

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1051

Press
Mis. —

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Dated

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1862
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Not to be folded or roughly handled

4th July 1862.

Read the following papers:—

No. 40. From A. WEDDERBURN, Esq., Magistrate of Cuddapah; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 17th May 1862, No. 16.

The Zillah Surgeon of Cuddapah has brought to my notice a gross instance of ignorance and cruelly improper treatment in a Native Midwifery case, with the view of the practitioner being punished under the Indian Penal Code, if I consider her worthy of punishment.

2. It was a "cross birth," with arm presentation—the Midwife, in her attempt to deliver, had torn off the arm of the child. The Native Surgeon on being afterwards called in, turned the child, and effected the delivery, but the child was of course dead, and the mother died of Peritonitis or inflammatory fever in consequence of the rude measures of the Midwife.

3. As no felonious intent is apparent, the case would depend on, whether the Midwife was aware of the consequences of her rashness and violence. "Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others," Section 306—or "whoever causes grievous hurt to any person by doing any act, &c.," Section 338. No doubt a European professional Accoucheur would be indictable for such an act as is recorded above, but whether in the state of gross professional ignorance prevalent among Native Hakeems and Midwives, such responsibility shall at once be enforced, is a matter for consideration. The Native practitioners will say this is our practice, and we don't know any better. There are other cases in Native Medical practice, in which excessive and dangerous quantities of mercury are given for certain diseases, and in fractures, &c., improper surgical treatment causes mortification, &c., which would be highly criminal in a country possessing a higher degree of civilization. The gravamen in such charges is that the professional attendant ought to have known the consequences of his or her act. While doubtful, therefore, of the propriety of trying this charge under the New Penal Code, and in submitting this point for their orders, I have no hesitation in requesting the permission of Government to warn the Native practitioners of their future amenability under the New Code for such gross and cruel treatment, by the publication of a notice to that effect in the local Gazette.

4. I have also suggested to the Zillah, and Native Surgeons of Cuddapah, to endeavour to establish a Midwifery class, and shall support it by all legal influence. It is distressing to think of the amount of avoidable human suffering, and deaths, which are caused by ignorant Native treatment, and chiefly in the case of child-birth.

5. The point I have referred for the consideration of Government is not one of mere legal interpretation, in which case I should have submitted it through the Sudder Court, indeed I think there is little doubt that rational beings ought to be aware of the effect of violence on such occasions, and should therefore be held responsible for their acts, yet if it be considered, that the Natives have no real Medical or Surgical science, or knowledge of Anatomy, and that they are not provided with proper Surgical instruments, the sudden punishment of a person, who, for all we know, was acting according to her light, might not be a judicious proceeding. But as the ignorant destruction of women and children is a matter for the most serious consideration, I have considered it proper to bring the subject before Government, with the view of some steps being taken for the future protection of human life. I have no statistics to offer, but from personal recollection, I may say that almost every case of difficult child-birth is sure to be mistreated, and that if a record were kept, the narrative would be appalling.

6. The success of the Midwifery class in Madras emboldens me to hope that Government will be pleased to consult the Medical Board whether something (though of course on a small scale) might not be done for Cuddapah. The Natives say that ever since Mr. MacDonald's murder, 30 years ago, a curse has rested on Cuddapah in regard to women in child-birth. This popular saying is founded on truth, though the cause be not admitted. It shows what must be the mortality to support such a proverb.

7. I have no doubt that the Zillah Surgeon and the zealous Native Surgeon will lend their aid to the professional instruction of Midwives, but I also hope that the Medical Board will sug-

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gest a plan for aiding them. I would respectfully suggest that after a course of instruction, clinical if possible, and examination, Midwives might be licensed to practice. This, and a Magisterial warning against ignorant professors of the art, and an exposition of their liability for their gross cruelties and the consequences would, in my view, tend much to ameliorate the state of things now prevalent. Skilled and successful Midwives would be sought for from Cuddapah by wealthy Natives in the Taluqs, the school would obtain reputation, and the benefit to the people in the saving of life and suffering, might be calculated in the proportion of difficult to natural births, the former of which I have before said, are mismanaged. The Medical Board can supply the data deducting the per centage of deaths in these cases in which no human aid can be effectual.

8. We have published a Code of Criminal Law suited to a people in the highest state of civilization. We are bound to carry out this Code, more especially in preserving the lives of our subjects. The people are shaking off the dense ignorance in which they were before contented to remain, the demand for education now arising in this district proves this to me. Our motives in providing schemes of amelioration for a state of things which entails more deaths than suttee or infanticide, will not be misconstrued, and I venture to hope that this representation will meet with the consideration and orders of Government.

9. I beg to submit the notice which I propose with the sanction of Government to publish.

Referred to the Principal Inspector General, Medical Department, for his remarks.

(Signed) A. J. ARBUTHNOT,

Acting Chief Secretary.

FORT SAINT GEORGE,
23rd May 1862.

