time as are not required in the Service of Government in a way which in no degree interferes with my duty, incompatible with entire devotion to my office. From the very nature of its duties any other fixed employment is impossible, and it is only from the accidental circumstance of my being originally a Medical Practitioner that I can utilize time which must otherwise have been spent in relaxation.

8. I am the Head of a Department and Communicate directly with Government; yet the pay of my office (Rupees 350 with Rupees 30 Parliquor allowance) is so small as to render it impossible for me from its emoluments alone to take the position necessary under such circumstances, and I have never been fortunate enough to obtain another Office under Government which with the Coroner's appointment would enable me to maintain this necessary position; I therefore trust that although my spare time, of which every Government Servant must have more or less, has been employed in gaining some additional means by my profession, I may not on this account be considered less eligible for pension than

than if my extra work had been that of a lucrative post in the Service of Government; and I am the more encouraged to hope this from the circumstance that other Members of the Uncovenanted Service regarding whose eligibility there is no question are allowed when not engaged officially to publish books and engage in other literary work.

9. I would again beg most respectfully to call the attention of Government to the fact that for the same pay as they received I have done almost double the work of my predecessors. I have also been long connected with the Medical College, and for two years did duty as Professor of Medical Jurisprudence in that Institution without remuneration.

10. I therefore trust that His Excellency the Right Honorable the Governor in Council will be pleased to reconsider the order declaring me ineligible for pension and to allow me the benefits of the Uncovenanted Service Rules, or at least submit my Case with his favorable recommendation for the Special Consideration of the Government of India.

I have the honor to be,
Sir,
Your Most Obedient Servant
Coroner

Madras
Coroner's Office
17th June 1871

with Pro: 22 May 71 - 76. 79

Financial ~~Judicial~~ Department.

No. 436.

To

The Secretary to Government of India,

Financial Department.

Sir,

I am directed to forward, for the favorable consideration and orders of the Governor General in Council, the accompanying copy of a letter from Dr. Urquhart, the Coroner of Madras, urging his claim to be held eligible to pension.

2 Dr. Urquhart is a medical man, and utilizes, in the practice of his profession, the spare time which is at his disposal. The opinion of this Government on his first application, and after reference to the Govts. of Bombay and Bengal in view to ascertaining the practice as to the Coroners of the presidency towns of Bombay and Calcutta, (vide, Pros: 22 May 1871, copy enclosed) was

was averse to his claim, but, I am to say, that His Excellency in Council now thinks that the despatch of the Secretary of State referred to, is scarcely applicable to Dr Urquhart's case. The duties of his office are arduous, and have been efficiently performed; and the demand upon him is, as he says, continuous. The Government therefore recommend that he be declared eligible to pension.

H.L.

Letter to Bombay — 12
Ld L — 20

Calcutta 7th Sept. 1871.



Judicial Department.

No.

To

The Secretary to Government
of India.

Financial Department.

Sir,

I am directed to refer, for the decision of the Government of India, the question whether Dr Urquhart, the Coroner of Madras, who is a Physician in private practice, is eligible to pension.

2. Dr Urquhart addressed this Government on the subject in February last, and references were made to the Governments of Bombay and Bengal in order to ascertain the practice there as regards the Coroners of the Presidency towns. The opinion of His Excellency the Governor in Council was adverse to the claim. The papers are printed in the Proceedings of this Govt. 22nd May 1871. Nos. 76-79, of which a

A/D.

I should have no objection to submit this minute for the consideration of Council

A/D.

and of a further letter from
Dr Urquhart dated 17 June 1847
Copies are herewith forwarded.
H.L.

-19-

18 , *Department.*

*No.*

To

The Secretary to the
Government of

Department

Dated 187 .

187 , Department.

No.

To
The Secretary to the
Government of
Department

Dated 187

187 .
Financial DEPARTMENT.

From
The Chief Secretary to Government,
Fort Saint George,

To
The Secretary to the Govt. of India,
Financial Department.

Dated Sept. 7. 187 .
Rcd.

No. 436.
Enclosure.

Nos. 24. 25.

Forwarding for favorable consideration, letter from Dr. Urquhart, Coroner of Madras, urging his claim to pension.