M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1589 Press ~~Mis.~~

19-20 Dated 2 - 11 - 19 1864

4/5

Not to be folded or roughly handled

No. 19. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 15th October 1864, No. 2118.

General Department.

I have the honor to submit, for the consideration of Government, the accompanying correspondence.* The facts it relates to are as follow.

* From Superintendent of Police, Madras District, dated 3rd October 1864, with three enclosures.

2. A murder occurred at Avady in the Madras District, and a *post mortem* examination of the corpse was necessary. The Superintendent twice requested the Medical† officer at Poonamallee to conduct the examination. This he refused to do, as he receives no salary for Medico-legal inquiries. The Zillah Surgeon was on leave, and had he been at his station, Chingleput, the corpse could not have reached that place before decomposition was too far advanced to admit of useful examination. The corpse remained without Medical examination, and it is not improbable that a failure of justice will be the consequence.

† Staff Assistant Surgeon Allen Bryson, M. D., of H. M.'s British Forces in Medical charge.

3. The point on which I would seek the orders of Government is, how far such officers shall aid the course of justice in such cases?

4. The law is clear. The "Civil Surgeon" is the Medical officer who must examine the corpse. Section 161, C. C. P. But in this country we should have the power of obtaining the nearest Medical aid in the examination of corpses and wounds likely to become the subject of judicial inquiry.

5. I would, therefore, recommend that every Medical officer, not the Civil Surgeon of the District, be allowed a fee for such duty.

6. I will not venture to name the amount; but will merely mention that 202 murders occurred in 1863, a very small portion of which only would ever have come within the condition above proposed.

From Captain H. D. CLOETE, Superintendent of Police, Madras District; to W. ROBINSON, Esq., Inspector General of Police, Madras, dated Poonamallee, 3rd October 1864, No. 358.

I have the honor to bring the following circumstances to your notice, for such notice as you may deem fit to take of it.

2. A case of murder was reported this morning near Avady. I immediately wrote and requested the Medical officer here to examine the body, his reply (marked A) I beg to enclose. I then proceeded to this station, and represented to the Medical officer that the Civil Surgeon of the District was absent on leave; that the Medical officer at the Mount received no remuneration for Civil cases; and that the Medical officer attached to the Collectorate was a subordinate, not having any dissecting instruments; requesting him again to examine the body, which was fast decomposing, his second reply (marked B) I also beg to enclose. On receipt of it, I sent the body to the Medical officer at the Mount, with instructions that if he refused to examine it, to send it as a last resource to the Medical officer attached to the Collector's Cutcherry. I can only remark that such want of zeal on the part of a public officer, and in a case of this kind, is likely to lead to the ends of justice being defeated; the Medical officer here refuses on every occasion to examine wounds or afford any Medical aid whatever, even to sick Police officers belonging to this station; whereas the Medical officers of the Mount and Palaveram, who like himself are not remunerated, invariably give us the benefit of their Medical knowledge.

3. The body on reaching the Mount was in such a decomposed state, that the Medical officer could not examine it; his Memorandum (marked C) I beg to enclose; thus it will be seen that in the event of the prisoner withdrawing his confession, a murderer will be let loose on the world, owing to the Medical officer at Poonamallee refusing to examine the body, before it became decomposed.

Proceedings of the Madras Government, Judicial Department,
2nd November 1864.

A.

From Staff Assistant Surgeon A. BRYSON, M. D.; to Captain H. D. CLOETE, Superintendent of Police, Madras District, dated 3rd October 1864.

In reply to your note just received, I beg to state that, as my appointment here is purely Military, I cannot comply with your wish. I receive no salary for Civil cases or Medico-legal inquiries; but I understand that there is a Medical officer attached to the Collectorate at Sydapett, and also a Medical officer at the Mount in receipt of Police salary.

B.

From Staff Assistant Surgeon A. BRYSON, M. D.; to Captain H. D. CLOETE, Superintendent of Police, Madras District.

I have just received your second note relative to the murder near Avady, and beg to suggest that, whoever is performing the duties of the Civil Surgeon, "to whom the body, strictly speaking, should be sent," *might* be communicated with on the matter. However, as there are three Medical officers at the Mount, you may be able probably to obtain the services of some of them; if not, there are Civil practitioners in Madras; but as I have nothing whatever to do with cases of this nature, I must still decline having anything to do with this one.

C.

No. 48.

MEMORANDUM.

The undersigned begs to report, in reference to letter received this day, dated 3rd October, from Head Quarter Inspector of Police, Madras District, that the body therein referred to is in so far advanced a state of decomposition that he feels quite unable to answer the inquiry as to how the woman may have met her death.

(Signed) J. PETERKIN, M D., F. R. C. S., Surgeon Major,
In Medical charge Native Detail Hospital.

SAINT THOMAS' MOUNT,
3rd October 1864.

To the Head Quarter Inspector of Police, Madras District.

No. 20. ORDER THEREON, 2nd November 1864, No. 1589.

The Governor in Council approves of the suggestion of the Inspector General of Police, that the nearest Medical officer should be required to examine corpses and wounds likely to become the subject of judicial inquiry, Medical officers not holding the office of Civil Surgeon of the District receiving a fee for such duty.

2. The Principal Inspector General, Medical Department, will prepare a rule on the subject for the approval of Government, providing therein for the amount or rate of fee to be allowed. It should be stated in the rule that corpses and wounded persons are to be taken to the Medical officer's station in all possible cases, in order that he may not be taken away from his regular duties except on a very pressing emergency.

3. The Governor in Council is constrained to observe that Staff Assistant Surgeon Bryson has, in the course taken by him in the matter, which forms the subject of the Inspector General's letter, shown himself very indifferent to the duty which devolves on every member of the community to render his services when required in furtherance of the ends of justice.

(True Extract.)

Chief Secretary.

To the Inspector General of Police.
" Principal Inspector General, Medical Department.
" Military Department.

Exd. T. Carlisle.

Jud. Dept. 2

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters
& Inspr Genl of Police (dated 15 Octr 1864 No 2110)

Order thereon 2nd Nov 1864 No 1589
The Governor in Council
approves of the suggestion
of the Inspector General of
Police that the nearest
Medical Officers should be
required to examine Corpses
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holding the office of Civil
Surgeon of the District,
receiving a fee for such duty
2 — The Principal Inspector
General Medical Department
will prepare a rule on the
subject for the approval
of Government, providing
therein for the amount or
rate

Rate of fee to be allowed

3—— The Governor in Council is constrained to observe that Staff Assistant Surgeon Hayes has, in the course taken by him in the matter, which forms the subject of the Inspector General's letter, shown himself very indifferent to the duty which devolves on every member of the Community to render his services when required in furtherance of the Ends of justice

[illegible]

To the Insp. Gen'l of Police &c
" P. Stipendiary Mag.
" Public Prosecutor

1864. Department.

No. 1859

PROCEEDINGS of GOVERNMENT.

Dated 2 September 1864

Examination of Corpses and wounded likely to become subject of Judicial enquiry.