No. 113. Read the following letter from Dr. J. URQUHART, A.M., M.D., Coroner of Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 28th June 1872, No. 12 :—

I have the honour to request that His Excellency the Right Honourable the Governor in Council will be pleased to submit the accompanying memorial to His Grace the Right Honourable the Secretary of State for India with the favourable recommendation of Government.

To

HIS GRACE THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR INDIA.

The memorial of JOHN URQUHART, A.M., M.D.,
Coroner of Madras.

HUMBLY SHEWETH,

That your memorialist has been Coroner of Madras for 18 years, and still holds that office.

He now prays that he may be declared eligible for pension under the Uncovenanted Service Rules for the reasons mentioned hereafter; but, before giving those reasons, he begs to explain why he has not before this time brought forward his claim.

For the first ten years of his service as Coroner your memorialist had not the least misgiving on the subject of pension, but considered himself equally eligible with other Uncovenanted Servants, as in all other matters he had always been treated as they were; and this would seem to have been the belief of the Madras Government in 1854, as will appear from the Circular (Appendix A) addressed to him, and dated 21st July 1854, No. 166, which could have had no interest for him if he was ineligible for pension. It was only in the year 1863 on the Madras Government, by order of the Government of India, forwarding to him, as the head of an office, a list of Uncovenanted Servants ineligible for pension by the Rules of 1831, with the view of his recommending any excluded servants in his office to be included in the new and more liberal rules, that he discovered that Coroners were themselves ineligible.

Your memorialist at once wrote to the Madras Government, stating his claims; and, having received no reply, he considered that he was no longer ineligible, as in the new rules nothing was said regarding Coroners, and no disqualifying clause in these rules seem to apply to them.

Lately, however, feeling that he might shortly be compelled to retire, and wishing to ascertain with certainty his position in regard to pension, your memorialist again wrote to the Madras Government a few months ago; and that Government, although at first unfavourable, re-considered the case, and was pleased ultimately to recommend it for favourable consideration to the Government of India. The Supreme Government, however, declined to admit your memorialist's claim, on the ground that his whole time was not devoted to the duties of his office.

The reasons above alluded to, on which this memorial is founded, are the following :—

(1.) The continuous nature of the duties of your memorialist's office and the entire devotion of his time to them.

(2.) The amount of work actually performed by your memorialist.

(3.) The increase of work without increase of pay which has taken place since your memorialist assumed charge of the office.

1. As to the first of these points your memorialist would observe that, owing to the climate of Madras, no delay can be allowed in holding Inquests, and, therefore, he must be in readiness all day and all night to receive reports, so that no time may be unnecessarily lost.

Your memorialist cannot be absent from the Presidency for a few hours even on Sundays and public holidays, without, at his own expense, employing a substitute who must be approved of by

Government; and he cannot avail himself of privilege leave without providing for the work of his office in the same manner.

Your memorialist submits, therefore, that his service is continuous, and that he may fairly be considered to devote the whole of his time to the service of Government.

In regard to this latter point your memorialist submits that entire devotion to the duties of any office has not hitherto been considered incompatible with employing intervals of spare time in any way which does not interfere with a proper performance at all times of public duty whenever such performance is required. Many Uncovenanted Servants, about whose eligibility there is no question, write books and engage in other literary work when not employed in their official capacity; and some hold two offices under Government, one of which renders the holder eligible for pension and the other not.

As instances of this latter fact mention may be made of Mr. Cowie, one of the Judges of the Madras Small Cause Court, who retired on the full pension of Judge, although he acted as Registrar of the Diocese for a considerable period, and of the present Master Attendant of Madras who has for some years been also Sheriff. These gentlemen were and are eligible for pension as Judge and Master Attendant respectively; but were entire devotion understood to signify that no other work could be done in the spare time at their disposal, they could not in the one case have obtained the full pension of a Judge, or in the other be eligible for any pension at all.