No. 41. From R. COLE, Esq., Principal Inspector General, Medical Department, Fort Saint George; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Judicial Department, Fort Saint George, dated 6th June 1862, No. 110.

No. 16, dated 17th May 1862, and enclosure.
I have the honor to return herewith the letter from the Magistrate of Cuddapah, which I have perused with great interest.

2. The subjects treated of are of very grave importance to the well-being of a people, and must, sooner or later, come under the notice of Government for special legislation.

3. Although the Medical education of Natives of India, has been one of the most successful of the educational experiments, it has, as yet, gone little further than to provide a number of qualified men for the public service. The great bulk of the Native population still rely upon their own *Hakeems*, and Midwives, for aid and assistance, and it is needless to add that the ignorance and barbarity of the practice of these persons, are not at all exaggerated by the Magistrate of Cuddapah.

4. With the rapid strides made in the education of the Natives of the country, it is possible that the profession of medicine may ultimately attain a higher place in general estimation than it now holds, and it seems probable that nothing would tend so much to bring about this appreciation of European Medical science as the establishment of schools of medicine in the Head Quarters of each Collectorate, for the training of the future race of *Hakeems*, and Midwives, to minister to the population in their respective vocations.

5. The Hyderabad Medical School, in which instruction is imparted in the Vernacular, may be instanced, as having already supplied the large town of Hyderabad, with several well qualified Physicians, all of whom, it is believed, are in good practice either in the city or the chief Taluq Towns of the province.

6. The machinery for the establishment of such schools of training is already at hand at the Head Quarters of each Collectorate. Civil and Jail Hospitals already exist, to afford the means of Clinical instruction, and Civil Surgeons might be chosen, in future, with especial

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reference to their capacity for teaching the rudiments of their profession to the Native youths of the district. Remuneration for this work of tuition, by fees from the recipients thereof, it would be vain to look for in the present social and intellectual condition of the general population of this country. The extra responsibility and labor thus thrown on Civil Surgeons should, however, be recognised by a corresponding increase to their salaries; otherwise few would be found prepared to undertake the drudgery of teaching day after day, in addition to their proper professional duties. The Sub-Assistant Surgeons, to be created by the new organization of the subordinate Medical Department might be employed to subserve this plan.

7. A Medical education should, as a rule, be communicated in the English language, as from this source the student must draw all his future supplies of learning; and, without a knowledge of which, he could not keep pace with the constant advance of scientific knowledge.

The Government Schools supply a large number of youths who have a fair acquaintance with the English language, and their number is rapidly increasing; so that, if sufficient inducements were held out, there would be no difficulty in getting a supply of young men, qualified to enter upon the study of medicine and its collateral sciences.

8. It seems a question whether, as Government encourage young men to enter Normal or Training Schools for the future extension of the Educational Department, the same principle should not be followed in the Provincial Medical Schools, and stipends of moderate amount allowed to those pupils or apprentices, who engaged to complete a course of Medical study.

9. Until a class of men have been trained in each district, it does not appear possible that penal measures can be instituted for the suppression of the present race of Native Doctors, who no doubt act according to the light they possess, and do not willingly destroy, by the measures they adopt with the view of saving life.

Should Government be impressed with the importance of extending Medical education in this country, and consent to the establishment of District Schools, it would be quite proper to pass a law to the effect, that all practitioners in medicine from a certain date, say three or four years from the establishment of these local schools, should be required to pass an examination in the principles and practice of their art, and receive licenses to practice, which licenses should legally entitle the holders to recover fees in Courts of Law for Medical attendance.

10. I should not advocate a very prolonged course of training, or a very searching examination, at first. The great object would be to provide, as rapidly as possible, for the millions who are now absolutely destitute of any thing which can be called "skilled" Medical aid.

11. The Presidency Medical College fulfils its original intention of providing the public service with well trained Medical men. It cannot educate the mass of Native practitioners of the country, any more than the Presidency College can educate the whole youth of the Presidency. Many lads would, it is thought, study medicine, if they could find in it a remunerative calling, and if they could pursue their studies without leaving their districts, and being separated from relations, until they can be so educated, it does not seem likely that the class of enlightened Native practitioners will increase.

12. With regard to the proposition for establishing a class for teaching Midwifery at Cuddapah, Government will observe, from the Annual reports on Civil Dispensaries for 1858 and 1859, that the subject has already attracted attention, but that the experiment failed, probably from the members of the class having no pecuniary interest in going through the requisite course of study. If a small monthly allowance was sanctioned for a class of 4 or 6 women, until they could receive certificates of qualification, perhaps the attempt to improve the Midwifery practice of the district might be attended with better success. The great difficulty found in training Native women as Midwives is their deficient education, and inability to profit by the oral teachings. Even amongst East Indians and Europeans at Madras, no pupils are received at the Lying-in-Hospital unless they can read and write, and understand what they read.

