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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 601 Press
Mis.

Dated 20.12 19 11 .

116-117

Not to be folded or roughly handled

No. 24. Read the following letter 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 McKenzie 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.

No. 25. To the Secretary to the Government of India, Financial Department, dated Ootacamund, 7th September 1871, No. 436.

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.

(Signed) R. S. ELLIS,
Chief Secretary.

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.

Read.

No. 436.

Enclosure.

SEPTEMBER.
Nos. 24-25.

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

Proceedings of the Madras Government, Judicial Department,
22nd May 1871.

Read the following papers:—

No. 76. From J. URQUHART, Esq., Coroner of Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 21st February 1871, No. 9.

I have the honour to state that in a letter dated 1st April 1863 I recommended, with reference to the Order of Government, No. 255, dated the 19th February preceding, that certain Uncovenanted Servants on the Coroner's establishment who were not entitled to pension under the Regulations of 4th January 1831 should be declared eligible, and at the same time drew attention to my own case in the hope that it would receive favourable consideration.

2. As up to this date I have not been favoured with the orders of Government on this letter, and as I am, after a service extending over upwards of seventeen years, naturally anxious to know what my prospects of a pension may be should the state of my health demand my retirement, I trust I may be pardoned for again addressing His Excellency the Right Honourable the Governor in Council on this subject.

3. In the letter already quoted I brought to notice the increasing work of the Coroner's office and the peculiar nature of the Coroner's duties, which require his *constant* presence day and night in Madras, and render him unable to take advantage of Sundays, public holidays, or privilege leave, without *himself* providing a substitute approved of by Government.

4. Under these circumstances I venture to express a hope that His Excellency the Right Honourable the Governor in Council may be pleased, if such has not already been done, and if it be thought that the Coroner of Madras is at present ineligible under the Regulations of 1831, to recommend to the Government of India that he be included in the list of officers coming within the operation of the Pension Rules.

No. 77. From the Acting Under Secretary to the Government of Bombay, Judicial Department, to the Chief Secretary to Government, Fort St. George, dated Bombay Castle, 17th April 1871, No. 1576.

I am directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, No. 352, of the 21st ultimo, and, in reply, to state, for the information of the Government of Fort St. George, that as the time of the Coroner of Bombay is not wholly taken up by the duties of his office he is considered not entitled to pension under the spirit of paragraph 14 of the despatch from Her Majesty's Secretary of State, No. 94, dated 30th September 1859, published in the *Bombay Government Gazette* of the 29th December 1859, page 637, of which a copy is hereto appended.

GENERAL DEPARTMENT.

The Right Honourable the Governor in Council is pleased to publish, for general information, the following extract from a despatch from the Right Honourable the Secretary of State for India

addressed to the Government of India in the Financial Department, No. 94 of 1859, dated 30th September :—

"Paragraph 14.—The extension of the benefit of the Uncovenanted Pension Rules is to apply only to the salaried officers and servants of the Supreme Courts whose time shall have been entirely devoted to the duties of their appointments, not to Advocates, Solicitors, or others who may hold salaried offices, but a portion of whose time is occupied with other professional engagements.

Letter dated 1st June 1859, No. 87.
With reference to Financial Despatch to Madras, dated 7th April 1859, No. 8, extending to the servants of the Supreme Court the benefits of the Uncovenanted Service Pension Rules, forward a list of servants of all grades employed in the Supreme Courts at Calcutta and Bombay, and request to be informed whether officers of the higher grades, as Clerk of the Crown, Taxing Officer, &c., are to have the benefit of the Pension Rules.

(By order of the Right Honourable the Governor in Council.)

BOMBAY CASTLE,
28th December 1859.

(Signed) H. YOUNG,
Chief Secretary to Government.

No. 78. From the Junior Secretary to the Government of Bengal, to the Chief Secretary to Government, Fort St. George, dated Fort William, 28th April 1871, No. 1984 (Judicial).

I am directed to acknowledge the receipt of your letter, No. 351, dated 21st ultimo, and, in reply, to say that an Uncovenanted Officer holding the appointment of Magistrate of Police, Southern Division, is also the Coroner of Calcutta. As under Clause 2, Section 1, of the Uncovenanted Service Pension Rules, officers whose whole time is not devoted to the duties of their offices are not eligible to pension, the Coroner of Calcutta, as such, is not considered entitled to pension; as Magistrate he will be able to obtain the maximum pension, and, therefore, the question whether he could obtain any additional pension as Coroner will probably not arise.

No. 79. ORDER THEREON, 22nd May 1871, No. 684.

Resolved that copies of the letters from the Governments of Bengal and Bombay above recorded be furnished to Dr. Urquhart, and that he be informed that the Government do not consider him to be entitled to pension under the spirit of the Secretary of State's despatch, dated the 30th September 1859, No. 94, quoted in the letter from the Government of Bombay.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Chief Secretary.

To J. Urquhart, Esq., Coroner of Madras.

Fd. A. S. Rodgers.

Govt. of [1871] Madras.

JUDICIAL.

To J. URQUHART, Esq.,
Coroner of Madras.

Dated May, 22nd.

Read.

Encl.

G. O., 22nd May 1871, No. 684.

MAY.
Nos. 76—79.

Furnishing Dr. Urquhart with copies of letters from the Governments of Bengal and Bombay and informing him that the Government do not consider him to be entitled to a pension.

No 4334

To,

The Chief Secretary to Government
Fort St George

Financial Deptt Sir,

In reply to your letter No 436 dated 7th September 1871, I am directed to say that the Governor General in Council is unable to admit on the part of Dr Urquhart, any claim to pension by regard of his allowance as Coroner. The proposal of the Government of Madras in his behalf is opposed to the principles of the pension rules.

I have the honour to be
Sir
Your most obedient Servant

Simla
The 12 October

Secretary

Under Secy to the Govt of Madras

11/10

Octacamund. 24 Oct. 1871.
No. 601.

Board Letter
from Secretary
Govt. of Madras
Department

The Comm. of Police in Madras 31/10.

Collector Salem
Asst. Supt. Police Salem
Supt. Police Coimbatore
Supt. Police Malabar
Supt. Police Nilgiris

Govt. of India. Madras.

Financial

Re Concessions to Natives.

Dated 6th May 24.

Rec'd

Read

24 Oct 87 Ltr. No. 601

Nos. 116. 117.

Forwarding letter from Govt of India declining to relax the Regulations which govern the grant of pensions by Right of Service allowances &c &c.