That this cannot be the meaning of "whole time" is evident from the letter of the Government of Bengal to the Government of Madras (a copy of which is herewith forwarded, Appendix B.); for the Bengal Government state that the Calcutta Coroner will be able to obtain the maximum pension as a *Magistrate*, which could not be the case if the rule was intended to preclude any other work; for, if so, he is ineligible, as he performs the Coroner's duties in a separate and distinct office from [illegible] pension.

Your memorialist is a Medical Practitioner, and, as such, has utilized the intervals of spare time left him after performing his official duties in the practice of his profession. He is thus by the accident of having a profession able to turn to some account time which must otherwise have been spent in relaxation. He is, however, unable to avail himself of the full benefits of his profession as he has constantly to omit or put off calls, and must invariably decline distant visits, as these would not be compatible with due devotion to his office. He does not hold his office in virtue of his profession; for former Coroners of Madras have been in one instance without a profession, and in another an officer of a Merchant Ship; and the late Coroner of Calcutta was a Military man. Your memorialist is, therefore, in a different position from the Law Officers of the High Court, who hold their offices in virtue of their profession, are paid very highly for occasional services, can leave Madras for weeks together to attend cases, and are able to the full to enjoy the benefits of their profession, to which their position is improved by their official appointment. Your memorialist's two immediate predecessors devoted their whole time absolutely to the work, and had no other occupation of any kind; and if, as he can prove, he has done about double the work they ever did, he trusts that the employment of such irregular portions of time as are not required in the service of Government, in a way which in no degree interferes with his duty, will not be considered incompatible with entire devotion to his office.

Your memorialist begs again to say that he is never off duty day or night, Sunday or holiday: and he humbly submits that greater devotion of his whole time than this can hardly be demanded of any officer. If objection be taken to his using his spare time privately and not in holding another appointment, your memorialist would respectfully point out that Mr. B. Carlleyle of the Municipal Commission, who was lately pensioned partly by Government and partly by the Municipality, was Secretary to Chamber of Commerce up to a very few years prior to his retirement; that Mr. C. Dale, Government Plender, who was also lately pensioned, was always allowed to practise as a Barrister; and that the objection taken in your memorialist's case by the Supreme Government is under Clause II., Section 1, which applies equally to all work other than that rendering eligible for pension.

On this point your memorialist would beg most respectfully to direct your attention to the Proceedings of the Madras Government, Military Department, dated 3rd November 1870, No. 3207. It is there ruled by your Grace that the officers of the Marine Department should not be prohibited from undertaking private surveys provided the work is done in non-official hours. Your memorialist has no official hours, but must be ever ready for duty at all times and seasons, and he therefore submits that in his case non-official hours may fairly be held to embrace those portions of time when he is not required for any public duty.

II. The amount of work performed by your memorialist is great; and this is true in an especial manner when the amount of salary attached to the office is taken into consideration.

During the ten years ending December 31, 1870, the annual average of Inquests and adjournments was *two hundred and eight;* and as each of these involved a separate meeting, it will be seen that, taking into account the annual recess, Sundays, alternate Saturdays, and public holidays, your memorialist has sat in his Court at least as often as any of the Judges of the Small Cause Court; and although the sittings are not all equal in length to those of that Court, your memorialist submits that the irregularity of the work, the uncertain and often great distances to be travelled, the exposure to all weathers under tents or in native huts or verandahs, and the much smaller pay (and consequently pension) may fairly be considered as counterbalancing any such difference. The amount of work is much greater in Madras than that required in holding the same number of Inquests in Calcutta or Bombay; for in this Presidency there is an area of from 30 to 35 miles within the Police limits; and when, as occasionally happens, three or four Inquests have to be held on the same day, it is necessary to travel many miles.

III. The work of the Coroner's Office has increased greatly during the period your memorialist has held the position of Coroner.

The annual average of Inquests and adjournments for the 10 years ending December 31, 1850, was 109; and the annual average for the 10 years ending December 31, 1870, was, as has been already stated, 208, or about double that of the former period.