13. The class of female pupils at the Madras Lying-in-Hospital has been hitherto made up of European and East Indian women. In the year 1861, twelve passed out with certificates, and Dr. Aitken reports that there was a long list of Candidates waiting for admission, some

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of whom were so anxious to obtain the qualification certificates, that they volunteered attendance as extra or out-side pupils, and were so admitted, without drawing the Government allowance. With regard to this institution, the practical instruction of which is so valuable, it may be questioned whether the time has not arrived when the Government allowance to pupils may be altogether withdrawn. The institution has been a complete success; in 1861, there were 1,086 delivered within its walls, and the mortality to the mothers, was singularly small, not more than 1-11 per cent.

14. I cordially approve the cautionary notice proposed to be inserted in the Cuddapah District Gazette; at the same time I would suggest that efforts should be made to train up a proper class of Midwives for the district. In process of time the services of these persons would be appreciated, and, as in Madras, there would be no lack of candidates to qualify for a species of employment, which is sufficiently lucrative to induce respectable women to engage in it. I will cause enquiries to be made whether a nurse, who has qualified at the Madras Lying-in-Hospital, can be found, to proceed to settle at Cuddapah if adequate pecuniary encouragement can be held out to her; and I will communicate with Mr. Wedderburn on the subject. Perhaps an intelligent young woman may be found at Cuddapah, willing to come down to the Lying-in-Hospital as a pupil, and the praiseworthy philanthropy which has prompted Mr. Wedderburn to move in this matter, will, no doubt, if a volunteer can be found, induce that gentleman to offer facilities to accomplish the so desirable object.

No. 42. ORDER THEREON, 4th July 1862, No. 1,051.

His Excellency the Governor in Council does not think it advisable that any Notification such as that proposed by the Magistrate of Cuddapah should be issued. Under present circumstances it would not be possible to institute Criminal prosecutions in cases of the nature of those referred to.

2. The Governor in Council will be prepared to give all possible encouragement to any well digested plan for imparting a knowledge of European Medical Science to the Native Medical practitioners and Midwives in the Provinces, and he requests that the Principal Inspector General will, in communication with the Principal of the Medical College, the Officer in charge of the Lying-in-Hospital at Madras, and any other Medical Officers whom he may think it advisable to consult, submit a detailed scheme for carrying out the object proposed, with an estimate of its cost.

3. Whatever plan may be suggested, it would be advisable to try it in the first instance on a limited scale, selecting two or three Districts where, as in Cuddapah, the local Officers, both Civil and Medical, have shown a practical interest in the matter.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter.

*From the Magistrate of } Minute entered 17th May 1862 No. 116
Cuddapah*

*From R. Cole Esq. Principal }
Inspector General. } Minute entered 1st June 1862 No. 117
Medical Dept.*

Order thereon June 1862 No. 118

His Excellency the

Governor in Council

Letter to the Magistrate

of Cuddapah issuing the

notice, of which a draft has

been submitted, with his letter

of the 17th ultimo. Under present

circumstances it would not

be advisable to institute a

Criminal prosecution in

the case, which has led to

the Magistrate's reference.

2. The Governor in

Council

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issue the notice
I do not consider
that the Principal
Magistrate would
be likely to
issue the notice
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Council will be prepared to
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ment to any well digested
plan for imparting a know-
ledge of European Medical
science to the Native Medical
Practitioners and Midwives
in the Provinces, and he re-
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Inspector General will, in
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of the Lying in Hospitals at
Madras, and any other Medi-
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scale

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I am with Mr. Mackenzie
MD

The Principal Inspector General
Medical Department.
Magistrate of Cuddapah.
The Magistrate

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F. Chapman

Scale, selecting two or three
Districts where, as in Cudda-
pah, the local officers, both
Civil & Medical, have shown
a practical interest in the
matter.

W. H.

C. D. M. H.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters.
From the Magistrate of }
Cuddalore. } Here enter 17th May 1862 No. 16.
" R. Cole Esq: Principal }
Inspector General } " " 6th June 1862 No. 110.
Judicial Comptroller }

Order thereon 4th July 1862 No. 1051.

His Excellency the Governor in Council does not think it advisable that any notification such as that proposed by the Magistrate of Cuddalore should be issued. Under present circumstances it would not be possible to institute criminal prosecutions in cases of the nature of those referred to.

2. The Governor in Council

186 . Department.

No.

PROCEEDINGS OF GOVERNMENT.

Dated

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The Principal Inspector General }
Medical Department }
Magistrate of Cuddapah. } Sept 7th
do of other districts. }

Genl. Secy.
Medical 1862. Department.

No. 1057.

PROCEEDINGS OF GOVERNMENT.

Dated 4 July 1862

imparting a know-
ledge of European
Medical Science to
the Native Medical
Practitioners and
Students in the
Provinces.

Further Pub. No. 1173-

With reference to
the subject of treat-
ment in a native
hospital, case in
brought to notice
by the Magistrate
of Bangalore, the
Medical Department
desires to submit
a detailed scheme
for

1057