M.R. O. 1—39,090—16-10-13.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1546 Press / ~~Mis.~~

Dated 26-10-1864

207-208

5/6

Not to be folded or roughly handled

No. 207. Read the following letter from J. SHAW, Esq., Officiating Principal Inspector General, Medical Department, Fort Saint George; to the Secretary to Government, Public Department, Fort Saint George, dated 13th October 1864, No. 346.

I have the honor to forward a communication from the Surgeon of the 3rd District, offering an explanation of the circumstances which called for the Order of Government, No. 1415 of the 27th September last.

2. Dr. Duff, in paragraph 1, letter No. 19 of 8th October, says, "I have the honor to state, for the information of Government, that I did not refuse, as stated by Mr. Fane in the 1st paragraph of his letter, to grant a Certificate regarding the party sent for examination, as my letter to him will show, a copy* of which I now enclose. On the contrary, I stated my willingness to have the party examined before a Magistrate, and to certify, on the issue of that examination, as to his state of mind, as required by Section 4 of the Lunacy Act No. XXXVI of 1858."

* No. 18, 15th September 1864.

3. It is unnecessary for me to do more than place Dr. Duff's explanation before Government; but to prevent any misconception hereafter, I suggest that, should a similar case again occur, the suspected insane should not be sent to the Medical Officer's house; but the rule laid down in the Medical Code† for attendance on Coroner's Inquests should be introduced, modified thus—"All Medical Officers at the Presidency are held liable to attend the summons of the Collector and Magistrate of Madras. This duty, in ordinary circumstances, will devolve on the Medical Officer whose District is the nearest to this Magistrate's Office."

†Section 17, paragraph 8, page 113.

From Surgeon Major C. M. DUFF, M. D., 3rd District; to J. C. MAYER, Esq., Deputy Inspector General of Hospitals, Presidency Division, dated Madras, 8th October 1864, No. 19.

In acknowledging Circular Memorandum, No. 3035, dated the 4th instant, with Extract* from the Proceedings of Government, Judicial Department, issuing orders for the Medical Officers of Districts relative to lunatics found in neighbouring Districts, and having reference to the case of a supposed lunatic lately sent to me from the Chingleput District by E. G. R. Fane, Esq., Magistrate of the Madras District, for the purpose of examining and certifying as to his mental soundness or otherwise, I have the honor to state, for the information of Government, that I did not refuse, as stated by Mr. Fane in the 1st paragraph of his letter, to grant a Certificate regarding the party sent for examination, as my letter to him will show, a copy of which I now enclose. On the contrary I stated my willingness to hear the party examined before a Magistrate, and to certify, on the issue of that examination, as to his state of mind, as required by Section 4 of the Lunacy Act XXXVI of 1858.

* Now in circulation.

2. It appears to me that neither Mr. Fane, nor the Acting Secretary to Government, could have read the Section of the Act referred to, else the order in the Memorandum under consideration could not have been issued, as the thing I am asked to do is by that Act illegal.

3. Section 4 alluded to, expressly says, that the party must be examined by the Magistrate of the District in which the lunatic is found, with the assistance of a Medical officer.

4. As I have no knowledge of the language spoken by the supposed lunatic, I cannot sufficiently satisfy myself, without such examination, that he is of unsound mind; but even had I this knowledge the terms of the Act preclude me from granting any such Certificate, until the examination is made jointly with a Magistrate.

5. Having thus stated the case as it really occurred, I beg to remark that it was not my wish that the lunatic should be obliged to go all the way to Chingleput to be examined by Dr. Shortt. I merely wished to point out that a joint examination was necessary and, that, this difficulty removed, I was quite willing to act agreeably with the Lunacy Act referred to.

6. The 2nd and 3rd paragraphs of Mr. Fane's letter are sufficiently answered, by stating that he is under a mistake, in supposing I am the nearest Surgeon to his office at Sydapet. It is quite possible that a point of *my District*, as at present defined, may actually be nearer than any part of the 4th District. As a whole, however, the 4th District is nearer Mr. Fane's office than the 3rd, and Dr. Porteous' quarters, the Surgeon in charge of that District, are about a mile and a half nearer Mr. Fane's office than mine. The Mount Medical Officers are also quite as near his office as my quarters; and, in reference to paragraph 3, it is usual when a Medical officer takes privilege leave, that he provides a substitute approved of by Government, to conduct his duties in his absence.