Owing to this increase a large addition was granted several years ago by the Supreme Government to the pay of both the Interpreter and Constable attached to the Coroner's Court; and the pay of the Coroner would also have been recommended for increase had there not been this difficulty that that officer in Madras was paid at the same rate as in the other Presidency Towns. An increase of pay 10 years ago would have been of the greatest service to your memorialist; but would be of little use to him now, as he feels that the period cannot be far distant when he must, under any circumstances, retire from the service.

Your memorialist begs in conclusion to submit that he has other claims to consideration: having for the last 15 years (except during a short period when the Professorship was in abeyance) been a Professor in the Madras Medical College, where he for some time conducted two classes for the pay of one, and for two years taught the Class of Medical Jurisprudence without any remuneration whatever in consequence of the state of the public finances.

Your memorialist trusts, therefore, that your Grace will be pleased to take all these circumstances of his case into special consideration; and he is encouraged to hope for this result from the facts he has mentioned in this memorial, from the very favourable recommendation of the Madras Government, and from the circumstances that his case can never form a precedent for any future claim, as he has been officially informed that his appointment is to be amalgamated with another on his retirement.

And your memorialist will ever pray.

J. URQUHART,
Coroner of Madras.

MADRAS,
26th June 1872.

Proceedings of the Madras Government, Financial Department, — 20th *July* 1872.

APPENDIX A.

No. 186.

CIRCULAR.

FORT ST. GEORGE, *July* 21, 1854.

The Right Honourable the Governor in Council is pleased to notify that the Honourable Court of Directors have authorized the Government to grant "to any Uncovenanted Servant belonging to a class recognized by the present rules who, though not possessed of a Medical Certificate of incapacity, may be permitted to retire from the Service, and who can produce unquestionable testimonials of a faithful and efficient discharge of his duties during a period of 25 years a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service, and they will not in any case be claimable as of right."

Every pension granted under the above Order will be reported to the Honourable Court with a statement of the grounds on which the grant has been made.

By order of the Right Honourable the Governor in Council.

(Signed) H. C. MONTGOMERY,
Chief Secretary.

To the Coroner of Madras.

APPENDIX B.

From the Junior Secretary to the Government of Bengal, to the Chief Secretary to Government, Fort Saint George, dated Fort William, 26th April 1854, No. 1,304 (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 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 for 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. 114. ORDER THEREON, 20th July 1872, No. 924.

Ordered to be submitted with the previous correspondence for the favourable consideration of the Secretary of State through the Supreme Government.

(True Extract.)

Acting Under Secy. to Govt.

Encl. F. B. Bantleman.

No 12.

From

John Urquhart Esquire
Coroner of Madras

To

The Honorable H. S. Giles Esq.
Chief Secretary to Government
Fort Saint George

Sir,

I have the honor to request that His Excellency the Right Honorable the Governor in Council will be pleased to forward the accompanying Petition to His Grace the Right Honorable the Secretary of State for India with the favorable recommendation of Government.

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

Madras
Coroner's Office
27 June 1872

with original petition

To

The Secretary

Sir,

I am
through the
India, for the
consideration
Honorable the
State, a memorial of
Urquhart, the Coroner of
Madras, urging his claim
to be held eligible to pension,
together with copies of the
previous correspondence on
the subject.

Proceedings of Govt dated
22nd May 1872. No 662

Proceedings

Botanicum?
20th July, 1870.

A . *Department*

No.

To

The Secretary to the
Government of

Department.

Dated 187

1872

Financial DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated the 20 1872

Read.

No. 725
Enclosure

Nos. 13, 14 & 15

Forwarding a Memorial
from the Members & Commercial
Agents of Madras praying to be
exempted from the Land Cess
& Income Tax.

M.R.O. 1—77,000—4-4-31.

(1) Number of pages 11

(2) Date of repair 2-1-39

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 724	Press Mis.
Dated 3-2-37	1837.

113-114 7/

Not to be folded or roughly handled