7. I have now the honor to request that you will be kind enough to inform me if I may proceed in this case, and in all similar ones, to grant a Certificate without Magisterial investigation, and with only the assistance of Police Peons to act as my interpreters.

From E. G. R. FANE, Esq., Magistrate of the Madras District; to Surgeon C. M. DUFF, M. D., 3rd District, dated Sydapet, 13th September 1864, No. 317.

A man named Nanasanmulu, and who appears to be a confirmed lunatic, was produced before me yesterday by the Police, having been found wandering about, and unable to give any account of himself, or as to how and when he got the chain that there is upon his leg, or from whence he came. I therefore forward him herewith, and beg you will examine him, and if you find him to be really a lunatic, furnish me with the Certificate required by Section 4, Act XXXVI of 1858.

(A true Copy.)

(Signed) C. M. DUFF, M. D.,
Surgeon Major, 3rd District.

From Surgeon Major C. M. DUFF, M. D., 3rd District; to E. G. R. FANE, Esq., Magistrate of the Madras District, dated Madras, 15th September 1864, No. 15.

In acknowledging your letter of yesterday's date, No. 317, brought me by a Police Peon in charge of a man supposed to be a lunatic, I have the honor to state that, on referring to paragraph 4 of the Lunacy Act No. XXXVI of 1858, I find that the examination of persons, believed to be lunatics, must be conducted by the Magistrate, with the assistance of a Medical Officer, after which the required Medical Certificate shall be given.

2. I should be very glad to furnish the required Certificate, after the examination above referred to is made, in terms of the Act, provided the party is proved by that examination to be truly a lunatic. Being ignorant of his language, I am unable to certify to this, although from his manner and unmeaning gestures I believe him to be of unsound mind.

3. I have at the same time to remark that, inasmuch as the party referred to was found within the limits of the Chingleput District, the case falls to be dealt with by the Surgeon of that District, conjointly with the Magistrate. I believe it is also necessary before any lunatic is sent to the Madras Asylum, that the Medical Officer in charge be written to, to ascertain if the lunatic can be received into the Asylum.

(A true Copy.)

(Signed) C. M. DUFF, M. D.,
Surgeon Major.

Proceedings of the Madras Government, Judicial Department,
26th October 1864.

No. 208. ORDER THEREON, 26th October 1864, No. 1546.

The Governor in Council is glad to find that the Magistrate of the Madras District was under a misapprehension, in stating that the Surgeon of the 3rd District had refused to examine the lunatic sent to him.

2. The Governor in Council approves of the adoption of a rule of the nature of that proposed by the Officiating Principal Inspector General, Medical Department, with an addition limiting the attendance at the Magistrate's Office at Sydapet. The rule, as sanctioned, will stand as follows:—

"All Medical Officers at the Presidency are held liable to attend at the Head Quarters' Office of the Magistrate of Madras, when required by that Officer to examine lunatics, attend inquests or other public duty for which the services of a Medical Officer are required. In ordinary circumstances this duty will devolve on the Medical Officer whose District is nearest to the Magistrate's Office."

(True Extract.)

Chief Secretary.

To the Officiating Principal Inspector General, Medical Department.
" Magistrate of the Madras District.

Encl. J. Tulloch.

Judicial Department.

Copy. 25.10.27/27.9.64

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Offg Principal Inspector General, Medical Department.

Here enter 13th October No. 3465

Order thereon 26th October 1864 No. 1546.

The Governor in Council is glad to find that the Magistrate of the Madras District was under a misapprehension in stating that the Surgeon of the 3d District had refused to examine the lunatic sent to him.

2. The Governor in Council approves of the adoption

adoption of a rule of the nature of that proposed by the Offg Municipal Inspector General, Medical Department, with an addition limiting the attendance at the Magistrates office at Sydapet. The rule as sanctioned will stand as follows:

"All Medical officers at the Presidency are held liable to attend at the head quarters office of the Magistrate of Madras when required by that officer to examine lunatics, attend inquests or other public duty for which the services of a Medical Officer are required. In ordinary circumstances this duty will devolve on the Medical officer whose District is nearest to the Magistrates Office

to the Offg Municipal Insp. Genl Med. Departt
— Magistrate of the Madras Distt
dispo 3/10

1865

28-9-08

Judicial 1864. *Department.*

No. 1546.

PROCEEDINGS *of* GOVERNMENT.

Dated 26th October 1864.

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